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RWH 6/5/08

P.L. 2007, CHAPTER 313, *approved January 13, 2008*
Assembly, No. 2158

1 **AN ACT** concerning firearms and retired law enforcement officers
2 and amending N.J.S.2C:39-6.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:39-6 is amended to read as follows:

8 2C:39-6. a. Provided a person complies with the requirements
9 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

10 (1) Members of the Armed Forces of the United States or of the
11 National Guard while actually on duty, or while traveling between
12 places of duty and carrying authorized weapons in the manner
13 prescribed by the appropriate military authorities;

14 (2) Federal law enforcement officers, and any other federal
15 officers and employees required to carry firearms in the
16 performance of their official duties;

17 (3) Members of the State Police and, under conditions
18 prescribed by the superintendent, members of the Marine Law
19 Enforcement Bureau of the Division of State Police;

20 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
21 assistant prosecutor, prosecutor's detective or investigator, deputy
22 attorney general or State investigator employed by the Division of
23 Criminal Justice of the Department of Law and Public Safety,
24 investigator employed by the State Commission of Investigation,
25 inspector of the Alcoholic Beverage Control Enforcement Bureau of
26 the Division of State Police in the Department of Law and Public
27 Safety authorized to carry such weapons by the Superintendent of
28 State Police, State park police officer, or State conservation officer;

29 (5) A prison or jail warden of any penal institution in this State
30 or his deputies, or an employee of the Department of Corrections
31 engaged in the interstate transportation of convicted offenders,
32 while in the performance of his duties, and when required to
33 possess the weapon by his superior officer, or a correction officer or
34 keeper of a penal institution in this State at all times while in the
35 State of New Jersey, provided he annually passes an examination
36 approved by the superintendent testing his proficiency in the
37 handling of firearms;

38 (6) A civilian employee of the United States Government under
39 the supervision of the commanding officer of any post, camp,
40 station, base or other military or naval installation located in this
41 State who is required, in the performance of his official duties, to
42 carry firearms, and who is authorized to carry such firearms by said
43 commanding officer, while in the actual performance of his official
44 duties;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (7) (a) A regularly employed member, including a detective, of
2 the police department of any county or municipality, or of any
3 State, interstate, municipal or county park police force or boulevard
4 police force, at all times while in the State of New Jersey;

5 (b) A special law enforcement officer authorized to carry a
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
7 (C.40A:14-146.14);

8 (c) An airport security officer or a special law enforcement
9 officer appointed by the governing body of any county or
10 municipality, except as provided in subsection (b) of this section, or
11 by the commission, board or other body having control of a county
12 park or airport or boulevard police force, while engaged in the
13 actual performance of his official duties and when specifically
14 authorized by the governing body to carry weapons;

15 (8) A full-time, paid member of a paid or part-paid fire
16 department or force of any municipality who is assigned full-time
17 or part-time to an arson investigation unit created pursuant to
18 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
19 investigation unit in the county prosecutor's office, while either
20 engaged in the actual performance of arson investigation duties or
21 while actually on call to perform arson investigation duties and
22 when specifically authorized by the governing body or the county
23 prosecutor, as the case may be, to carry weapons. Prior to being
24 permitted to carry a firearm, such a member shall take and
25 successfully complete a firearms training course administered by
26 the Police Training Commission pursuant to P.L.1961, c.56
27 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
28 revolver or similar weapon prior to being permitted to carry a
29 firearm;

30 (9) A juvenile corrections officer in the employment of the
31 Juvenile Justice Commission established pursuant to section 2 of
32 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
33 promulgated by the commission;

34 (10) A designated employee or designated licensed agent for a
35 nuclear power plant under license of the Nuclear Regulatory
36 Commission, while in the actual performance of his official duties,
37 if the federal licensee certifies that the designated employee or
38 designated licensed agent is assigned to perform site protection,
39 guard, armed response or armed escort duties and is appropriately
40 trained and qualified, as prescribed by federal regulation, to
41 perform those duties. Any firearm utilized by an employee or agent
42 for a nuclear power plant pursuant to this paragraph shall be
43 returned each day at the end of the employee's or agent's authorized
44 official duties to the employee's or agent's supervisor. All firearms
45 returned each day pursuant to this paragraph shall be stored in
46 locked containers located in a secure area.

47 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

48 (1) A law enforcement officer employed by a governmental

1 agency outside of the State of New Jersey while actually engaged in
2 his official duties, provided, however, that he has first notified the
3 superintendent or the chief law enforcement officer of the
4 municipality or the prosecutor of the county in which he is engaged;
5 or

6 (2) A licensed dealer in firearms and his registered employees
7 during the course of their normal business while traveling to and
8 from their place of business and other places for the purpose of
9 demonstration, exhibition or delivery in connection with a sale,
10 provided, however, that the weapon is carried in the manner
11 specified in subsection g. of this section.

12 c. Provided a person complies with the requirements of
13 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
14 do not apply to:

15 (1) A special agent of the Division of Taxation who has passed
16 an examination in an approved police training program testing
17 proficiency in the handling of any firearm which he may be
18 required to carry, while in the actual performance of his official
19 duties and while going to or from his place of duty, or any other
20 police officer, while in the actual performance of his official duties;

21 (2) A State deputy conservation officer or a full-time employee
22 of the Division of Parks and Forestry having the power of arrest and
23 authorized to carry weapons, while in the actual performance of his
24 official duties;

25 (3) (Deleted by amendment, P.L.1986, c.150.)

26 (4) A court attendant serving as such under appointment by the
27 sheriff of the county or by the judge of any municipal court or other
28 court of this State, while in the actual performance of his official
29 duties;

30 (5) A guard in the employ of any railway express company,
31 banking or building and loan or savings and loan institution of this
32 State, while in the actual performance of his official duties;

33 (6) A member of a legally recognized military organization
34 while actually under orders or while going to or from the prescribed
35 place of meeting and carrying the weapons prescribed for drill,
36 exercise or parade;

37 (7) An officer of the Society for the Prevention of Cruelty to
38 Animals, while in the actual performance of his duties;

39 (8) An employee of a public utilities corporation actually
40 engaged in the transportation of explosives;

41 (9) A railway policeman, except a transit police officer of the
42 New Jersey Transit Police Department, at all times while in the
43 State of New Jersey, provided that he has passed an approved police
44 academy training program consisting of at least 280 hours. The
45 training program shall include, but need not be limited to, the
46 handling of firearms, community relations, and juvenile relations;

47 (10) A campus police officer appointed under P.L.1970, c.211
48 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry

1 a firearm, a campus police officer shall take and successfully
2 complete a firearms training course administered by the Police
3 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
4 seq.), and shall annually qualify in the use of a revolver or similar
5 weapon prior to being permitted to carry a firearm;

6 (11) (Deleted by amendment, P.L.2003, c.168).

7 (12) A transit police officer of the New Jersey Transit Police
8 Department, at all times while in the State of New Jersey, provided
9 the officer has satisfied the training requirements of the Police
10 Training Commission, pursuant to subsection c. of section 2 of
11 P.L.1989, c.291 (C.27:25-15.1);

12 (13) A parole officer employed by the State Parole Board at all
13 times. Prior to being permitted to carry a firearm, a parole officer
14 shall take and successfully complete a basic course for regular
15 police officer training administered by the Police Training
16 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
17 shall annually qualify in the use of a revolver or similar weapon
18 prior to being permitted to carry a firearm;

19 (14) A Human Services police officer at all times while in the
20 State of New Jersey, as authorized by the Commissioner of Human
21 Services;

22 (15) A person or employee of any person who, pursuant to and as
23 required by a contract with a governmental entity, supervises or
24 transports persons charged with or convicted of an offense;

25 (16) A housing authority police officer appointed under
26 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
27 State of New Jersey; or

28 (17) A probation officer assigned to the "Probation Officer
29 Community Safety Unit" created by section 2 of P.L.2001, c.362
30 (C.2B:10A-2) while in the actual performance of the probation
31 officer's official duties. Prior to being permitted to carry a firearm,
32 a probation officer shall take and successfully complete a basic
33 course for regular police officer training administered by the Police
34 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
35 seq.), and shall annually qualify in the use of a revolver or similar
36 weapon prior to being permitted to carry a firearm.

37 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
38 antique firearms, provided that such antique firearms are unloaded
39 or are being fired for the purposes of exhibition or demonstration at
40 an authorized target range or in such other manner as has been
41 approved in writing by the chief law enforcement officer of the
42 municipality in which the exhibition or demonstration is held, or if
43 not held on property under the control of a particular municipality,
44 the superintendent.

45 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
46 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
47 being fired but that is unloaded and immobile, provided that the
48 antique cannon is possessed by (a) a scholastic institution, a

1 museum, a municipality, a county or the State, or (b) a person who
2 obtained a firearms purchaser identification card as specified in
3 N.J.S.2C:58-3.

4 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
5 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
6 being transported by one eligible to possess it, in compliance with
7 regulations the superintendent may promulgate, between its
8 permanent location and place of purchase or repair.

