

ASSEMBLY, No. 2345

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman EDWARD H. THOMSON
District 30 (Monmouth and Ocean)

SYNOPSIS

Grants full police status to special agents in the Department of the Treasury;
authorizes special agents to carry firearms at all times.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the powers of special agents in the Department
2 of the Treasury and amending P.L.1968, c.427, P.L.1948, c.65,
3 and N.J.S.2C:39-6.

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

7
8 1. Section 1 of P.L.1968, c.427 (C.2A:154-4) is amended to
9 read as follows:

10 1. All correctional police officers of the State of New Jersey,
11 parole officers employed by the State Parole Board **[and]**
12 investigators in the Department of Corrections, and special agents
13 in the Department of the Treasury, who have been or who may
14 hereafter be appointed or employed, shall, by virtue of **[such]** that
15 appointment or employment and in addition to any other power or
16 authority, be empowered to exercise full police powers and to act as
17 peace officers, at all times, for the detection, apprehension, arrest
18 and conviction of offenders against the law. A special agent
19 accorded the powers set forth in this section shall satisfactorily
20 complete a basic training course approved by the Police Training
21 Commission, as provided by P.L.1961, c.56 (C.52:17B-66 et seq.).

22 Correctional police officers empowered with full police powers
23 under this section shall, while performing their duties in a lawful
24 manner, be deemed to be acting under lawful authority and shall
25 enjoy all the immunities from tort liability and shall have all the
26 pension, relief, disability, workmen's compensation, insurance and
27 other benefits they otherwise enjoy when performing their regular
28 duties.

29 (cf: P.L.2017, c.293, s.2)

30

31 2. Section 503 of P.L.1948, c.65 (C.54:40A-22) is amended to
32 read as follows:

33 503. The director may, subject to the provisions of Title 11 of
34 the Revised Statutes, as amended and supplemented, appoint a State
35 supervisor to assist him in the administration of this act and such
36 other assistants as he may deem necessary, and may establish,
37 equip, and maintain one or more offices at such places in this State
38 as he shall determine.

39 The director may appoint certain of such assistants as special
40 agents to aid him in the enforcement of **[this act]** the administration
41 of the State tax laws. Special agents shall carry credentials issued
42 by the director identifying them in that capacity**[,]**. Special agents
43 appointed pursuant to this section are declared to be peace officers
44 in accordance with section 1 of P.L.1968, c.427 (C.2A:154-4) and
45 are empowered to arrest without warrant any person who violates

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 the provisions of this act or any other State tax law in their
2 presence. Special agents are empowered to seize and take
3 possession of any counterfeit stamps, counterfeit impression
4 devices **【or】** , cigarettes or any other contraband which are
5 unlawfully possessed and any vehicle, vessel, vending machine or
6 other receptacle in which they are found which is subject to
7 confiscation under this act.

8 (cf: P.L.1973, c.198, s.1)

9
10 3. N.J.S.2C:39-6 is amended to read as follows:

11 2C:39-6. a. Provided a person complies with the requirements
12 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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

1 the commanding officer, while in the actual performance of the
2 employee's official 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 subparagraph (b) of paragraph
13 (7) of this subsection, or by the commission, board or other body
14 having control of a county park or airport or boulevard police force,
15 while engaged in the actual performance of the officer's official
16 duties and when specifically authorized by the governing body to
17 carry weapons;

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

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

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

1 paragraph shall be stored in locked containers located in a secure
2 area;

3 (11) A county correctional police officer at all times while in the
4 State of New Jersey, provided the officer annually passes an
5 examination approved by the superintendent testing the officer's
6 proficiency in the handling of firearms.

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

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

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

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

23 (1) A special agent of the Division of Taxation who has passed
24 an examination in an approved police training program testing
25 proficiency in the handling of any firearm which the agent may be
26 required to carry], while in the actual performance of the agent's
27 official duties and while going to or from the agent's place of duty]
28 at all times subject to regulations promulgated by the Director of
29 the Division of Taxation, or any other police officer, while in the
30 actual performance of the officer's official duties;

31 (2) A State deputy conservation officer or a full-time employee
32 of the Division of Parks and Forestry having the power of arrest and
33 authorized to carry weapons, while in the actual performance of the
34 officer's official duties;

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

36 (4) A court attendant appointed by the sheriff of the county or
37 by the judge of any municipal court or other court of this State,
38 while in the actual performance of the attendant's official duties;

39 (5) A guard employed by any railway express company, banking
40 or building and loan or savings and loan institution of this State,
41 while in the actual performance of the guard's official duties;

