

# SENATE, No. 104

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senator A.R.Bucco**

**SYNOPSIS**

Revises procedures for securing a permit to carry a handgun.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



S104 CARDINALE, OROHO

2

1 AN ACT concerning crime, supplementing chapter 58 of Title 2C of  
2 the New Jersey Statutes, and amending N.J.S.2C:39-2,  
3 N.J.S.2C:58-3 and N.J.S.2C:58-4.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) This act shall be known and may be cited as  
9 the "Citizens' Protection and Crime Reduction Act of 2004."  
10

11 2. (New section) The Legislature finds that:  
12

13 **WHEREAS**, The New Jersey Constitution provides that "all persons  
14 are by nature free and independent, and have certain natural and  
15 unalienable rights, among which are those of enjoying and  
16 defending life and liberty, of acquiring, possessing, and  
17 protecting property, and of pursuing and obtaining safety and  
18 happiness"; and

19 **WHEREAS**, The Superior Court of New Jersey in 1978 ruled in  
20 *Wuethrich v. Delia*, that no public entity can be held liable for  
21 failure to provide police protection; and

22 **WHEREAS**, In 1994, 636 New Jersey residents were victims of car-  
23 jackers and these 636 victims were denied the right to obtain a  
24 permit to carry firearms for self-defense; and

25 **WHEREAS**, An analysis of the nation's 30 "right-to-carry" states has  
26 demonstrated that only three to five percent of the population  
27 actually obtain permits to carry a handgun, but 95 to 97 percent  
28 of the population benefits because those individuals who exhibit  
29 socially aberrant behavior do not know if their intended victim is  
30 armed; and

31 **WHEREAS**, The "right-to-carry" is a significant deterrent to crime,  
32 as indicated by the marked reduction in crime rates experienced  
33 in those states which afford their law-abiding citizens the "right-  
34 to-carry" compared to those states which do not; and

35 **WHEREAS**, Aggravated assaults, for example, are 19.4 percent  
36 lower in "right-to-carry" states; as are robberies (38.4 percent  
37 lower), homicides (37.9 percent lower), and handgun homicides  
38 (41.1 percent lower); and

39 **WHEREAS**, In California, where the "right-to-carry" is permitted in  
40 certain counties, a comparison of the crime rates in those  
41 counties with those which do not permit their law-abiding  
42 residents to carry handguns reveals lower crime rates in the  
43 "right-to-carry" counties; and

44 **WHEREAS**, The State of Florida has experienced lower crime rates  
45 since enacting its "right-to-carry" statute, as reflected in that

**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 state's 22 percent drop in homicides and 29 percent reduction in  
2 handgun homicides; and  
3 **WHEREAS**, Cognizant of the unmistakable statistical evidence  
4 affirming the significant impact the "right-to-carry" has had in  
5 dramatically lowering crime rates in those states and  
6 jurisdictions where law-abiding citizens are permitted to carry  
7 handguns; and

8 **WHEREAS**, Recognizing the natural and unalienable rights accorded  
9 the citizens of this State by the New Jersey Constitution to  
10 defend their lives, protect their property, and pursue and obtain  
11 their safety and happiness.

12  
13 The Legislature, therefore, declares that it is altogether fitting  
14 and proper, and within the public interest, to revise the statutes of  
15 this State governing the issuance of permits to carry handguns by  
16 enacting the provisions of this act, the "Crime Reduction Act of  
17 1997," so that the law-abiding citizens of this State may exercise  
18 their natural and unalienable rights to provide for the defense,  
19 protection and safety of their families, property, and themselves by  
20 carrying a handgun, if they so choose.