9 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
10 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
11 or fired by one eligible to possess an antique cannon, for purposes
12 of exhibition or demonstration at an authorized target range or in
13 the manner as has been approved in writing by the chief law
14 enforcement officer of the municipality in which the exhibition or
15 demonstration is held, or if not held on property under the control
16 of a particular municipality, the superintendent, provided that
17 performer has given at least 30 days' notice to the superintendent.

18 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
19 N.J.S.2C:39-5 do not apply to the transportation of unloaded
20 antique cannons directly to or from exhibitions or demonstrations
21 authorized under paragraph (4) of subsection d. of this section,
22 provided that the transportation is in compliance with safety
23 regulations the superintendent may promulgate. Nor do those
24 subsections apply to transportation directly to or from exhibitions or
25 demonstrations authorized under the law of another jurisdiction,
26 provided that the superintendent has been given 30 days' notice and
27 that the transportation is in compliance with safety regulations the
28 superintendent may promulgate.

29 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
30 construed to prevent a person keeping or carrying about his place of
31 business, residence, premises or other land owned or possessed by
32 him, any firearm, or from carrying the same, in the manner
33 specified in subsection g. of this section, from any place of
34 purchase to his residence or place of business, between his dwelling
35 and his place of business, between one place of business or
36 residence and another when moving, or between his dwelling or
37 place of business and place where such firearms are repaired, for
38 the purpose of repair. For the purposes of this section, a place of
39 business shall be deemed to be a fixed location.

40 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
41 construed to prevent:

42 (1) A member of any rifle or pistol club organized in accordance
43 with the rules prescribed by the National Board for the Promotion
44 of Rifle Practice, in going to or from a place of target practice,
45 carrying such firearms as are necessary for said target practice,
46 provided that the club has filed a copy of its charter with the
47 superintendent and annually submits a list of its members to the
48 superintendent and provided further that the firearms are carried in

1 the manner specified in subsection g. of this section;

2 (2) A person carrying a firearm or knife in the woods or fields
3 or upon the waters of this State for the purpose of hunting, target
4 practice or fishing, provided that the firearm or knife is legal and
5 appropriate for hunting or fishing purposes in this State and he has
6 in his possession a valid hunting license, or, with respect to fresh
7 water fishing, a valid fishing license;

8 (3) A person transporting any firearm or knife while traveling:

9 (a) Directly to or from any place for the purpose of hunting or
10 fishing, provided the person has in his possession a valid hunting or
11 fishing license; or

12 (b) Directly to or from any target range, or other authorized
13 place for the purpose of practice, match, target, trap or skeet
14 shooting exhibitions, provided in all cases that during the course of
15 the travel all firearms are carried in the manner specified in
16 subsection g. of this section and the person has complied with all
17 the provisions and requirements of Title 23 of the Revised Statutes
18 and any amendments thereto and all rules and regulations
19 promulgated thereunder; or

20 (c) In the case of a firearm, directly to or from any exhibition or
21 display of firearms which is sponsored by any law enforcement
22 agency, any rifle or pistol club, or any firearms collectors club, for
23 the purpose of displaying the firearms to the public or to the
24 members of the organization or club, provided, however, that not
25 less than 30 days prior to the exhibition or display, notice of the
26 exhibition or display shall be given to the Superintendent of the
27 State Police by the sponsoring organization or club, and the sponsor
28 has complied with such reasonable safety regulations as the
29 superintendent may promulgate. Any firearms transported pursuant
30 to this section shall be transported in the manner specified in
31 subsection g. of this section;

32 (4) A person from keeping or carrying about a private or
33 commercial aircraft or any boat, or from transporting to or from
34 such vessel for the purpose of installation or repair a visual distress
35 signalling device approved by the United States Coast Guard.

36 g. All weapons being transported under paragraph (2) of
37 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
38 of this section shall be carried unloaded and contained in a closed
39 and fastened case, gunbox, securely tied package, or locked in the
40 trunk of the automobile in which it is being transported, and in the
41 course of travel shall include only such deviations as are reasonably
42 necessary under the circumstances.

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any employee of a public utility, as defined in R.S.48:2-
45 13, doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which
47 specifically require regular and frequent visits to private premises,
48 from possessing, carrying or using any device which projects,

1 releases or emits any substance specified as being noninjurious to
2 canines or other animals by the Commissioner of Health and Senior
3 Services and which immobilizes only on a temporary basis and
4 produces only temporary physical discomfort through being
5 vaporized or otherwise dispensed in the air for the sole purpose of
6 repelling canine or other animal attacks.

7 The device shall be used solely to repel only those canine or
8 other animal attacks when the canines or other animals are not
9 restrained in a fashion sufficient to allow the employee to properly
10 perform his duties.

11 Any device used pursuant to this act shall be selected from a list
12 of products, which consist of active and inert ingredients, permitted
13 by the Commissioner of Health and Senior Services.

14 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
15 person who is 18 years of age or older and who has not been
16 convicted of a felony, from possession for the purpose of personal
17 self-defense of one pocket-sized device which contains and releases
18 not more than three-quarters of an ounce of chemical substance not
19 ordinarily capable of lethal use or of inflicting serious bodily injury,
20 but rather, is intended to produce temporary physical discomfort or
21 disability through being vaporized or otherwise dispensed in the air.
22 Any person in possession of any device in violation of this
23 subsection shall be deemed and adjudged to be a disorderly person,
24 and upon conviction thereof, shall be punished by a fine of not less
25 than \$100.00.

26 j. A person shall qualify for an exemption from the provisions
27 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
28 section, if the person has satisfactorily completed a firearms
29 training course approved by the Police Training Commission.

30 Such exempt person shall not possess or carry a firearm until the
31 person has satisfactorily completed a firearms training course and
32 shall annually qualify in the use of a revolver or similar weapon.
33 For purposes of this subsection, a "firearms training course" means
34 a course of instruction in the safe use, maintenance and storage of
35 firearms which is approved by the Police Training Commission.
36 The commission shall approve a firearms training course if the
37 requirements of the course are substantially equivalent to the
38 requirements for firearms training provided by police training
39 courses which are certified under section 6 of P.L.1961, c.56
40 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
41 or (6) of subsection a. of this section shall be exempt from the
42 requirements of this subsection.

43 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any financial institution, or any duly authorized
45 personnel of the institution, from possessing, carrying or using for
46 the protection of money or property, any device which projects,
47 releases or emits tear gas or other substances intended to produce
48 temporary physical discomfort or temporary identification.

1 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
2 to prevent a law enforcement officer who retired in good standing,
3 including a retirement because of a disability pursuant to section 6
4 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
6 substantially similar statute governing the disability retirement of
7 federal law enforcement officers, provided the officer was a
8 regularly employed, full-time law enforcement officer for an
9 aggregate of ~~five~~ four or more years prior to his disability
10 retirement and further provided that the disability which constituted
11 the basis for the officer's retirement did not involve a certification
12 that the officer was mentally incapacitated for the performance of
13 his usual law enforcement duties and any other available duty in the
14 department which his employer was willing to assign to him or does
15 not subject that retired officer to any of the disabilities set forth in
16 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
17 officer from possessing or carrying a firearm, who semi-annually
18 qualifies in the use of the handgun he is permitted to carry in
19 accordance with the requirements and procedures established by the
20 Attorney General pursuant to subsection j. of this section and pays
21 the actual costs associated with those semi-annual qualifications ~~],~~
22 who is less than 70 years of age], who is 75 years of age or
23 younger, and who was regularly employed as a full-time member of
24 the State Police; a full-time member of an interstate police force; a
25 full-time member of a county or municipal police department in this
26 State; a full-time member of a State law enforcement agency; a full-
27 time sheriff, undersheriff or sheriff's officer of a county of this
28 State; a full-time State or county corrections officer; a full-time
29 county park police officer; a full-time county prosecutor's detective
30 or investigator; ~~or~~ or is a qualified retired law enforcement officer, as used in the federal
31 "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277,
32 domiciled in this State from carrying a handgun in the same manner
33 as law enforcement officers exempted under paragraph (7) of
34 subsection a. of this section under the conditions provided herein:

36 (1) The retired law enforcement officer ~~],~~ within six months
37 after retirement,] shall make application in writing to the
38 Superintendent of State Police for approval to carry a handgun for
39 one year. An application for annual renewal shall be submitted in
40 the same manner.

41 (2) Upon receipt of the written application of the retired law
42 enforcement officer, the superintendent shall request a verification
43 of service from the chief law enforcement officer of the
44 organization in which the retired officer was last regularly
45 employed as a full-time law enforcement officer prior to retiring.
46 The verification of service shall include:

47 (a) The name and address of the retired officer;

48 (b) The date that the retired officer was hired and the date that

1 the officer retired;

2 (c) A list of all handguns known to be registered to that officer;

3 (d) A statement that, to the reasonable knowledge of the chief
4 law enforcement officer, the retired officer is not subject to any of
5 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

6 (e) A statement that the officer retired in good standing.

