

ASSEMBLY, No. 1884

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires retired law enforcement officers to qualify in use of firearm once a year.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/17/2021)

1 **AN ACT** concerning retired law enforcement officers 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 Exemptions.

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

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

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

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

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

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

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

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 commanding officer, while in the actual performance of his official
2 duties;

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

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

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

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

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

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

1 (11) A county corrections officer at all times while in the State
2 of New Jersey, provided he annually passes an examination
3 approved by the superintendent testing his proficiency in the
4 handling of 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 appointed by the sheriff of the county or
33 by the judge of any municipal court or other court of this State,
34 while in the actual performance of his official duties;

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

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

42 (7) A municipal humane law enforcement officer, authorized
43 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
44 14.1), or humane law enforcement officer of a county society for
45 the prevention of cruelty to animals authorized pursuant to
46 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
47 in the actual performance of the officer's 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-
45 66 et seq.), and shall annually qualify in the use of a revolver or
46 similar weapon prior to being permitted to carry a firearm.

47 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
48 antique firearms, provided that the antique firearms are unloaded or

1 are being fired for the purposes of exhibition or demonstration at an
2 authorized target range or in another manner approved in writing by
3 the chief law enforcement officer of the municipality in which the
4 exhibition or demonstration is held, or if not held on property under
5 the control of a particular municipality, the superintendent.

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

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

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

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

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

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

3 (1) A member of any rifle or pistol club organized in accordance
4 with the rules prescribed by the National Board for the Promotion
5 of Rifle Practice, in going to or from a place of target practice,
6 carrying firearms necessary for target practice, provided that the
7 club has filed a copy of its charter with the superintendent and
8 annually submits a list of its members to the superintendent and
9 provided further that the firearms are carried in the manner
10 specified in subsection g. of this section;

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

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

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

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

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

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

46 g. Any weapon being transported under paragraph (2) of
47 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
48 of this section shall be carried unloaded and contained in a closed

1 and fastened case, gunbox, securely tied package, or locked in the
2 trunk of the automobile in which it is being transported, and in the
3 course of travel shall include only deviations as are reasonably
4 necessary under the circumstances.

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

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

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

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

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

45 j. A person shall qualify for an exemption from the provisions
46 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
47 section, if the person has satisfactorily completed a firearms
48 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】** annually
37 qualifies in the use of the handgun he is permitted to carry in
38 accordance with the requirements and procedures established by the
39 Attorney General pursuant to subsection j. of this section and pays
40 the actual costs associated with those **【semi-annual】** annual
41 qualifications, who is 75 years of age or younger, and who was
42 regularly employed as a full-time member of the State Police; a
43 full-time member of an interstate police force; a full-time member
44 of a county or municipal police department in this State; a full-time
45 member of a State law enforcement agency; a full-time sheriff,
46 undersheriff or sheriff's officer of a county of this State; a full-time
47 State or county corrections officer; a full-time State correctional
48 police officer or county corrections officer; a full-time State or

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

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

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

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

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

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

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

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

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

1 enforcement agency, the superintendent shall maintain a record of
2 the approval.

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

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

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

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

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

45 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
46 be construed to prevent duly authorized personnel of the New
47 Jersey Division of Fish and Wildlife, while in the actual
48 performance of duties, from possessing, transporting or using hand

1 held pistol-like devices, rifles or shotguns that launch pyrotechnic
2 missiles for the sole purpose of frightening, hazing or aversive
3 conditioning of nuisance or depredating wildlife; from possessing,
4 transporting or using rifles, pistols or similar devices for the sole
5 purpose of chemically immobilizing wild or non-domestic animals;
6 or, provided the duly authorized person complies with the
7 requirements of subsection j. of this section, from possessing,
8 transporting or using rifles or shotguns, upon completion of a Police
9 Training Commission approved training course, in order to dispatch
10 injured or dangerous animals or for non-lethal use for the purpose
11 of frightening, hazing or aversive conditioning of nuisance or
12 depredating wildlife.
13 (cf: P.L.2017, c.331, s.4)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would require retired law enforcement officers to
21 qualify in the use of a firearm once per year rather than every six
22 months.

23 Under current law, a person who has retired in good standing
24 after serving as a regularly employed, full-time law enforcement
25 officer may carry a firearm provided the person: (1) is 75 years of
26 age or younger; (2) is not subject to any of the disabilities which
27 would disqualify the retired officer from possessing or carrying a
28 firearm; and (3) semi-annually qualifies in the use of a firearm. This
29 bill would require the retired law enforcement officer to qualify in
30 the use of a firearm once per year rather than semi-annually.