21  
22 3. N.J.S.2C:39-2 is amended to read as follows:  
23 2C:39-2. Presumptions a. Possession of firearms, weapons,  
24 destructive devices, silencers, or explosives in a vehicle. When a  
25 firearm, weapon, destructive device, silencer, or explosive  
26 described in this chapter is found in a vehicle, it is presumed to be  
27 in the possession of the occupant if there is but one. If there is more  
28 than one occupant in the vehicle, it shall be presumed to be in the  
29 possession of all, except under the following circumstances:

30 (1) When it is found upon the person of one of the occupants, it  
31 shall be presumed to be in the possession of that occupant alone;

32 (2) When the vehicle is not a stolen one and the weapon or other  
33 instrument is found out of view in a glove compartment, trunk or  
34 other enclosed customary depository, it shall be presumed to be in  
35 the possession of the occupant or occupants who own or have  
36 authority to operate the vehicle; and

37 (3) When the vehicle is a taxicab and a weapon or other  
38 instrument is found in the passenger's portion of the vehicle, it shall  
39 be presumed to be in the possession of all the passengers, if there  
40 are any, and if not, in the possession of the driver.

41 b. **L**icenses and permits. When the legality of a person's  
42 conduct under this chapter depends on his possession of a license  
43 or permit or on his having registered with or given notice to a  
44 particular person or agency, it shall be presumed that he does not  
45 possess such a license or permit or has not registered or given the

1 required notice, until he establishes the contrary.】 (Deleted by  
2 amendment, P.L. c. )  
3 (cf: P.L.1979, c.179, s.1)

4  
5 4. N.J.S.2C:58-3 is amended to read as follows:

6 2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
7 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
8 or otherwise acquire a handgun unless the purchaser, assignee,  
9 donee, receiver or holder is licensed as a dealer under this chapter  
10 or has first secured a permit to purchase a handgun as provided by  
11 this section.

12 b. Firearms purchaser identification card. No person shall sell,  
13 give, transfer, assign or otherwise dispose of nor receive, purchase  
14 or otherwise acquire an antique cannon or a rifle or shotgun, other  
15 than an antique rifle or shotgun, unless the purchaser, assignee,  
16 donee, receiver or holder is licensed as a dealer under this chapter  
17 or possesses a valid firearms purchaser identification card, and first  
18 exhibits said card to the seller, donor, transferor or assignor, and  
19 unless the purchaser, assignee, donee, receiver or holder signs a  
20 written certification, on a form prescribed by the superintendent,  
21 which shall indicate that he presently complies with the  
22 requirements of subsection c. of this section and shall contain his  
23 name, address and firearms purchaser identification card number or  
24 dealer's registration number. The said certification shall be retained  
25 by the seller, as provided in paragraph (4) of subsection a. of  
26 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
27 be filed with the chief of police of the municipality in which he  
28 resides or with the superintendent.

29 c. Who may obtain. No person of good character and good  
30 repute in the community in which he lives, and who is not subject to  
31 any of the disabilities set forth in this section or other sections of  
32 this chapter, shall be denied a permit to purchase a handgun or a  
33 firearms purchaser identification card, except as hereinafter set  
34 forth. No handgun purchase permit or firearms purchaser  
35 identification card shall be issued:

36 (1) To any person who has been convicted of any crime, or a  
37 disorderly persons offense involving an act of domestic violence as  
38 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or  
39 not armed with or possessing a weapon at the time of such offense;

40 (2) To any drug dependent person as defined in section 2 of  
41 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
42 mental disorder to a hospital, mental institution or sanitarium, or to  
43 any person who is presently an habitual drunkard;

44 (3) To any person who suffers from a physical defect or disease  
45 which would make it unsafe for him to handle firearms, to any  
46 person who has ever been confined for a mental disorder, or to any  
47 alcoholic unless any of the foregoing persons produces a certificate  
48 of a medical doctor or psychiatrist licensed in New Jersey, or other

1 satisfactory proof, that he is no longer suffering from that particular  
2 disability in such a manner that would interfere with or handicap  
3 him in the handling of firearms; to any person who knowingly  
4 falsifies any information on the application form for a handgun  
5 purchase permit or firearms purchaser identification card;

6 (4) To any person under the age of 18 years for a firearms  
7 purchaser identification card and to any person under the age of 21  
8 years for a permit to purchase a handgun;

