

ASSEMBLY, No. 1255

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

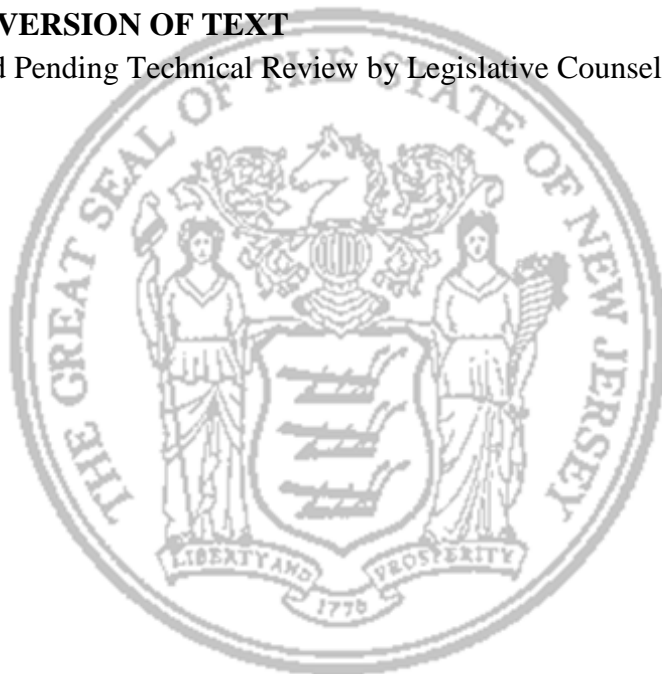
Assemblyman DePhillips, Assemblywoman Stanfield, Assemblymen Wirths, Space, DiMaio and Scharfenberger

SYNOPSIS

Permits place of worship to establish security plan to select one person to carry handgun during religious services.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning security at places of worship, supplementing
2 Title 2C of the New Jersey Statutes, and amending N.J.S.2C:39-
3 6.

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

7
8 1. (New section) a. As used in this act:

9 “Place of worship” means a building, including but not limited to
10 a church, mosque, or synagogue, used primarily as a place of public
11 or private worship on a permanent basis by a recognized and
12 established religious sect or denomination registered as a not-for-
13 profit organization pursuant to section 501(c)(3) of the federal
14 Internal Revenue Code (26 U.S.C. s.501(c)(3)).

15 “Religious service” means an assembly of the adherents of any
16 religious sect or denomination registered as a not-for-profit
17 organization pursuant to section 501(c)(3) of the federal Internal
18 Revenue Code (26 U.S.C. s.501(c)(3)) for the purpose of prayer or
19 any other form of religious observance.

20 b. The governing body of a place of worship may establish a
21 security program to allow one person to carry a handgun for the
22 purpose of protecting attendees of a religious service held on the
23 premises of the place of worship. The person selected to carry a
24 handgun shall secure the handgun while traveling directly to or
25 from the place of worship pursuant to subparagraph (d) of
26 paragraph (3) of subsection f. of N.J.S.2C:39-6.

27 c. The person selected to carry a handgun may serve the place
28 of worship in a voluntary capacity or for monetary compensation.
29 The provisions of this section shall not limit a governing body of a
30 place of worship from employing an armed security officer pursuant
31 to the “Security Officer Registration Act” P.L.2004, c.134
32 (C.45:19A-1 et seq.).

33 d. The governing body of a place of worship shall require the
34 person selected to carry a handgun to participate in a training course
35 for the use, handling, and maintenance of firearms held by the
36 Police Training Commission, the Director of Civilian
37 Marksmanship, or by a recognized rifle or pistol association that
38 certifies instructors.

39 e. The provisions of this act shall not entitle a person to carry a
40 firearm in violation of N.J.S.2C:39-6 or N.J.S.2C:58-4.