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

46 (7) A municipal humane law enforcement officer, authorized
47 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
48 14.1), or humane law enforcement officer of a county society for

1 the prevention of cruelty to animals authorized pursuant to
2 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
3 in the actual performance of the officer's duties;

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

6 (9) A railway policeman, except a transit police officer of the
7 New Jersey Transit Police Department, at all times while in the
8 State of New Jersey, provided that the person has passed an
9 approved police academy training program consisting of at least
10 280 hours. The training program shall include, but need not be
11 limited to, the handling of firearms, community relations, and
12 juvenile relations;

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

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

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

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

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

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

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

42 (17) A probation officer assigned to the "Probation Officer
43 Community Safety Unit" created by section 2 of P.L.2001, c.362
44 (C.2B:10A-2) while in the actual performance of the probation
45 officer's official duties. Prior to being permitted to carry a firearm,
46 a probation officer shall take and successfully complete a basic
47 course for regular police officer training administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.

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

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

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

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

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

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

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

6 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
7 be 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 firearms necessary for target practice, provided that the
12 club has filed a copy of its charter with the superintendent and
13 annually submits a list of its members to the superintendent and
14 provided further that the firearms are carried in the manner
15 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 the
20 person has in possession a valid hunting license, or, with respect to
21 fresh 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 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 any reasonable safety regulations the
43 superintendent may promulgate. Any firearms transported pursuant
44 to this section shall be transported in the manner specified in
45 subsection g. of this section;

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from the
48 aircraft or boat for the purpose of installation or repair of a visual

1 distress signaling device approved by the United States Coast
2 Guard.

3 g. Any weapon being transported under paragraph (2) of
4 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
5 of this section shall be carried unloaded and contained in a closed
6 and fastened case, gunbox, securely tied package, or locked in the
7 trunk of the automobile in which it is being transported, and in the
8 course of travel shall include only deviations as are reasonably
9 necessary under the circumstances.

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

22 The device shall be used solely to repel only those canine or
23 other animal attacks when the canines or other animals are not
24 restrained in a fashion sufficient to allow the employee to properly
25 perform the employee's duties.

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

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

41 (2) Notwithstanding the provisions of paragraph (1) of this
42 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
43 health inspector or investigator operating pursuant to the provisions
44 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
45 inspector from possessing a device which is capable of releasing
46 more than three-quarters of an ounce of a chemical substance, as
47 described in paragraph (1), while in the actual performance of the

1 inspector's or investigator's duties, provided that the device does not
2 exceed the size of those used by law enforcement.

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

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

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

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

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

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

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

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

40 (b) The date that the retired officer was hired and the date that
41 the officer retired;

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

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

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

47 (3) If the superintendent approves a retired officer's application
48 or reapplication to carry a handgun pursuant to the provisions of

1 this subsection, the superintendent shall notify in writing the chief
2 law enforcement officer of the municipality wherein that retired
3 officer resides. In the event the retired officer resides in a
4 municipality which has no chief law enforcement officer or law
5 enforcement agency, the superintendent shall maintain a record of
6 the approval.

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

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

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

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

40 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
41 to prevent duly authorized personnel of the New Jersey Division of
42 Fish and Wildlife, while in the actual performance of duties, from
43 possessing, transporting or using any device that projects, releases
44 or emits any substance specified as being non-injurious to wildlife
45 by the Director of the Division of Animal Health in the Department
46 of Agriculture, and which may immobilize wildlife and produces
47 only temporary physical discomfort through being vaporized or

1 otherwise dispensed in the air for the purpose of repelling bear or
2 other animal attacks or for the aversive conditioning of wildlife.

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

19 (cf: P.L.2019, c.219, s.5)

20
21 4. This act shall take effect immediately.

22 23 24 STATEMENT

25
26 This bill authorizes special agents of the Department of the
27 Treasury to act as officers for the detection, apprehension, arrest
28 and conviction of offenders against the law and permits them to
29 carry a firearm at all times. The bill requires special agents to
30 complete a basic police training course approved by the Police
31 Training Commission in order to be accorded police powers.

32 Under current law, a special agent of the Department of the
33 Treasury who has passed an examination in an approved police
34 training program may carry a firearm while in the actual
35 performance of official duties and while traveling to or from a place
36 of duty. This bill allows a special agent to carry a firearm at all
37 times subject to regulations set forth by the Director of the Division
38 of Taxation.

39 The bill also empowers special agents to seize any contraband
40 when enforcing the tax laws in addition to counterfeit stamps,
41 counterfeit impression devices, and cigarettes which they are
42 currently permitted to seize under current law.