9 (5) **【To any person where the issuance would not be in the**  
10 **interest of the public health, safety or welfare;】** (Deleted by  
11 amendment, P.L. , c. ) or

12 (6) To any person who is subject to a restraining order issued  
13 pursuant to the "Prevention of Domestic Violence Act of 1991,"  
14 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
15 possessing any firearm;

16 (7) To any person who as a juvenile was adjudicated delinquent  
17 for an offense which, if committed by an adult, would constitute a  
18 crime and the offense involved the unlawful use or possession of a  
19 weapon, explosive or destructive device or is enumerated in  
20 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

21 (8) To any person whose firearm is seized pursuant to the  
22 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
23 (C.2C:25-17 et seq.) and whose firearm has not been returned.

24 d. Issuance. The chief of police of an organized full-time  
25 police department of the municipality where the applicant resides or  
26 the superintendent, in all other cases, shall upon application, issue  
27 to any person qualified under the provisions of subsection c. of this  
28 section a permit to purchase a handgun or a firearms purchaser  
29 identification card.

30 Any person aggrieved by the denial of a permit or identification  
31 card may request a hearing in the Superior Court of the county in  
32 which he resides if he is a resident of New Jersey or in the Superior  
33 Court of the county in which his application was filed if he is a  
34 nonresident. The request for a hearing shall be made in writing  
35 within 30 days of the denial of the application for a permit or  
36 identification card. The applicant shall serve a copy of his request  
37 for a hearing upon the chief of police of the municipality in which  
38 he resides, if he is a resident of New Jersey, and upon the  
39 superintendent in all cases. The hearing shall be held and a record  
40 made thereof within 30 days of the receipt of the application for  
41 such hearing by the judge of the Superior Court. No formal  
42 pleading and no filing fee shall be required as a preliminary to such  
43 hearing. Appeals from the results of such hearing shall be in  
44 accordance with law.

45 e. Applications. Applications for permits to purchase a  
46 handgun and for firearms purchaser identification cards shall be in  
47 the form prescribed by the superintendent and shall set forth the

1 name, residence, place of business, age, date of birth, occupation,  
2 sex and physical description, including distinguishing physical  
3 characteristics, if any, of the applicant, and shall state whether the  
4 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
5 drug dependent person as defined in section 2 of P.L.1970, c.226  
6 (C.24:21-2), whether he has ever been confined or committed to a  
7 mental institution or hospital for treatment or observation of a  
8 mental or psychiatric condition on a temporary, interim or  
9 permanent basis, giving the name and location of the institution or  
10 hospital and the dates of such confinement or commitment, whether  
11 he has been attended, treated or observed by any doctor or  
12 psychiatrist or at any hospital or mental institution on an inpatient  
13 or outpatient basis for any mental or psychiatric condition, giving  
14 the name and location of the doctor, psychiatrist, hospital or  
15 institution and the dates of such occurrence, whether he presently or  
16 ever has been a member of any organization which advocates or  
17 approves the commission of acts of force and violence to overthrow  
18 the Government of the United States or of this State, or which seeks  
19 to deny others their rights under the Constitution of either the  
20 United States or the State of New Jersey, whether he has ever been  
21 convicted of a crime or disorderly persons offense, whether the  
22 person is subject to a restraining order issued pursuant to the  
23 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
24 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
25 firearm, and such other information as the superintendent shall  
26 deem necessary for the proper enforcement of this chapter. For the  
27 purpose of complying with this subsection, the applicant shall  
28 waive any statutory or other right of confidentiality relating to  
29 institutional confinement. The application shall be signed by the  
30 applicant and shall contain as references the names and addresses of  
31 two reputable citizens personally acquainted with him.

32 Application blanks shall be obtainable from the superintendent,  
33 from any other officer authorized to grant such permit or  
34 identification card, and from licensed retail dealers.

