

ASSEMBLY, No. 1807

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblymen McGuckin, DiMaio, Auth, Webber, S.Kean, Wirths and

Assemblywoman Stanfield

SYNOPSIS

Establishes reasonableness standard for persons lawfully transporting firearm who deviate from course of travel.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/27/2020)

1 **AN ACT** concerning the transportation of a firearm and amending
2 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) Except as hereinafter provided, a prison or jail warden of
30 any penal institution in this State or his deputies, or an employee of
31 the Department of Corrections engaged in the interstate
32 transportation of convicted offenders, while in the performance of
33 his duties, and when required to possess the weapon by his superior
34 officer, or a corrections officer or keeper of a penal institution in
35 this State at all times while in the State of New Jersey, provided he
36 annually passes an examination approved by the superintendent
37 testing his proficiency in the 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
43 **【said】** the commanding officer, while in the actual performance of
44 his official 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;

1 (11) A county corrections officer at all times while in the State of
2 New Jersey, provided he annually passes an examination approved
3 by the superintendent testing his proficiency in the handling of
4 firearms.

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

6 (1) A law enforcement officer employed by a governmental
7 agency outside of the State of New Jersey while actually engaged in
8 his official duties, provided, however, that he has first notified the
9 superintendent or the chief law enforcement officer of the
10 municipality or the prosecutor of the county in which he is engaged;
11 or

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

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

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

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

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

32 (4) A court attendant serving **【as such】** under appointment by
33 the sheriff of the county or by the judge of any municipal court or
34 other court of this State, while in the actual performance of his
35 official duties;

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

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

43 (7) A humane law enforcement officer of the New Jersey
44 Society for the Prevention of Cruelty to Animals or of a county
45 society for the prevention of cruelty to animals, while in the actual
46 performance of his duties;

- 1 (8) An employee of a public utilities corporation actually
2 engaged in the transportation of explosives;
- 3 (9) A railway policeman, except a transit police officer of the
4 New Jersey Transit Police Department, at all times while in the
5 State of New Jersey, provided that he has passed an approved police
6 academy training program consisting of at least 280 hours. The
7 training program shall include, but need not be limited to, the
8 handling of firearms, community relations, and juvenile relations;
- 9 (10) A campus police officer appointed under P.L.1970, c.211
10 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
11 a firearm, a campus police officer shall take and successfully
12 complete a firearms training course administered by the Police
13 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
14 seq.), and shall annually qualify in the use of a revolver or similar
15 weapon prior to being permitted to carry a firearm;
- 16 (11) (Deleted by amendment, P.L.2003, c.168).
- 17 (12) A transit police officer of the New Jersey Transit Police
18 Department, at all times while in the State of New Jersey, provided
19 the officer has satisfied the training requirements of the Police
20 Training Commission, pursuant to subsection c. of section 2 of
21 P.L.1989, c.291 (C.27:25-15.1);
- 22 (13) A parole officer employed by the State Parole Board at all
23 times. Prior to being permitted to carry a firearm, a parole officer
24 shall take and successfully complete a basic course for regular
25 police officer training administered by the Police Training
26 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
27 shall annually qualify in the use of a revolver or similar weapon
28 prior to being permitted to carry a firearm;
- 29 (14) A Human Services police officer at all times while in the
30 State of New Jersey, as authorized by the Commissioner of Human
31 Services;
- 32 (15) A person or employee of any person who, pursuant to and
33 as required by a contract with a governmental entity, supervises or
34 transports persons charged with or convicted of an offense;
- 35 (16) A housing authority police officer appointed under
36 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
37 State of New Jersey; or
- 38 (17) A probation officer assigned to the "Probation Officer
39 Community Safety Unit" created by section 2 of P.L.2001, c.362
40 (C.2B:10A-2) while in the actual performance of the probation
41 officer's official duties. Prior to being permitted to carry a firearm,
42 a probation officer shall take and successfully complete a basic
43 course for regular police officer training administered by the Police
44 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
45 seq.), and shall annually qualify in the use of a revolver or similar
46 weapon prior to being permitted to carry a firearm.

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

9 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
10 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
11 being fired but that is unloaded and immobile, provided that the
12 antique cannon is possessed by (a) a scholastic institution, a
13 museum, a municipality, a county or the State, or (b) a person who
14 obtained a firearms purchaser identification card as specified in
15 N.J.S.2C:58-3.