7 (3) If the superintendent approves a retired officer's application
8 or reapplication to carry a handgun pursuant to the provisions of
9 this subsection, the superintendent shall notify in writing the chief
10 law enforcement officer of the municipality wherein that retired
11 officer resides. In the event the retired officer resides in a
12 municipality which has no chief law enforcement officer or law
13 enforcement agency, the superintendent shall maintain a record of
14 the approval.

15 (4) The superintendent shall issue to an approved retired officer
16 an identification card permitting the retired officer to carry a
17 handgun pursuant to this subsection. This identification card shall
18 be valid for one year from the date of issuance and shall be valid
19 throughout the State. The identification card shall not be
20 transferable to any other person. The identification card shall be
21 carried at all times on the person of the retired officer while the
22 retired officer is carrying a handgun. The retired officer shall
23 produce the identification card for review on the demand of any law
24 enforcement officer or authority.

25 (5) Any person aggrieved by the denial of the superintendent of
26 approval for a permit to carry a handgun pursuant to this subsection
27 may request a hearing in the Superior Court of New Jersey in the
28 county in which he resides by filing a written request for such a
29 hearing within 30 days of the denial. Copies of the request shall be
30 served upon the superintendent and the county prosecutor. The
31 hearing shall be held within 30 days of the filing of the request, and
32 no formal pleading or filing fee shall be required. Appeals from the
33 determination of such a hearing shall be in accordance with law and
34 the rules governing the courts of this State.

35 (6) A judge of the Superior Court may revoke a retired officer's
36 privilege to carry a handgun pursuant to this subsection for good
37 cause shown on the application of any interested person. A person
38 who becomes subject to any of the disabilities set forth in
39 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
40 superintendent, his identification card issued under paragraph (4) of
41 this subsection to the chief law enforcement officer of the
42 municipality wherein he resides or the superintendent, and shall be
43 permanently disqualified to carry a handgun under this subsection.

44 (7) The superintendent may charge a reasonable application fee
45 to retired officers to offset any costs associated with administering
46 the application process set forth in this subsection.

47 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
48 to prevent duly authorized personnel of the New Jersey Division of

1 Fish and Wildlife, while in the actual performance of duties, from
2 possessing, transporting or using any device that projects, releases
3 or emits any substance specified as being non-injurious to wildlife
4 by the Director of the Division of Animal Health in the Department
5 of Agriculture, and which may immobilize wildlife and produces
6 only temporary physical discomfort through being vaporized or
7 otherwise dispensed in the air for the purpose of repelling bear or
8 other animal attacks or for the aversive conditioning of wildlife.

9 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
10 be construed to prevent duly authorized personnel of the New
11 Jersey Division of Fish and Wildlife, while in the actual
12 performance of duties, from possessing, transporting or using hand
13 held pistol-like devices, rifles or shotguns that launch pyrotechnic
14 missiles for the sole purpose of frightening, hazing or aversive
15 conditioning of nuisance or depredating wildlife; from possessing,
16 transporting or using rifles, pistols or similar devices for the sole
17 purpose of chemically immobilizing wild or non-domestic animals;
18 or, provided the duly authorized person complies with the
19 requirements of subsection j. of this section, from possessing,
20 transporting or using rifles or shotguns, upon completion of a Police
21 Training Commission approved training course, in order to dispatch
22 injured or dangerous animals or for non-lethal use for the purpose
23 of frightening, hazing or aversive conditioning of nuisance or
24 depredating wildlife.

25 (cf: P.L.2005, c.216, s.1)

26

27 2. This act shall take effect on the first day of the second month
28 following enactment.

29

30

31

STATEMENT

32

33 This bill would change the law permitting retired law
34 enforcement officers to carry a firearm.

35 Currently, retired law enforcement officers are entitled to carry a
36 firearm until the age of 70 without having to establish "justifiable
37 need." This bill increases this age limitation to 75 years of age or
38 younger.

39 The bill also would reduce from five to four the number of years
40 of law enforcement experience required for a law enforcement
41 officer with a disability retirement to carry a handgun. Under the
42 current law, an officer who retires due to a disability may be issued
43 a permit to carry a handgun if they were regularly employed, full-
44 time law enforcement officer for an aggregate of five more years.

45 Additionally, the bill would remove from the current law the
46 requirement that a retired law enforcement officer apply for a
47 permit to carry a handgun within six months of retirement.

48 Finally, the bill would permit retired law enforcement officers

1 from other states who are "qualified retired law enforcement
2 officers" under the provisions of the federal "Law Enforcement
3 Officers Safety Act of 2004" (Pub.L.108-277) and who are
4 domiciled in New Jersey to carry a firearm, provided they meet the
5 same training and qualification standards that New Jersey retirees
6 must meet under the law.

7

8

9

10

11 Revises qualifications to carry firearms for certain retired police
12 officers.

ASSEMBLY, No. 2158

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:

Assemblyman DAVID R. MAYER

District 4 (Camden and Gloucester)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

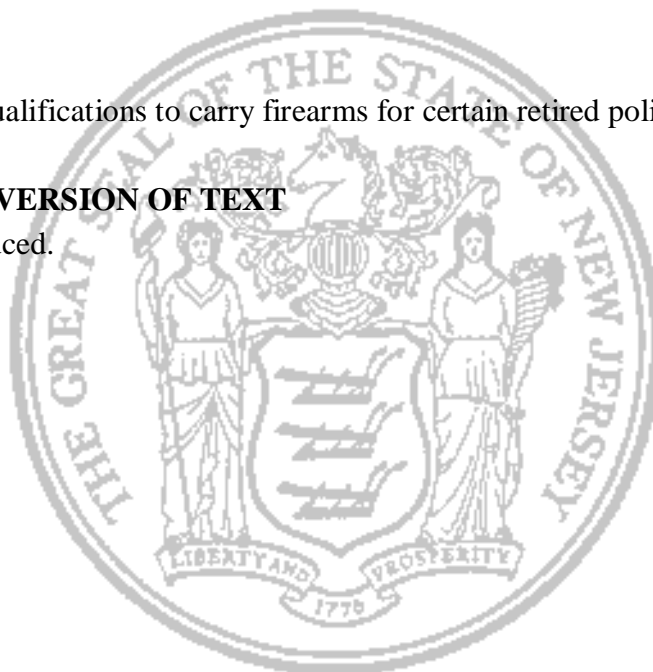
**Assemblymen S.Kean, Conners, Assemblywomen Greenstein, Beck,
Assemblyman Whelan, Assemblywoman Quigley, Assemblyman Baroni,
Senators Allen and Girgenti**

SYNOPSIS

Revises qualifications to carry firearms for certain retired police officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2008)

1 AN ACT concerning firearms and retired law enforcement officers
2 and amending N.J.S.2C:39-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2C:39-6 is amended to read as follows:

8 2C:39-6. a. Provided a person complies with the requirements
9 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

10 (1) Members of the Armed Forces of the United States or of the
11 National Guard while actually on duty, or while traveling between
12 places of duty and carrying authorized weapons in the manner
13 prescribed by the appropriate military authorities;

14 (2) Federal law enforcement officers, and any other federal
15 officers and employees required to carry firearms in the
16 performance of their official duties;

17 (3) Members of the State Police and, under conditions
18 prescribed by the superintendent, members of the Marine Law
19 Enforcement Bureau of the Division of State Police;

20 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
21 assistant prosecutor, prosecutor's detective or investigator, deputy
22 attorney general or State investigator employed by the Division of
23 Criminal Justice of the Department of Law and Public Safety,
24 investigator employed by the State Commission of Investigation,
25 inspector of the Alcoholic Beverage Control Enforcement Bureau of
26 the Division of State Police in the Department of Law and Public
27 Safety authorized to carry such weapons by the Superintendent of
28 State Police, State park police officer, or State conservation officer;

29 (5) A prison or jail warden of any penal institution in this State
30 or his deputies, or an employee of the Department of Corrections
31 engaged in the interstate transportation of convicted offenders,
32 while in the performance of his duties, and when required to
33 possess the weapon by his superior officer, or a correction officer or
34 keeper of a penal institution in this State at all times while in the
35 State of New Jersey, provided he annually passes an examination
36 approved by the superintendent testing his proficiency in the
37 handling of firearms;

38 (6) A civilian employee of the United States Government under
39 the supervision of the commanding officer of any post, camp,
40 station, base or other military or naval installation located in this
41 State who is required, in the performance of his official duties, to
42 carry firearms, and who is authorized to carry such firearms by said
43 commanding officer, while in the actual performance of his official
44 duties;

45 (7) (a) A regularly employed member, including a detective, of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the police department of any county or municipality, or of any
2 State, interstate, municipal or county park police force or boulevard
3 police force, at all times while in the State of New Jersey;

4 (b) A special law enforcement officer authorized to carry a
5 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
6 (C.40A:14-146.14);

7 (c) An airport security officer or a special law enforcement
8 officer appointed by the governing body of any county or
9 municipality, except as provided in subsection (b) of this section, or
10 by the commission, board or other body having control of a county
11 park or airport or boulevard police force, while engaged in the
12 actual performance of his official duties and when specifically
13 authorized by the governing body to carry weapons;