35 The chief police officer or the superintendent shall obtain the  
36 fingerprints of the applicant and shall have them compared with any  
37 and all records of fingerprints in the municipality and county in  
38 which the applicant resides and also the records of the State Bureau  
39 of Identification and the Federal Bureau of Investigation, provided  
40 that an applicant for a handgun purchase permit who possesses a  
41 valid firearms purchaser identification card, or who has previously  
42 obtained a handgun purchase permit from the same licensing  
43 authority for which he was previously fingerprinted, and who  
44 provides other reasonably satisfactory proof of his identity, need not  
45 be fingerprinted again; however, the chief police officer or the  
46 superintendent shall proceed to investigate the application to  
47 determine whether or not the applicant has become subject to any of  
48 the disabilities set forth in this chapter.

1 f. Granting of permit or identification card; fee; term; renewal;  
2 revocation. The application for the permit to purchase a handgun  
3 together with a fee of \$2, or the application for the firearms  
4 purchaser identification card together with a fee of \$5, shall be  
5 delivered or forwarded to the licensing authority who shall  
6 investigate the same and, unless good cause for the denial thereof  
7 appears, shall grant the permit or the identification card, or both, if  
8 application has been made therefor, within 30 days from the date of  
9 receipt of the application for residents of this State and within 45  
10 days for nonresident applicants. A permit to purchase a handgun  
11 shall be valid for a period of 90 days from the date of issuance and  
12 may be renewed by the issuing authority for good cause for an  
13 additional 90 days. A firearms purchaser identification card shall  
14 be valid until such time as the holder becomes subject to any of the  
15 disabilities set forth in subsection c. of this section, whereupon the  
16 card shall be void and shall be returned within five days by the  
17 holder to the superintendent, who shall then advise the licensing  
18 authority. Failure of the holder to return the firearms purchaser  
19 identification card to the superintendent within the said five days  
20 shall be an offense under subsection a. of N.J.S.2C:39-10. Any  
21 firearms purchaser identification card may be revoked by the  
22 Superior Court of the county wherein the card was issued, after  
23 hearing upon notice, upon a finding that the holder thereof no  
24 longer qualifies for the issuance of such permit. The county  
25 prosecutor of any county, the chief police officer of any  
26 municipality or any citizen may apply to such court at any time for  
27 the revocation of such card.

28 There shall be no conditions or requirements added to the form  
29 or content of the application, or required by the licensing authority  
30 for the issuance of a permit or identification card, other than those  
31 that are specifically set forth in this chapter.

32 g. Disposition of fees. All fees for permits shall be paid to the  
33 State Treasury if the permit is issued by the superintendent, to the  
34 municipality if issued by the chief of police, and to the county  
35 treasurer if issued by the judge of the Superior Court.

36 h. Form of permit; quadruplicate; disposition of copies. The  
37 permit shall be in the form prescribed by the superintendent and  
38 shall be issued to the applicant in quadruplicate. Prior to the time  
39 he receives the handgun from the seller, the applicant shall deliver  
40 to the seller the permit in quadruplicate and the seller shall  
41 complete all of the information required on the form. Within five  
42 days of the date of the sale, the seller shall forward the original  
43 copy to the superintendent and the second copy to the chief of  
44 police of the municipality in which the purchaser resides, except  
45 that in a municipality having no chief of police, such copy shall be  
46 forwarded to the superintendent. The third copy shall then be  
47 returned to the purchaser with the pistol or revolver and the fourth  
48 copy shall be kept by the seller as a permanent record.