41 f. A law enforcement officer or other person authorized to
42 carry a firearm at all times in this State pursuant to N.J.S.2C:39-6
43 may serve as the person selected by the governing body of the place
44 of worship to carry a handgun. A person who is selected to carry a

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 firearm pursuant to this subsection shall not be required to comply
2 with subsection d. of this section.

3

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

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

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

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

14 (3) Members of the State Police and, under conditions
15 prescribed by the superintendent, members of the Marine Law
16 Enforcement Bureau of the Division of State Police;

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

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

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

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

- 1 (b) A special law enforcement officer authorized to carry a
2 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
3 (C.40A:14-146.14);
- 4 (c) An airport security officer or a special law enforcement
5 officer appointed by the governing body of any county or
6 municipality, except as provided in subsection (b) of this section, or
7 by the commission, board or other body having control of a county
8 park or airport or boulevard police force, while engaged in the
9 actual performance of his official duties and when specifically
10 authorized by the governing body to carry weapons;
- 11 (8) A full-time, paid member of a paid or part-paid fire
12 department or force of any municipality who is assigned full-time
13 or part-time to an arson investigation unit created pursuant to
14 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
15 investigation unit in the county prosecutor's office, while either
16 engaged in the actual performance of arson investigation duties or
17 while actually on call to perform arson investigation duties and
18 when specifically authorized by the governing body or the county
19 prosecutor, as the case may be, to carry weapons. Prior to being
20 permitted to carry a firearm, a member shall take and successfully
21 complete a firearms training course administered by the Police
22 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
23 seq.), and shall annually qualify in the use of a revolver or similar
24 weapon prior to being permitted to carry a firearm;
- 25 (9) A juvenile corrections officer in the employment of the
26 Juvenile Justice Commission established pursuant to section 2 of
27 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
28 promulgated by the commission;
- 29 (10) A designated employee or designated licensed agent for a
30 nuclear power plant under license of the Nuclear Regulatory
31 Commission, while in the actual performance of his official duties,
32 if the federal licensee certifies that the designated employee or
33 designated licensed agent is assigned to perform site protection,
34 guard, armed response or armed escort duties and is appropriately
35 trained and qualified, as prescribed by federal regulation, to
36 perform those duties. Any firearm utilized by an employee or agent
37 for a nuclear power plant pursuant to this paragraph shall be
38 returned each day at the end of the employee's or agent's authorized
39 official duties to the employee's or agent's supervisor. All firearms
40 returned each day pursuant to this paragraph shall be stored in
41 locked containers located in a secure area;
- 42 (11) A county corrections officer at all times while in the State
43 of New Jersey, provided he annually passes an examination
44 approved by the superintendent testing his proficiency in the
45 handling of firearms.
- 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 appointed by the sheriff of the county or
26 by the judge of any municipal court or other court of this State,
27 while in the actual performance of his official duties;

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

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

35 (7) A municipal humane law enforcement officer, authorized
36 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
37 14.1), or humane law enforcement officer of a county society for
38 the prevention of cruelty to animals authorized pursuant to
39 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
40 in the actual performance of the officer's duties;

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

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

1 (10) A campus police officer appointed under P.L.1970, c.211
2 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
3 a firearm, a campus police officer shall take and successfully
4 complete a firearms training course administered by the Police
5 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
6 seq.), and shall annually qualify in the use of a revolver or similar
7 weapon prior to being permitted to carry a firearm;

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

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

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

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

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

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

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

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

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

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

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

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

19 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
20 N.J.S.2C:39-5 do not apply to the transportation of unloaded
21 antique cannons directly to or from exhibitions or demonstrations
22 authorized under paragraph (4) of subsection d. of this section,
23 provided that the transportation is in compliance with safety
24 regulations the superintendent may promulgate. Those subsections
25 shall not apply to transportation directly to or from exhibitions or
26 demonstrations authorized under the law of another jurisdiction,
27 provided that the superintendent has been given 30 days' notice and
28 that the transportation is in compliance with safety regulations the
29 superintendent may promulgate.