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

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

30 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
31 N.J.S.2C:39-5 do not apply to the transportation of unloaded
32 antique cannons directly to or from exhibitions or demonstrations
33 authorized under paragraph (4) of subsection d. of this section,
34 provided that the transportation is in compliance with safety
35 regulations the superintendent may promulgate. Nor do those
36 subsections apply to transportation directly to or from exhibitions or
37 demonstrations authorized under the law of another jurisdiction,
38 provided that the superintendent has been given 30 days' notice and
39 that the transportation is in compliance with safety regulations the
40 superintendent may promulgate.

41 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
42 construed to prevent a person keeping or carrying about his place of
43 business, residence, premises or other land owned or possessed by
44 him, any firearm, or from carrying the same, in the manner
45 specified in subsection g. of this section, from any place of
46 purchase to his residence or place of business, between his dwelling

1 and his place of business, between one place of business or
2 residence and another when moving, or between his dwelling or
3 place of business and place where **【such】** the firearms are repaired,
4 for the purpose of repair. For the purposes of this section, a place
5 of business shall be deemed to be a fixed location.

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

8 (1) A member of any rifle or pistol club organized in accordance
9 with the rules prescribed by the National Board for the Promotion
10 of Rifle Practice, in going to or from a place of target practice,
11 carrying **【such】** firearms **【as are】** necessary for **【said】** target
12 practice, provided that the club has filed a copy of its charter with
13 the superintendent and annually submits a list of its members to the
14 superintendent and provided further that the firearms are carried in
15 the manner specified in subsection g. of this section;

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

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

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

26 (b) Directly to or from any target range, or other authorized
27 place for the purpose of practice, match, target, trap or skeet
28 shooting exhibitions, provided in all cases that during the course of
29 the travel all firearms are carried in the manner specified in
30 subsection g. of this section and the person has complied with all
31 the provisions and requirements of Title 23 of the Revised Statutes
32 and any amendments thereto and all rules and regulations
33 promulgated thereunder; or

34 (c) In the case of a firearm, directly to or from any exhibition or
35 display of firearms which is sponsored by any law enforcement
36 agency, any rifle or pistol club, or any firearms collectors club, for
37 the purpose of displaying the firearms to the public or to the
38 members of the organization or club, provided, however, that not
39 less than 30 days prior to the exhibition or display, notice of the
40 exhibition or display shall be given to the Superintendent of the
41 State Police by the sponsoring organization or club, and the sponsor
42 has complied with **【such】** any reasonable safety regulations **【as】**
43 the superintendent may promulgate. Any firearms transported
44 pursuant to this section shall be transported in the manner specified
45 in subsection g. of this section;

1 (4) A person from keeping or carrying about a private or
2 commercial aircraft or any boat, or from transporting to or from
3 **【such vessel】** the aircraft or boat for the purpose of installation or
4 repair a visual distress signaling device approved by the United
5 States Coast Guard.

6 g. All weapons being transported under paragraph (2) of
7 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
8 of this section shall be carried unloaded and contained in a closed
9 and fastened case, gunbox, securely tied package, or locked in the
10 trunk of the automobile in which **【it is】** they are being transported,
11 and in the course of travel shall include only **【such】** reasonable
12 deviations **【as are reasonably necessary】** under the circumstances.

13 As used in this subsection, “reasonable deviations” means
14 deviations for a common, brief, and lawful purpose associated with
15 the primary purpose of traveling to a destination in accordance with
16 paragraph (2) of subsection b., subsection e., or paragraph (1) or (3)
17 of subsection f. of this section. As used in this subsection,
18 “reasonable deviations” may include, but are not limited to,
19 collecting and discharging passengers; obtaining supplies,
20 medication, food, or other provisions; and using a restroom prior to
21 reaching a destination permitted pursuant to this
22 subsection. Nothing in this subsection shall limit travel with a
23 firearm to contend with a bona fide emergency, or when an
24 emergency or local disaster emergency as defined in section 3 of
25 P.L.1953, c.438 (C.App.A:9-33.1) has been declared and an
26 evacuation plan is in effect.

27 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
28 to prevent any employee of a public utility, as defined in R.S.48:2-
29 13, doing business in this State or any United States Postal Service
30 employee, while in the actual performance of duties which
31 specifically require regular and frequent visits to private premises,
32 from possessing, carrying or using any device which projects,
33 releases or emits any substance specified as being noninjurious to
34 canines or other animals by the Commissioner of Health and which
35 immobilizes only on a temporary basis and produces only
36 temporary physical discomfort through being vaporized or
37 otherwise dispensed in the air for the sole purpose of repelling
38 canine or other animal attacks.