1 i. Restriction on number of firearms person may purchase.  
2 Only one handgun shall be purchased or delivered on each permit  
3 and no more than one handgun shall be purchased within any 30-  
4 day period, but this limitation shall not apply to:  
5 (1) a federal, State or local law enforcement officer or agency  
6 purchasing handguns for use by officers in the actual performance  
7 of their law enforcement duties;  
8 (2) a collector of handguns as curios or relics as defined in Title  
9 18, United States Code, section 921 (a) (13) who has in his  
10 possession a valid Collector of Curios and Relics License issued by  
11 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;  
12 (3) transfers of handguns among licensed retail dealers,  
13 registered wholesale dealers and registered manufacturers  
14 (4) transfers of handguns from any person to a licensed retail  
15 dealer or a registered wholesale dealer or registered manufacturer.  
16 The provisions of this subsection shall not be construed to afford  
17 or authorize any other exemption from the regulatory provisions  
18 governing firearms set forth in chapter 39 and chapter 58 of Title  
19 2C of the New Jersey Statutes;  
20 (5) any transaction where the person has purchased a handgun  
21 from a licensed retail dealer and has returned that handgun to the  
22 dealer in exchange for another handgun within 30 days of the  
23 original transaction, provided the retail dealer reports the exchange  
24 transaction to the superintendent; or  
25 (6) any transaction where the superintendent issues an  
26 exemption from the prohibition in this subsection pursuant to the  
27 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).  
28 A person shall not be restricted as to the number of rifles or  
29 shotguns he may purchase, provided he possesses a valid firearms  
30 purchaser identification card and provided further that he signs the  
31 certification required in subsection b. of this section for each  
32 transaction.  
33 j. Firearms passing to heirs or legatees. Notwithstanding any  
34 other provision of this section concerning the transfer, receipt or  
35 acquisition of a firearm, a permit to purchase or a firearms  
36 purchaser identification card shall not be required for the passing of  
37 a firearm upon the death of an owner thereof to his heir or legatee,  
38 whether the same be by testamentary bequest or by the laws of  
39 intestacy. The person who shall so receive, or acquire said firearm  
40 shall, however, be subject to all other provisions of this chapter. If  
41 the heir or legatee of such firearm does not qualify to possess or  
42 carry it, he may retain ownership of the firearm for the purpose of  
43 sale for a period not exceeding 180 days, or for such further limited  
44 period as may be approved by the chief law enforcement officer of  
45 the municipality in which the heir or legatee resides or the  
46 superintendent, provided that such firearm is in the custody of the  
47 chief law enforcement officer of the municipality or the  
48 superintendent during such period.



1 k. Sawed-off shotguns. Nothing in this section shall be  
2 construed to authorize the purchase or possession of any sawed-off  
3 shotgun.

4 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
5 the sale or purchase of a visual distress signalling device approved  
6 by the United States Coast Guard, solely for possession on a private  
7 or commercial aircraft or any boat; provided, however, that no  
8 person under the age of 18 years shall purchase nor shall any person  
9 sell to a person under the age of 18 years such a visual distress  
10 signalling device.

11 (cf: P.L.2009, c.186, s.2)

12

13 5. N.J.S.2C:58-4 is amended to read as follows:

14 2C:58-4. Permits to carry handguns. a. Scope and duration of  
15 authority. Any person who holds a valid permit to carry a handgun  
16 issued pursuant to this section shall be authorized to carry a  
17 handgun in all parts of this State, except as prohibited by section  
18 2C:39-5e. One permit shall be sufficient for all handguns owned or  
19 possessed by the holder thereof, but the permit shall apply only to a  
20 handgun carried by the actual and legal holder of the permit.

21 All permits to carry handguns shall expire **[2] 5** years from the  
22 date of issuance **[or, in the case of an employee of an armored car**  
23 **company, upon termination of his employment by the company**  
24 **occurring prior thereto whichever is earlier in time,]** and they may  
25 thereafter be renewed every **[2] 5** years in the same manner and  
26 subject to the same conditions as in the case of original  
27 applications.