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

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

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

1 provided further that the firearms are carried in the manner
2 specified in subsection g. of this section;

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

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

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

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

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

33 (d) In the case of a person who is not authorized to carry a
34 firearm at all times in this State but is authorized to carry a handgun
35 pursuant to section 1 of P.L. , c. (C.) (pending before
36 the Legislature as this bill), directly to or from a place of worship,
37 provided in all cases that during the course of the travel the
38 handgun is carried in the manner specified in subsection g. of this
39 section;

40 (4) A person from keeping or carrying about a private or
41 commercial aircraft or any boat, or from transporting to or from the
42 aircraft or boat for the purpose of installation or repair of a visual
43 distress signaling device approved by the United States Coast
44 Guard.

45 g. Any weapon being transported under paragraph (2) of
46 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
47 of this section shall be carried unloaded and contained in a closed
48 and fastened case, gunbox, securely tied package, or locked in the

1 trunk of the automobile in which it is being transported, and in the
2 course of travel shall include only deviations as are reasonably
3 necessary under the circumstances.

4 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
5 to prevent any employee of a public utility, as defined in R.S.48:2-
6 13, doing business in this State or any United States Postal Service
7 employee, while in the actual performance of duties which
8 specifically require regular and frequent visits to private premises,
9 from possessing, carrying or using any device which projects,
10 releases or emits any substance specified as being noninjurious to
11 canines or other animals by the Commissioner of Health and which
12 immobilizes only on a temporary basis and produces only
13 temporary physical discomfort through being vaporized or
14 otherwise dispensed in the air for the sole purpose of repelling
15 canine or other animal attacks.

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

20 Any device used pursuant to this act shall be selected from a list
21 of products, which consist of active and inert ingredients, permitted
22 by the Commissioner of Health.

23 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
24 any person who is 18 years of age or older and who has not been
25 convicted of a crime, from possession for the purpose of personal
26 self-defense of one pocket-sized device which contains and releases
27 not more than three-quarters of an ounce of chemical substance not
28 ordinarily capable of lethal use or of inflicting serious bodily injury,
29 but rather, is intended to produce temporary physical discomfort or
30 disability through being vaporized or otherwise dispensed in the air.
31 Any person in possession of any device in violation of this
32 subsection shall be deemed and adjudged to be a disorderly person,
33 and upon conviction thereof, shall be punished by a fine of not less
34 than \$100.

35 (2) Notwithstanding the provisions of paragraph (1) of this
36 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
37 health inspector or investigator operating pursuant to the provisions
38 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
39 inspector from possessing a device which is capable of releasing
40 more than three-quarters of an ounce of a chemical substance, as
41 described in paragraph (1), while in the actual performance of the
42 inspector's or investigator's duties, provided that the device does not
43 exceed the size of those used by law enforcement.

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

1 The exempt person shall not possess or carry a firearm until the
2 person has satisfactorily completed a firearms training course and
3 shall annually qualify in the use of a revolver or similar weapon.
4 For purposes of this subsection, a "firearms training course" means
5 a course of instruction in the safe use, maintenance and storage of
6 firearms which is approved by the Police Training Commission.
7 The commission shall approve a firearms training course if the
8 requirements of the course are substantially equivalent to the
9 requirements for firearms training provided by police training
10 courses which are certified under section 6 of P.L.1961, c.56
11 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
12 or (6) of subsection a. of this section shall be exempt from the
13 requirements of this subsection.