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

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

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

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

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

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

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

45 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
46 to prevent a law enforcement officer who retired in good standing,

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

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

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

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

45 (b) The date that the retired officer was hired and the date that
46 the officer retired;

- 1 (c) A list of all handguns known to be registered to that officer;
- 2 (d) A statement that, to the reasonable knowledge of the chief
3 law enforcement officer, the retired officer is not subject to any of
4 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 5 (e) A statement that the officer retired in good standing.
- 6 (3) If the superintendent approves a retired officer's application
7 or reapplication to carry a handgun pursuant to the provisions of
8 this subsection, the superintendent shall notify in writing the chief
9 law enforcement officer of the municipality wherein that retired
10 officer resides. In the event the retired officer resides in a
11 municipality which has no chief law enforcement officer or law
12 enforcement agency, the superintendent shall maintain a record of
13 the approval.
- 14 (4) The superintendent shall issue to an approved retired officer
15 an identification card permitting the retired officer to carry a
16 handgun pursuant to this subsection. This identification card shall
17 be valid for one year from the date of issuance and shall be valid
18 throughout the State. The identification card shall not be
19 transferable to any other person. The identification card shall be
20 carried at all times on the person of the retired officer while the
21 retired officer is carrying a handgun. The retired officer shall
22 produce the identification card for review on the demand of any law
23 enforcement officer or authority.
- 24 (5) Any person aggrieved by the denial of the superintendent of
25 approval for a permit to carry a handgun pursuant to this subsection
26 may request a hearing in the Superior Court of New Jersey in the
27 county in which he resides by filing a written request for **such** a
28 hearing within 30 days of the denial. Copies of the request shall be
29 served upon the superintendent and the county prosecutor. The
30 hearing shall be held within 30 days of the filing of the request, and
31 no formal pleading or filing fee shall be required. Appeals from the
32 determination of **such a** the hearing shall be in accordance with
33 law and the rules governing the courts of this State.
- 34 (6) A judge of the Superior Court may revoke a retired officer's
35 privilege to carry a handgun pursuant to this subsection for good
36 cause shown on the application of any interested person. A person
37 who becomes subject to any of the disabilities set forth in
38 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
39 superintendent, his identification card issued under paragraph (4) of
40 this subsection to the chief law enforcement officer of the
41 municipality wherein he resides or the superintendent, and shall be
42 permanently disqualified to carry a handgun under this subsection.
- 43 (7) The superintendent may charge a reasonable application fee
44 to retired officers to offset any costs associated with administering
45 the application process set forth in this subsection.

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

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

27 (cf: P.L.2013, c.219, s.1)

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill clarifies the type of situations in which persons may
35 deviate from their statutorily required course of travel when
36 lawfully transporting a firearm.

37 Under current law, certain persons in specific situations may
38 lawfully transport a weapon without a permit to carry. A person
39 who is lawfully transporting a firearm in a motor vehicle may
40 deviate from the course of travel between statutorily permitted
41 locations only to the extent “reasonably necessary” under the
42 circumstances. The “reasonably necessary” standard applies to the
43 following persons:

44 (1) licensed firearms dealers and their registered employees
45 during the normal course of business while traveling to and from

1 their place of business and other places for the purpose of
2 demonstration, exhibition, or delivery related to a sale;

3 (2) firearms owners carrying their firearms on or between their
4 place of business and residence or dwelling, or between where the
5 firearm was purchased and the home or business, or between their
6 business or residence and a repair shop;

7 (3) members of authorized rifle and pistol clubs carrying a
8 firearm to or from target practice;

9 (4) licensed hunters or fishermen traveling directly to or from
10 their hunting or fishing destination; and

11 (5) persons traveling to a target range or other authorized place
12 for practice, match, target, trap, or skeet shooting exhibitions.

13 The Acting Attorney General recently issued guidelines to be
14 followed by prosecutors and law enforcement officers when
15 determining whether a deviation in the course of travel with a
16 lawfully-possessed firearm is “reasonably necessary.” The
17 guidelines provided examples of “reasonably necessary” deviations
18 which may include: collecting and discharging passengers;
19 purchasing fuel, food and beverages, medication, or other needed
20 supplies; using a restroom; contending with an emergency situation;
21 or driving around a traffic jam.

22 This bill amends current law to replace the “reasonably
23 necessary” standard with a less stringent reasonableness standard
24 which allows persons lawfully transporting a firearm to deviate
25 from their course of travel for a common, brief, and lawful purpose
26 associated with reaching a statutorily permitted destination. The bill
27 provides that reasonable deviations may include, but are not limited
28 to, collecting and discharging passengers; obtaining supplies,
29 medication, food or other provisions; and using restrooms prior to
30 reaching an authorized destination. In addition, the bill clarifies
31 that a person may travel with a firearm to contend with a bona fide
32 emergency, or when a State or local emergency has been declared
33 and an evacuation plan is in effect.