28 b. Application forms. All applications for permits to carry  
29 handguns, and all applications for renewal of such permits, shall be  
30 made on the forms prescribed by the superintendent. Each  
31 application shall set forth the full name, date of birth, sex,  
32 residence, occupation, place of business or employment, and  
33 physical description of the applicant**],** and such other information  
34 as the superintendent may prescribe for the determination of the  
35 applicant's eligibility for a permit and for the proper enforcement of  
36 this chapter**].** To demonstrate completion of the requirement in  
37 paragraph (6) of subsection d. of this section, the applicant shall  
38 attach to the application a photocopy of a certificate of completion  
39 of the course or class; an affidavit from the instructor, school, club,  
40 organization, or group that conducted or taught the course or class  
41 attesting to the completion of the course or class by the applicant;  
42 or a copy of any document which shows completion. The applicant  
43 shall provide two frontal view photographs of himself. The  
44 photographs shall have been taken within the preceding 30 days and  
45 shall be of a size and style specified by the superintendent. The  
46 application shall be signed by the applicant **[under oath, and shall**  
47 be indorsed by three reputable persons who have known the

1 applicant for at least 3 years preceding the date of application, and  
2 who shall certify thereon that the applicant is a person of good  
3 moral character and behavior~~], who shall attest under penalty of~~  
4 perjury that all of the statements thereon are true. The  
5 superintendent shall not add any requirements to the application  
6 which are not specifically authorized in this subsection.

7 c. Investigation and approval. Each application shall in the  
8 first instance be submitted to the chief police officer of the  
9 municipality in which the applicant resides, or to the  
10 superintendent, ~~[(1) if the applicant is an employee of an armored~~  
11 ~~car company, or (2)]~~ if there is no chief police officer in the  
12 municipality where the applicant resides~~[,] or [(3)]~~ if the applicant  
13 does not reside in this State. The chief police officer, or the  
14 superintendent, as the case may be, shall cause the fingerprints of  
15 the applicant to be taken and compared with any and all records  
16 maintained by the municipality, the county in which it is located,  
17 the State Bureau of Identification and the Federal Bureau of  
18 Identification. ~~[He shall also determine and record a complete~~  
19 ~~description of each handgun the applicant intends to carry]~~ The  
20 permit may not specifically identify a handgun by make, model or  
21 serial number.

22 No application shall be approved by the chief police officer or  
23 the superintendent ~~[unless the applicant demonstrates that he is~~  
24 ~~not]~~ if the applicant is subject to any of the disabilities set forth in  
25 [2C:58-3c., that he is thoroughly familiar with the safe handling  
26 and use of handguns, and that he has a justifiable need to carry a  
27 handgun] subsection c. of N.J.S.2C:58-3 which would prohibit the  
28 applicant from obtaining a firearms purchaser identification card or  
29 a permit to purchase a handgun, or if he does not meet the  
30 additional requirements set forth in subsection d. of this section. If  
31 the application is not approved by the chief police officer or the  
32 superintendent within 60 days of filing, it shall be deemed to have  
33 been approved, unless the applicant agrees to an extension of time  
34 in writing. If the application is approved by the chief police officer  
35 or the superintendent, as the case may be, the applicant shall at the  
36 time of issuance pay a fee of \$20 for the five year permit. The fee  
37 for renewal of the five year permit shall be \$20.

38 d. ~~[Issuance by Superior Court; fee.~~ If the application has been  
39 approved by the chief police officer or the superintendent, as the  
40 case may be, the applicant shall forthwith present it to the Superior  
41 Court of the county in which the applicant resides, or to the  
42 Superior Court in any county where he intends to carry a handgun,  
43 in the case of a nonresident or employee of an armored car  
44 company. The court shall issue the permit to the applicant if, but  
45 only if, it is satisfied that the applicant is a person of good character  
46 who is not subject to any of the disabilities set forth in section  
47 2C:58-3c., that he is thoroughly familiar with the safe handling and

1 use of handguns, and that he has a justifiable need to carry a  
2 handgun. The court may at its discretion issue a limited-type permit  
3 which would restrict the applicant as to the types of handguns he  
4 may carry and where and for what purposes such handguns may be  
5 carried. At the time of issuance, the applicant shall pay to the  
6 county clerk of the county where the permit was issued a permit fee  
7 of \$20.00.】 Requirements for the issuance of a permit. A permit to  
8 carry a handgun shall be issued by the chief police officer of the  
9 municipality in which the applicant resides or the superintendent, as  
10 the case may be, if the applicant is not subject to any of the  
11 disabilities set forth in subsection c. of N.J.S.2C:58-3 and if the  
12 following additional requirements are satisfied:

13 (1) The applicant is a citizen of the United States.