14 (8) A full-time, paid member of a paid or part-paid fire
15 department or force of any municipality who is assigned full-time
16 or part-time to an arson investigation unit created pursuant to
17 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
18 investigation unit in the county prosecutor's office, while either
19 engaged in the actual performance of arson investigation duties or
20 while actually on call to perform arson investigation duties and
21 when specifically authorized by the governing body or the county
22 prosecutor, as the case may be, to carry weapons. Prior to being
23 permitted to carry a firearm, such a member shall take and
24 successfully complete a firearms training course administered by
25 the Police Training Commission pursuant to P.L.1961, c.56
26 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
27 revolver or similar weapon prior to being permitted to carry a
28 firearm;

29 (9) A juvenile corrections officer in the employment of the
30 Juvenile Justice Commission established pursuant to section 2 of
31 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
32 promulgated by the commission;

33 (10) A designated employee or designated licensed agent for a
34 nuclear power plant under license of the Nuclear Regulatory
35 Commission, while in the actual performance of his official duties,
36 if the federal licensee certifies that the designated employee or
37 designated licensed agent is assigned to perform site protection,
38 guard, armed response or armed escort duties and is appropriately
39 trained and qualified, as prescribed by federal regulation, to
40 perform those duties. Any firearm utilized by an employee or agent
41 for a nuclear power plant pursuant to this paragraph shall be
42 returned each day at the end of the employee's or agent's authorized
43 official duties to the employee's or agent's supervisor. All firearms
44 returned each day pursuant to this paragraph shall be stored in
45 locked containers located in a secure area.

46 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

47 (1) A law enforcement officer employed by a governmental

1 agency outside of the State of New Jersey while actually engaged in
2 his official duties, provided, however, that he has first notified the
3 superintendent or the chief law enforcement officer of the
4 municipality or the prosecutor of the county in which he is engaged;
5 or

6 (2) A licensed dealer in firearms and his registered employees
7 during the course of their normal business while traveling to and
8 from their place of business and other places for the purpose of
9 demonstration, exhibition or delivery in connection with a sale,
10 provided, however, that the weapon is carried in the manner
11 specified in subsection g. of this section.

12 c. Provided a person complies with the requirements of
13 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
14 do not apply to:

15 (1) A special agent of the Division of Taxation who has passed
16 an examination in an approved police training program testing
17 proficiency in the handling of any firearm which he may be
18 required to carry, while in the actual performance of his official
19 duties and while going to or from his place of duty, or any other
20 police officer, while in the actual performance of his official duties;

21 (2) A State deputy conservation officer or a full-time employee
22 of the Division of Parks and Forestry having the power of arrest and
23 authorized to carry weapons, while in the actual performance of his
24 official duties;

25 (3) (Deleted by amendment, P.L.1986, c.150.)

26 (4) A court attendant serving as such under appointment by the
27 sheriff of the county or by the judge of any municipal court or other
28 court of this State, while in the actual performance of his official
29 duties;

30 (5) A guard in the employ of any railway express company,
31 banking or building and loan or savings and loan institution of this
32 State, while in the actual performance of his official duties;

33 (6) A member of a legally recognized military organization
34 while actually under orders or while going to or from the prescribed
35 place of meeting and carrying the weapons prescribed for drill,
36 exercise or parade;

37 (7) An officer of the Society for the Prevention of Cruelty to
38 Animals, while in the actual performance of his duties;

39 (8) An employee of a public utilities corporation actually
40 engaged in the transportation of explosives;

41 (9) A railway policeman, except a transit police officer of the
42 New Jersey Transit Police Department, at all times while in the
43 State of New Jersey, provided that he has passed an approved police
44 academy training program consisting of at least 280 hours. The
45 training program shall include, but need not be limited to, the
46 handling of firearms, community relations, and juvenile relations;

47 (10) A campus police officer appointed under P.L.1970, c.211
48 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry

1 a firearm, a campus police officer shall take and successfully
2 complete a firearms training course administered by the Police
3 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
4 seq.), and shall annually qualify in the use of a revolver or similar
5 weapon prior to being permitted to carry a firearm;

6 (11) (Deleted by amendment, P.L.2003, c.168).

7 (12) A transit police officer of the New Jersey Transit Police
8 Department, at all times while in the State of New Jersey, provided
9 the officer has satisfied the training requirements of the Police
10 Training Commission, pursuant to subsection c. of section 2 of
11 P.L.1989, c.291 (C.27:25-15.1);

12 (13) A parole officer employed by the State Parole Board at all
13 times. Prior to being permitted to carry a firearm, a parole officer
14 shall take and successfully complete a basic course for regular
15 police officer training administered by the Police Training
16 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
17 shall annually qualify in the use of a revolver or similar weapon
18 prior to being permitted to carry a firearm;

19 (14) A Human Services police officer at all times while in the
20 State of New Jersey, as authorized by the Commissioner of Human
21 Services;

22 (15) A person or employee of any person who, pursuant to and as
23 required by a contract with a governmental entity, supervises or
24 transports persons charged with or convicted of an offense;

25 (16) A housing authority police officer appointed under
26 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
27 State of New Jersey; or

28 (17) A probation officer assigned to the "Probation Officer
29 Community Safety Unit" created by section 2 of P.L.2001, c.362
30 (C.2B:10A-2) while in the actual performance of the probation
31 officer's official duties. Prior to being permitted to carry a firearm,
32 a probation officer shall take and successfully complete a basic
33 course for regular police officer training administered by the Police
34 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
35 seq.), and shall annually qualify in the use of a revolver or similar
36 weapon prior to being permitted to carry a firearm.

37 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
38 antique firearms, provided that such antique firearms are unloaded
39 or are being fired for the purposes of exhibition or demonstration at
40 an authorized target range or in such other manner as has been
41 approved in writing by the chief law enforcement officer of the
42 municipality in which the exhibition or demonstration is held, or if
43 not held on property under the control of a particular municipality,
44 the superintendent.

45 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
46 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
47 being fired but that is unloaded and immobile, provided that the
48 antique cannon is possessed by (a) a scholastic institution, a

1 museum, a municipality, a county or the State, or (b) a person who
2 obtained a firearms purchaser identification card as specified in
3 N.J.S.2C:58-3.

4 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
5 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
6 being transported by one eligible to possess it, in compliance with
7 regulations the superintendent may promulgate, between its
8 permanent location and place of purchase or repair.

9 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
10 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
11 or fired by one eligible to possess an antique cannon, for purposes
12 of exhibition or demonstration at an authorized target range or in
13 the manner as has been approved in writing by the chief law
14 enforcement officer of the municipality in which the exhibition or
15 demonstration is held, or if not held on property under the control
16 of a particular municipality, the superintendent, provided that
17 performer has given at least 30 days' notice to the superintendent.

18 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
19 N.J.S.2C:39-5 do not apply to the transportation of unloaded
20 antique cannons directly to or from exhibitions or demonstrations
21 authorized under paragraph (4) of subsection d. of this section,
22 provided that the transportation is in compliance with safety
23 regulations the superintendent may promulgate. Nor do those
24 subsections apply to transportation directly to or from exhibitions or
25 demonstrations authorized under the law of another jurisdiction,
26 provided that the superintendent has been given 30 days' notice and
27 that the transportation is in compliance with safety regulations the
28 superintendent may promulgate.

29 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
30 construed to prevent a person keeping or carrying about his place of
31 business, residence, premises or other land owned or possessed by
32 him, any firearm, or from carrying the same, in the manner
33 specified in subsection g. of this section, from any place of
34 purchase to his residence or place of business, between his dwelling
35 and his place of business, between one place of business or
36 residence and another when moving, or between his dwelling or
37 place of business and place where such firearms are repaired, for
38 the purpose of repair. For the purposes of this section, a place of
39 business shall be deemed to be a fixed location.

40 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
41 construed to prevent:

42 (1) A member of any rifle or pistol club organized in accordance
43 with the rules prescribed by the National Board for the Promotion
44 of Rifle Practice, in going to or from a place of target practice,
45 carrying such firearms as are necessary for said target practice,
46 provided that the club has filed a copy of its charter with the
47 superintendent and annually submits a list of its members to the
48 superintendent and provided further that the firearms are carried in

1 the manner specified in subsection g. of this section;

2 (2) A person carrying a firearm or knife in the woods or fields
3 or upon the waters of this State for the purpose of hunting, target
4 practice or fishing, provided that the firearm or knife is legal and
5 appropriate for hunting or fishing purposes in this State and he has
6 in his possession a valid hunting license, or, with respect to fresh
7 water fishing, a valid fishing license;

8 (3) A person transporting any firearm or knife while traveling:

9 (a) Directly to or from any place for the purpose of hunting or
10 fishing, provided the person has in his possession a valid hunting or
11 fishing license; or

12 (b) Directly to or from any target range, or other authorized
13 place for the purpose of practice, match, target, trap or skeet
14 shooting exhibitions, provided in all cases that during the course of
15 the travel all firearms are carried in the manner specified in
16 subsection g. of this section and the person has complied with all
17 the provisions and requirements of Title 23 of the Revised Statutes
18 and any amendments thereto and all rules and regulations
19 promulgated thereunder; or

20 (c) In the case of a firearm, directly to or from any exhibition or
21 display of firearms which is sponsored by any law enforcement
22 agency, any rifle or pistol club, or any firearms collectors club, for
23 the purpose of displaying the firearms to the public or to the
24 members of the organization or club, provided, however, that not
25 less than 30 days prior to the exhibition or display, notice of the
26 exhibition or display shall be given to the Superintendent of the
27 State Police by the sponsoring organization or club, and the sponsor
28 has complied with such reasonable safety regulations as the
29 superintendent may promulgate. Any firearms transported pursuant
30 to this section shall be transported in the manner specified in
31 subsection g. of this section;

32 (4) A person from keeping or carrying about a private or
33 commercial aircraft or any boat, or from transporting to or from
34 such vessel for the purpose of installation or repair a visual distress
35 signalling device approved by the United States Coast Guard.