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

20 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
21 to prevent a law enforcement officer who retired in good standing,
22 including a retirement because of a disability pursuant to section 6
23 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
24 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
25 substantially similar statute governing the disability retirement of
26 federal law enforcement officers, provided the officer was a
27 regularly employed, full-time law enforcement officer for an
28 aggregate of four or more years prior to his disability retirement and
29 further provided that the disability which constituted the basis for
30 the officer's retirement did not involve a certification that the officer
31 was mentally incapacitated for the performance of his usual law
32 enforcement duties and any other available duty in the department
33 which his employer was willing to assign to him or does not subject
34 that retired officer to any of the disabilities set forth in subsection c.
35 of N.J.S.2C:58-3 which would disqualify the retired officer from
36 possessing or carrying a firearm, who semi-annually qualifies in the
37 use of the handgun he is permitted to carry in accordance with the
38 requirements and procedures established by the Attorney General
39 pursuant to subsection j. of this section and pays the actual costs
40 associated with those semi-annual qualifications, who is 75 years of
41 age or younger, and who was regularly employed as a full-time
42 member of the State Police; a full-time member of an interstate
43 police force; a full-time member of a county or municipal police
44 department in this State; a full-time member of a State law
45 enforcement agency; a full-time sheriff, undersheriff or sheriff's
46 officer of a county of this State; a full-time State or county
47 corrections officer; a full-time State correctional police officer or
48 county corrections officer; a full-time State or county park police

1 officer; a full-time special agent of the Division of Taxation; a full-
2 time Human Services police officer; a full-time transit police officer
3 of the New Jersey Transit Police Department; a full-time campus
4 police officer exempted pursuant to paragraph (10) of subsection c.
5 of this section; a full-time State conservation officer exempted
6 pursuant to paragraph (4) of subsection a. of this section; a full-time
7 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
8 21; a full-time Burlington County Bridge police officer appointed
9 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
10 housing authority police officer exempted pursuant to paragraph
11 (16) of subsection c. of this section; a full-time juvenile corrections
12 officer exempted pursuant to paragraph (9) of subsection a. of this
13 section; a full-time parole officer exempted pursuant to paragraph
14 (13) of subsection c. of this section; a full-time railway policeman
15 exempted pursuant to paragraph (9) of subsection c. of this section;
16 a full-time county prosecutor's detective or investigator; a full-time
17 federal law enforcement officer; or is a qualified retired law
18 enforcement officer, as used in the federal "Law Enforcement
19 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
20 State from carrying a handgun in the same manner as law
21 enforcement officers exempted under paragraph (7) of subsection a.
22 of this section under the conditions provided herein:

23 (1) The retired law enforcement officer shall make application
24 in writing to the Superintendent of State Police for approval to carry
25 a handgun for one year. An application for annual renewal shall be
26 submitted in the same manner.

27 (2) Upon receipt of the written application of the retired law
28 enforcement officer, the superintendent shall request a verification
29 of service from the chief law enforcement officer of the
30 organization in which the retired officer was last regularly
31 employed as a full-time law enforcement officer prior to retiring.
32 The verification of service shall include:

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

34 (b) The date that the retired officer was hired and the date that
35 the officer retired;

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

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

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

41 (3) If the superintendent approves a retired officer's application
42 or reapplication to carry a handgun pursuant to the provisions of
43 this subsection, the superintendent shall notify in writing the chief
44 law enforcement officer of the municipality wherein that retired
45 officer resides. In the event the retired officer resides in a
46 municipality which has no chief law enforcement officer or law
47 enforcement agency, the superintendent shall maintain a record of
48 the approval.

1 (4) The superintendent shall issue to an approved retired officer
2 an identification card permitting the retired officer to carry a
3 handgun pursuant to this subsection. This identification card shall
4 be valid for one year from the date of issuance and shall be valid
5 throughout the State. The identification card shall not be
6 transferable to any other person. The identification card shall be
7 carried at all times on the person of the retired officer while the
8 retired officer is carrying a handgun. The retired officer shall
9 produce the identification card for review on the demand of any law
10 enforcement officer or authority.