14 (2) The applicant is 21 years of age or older.

15 (3) The applicant has not been found guilty of a crime under the  
16 provisions of N.J.S.2C:35-1 et seq. or the similar laws of any other  
17 state concerning controlled substances within a five year period  
18 immediately preceding the date on which the application is  
19 submitted.

20 (4) The applicant does not chronically and habitually use  
21 alcoholic beverages or other substances to the extent that his normal  
22 faculties are impaired. It shall be presumed that an applicant  
23 chronically and habitually uses alcoholic beverages or other  
24 substances to the extent that his normal faculties are impaired if the  
25 applicant has been placed in a rehabilitation program or committed  
26 under N.J.S.2C:35-14, has been treated as an alcoholic at a facility  
27 under P.L.1975, c.453 (C.26:2B-7 et seq.), or has had one or more  
28 convictions or refusals to submit to chemical tests under R.S.39:4-  
29 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or a similar law of  
30 any other state within the five year period immediately preceding  
31 the date on which the application is submitted.

32 (5) The applicant has not, in the past, suffered from a physical  
33 defect or disease which would make it unsafe for him to handle  
34 firearms, been confined for a mental disorder or been an alcoholic,  
35 unless the applicant produces a certificate of a medical doctor or  
36 psychiatrist licensed in New Jersey, or other satisfactory proof, that  
37 the applicant has not suffered from the aforementioned disability  
38 for a period of five years.

39 (6) The applicant demonstrates competence with a firearm by  
40 any one of the following: completion of any National Rifle  
41 Association firearms safety or training course; completion of any  
42 firearms safety or training course or class available to the general  
43 public offered by a law enforcement organization, junior college,  
44 college, university, or firearms training school; completion of any  
45 law enforcement firearms safety or training course or class offered  
46 for security guards, investigators, special deputies, or any division  
47 or subdivision of law enforcement or security enforcement; presents  
48 evidence of equivalent experience with a firearm through military

1 service; or is licensed or has been licensed to carry a firearm in this  
2 State pursuant to N.J.S.2C:58-4, unless such license has been  
3 revoked for cause. For the purposes of this subsection, a firearms  
4 safety or training course or class shall consist of at least eight  
5 program hours. Evidence of qualification under this paragraph shall  
6 include: a photocopy of a certificate of completion of the course or  
7 class; an affidavit from the instructor, school, club, organization, or  
8 group that conducted or taught the course or class attesting to the  
9 completion of the course or class by the applicant; or a copy of any  
10 document which shows completion of the course or class.

11 e. Appeals from denial of applications. Any person aggrieved  
12 by the denial by the chief police officer or the superintendent of  
13 approval for a permit to carry a handgun may request a hearing in  
14 the Superior Court of the county in which he resides, the county in  
15 which his business is located, in the case of a nonresident who  
16 maintains a place of business in this State, or in any county in  
17 which he intends to carry a handgun, in the case of a nonresident  
18 who is required to carry a handgun as a condition of employment,  
19 by filing a written request for such a hearing within 30 days of the  
20 denial. Copies of the request shall be served upon the  
21 superintendent, the county prosecutor and the chief police officer of  
22 the municipality where the applicant resides, if he is a resident of  
23 this State. The hearing shall be held within 30 days of the filing of  
24 the request, and no formal pleading or filing fee shall be required.  
25 Appeals from the determination at such a hearing shall be in  
26 accordance with law and the rules governing the courts of this State.