36 g. All weapons being transported under paragraph (2) of
37 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
38 of this section shall be carried unloaded and contained in a closed
39 and fastened case, gunbox, securely tied package, or locked in the
40 trunk of the automobile in which it is being transported, and in the
41 course of travel shall include only such deviations as are reasonably
42 necessary under the circumstances.

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any employee of a public utility, as defined in R.S.48:2-
45 13, doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which
47 specifically require regular and frequent visits to private premises,
48 from possessing, carrying or using any device which projects,

1 releases or emits any substance specified as being noninjurious to
2 canines or other animals by the Commissioner of Health and Senior
3 Services and which immobilizes only on a temporary basis and
4 produces only temporary physical discomfort through being
5 vaporized or otherwise dispensed in the air for the sole purpose of
6 repelling canine or other animal attacks.

7 The device shall be used solely to repel only those canine or
8 other animal attacks when the canines or other animals are not
9 restrained in a fashion sufficient to allow the employee to properly
10 perform his duties.

11 Any device used pursuant to this act shall be selected from a list
12 of products, which consist of active and inert ingredients, permitted
13 by the Commissioner of Health and Senior Services.

14 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
15 person who is 18 years of age or older and who has not been
16 convicted of a felony, from possession for the purpose of personal
17 self-defense of one pocket-sized device which contains and releases
18 not more than three-quarters of an ounce of chemical substance not
19 ordinarily capable of lethal use or of inflicting serious bodily injury,
20 but rather, is intended to produce temporary physical discomfort or
21 disability through being vaporized or otherwise dispensed in the air.
22 Any person in possession of any device in violation of this
23 subsection shall be deemed and adjudged to be a disorderly person,
24 and upon conviction thereof, shall be punished by a fine of not less
25 than \$100.00.

26 j. A person shall qualify for an exemption from the provisions
27 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
28 section, if the person has satisfactorily completed a firearms
29 training course approved by the Police Training Commission.

30 Such exempt person shall not possess or carry a firearm until the
31 person has satisfactorily completed a firearms training course and
32 shall annually qualify in the use of a revolver or similar weapon.
33 For purposes of this subsection, a "firearms training course" means
34 a course of instruction in the safe use, maintenance and storage of
35 firearms which is approved by the Police Training Commission.
36 The commission shall approve a firearms training course if the
37 requirements of the course are substantially equivalent to the
38 requirements for firearms training provided by police training
39 courses which are certified under section 6 of P.L.1961, c.56
40 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
41 or (6) of subsection a. of this section shall be exempt from the
42 requirements of this subsection.

43 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any financial institution, or any duly authorized
45 personnel of the institution, from possessing, carrying or using for
46 the protection of money or property, any device which projects,
47 releases or emits tear gas or other substances intended to produce
48 temporary physical discomfort or temporary identification.

1 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
2 to prevent a law enforcement officer who retired in good standing,
3 including a retirement because of a disability pursuant to section 6
4 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
6 substantially similar statute governing the disability retirement of
7 federal law enforcement officers, provided the officer was a
8 regularly employed, full-time law enforcement officer for an
9 aggregate of ~~five~~ four or more years prior to his disability
10 retirement and further provided that the disability which constituted
11 the basis for the officer's retirement did not involve a certification
12 that the officer was mentally incapacitated for the performance of
13 his usual law enforcement duties and any other available duty in the
14 department which his employer was willing to assign to him or does
15 not subject that retired officer to any of the disabilities set forth in
16 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
17 officer from possessing or carrying a firearm, who semi-annually
18 qualifies in the use of the handgun he is permitted to carry in
19 accordance with the requirements and procedures established by the
20 Attorney General pursuant to subsection j. of this section and pays
21 the actual costs associated with those semi-annual qualifications ~~],~~
22 who is less than 70 years of age], who is 75 years of age or
23 younger, and who was regularly employed as a full-time member of
24 the State Police; a full-time member of an interstate police force; a
25 full-time member of a county or municipal police department in this
26 State; a full-time member of a State law enforcement agency; a full-
27 time sheriff, undersheriff or sheriff's officer of a county of this
28 State; a full-time State or county corrections officer; a full-time
29 county park police officer; a full-time county prosecutor's detective
30 or investigator; ~~or~~ or a full-time federal law enforcement officer;~~or~~
31 is a qualified retired law enforcement officer, as used in the federal
32 "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277,
33 domiciled in this State from carrying a handgun in the same manner
34 as law enforcement officers exempted under paragraph (7) of
35 subsection a. of this section under the conditions provided herein:

36 (1) The retired law enforcement officer ~~],~~ within six months
37 after retirement,~~]~~ shall make application in writing to the
38 Superintendent of State Police for approval to carry a handgun for
39 one year. An application for annual renewal shall be submitted in
40 the same manner.

41 (2) Upon receipt of the written application of the retired law
42 enforcement officer, the superintendent shall request a verification
43 of service from the chief law enforcement officer of the
44 organization in which the retired officer was last regularly
45 employed as a full-time law enforcement officer prior to retiring.
46 The verification of service shall include:

47 (a) The name and address of the retired officer;

48 (b) The date that the retired officer was hired and the date that

1 the officer retired;

2 (c) A list of all handguns known to be registered to that officer;

3 (d) A statement that, to the reasonable knowledge of the chief
4 law enforcement officer, the retired officer is not subject to any of
5 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

6 (e) A statement that the officer retired in good standing.

7 (3) If the superintendent approves a retired officer's application
8 or reapplication to carry a handgun pursuant to the provisions of
9 this subsection, the superintendent shall notify in writing the chief
10 law enforcement officer of the municipality wherein that retired
11 officer resides. In the event the retired officer resides in a
12 municipality which has no chief law enforcement officer or law
13 enforcement agency, the superintendent shall maintain a record of
14 the approval.

15 (4) The superintendent shall issue to an approved retired officer
16 an identification card permitting the retired officer to carry a
17 handgun pursuant to this subsection. This identification card shall
18 be valid for one year from the date of issuance and shall be valid
19 throughout the State. The identification card shall not be
20 transferable to any other person. The identification card shall be
21 carried at all times on the person of the retired officer while the
22 retired officer is carrying a handgun. The retired officer shall
23 produce the identification card for review on the demand of any law
24 enforcement officer or authority.

25 (5) Any person aggrieved by the denial of the superintendent of
26 approval for a permit to carry a handgun pursuant to this subsection
27 may request a hearing in the Superior Court of New Jersey in the
28 county in which he resides by filing a written request for such a
29 hearing within 30 days of the denial. Copies of the request shall be
30 served upon the superintendent and the county prosecutor. The
31 hearing shall be held within 30 days of the filing of the request, and
32 no formal pleading or filing fee shall be required. Appeals from the
33 determination of such a hearing shall be in accordance with law and
34 the rules governing the courts of this State.

35 (6) A judge of the Superior Court may revoke a retired officer's
36 privilege to carry a handgun pursuant to this subsection for good
37 cause shown on the application of any interested person. A person
38 who becomes subject to any of the disabilities set forth in
39 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
40 superintendent, his identification card issued under paragraph (4) of
41 this subsection to the chief law enforcement officer of the
42 municipality wherein he resides or the superintendent, and shall be
43 permanently disqualified to carry a handgun under this subsection.

44 (7) The superintendent may charge a reasonable application fee
45 to retired officers to offset any costs associated with administering
46 the application process set forth in this subsection.

47 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
48 to prevent duly authorized personnel of the New Jersey Division of

1 Fish and Wildlife, while in the actual performance of duties, from
2 possessing, transporting or using any device that projects, releases
3 or emits any substance specified as being non-injurious to wildlife
4 by the Director of the Division of Animal Health in the Department
5 of Agriculture, and which may immobilize wildlife and produces
6 only temporary physical discomfort through being vaporized or
7 otherwise dispensed in the air for the purpose of repelling bear or
8 other animal attacks or for the aversive conditioning of wildlife.

