

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3689

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 3689 (1R).

This bill codifies the definition of justifiable need to carry a handgun as set forth in the New Jersey Administrative Code.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing justifiable need.

Under current regulations (N.J.A.C.13:54-2.4), justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry. This bill codifies this definition in statute.

The Division of State Police has proposed an amendment to N.J.A.C.13:54-2.4 to add "serious threats" to the circumstances that could demonstrate a special danger to the applicant's life that could be specified in the written certification of justifiable need. In addition, the proposed amendments also specify that a permit to carry a handgun can be issued based on a special danger to the applicant's life that cannot be avoided by other "reasonable" means.

According to the sponsor, current law and judicial interpretations of the justifiable need standard clearly require demonstration of an urgent necessity for protection from a specific threat to one's life rather than a mere generalized fear or concern. Therefore, the amendment to N.J.A.C.13:54-2.4 proposed by the Division of State Police, which expands the scope of the right to carry well beyond that authorized under current law and judicial interpretation, is inconsistent with the Legislature's intent to strictly limit who carries a handgun outside the home in this State.

As reported by the committee, this bill is identical to Senate Bill No. 2165, as amended and reported by the committee on this same date.