11 (5) Any person aggrieved by the denial of the superintendent of
12 approval for a permit to carry a handgun pursuant to this subsection
13 may request a hearing in the Superior Court of New Jersey in the
14 county in which he resides by filing a written request for a hearing
15 within 30 days of the denial. Copies of the request shall be served
16 upon the superintendent and the county prosecutor. The hearing
17 shall be held within 30 days of the filing of the request, and no
18 formal pleading or filing fee shall be required. Appeals from the
19 determination of the hearing shall be in accordance with law and the
20 rules governing the courts of this State.

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

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

33 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
34 to prevent duly authorized personnel of the New Jersey Division of
35 Fish and Wildlife, while in the actual performance of duties, from
36 possessing, transporting or using any device that projects, releases
37 or emits any substance specified as being non-injurious to wildlife
38 by the Director of the Division of Animal Health in the Department
39 of Agriculture, and which may immobilize wildlife and produces
40 only temporary physical discomfort through being vaporized or
41 otherwise dispensed in the air for the purpose of repelling bear or
42 other animal attacks or for the aversive conditioning of wildlife.

43 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
44 be construed to prevent duly authorized personnel of the New
45 Jersey Division of Fish and Wildlife, while in the actual
46 performance of duties, from possessing, transporting or using hand
47 held pistol-like devices, rifles or shotguns that launch pyrotechnic
48 missiles for the sole purpose of frightening, hazing or aversive

1 conditioning of nuisance or depredating wildlife; from possessing,
2 transporting or using rifles, pistols or similar devices for the sole
3 purpose of chemically immobilizing wild or non-domestic animals;
4 or, provided the duly authorized person complies with the
5 requirements of subsection j. of this section, from possessing,
6 transporting or using rifles or shotguns, upon completion of a Police
7 Training Commission approved training course, in order to dispatch
8 injured or dangerous animals or for non-lethal use for the purpose
9 of frightening, hazing or aversive conditioning of nuisance or
10 depredating wildlife.

11 o. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
12 to prevent an authorized person from carrying a handgun in a place
13 of worship while in the actual performance of securities duties
14 pursuant to section 1 of P.L. , c. (C.) (pending before
15 the Legislature as this bill).

16 (cf: P.L.2017, c.331, s.4)

17

18 3. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill allows the governing body of a place of worship to
24 establish a security program by selecting one person to carry a
25 handgun for the purpose of protecting religious service attendees.
26 The bill defines “place of worship” as a building, including but not
27 limited to a church, mosque or synagogue, used primarily as a place
28 of public or private worship on a permanent basis by a recognized
29 and established religious sect or denomination registered as a not-
30 for-profit under the federal Internal Revenue Code.

31 Under the bill, the selected person would be required to
32 participate in a firearms training course held by the Police Training
33 Commission, the Director of Civilian Marksmanship, or a
34 recognized rifle or pistol association that certifies instructors. The
35 bill provides that the selected person may serve in a voluntary
36 capacity or for monetary compensation.

37 In addition, the selected person may transport the firearm
38 directly to and from person’s residence and the place of worship.
39 The selected person would be subject to all other requirements
40 imposed under current law regarding the right to carry a firearm.

41 The bill would not prohibit a place of worship from hiring an
42 armed security officer or allowing a law enforcement officer or
43 other person entitled to carry a firearm at all times in this State from
44 serving as the person selected for the security program.

45 On November 5, 2017, a mass shooting occurred at the First
46 Baptist Church in Sutherland Springs, Texas during which 26
47 people were killed and 20 others were injured. The shooter, Devin
48 Patrick Kelley, was shot twice by a civilian as he exited the church

1 and was later found dead in his motor vehicle following a high
2 speed chase.

3 On October 27, 2018, a mass shooting occurred at the Tree of
4 Life-Or L'Simcha Congregation synagogue in Pittsburgh
5 Pennsylvania, during which 11 people were killed and seven were
6 injured. It was the deadliest attack on the Jewish community in the
7 United States.

8 It is the sponsor's intent to prohibit similar incidents from
9 occurring by allowing places of worship to establish a security
10 program.