9 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
10 be construed to prevent duly authorized personnel of the New
11 Jersey Division of Fish and Wildlife, while in the actual
12 performance of duties, from possessing, transporting or using hand
13 held pistol-like devices, rifles or shotguns that launch pyrotechnic
14 missiles for the sole purpose of frightening, hazing or aversive
15 conditioning of nuisance or depredating wildlife; from possessing,
16 transporting or using rifles, pistols or similar devices for the sole
17 purpose of chemically immobilizing wild or non-domestic animals;
18 or, provided the duly authorized person complies with the
19 requirements of subsection j. of this section, from possessing,
20 transporting or using rifles or shotguns, upon completion of a Police
21 Training Commission approved training course, in order to dispatch
22 injured or dangerous animals or for non-lethal use for the purpose
23 of frightening, hazing or aversive conditioning of nuisance or
24 depredating wildlife.

25 (cf: P.L.2005, c.216, s.1)

26

27 2. This act shall take effect on the first day of the second month
28 following enactment.

29

30

31

STATEMENT

32

33 This bill would change the law permitting retired law
34 enforcement officers to carry a firearm.

35 Currently, retired law enforcement officers are entitled to carry a
36 firearm until the age of 70 without having to establish "justifiable
37 need." This bill increases this age limitation to 75 years of age or
38 younger.

39 The bill also would reduce from five to four the number of years
40 of law enforcement experience required for a law enforcement
41 officer with a disability retirement to carry a handgun. Under the
42 current law, an officer who retires due to a disability may be issued
43 a permit to carry a handgun if they were regularly employed, full-
44 time law enforcement officer for an aggregate of five more years.

45 Additionally, the bill would remove from the current law the
46 requirement that a retired law enforcement officer apply for a
47 permit to carry a handgun within six months of retirement.

48 Finally, the bill would permit retired law enforcement officers

A2158 MAYER, MCHOSE

12

1 from other states who are "qualified retired law enforcement
2 officers" under the provisions of the federal "Law Enforcement
3 Officers Safety Act of 2004" (Pub.L.108-277) and who are
4 domiciled in New Jersey to carry a firearm, provided they meet the
5 same training and qualification standards that New Jersey retirees
6 must meet under the law.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2158

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2158.

Assembly Bill No. 2158 changes the law permitting retired law enforcement officers to carry a firearm.

Currently, retired law enforcement officers are entitled to carry a firearm until the age of 70 without having to establish "justifiable need." This bill increases this age limitation to 75 years of age or younger.

The bill also would reduce from five to four the number of years of law enforcement experience required for a law enforcement officer with a disability retirement to carry a handgun. Under the current law, an officer who retires due to a disability may be issued a permit to carry a handgun if they were a regularly employed, full-time law enforcement officer for an aggregate of five or more years.

Additionally, the bill would remove from the current law the requirement that a retired law enforcement officer apply for a permit to carry a handgun within six months of retirement.

Finally, the bill would permit retired law enforcement officers from other states who are "qualified retired law enforcement officers" under the provisions of the federal "Law Enforcement Officers Safety Act of 2004" (Pub.L.108-277) and who are domiciled in New Jersey to carry a firearm, provided they meet the same training and qualification standards that New Jersey retirees must meet under the law.

SENATE, No. 206

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

SYNOPSIS

Revises qualifications to carry firearms for certain retired police officers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning firearms and retired law enforcement officers,
2 and amending N.J.S.2C:39-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2C:39-6 is amended to read as follows:

8 2C:39-6. a. Provided a person complies with the requirements
9 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

10 (1) Members of the Armed Forces of the United States or of the
11 National Guard while actually on duty, or while traveling between
12 places of duty and carrying authorized weapons in the manner
13 prescribed by the appropriate military authorities;

14 (2) Federal law enforcement officers, and any other federal
15 officers and employees required to carry firearms in the
16 performance of their official duties;

17 (3) Members of the State Police and, under conditions
18 prescribed by the superintendent, members of the Marine Law
19 Enforcement Bureau of the Division of State Police;

20 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
21 assistant prosecutor, prosecutor's detective or investigator, deputy
22 attorney general or State investigator employed by the Division of
23 Criminal Justice of the Department of Law and Public Safety,
24 investigator employed by the State Commission of Investigation,
25 inspector of the Alcoholic Beverage Control Enforcement Bureau of
26 the Division of State Police in the Department of Law and Public
27 Safety authorized to carry such weapons by the Superintendent of
28 State Police, State park ranger, or State conservation officer;

29 (5) A prison or jail warden of any penal institution in this State
30 or his deputies, or an employee of the Department of Corrections
31 engaged in the interstate transportation of convicted offenders,
32 while in the performance of his duties, and when required to
33 possess the weapon by his superior officer, or a correction officer or
34 keeper of a penal institution in this State at all times while in the
35 State of New Jersey, provided he annually passes an examination
36 approved by the superintendent testing his proficiency in the
37 handling of firearms;

38 (6) A civilian employee of the United States Government under
39 the supervision of the commanding officer of any post, camp,
40 station, base or other military or naval installation located in this
41 State who is required, in the performance of his official duties, to
42 carry firearms, and who is authorized to carry such firearms by said
43 commanding officer, while in the actual performance of his official
44 duties;

45 (7) (a) A regularly employed member, including a detective, of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the police department of any county or municipality, or of any
2 State, interstate, municipal or county park police force or boulevard
3 police force, at all times while in the State of New Jersey;

4 (b) A special law enforcement officer authorized to carry a
5 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
6 (C.40A:14-146.14);

7 (c) An airport security officer or a special law enforcement
8 officer appointed by the governing body of any county or
9 municipality, except as provided in subsection (b) of this section, or
10 by the commission, board or other body having control of a county
11 park or airport or boulevard police force, while engaged in the
12 actual performance of his official duties and when specifically
13 authorized by the governing body to carry weapons;

14 (8) A full-time, paid member of a paid or part-paid fire
15 department or force of any municipality who is assigned full-time
16 or part-time to an arson investigation unit created pursuant to
17 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
18 investigation unit in the county prosecutor's office, while either
19 engaged in the actual performance of arson investigation duties or
20 while actually on call to perform arson investigation duties and
21 when specifically authorized by the governing body or the county
22 prosecutor, as the case may be, to carry weapons. Prior to being
23 permitted to carry a firearm, such a member shall take and
24 successfully complete a firearms training course administered by
25 the Police Training Commission pursuant to P.L.1961, c.56
26 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
27 revolver or similar weapon prior to being permitted to carry a
28 firearm;

29 (9) A juvenile corrections officer in the employment of the
30 Juvenile Justice Commission established pursuant to section 2 of
31 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
32 promulgated by the commission;

33 (10) A designated employee or designated licensed agent for a
34 nuclear power plant under license of the Nuclear Regulatory
35 Commission, while in the actual performance of his official duties,
36 if the federal licensee certifies that the designated employee or
37 designated licensed agent is assigned to perform site protection,
38 guard, armed response or armed escort duties and is appropriately
39 trained and qualified, as prescribed by federal regulation, to
40 perform those duties. Any firearm utilized by an employee or agent
41 for a nuclear power plant pursuant to this paragraph shall be
42 returned each day at the end of the employee's or agent's authorized
43 official duties to the employee's or agent's supervisor. All firearms
44 returned each day pursuant to this paragraph shall be stored in
45 locked containers located in a secure area.

46 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

47 (1) A law enforcement officer employed by a governmental
48 agency outside of the State of New Jersey while actually engaged in

1 his official duties, provided, however, that he has first notified the
2 superintendent or the chief law enforcement officer of the
3 municipality or the prosecutor of the county in which he is engaged;
4 or

5 (2) A licensed dealer in firearms and his registered employees
6 during the course of their normal business while traveling to and
7 from their place of business and other places for the purpose of
8 demonstration, exhibition or delivery in connection with a sale,
9 provided, however, that the weapon is carried in the manner
10 specified in subsection g. of this section.

11 c. Provided a person complies with the requirements of
12 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
13 do not apply to:

14 (1) A special agent of the Division of Taxation who has passed
15 an examination in an approved police training program testing
16 proficiency in the handling of any firearm which he may be
17 required to carry, while in the actual performance of his official
18 duties and while going to or from his place of duty, or any other
19 police officer, while in the actual performance of his official duties;

20 (2) A State deputy conservation officer or a full-time employee
21 of the Division of Parks and Forestry having the power of arrest and
22 authorized to carry weapons, while in the actual performance of his
23 official duties;

24 (3) (Deleted by amendment, P.L.1986, c.150.)