27 **【If the superintendent or chief police officer approves an**  
28 **application and the Superior Court denies the application and**  
29 **refuses to issue a permit, the applicant may appeal such denial in**  
30 **accordance with law and the rules governing the courts of this**  
31 **State.】**

32 f. Revocation of permits. Any permit issued under this section  
33 shall be void at such time as the holder thereof becomes subject to  
34 any of the disabilities set forth in **【section 2C:58-3c.】** subsection c.  
35 of N.J.S.2C:58-3 or fails to comply with the additional requirements  
36 set forth in subsection d. of this section, and the holder of such a  
37 void permit shall immediately surrender the permit to the  
38 superintendent who shall give notice to the licensing authority.

39 Any permit may be revoked by the Superior Court, after hearing  
40 upon notice to the holder, if the court finds that the holder is no  
41 longer qualified for the issuance of such a permit. The county  
42 prosecutor of any county, the chief police officer of any  
43 municipality, the superintendent or any citizen may apply to the  
44 court at any time for the revocation of any permit issued pursuant to  
45 this section.

46 (cf: P.L.1981, c.135, s.1)

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

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4

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STATEMENT

6

7       This bill, the "Citizens' Protection and Crime Reduction Act of  
8 2004," revises and simplifies the procedures for securing a permit to  
9 carry a handgun in the State of New Jersey.

10       Under the provisions of the bill, an applicant for a permit to  
11 carry a handgun would be entitled to that permit so long as he can  
12 demonstrate competence with a firearm and is not statutorily  
13 disqualified. To demonstrate that competence, the applicant would  
14 be required to include, as part of his application for the permit, a  
15 copy indicating his successful completion of a firearms safety or  
16 training course or class offered by a law enforcement agency, an  
17 educational institution, the military, or the National Rifle  
18 Association. An applicant who holds a permit to carry is deemed  
19 competent and need not submit such evidence.

20       Among the disqualifications set forth in the bill are the statutory  
21 disabilities which currently prohibit an individual from obtaining  
22 either a permit to purchase a handgun or a firearms purchaser  
23 identification card: a crime involving controlled substances; a  
24 condition involving chronic and habitual alcoholic or drug abuse;  
25 or some other physical or mental condition or disease which would  
26 make it unsafe for the individual to obtain a permit to carry a  
27 handgun.

28       The bill also extends the term during which a permit to carry  
29 remains valid. At present, a permit to carry remains valid for two  
30 years; under this bill, a permit would be valid for five years.

31       Finally, the bill deletes subsection b. of N.J.S.2C:39-2 which  
32 provided that with regard to any firearm permit or license, an  
33 individual was deemed to be in violation of the law "until he  
34 establishes the contrary." This approach is inconsistent with  
35 traditional American legal jurisprudence and, therefore, should be  
36 ended.

37       In its current form, the law governing the issuance of permits to  
38 carry a handgun requires an applicant to demonstrate to the  
39 Superior Court a "justifiable need" in order to obtain a such permit.  
40 The court's interpretation of what constitutes a "justifiable need"  
41 makes it virtually impossible for citizens of New Jersey to obtain  
42 permits to carry.

43       The "right-to-carry" can serve as a significant deterrent to crime.  
44 An analysis of the nation's 30 "right-to-carry" states has revealed a  
45 significant reduction in crime in those states compared with the  
46 national average. For example, aggravated assaults are 19.4 percent  
47 lower in "right-to-carry" states; robbery is 38.4 percent lower;  
48 homicide is 37.9 percent lower; and handgun homicide is 41.1

1 percent lower. In California, where the "right-to-carry" is permitted  
2 in certain counties, a comparison of the crime rates in those  
3 counties with those which do not permit their residents to carry  
4 reveals lower crime rates in the "right-to-carry" counties. Similarly,  
5 Florida has experienced lower crime rates since enacting its "right-  
6 to-carry" statute. The homicide rate in Florida has dropped 22  
7 percent; the handgun homicide rate is down 29 percent. Finally,  
8 even convicted robbers have indicated that if they suspected that a  
9 potential victim might be armed they would probably look for  
10 someone else to rob.