25 (4) A court attendant serving as such under appointment by the
26 sheriff of the county or by the judge of any municipal court or other
27 court of this State, while in the actual performance of his official
28 duties;

29 (5) A guard in the employ of any railway express company,
30 banking or building and loan or savings and loan institution of this
31 State, while in the actual performance of his official duties;

32 (6) A member of a legally recognized military organization
33 while actually under orders or while going to or from the prescribed
34 place of meeting and carrying the weapons prescribed for drill,
35 exercise or parade;

36 (7) An officer of the Society for the Prevention of Cruelty to
37 Animals, while in the actual performance of his duties;

38 (8) An employee of a public utilities corporation actually
39 engaged in the transportation of explosives;

40 (9) A railway policeman, except a transit police officer of the
41 New Jersey Transit Police Department, at all times while in the
42 State of New Jersey, provided that he has passed an approved police
43 academy training program consisting of at least 280 hours. The
44 training program shall include, but need not be limited to, the
45 handling of firearms, community relations, and juvenile relations;

46 (10) A campus police officer appointed under P.L.1970, c.211
47 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
48 a firearm, a campus police officer shall take and successfully

1 complete a firearms training course administered by the Police
2 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
3 seq.), and shall annually qualify in the use of a revolver or similar
4 weapon prior to being permitted to carry a firearm;

5 (11) (Deleted by amendment, P.L.2003, c.168).

6 (12) A transit police officer of the New Jersey Transit Police
7 Department, at all times while in the State of New Jersey, provided
8 the officer has satisfied the training requirements of the Police
9 Training Commission, pursuant to subsection c. of section 2 of
10 P.L.1989, c.291 (C.27:25-15.1);

11 (13) A parole officer employed by the State Parole Board at all
12 times. Prior to being permitted to carry a firearm, a parole officer
13 shall take and successfully complete a basic course for regular
14 police officer training administered by the Police Training
15 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
16 shall annually qualify in the use of a revolver or similar weapon
17 prior to being permitted to carry a firearm;

18 (14) A Human Services police officer at all times while in the
19 State of New Jersey, as authorized by the Commissioner of Human
20 Services;

21 (15) A person or employee of any person who, pursuant to and
22 as required by a contract with a governmental entity, supervises or
23 transports persons charged with or convicted of an offense;

24 (16) A housing authority police officer appointed under
25 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
26 State of New Jersey; or

27 (17) A probation officer assigned to the "Probation Officer
28 Community Safety Unit" created by section 2 of P.L.2001, c.362
29 (C.2B:10A-2) while in the actual performance of the probation
30 officer's official duties. Prior to being permitted to carry a firearm,
31 a probation officer shall take and successfully complete a basic
32 course for regular police officer training administered by the Police
33 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
34 seq.), and shall annually qualify in the use of a revolver or similar
35 weapon prior to being permitted to carry a firearm.

36 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
37 antique firearms, provided that such antique firearms are unloaded
38 or are being fired for the purposes of exhibition or demonstration at
39 an authorized target range or in such other manner as has been
40 approved in writing by the chief law enforcement officer of the
41 municipality in which the exhibition or demonstration is held, or if
42 not held on property under the control of a particular municipality,
43 the superintendent.

44 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
45 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
46 being fired but that is unloaded and immobile, provided that the
47 antique cannon is possessed by (a) a scholastic institution, a
48 museum, a municipality, a county or the State, or (b) a person who

1 obtained a firearms purchaser identification card as specified in
2 N.J.S.2C:58-3.

3 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
4 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
5 being transported by one eligible to possess it, in compliance with
6 regulations the superintendent may promulgate, between its
7 permanent location and place of purchase or repair.

8 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
10 or fired by one eligible to possess an antique cannon, for purposes
11 of exhibition or demonstration at an authorized target range or in
12 the manner as has been approved in writing by the chief law
13 enforcement officer of the municipality in which the exhibition or
14 demonstration is held, or if not held on property under the control
15 of a particular municipality, the superintendent, provided that
16 performer has given at least 30 days' notice to the superintendent.

17 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
18 N.J.S.2C:39-5 do not apply to the transportation of unloaded
19 antique cannons directly to or from exhibitions or demonstrations
20 authorized under paragraph (4) of subsection d. of this section,
21 provided that the transportation is in compliance with safety
22 regulations the superintendent may promulgate. Nor do those
23 subsections apply to transportation directly to or from exhibitions or
24 demonstrations authorized under the law of another jurisdiction,
25 provided that the superintendent has been given 30 days' notice and
26 that the transportation is in compliance with safety regulations the
27 superintendent may promulgate.

28 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
29 construed to prevent a person keeping or carrying about his place of
30 business, residence, premises or other land owned or possessed by
31 him, any firearm, or from carrying the same, in the manner
32 specified in subsection g. of this section, from any place of
33 purchase to his residence or place of business, between his dwelling
34 and his place of business, between one place of business or
35 residence and another when moving, or between his dwelling or
36 place of business and place where such firearms are repaired, for
37 the purpose of repair. For the purposes of this section, a place of
38 business shall be deemed to be a fixed location.

39 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
40 construed to prevent:

41 (1) A member of any rifle or pistol club organized in accordance
42 with the rules prescribed by the National Board for the Promotion
43 of Rifle Practice, in going to or from a place of target practice,
44 carrying such firearms as are necessary for said target practice,
45 provided that the club has filed a copy of its charter with the
46 superintendent and annually submits a list of its members to the
47 superintendent and provided further that the firearms are carried in
48 the manner specified in subsection g. of this section;

1 (2) A person carrying a firearm or knife in the woods or fields or
2 upon the waters of this State for the purpose of hunting, target
3 practice or fishing, provided that the firearm or knife is legal and
4 appropriate for hunting or fishing purposes in this State and he has
5 in his possession a valid hunting license, or, with respect to fresh
6 water fishing, a valid fishing license;

7 (3) A person transporting any firearm or knife while traveling:

8 (a) Directly to or from any place for the purpose of hunting or
9 fishing, provided the person has in his possession a valid hunting or
10 fishing license; or

11 (b) Directly to or from any target range, or other authorized
12 place for the purpose of practice, match, target, trap or skeet
13 shooting exhibitions, provided in all cases that during the course of
14 the travel all firearms are carried in the manner specified in
15 subsection g. of this section and the person has complied with all
16 the provisions and requirements of Title 23 of the Revised Statutes
17 and any amendments thereto and all rules and regulations
18 promulgated thereunder; or

19 (c) In the case of a firearm, directly to or from any exhibition or
20 display of firearms which is sponsored by any law enforcement
21 agency, any rifle or pistol club, or any firearms collectors club, for
22 the purpose of displaying the firearms to the public or to the
23 members of the organization or club, provided, however, that not
24 less than 30 days prior to the exhibition or display, notice of the
25 exhibition or display shall be given to the Superintendent of the
26 State Police by the sponsoring organization or club, and the sponsor
27 has complied with such reasonable safety regulations as the
28 superintendent may promulgate. Any firearms transported pursuant
29 to this section shall be transported in the manner specified in
30 subsection g. of this section;

31 (4) A person from keeping or carrying about a private or
32 commercial aircraft or any boat, or from transporting to or from
33 such vessel for the purpose of installation or repair a visual distress
34 signaling device approved by the United States Coast Guard.

35 g. All weapons being transported under paragraph (2) of
36 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
37 of this section shall be carried unloaded and contained in a closed
38 and fastened case, gunbox, securely tied package, or locked in the
39 trunk of the automobile in which it is being transported, and in the
40 course of travel shall include only such deviations as are reasonably
41 necessary under the circumstances.

42 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent any employee of a public utility, as defined in R.S.48:2-
44 13, doing business in this State or any United States Postal Service
45 employee, while in the actual performance of duties which
46 specifically require regular and frequent visits to private premises,
47 from possessing, carrying or using any device which projects,
48 releases or emits any substance specified as being noninjurious to

1 canines or other animals by the Commissioner of Health and Senior
2 Services and which immobilizes only on a temporary basis and
3 produces only temporary physical discomfort through being
4 vaporized or otherwise dispensed in the air for the sole purpose of
5 repelling canine or other animal attacks.

6 The device shall be used solely to repel only those canine or
7 other animal attacks when the canines or other animals are not
8 restrained in a fashion sufficient to allow the employee to properly
9 perform his duties.

10 Any device used pursuant to this act shall be selected from a list
11 of products, which consist of active and inert ingredients, permitted
12 by the Commissioner of Health and Senior Services.

13 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
14 person who is 18 years of age or older and who has not been
15 convicted of a felony, from possession for the purpose of personal
16 self-defense of one pocket-sized device which contains and releases
17 not more than three-quarters of an ounce of chemical substance not
18 ordinarily capable of lethal use or of inflicting serious bodily injury,
19 but rather, is intended to produce temporary physical discomfort or
20 disability through being vaporized or otherwise dispensed in the air.
21 Any person in possession of any device in violation of this
22 subsection shall be deemed and adjudged to be a disorderly person,
23 and upon conviction thereof, shall be punished by a fine of not less
24 than \$100.00.

25 j. A person shall qualify for an exemption from the provisions of
26 N.J.S.2C:39-5, as specified under subsections a. and c. of this
27 section, if the person has satisfactorily completed a firearms
28 training course approved by the Police Training Commission.

29 Such exempt person shall not possess or carry a firearm until the
30 person has satisfactorily completed a firearms training course and
31 shall annually qualify in the use of a revolver or similar weapon.
32 For purposes of this subsection, a "firearms training course" means
33 a course of instruction in the safe use, maintenance and storage of
34 firearms which is approved by the Police Training Commission.
35 The commission shall approve a firearms training course if the
36 requirements of the course are substantially equivalent to the
37 requirements for firearms training provided by police training
38 courses which are certified under section 6 of P.L.1961, c.56
39 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
40 or (6) of subsection a. of this section shall be exempt from the
41 requirements of this subsection.

42 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent any financial institution, or any duly authorized
44 personnel of the institution, from possessing, carrying or using for
45 the protection of money or property, any device which projects,
46 releases or emits tear gas or other substances intended to produce
47 temporary physical discomfort or temporary identification.

48 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed

1 to prevent a law enforcement officer who retired in good standing,
2 including a retirement because of a disability pursuant to section 6
3 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
4 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
5 substantially similar statute governing the disability retirement of
6 federal law enforcement officers, provided the officer was a
7 regularly employed, full-time law enforcement officer for an
8 aggregate of [five] four or more years prior to his disability
9 retirement and further provided that the disability which constituted
10 the basis for the officer's retirement did not involve a certification
11 that the officer was mentally incapacitated for the performance of
12 his usual law enforcement duties and any other available duty in the
13 department which his employer was willing to assign to him or does
14 not subject that retired officer to any of the disabilities set forth in
15 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
16 officer from possessing or carrying a firearm, who semi-annually
17 qualifies in the use of the handgun he is permitted to carry in
18 accordance with the requirements and procedures established by the
19 Attorney General pursuant to subsection j. of this section and pays
20 the actual costs associated with those semi-annual qualifications [,
21 who is less than 70 years of age,] , who is 75 years of age or
22 younger, and who was regularly employed as a full-time member of
23 the State Police; a full-time member of an interstate police force; a
24 full-time member of a county or municipal police department in this
25 State; a full-time member of a State law enforcement agency; a full-
26 time sheriff, undersheriff or sheriff's officer of a county of this
27 State; a full-time State or county corrections officer; a full-time
28 county park police officer; a full-time county prosecutor's detective
29 or investigator; [or] a full-time federal law enforcement officer ; or
30 is a qualified retired law enforcement officer, as used in the federal
31 "Law Enforcement Officers Safety Act of 2004," Pub. L.108-277,
32 domiciled in this State from carrying a handgun in the same manner
33 as law enforcement officers exempted under paragraph (7) of
34 subsection a. of this section under the conditions provided herein:

35 (1) The retired law enforcement officer [, within six months after
36 retirement,] shall make application in writing to the Superintendent
37 of State Police for approval to carry a handgun for one year. An
38 application for annual renewal shall be submitted in the same
39 manner.

40 (2) Upon receipt of the written application of the retired law
41 enforcement officer, the superintendent shall request a verification
42 of service from the chief law enforcement officer of the
43 organization in which the retired officer was last regularly
44 employed as a full-time law enforcement officer prior to retiring.
45 The verification of service shall include:

46 (a) The name and address of the retired officer;

- 1 (b) The date that the retired officer was hired and the date that
2 the officer retired;
- 3 (c) A list of all handguns known to be registered to that officer;
- 4 (d) A statement that, to the reasonable knowledge of the chief
5 law enforcement officer, the retired officer is not subject to any of
6 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 7 (e) A statement that the officer retired in good standing.
- 8 (3) If the superintendent approves a retired officer's application
9 or reapplication to carry a handgun pursuant to the provisions of
10 this subsection, the superintendent shall notify in writing the chief
11 law enforcement officer of the municipality wherein that retired
12 officer resides. In the event the retired officer resides in a
13 municipality which has no chief law enforcement officer or law
14 enforcement agency, the superintendent shall maintain a record of
15 the approval.
- 16 (4) The superintendent shall issue to an approved retired officer
17 an identification card permitting the retired officer to carry a
18 handgun pursuant to this subsection. This identification card shall
19 be valid for one year from the date of issuance and shall be valid
20 throughout the State. The identification card shall not be
21 transferable to any other person. The identification card shall be
22 carried at all times on the person of the retired officer while the
23 retired officer is carrying a handgun. The retired officer shall
24 produce the identification card for review on the demand of any law
25 enforcement officer or authority.
- 26 (5) Any person aggrieved by the denial of the superintendent of
27 approval for a permit to carry a handgun pursuant to this subsection
28 may request a hearing in the Superior Court of New Jersey in the
29 county in which he resides by filing a written request for such a
30 hearing within 30 days of the denial. Copies of the request shall be
31 served upon the superintendent and the county prosecutor. The
32 hearing shall be held within 30 days of the filing of the request, and
33 no formal pleading or filing fee shall be required. Appeals from the
34 determination of such a hearing shall be in accordance with law and
35 the rules governing the courts of this State.
- 36 (6) A judge of the Superior Court may revoke a retired officer's
37 privilege to carry a handgun pursuant to this subsection for good
38 cause shown on the application of any interested person. A person
39 who becomes subject to any of the disabilities set forth in
40 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
41 superintendent, his identification card issued under paragraph (4) of
42 this subsection to the chief law enforcement officer of the
43 municipality wherein he resides or the superintendent, and shall be
44 permanently disqualified to carry a handgun under this subsection.
- 45 (7) The superintendent may charge a reasonable application fee
46 to retired officers to offset any costs associated with administering
47 the application process set forth in this subsection.
- 48 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed

1 to prevent duly authorized personnel of the New Jersey Division of
2 Fish and Wildlife, while in the actual performance of duties, from
3 possessing, transporting or using any device that projects, releases
4 or emits any substance specified as being non-injurious to wildlife
5 by the Director of the Division of Animal Health in the Department
6 of Agriculture, and which may immobilize wildlife and produces
7 only temporary physical discomfort through being vaporized or
8 otherwise dispensed in the air for the purpose of repelling bear or
9 other animal attacks or for the aversive conditioning of wildlife.

10 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
11 construed to prevent duly authorized personnel of the New Jersey
12 Division of Fish and Wildlife, while in the actual performance of
13 duties, from possessing, transporting or using hand held pistol-like
14 devices, rifles or shotguns that launch pyrotechnic missiles for the
15 sole purpose of frightening, hazing or aversive conditioning of
16 nuisance or depredating wildlife; from possessing, transporting or
17 using rifles, pistols or similar devices for the sole purpose of
18 chemically immobilizing wild or non-domestic animals; or,
19 provided the duly authorized person complies with the requirements
20 of subsection j. of this section, from possessing, transporting or
21 using rifles or shotguns, upon completion of a Police Training
22 Commission approved training course, in order to dispatch injured
23 or dangerous animals or for non-lethal use for the purpose of
24 frightening, hazing or aversive conditioning of nuisance or
25 depredating wildlife.

26 (cf: P.L.2003, c.168, s.2)

27

28 2. This act shall take effect on the first day of the second month
29 following enactment.

30

31

32

STATEMENT

33

34 This bill revises the law permitting retired law enforcement
35 officers to carry a firearm.

36 Currently, retired law enforcement officers are entitled to carry a
37 firearm until the age of 70 without having to establish "justifiable
38 need." After that age, they must establish a "justifiable need" to
39 carry, just like any other citizen. Under the provisions of the bill, a
40 retired law enforcement officer would be entitled to carry a firearm
41 until the age of 75 without having to establish "justifiable need."

42 The bill also reduces from five to four years the number of years
43 of law enforcement experience required for a law enforcement
44 officer with a disability retirement to carry a handgun.

45 In addition, the bill removes the requirement in current law that a
46 retired law enforcement officer must apply within six months of
47 retirement for a permit to carry a handgun.

48 Finally, the bill permits retired law enforcement officers from

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1 other states who are "qualified retired law enforcement officers"
2 under the provisions of the federal "Law Enforcement Officers
3 Safety Act of 2004" (Pub.L.108-277) and who are domiciled in
4 New Jersey to carry a firearm, provided they meet the same training
5 and qualification standards that New Jersey retirees must meet
6 under the law.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 206

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

This bill revises the law permitting retired law enforcement officers to carry a firearm.

Currently, retired law enforcement officers are entitled to carry a firearm until the age of 70 without having to establish "justifiable need." After that age, they must establish a "justifiable need" to carry, just like any other citizen. Under the provisions of the bill, a retired law enforcement officer would be entitled to carry a firearm until the age of 75 without having to establish "justifiable need."

The bill also reduces from five to four years the number of years of law enforcement experience required for a law enforcement officer with a disability retirement to carry a handgun.

In addition, the bill removes the requirement in current law that a retired law enforcement officer must apply within six months of retirement for a permit to carry a handgun.

Finally, the bill permits retired law enforcement officers from other states who are "qualified retired law enforcement officers" under the provisions of the federal "Law Enforcement Officers Safety Act of 2004" (Pub.L.108-277) and who are domiciled in New Jersey to carry a firearm, provided they meet the same training and qualification standards that New Jersey retirees must meet under the law.

This bill was prefiled for introduction in the 2006-2007 legislative session. As reported, the bill includes the changes required by technical review which has been performed.