

ASSEMBLY, No. 2904

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblymen Wirths and Dancer

SYNOPSIS

Revises procedures for securing permit to carry handgun.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/2020)

1 AN ACT concerning crime, supplementing chapter 58 of Title 2C of
2 the New Jersey Statutes, and amending N.J.S.2C:39-2,
3 N.J.S.2C:58-3 and N.J.S.2C:58-4.

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

7
8 1. (New section) This act shall be known and may be cited as
9 the "Citizens' Protection Act."

10
11 2. (New section) The Legislature finds that:

12 **WHEREAS**, The New Jersey Constitution provides that "all persons
13 are by nature free and independent, and have certain natural and
14 unalienable rights, among which are those of enjoying and
15 defending life and liberty, of acquiring, possessing, and
16 protecting property, and of pursuing and obtaining safety and
17 happiness"; and

18 **WHEREAS**, The Superior Court of New Jersey in 1978 ruled in
19 *Wuethrich v. Delia*, that no public entity can be held liable for
20 failure to provide police protection; and

21 **WHEREAS**, In 1994, 636 New Jersey residents were victims of car-
22 jackers and these 636 victims were unable to make the personal
23 choice to carry firearms for self-defense; and

24 **WHEREAS**, An analysis of the nation's 30 "right-to-carry" states has
25 demonstrated that only three to five percent of the population
26 actually obtain permits to carry a handgun, but 95 to 97 percent
27 of the population benefits because those individuals who exhibit
28 socially aberrant behavior do not know if their intended victim is
29 armed; and

30 **WHEREAS**, The "right-to-carry" is a significant deterrent to crime,
31 as indicated by the marked reduction in crime rates experienced
32 in those states which afford their law-abiding citizens the "right-
33 to-carry" compared to those states which do not; and

34 **WHEREAS**, Aggravated assaults, for example, are 19.4 percent
35 lower in "right-to-carry" states; as are robberies (38.4 percent
36 lower), homicides (37.9 percent lower), and handgun homicides
37 (41.1 percent lower); and

38 **WHEREAS**, In California, where the "right-to-carry" is permitted in
39 certain counties, a comparison of the crime rates in those
40 counties with those which do not permit their law-abiding
41 residents to carry handguns reveals lower crime rates in the
42 "right-to-carry" counties; and

43 **WHEREAS**, The State of Florida has experienced lower crime rates
44 since enacting its "right-to-carry" statute, as reflected in that
45 state's 22 percent drop in homicides and 29 percent reduction in
46 handgun homicides; and

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 **WHEREAS**, Cognizant of the unmistakable statistical evidence
2 affirming the significant impact the "right-to-carry" has had in
3 dramatically lowering crime rates in those states and
4 jurisdictions where law-abiding citizens are permitted to carry
5 handguns; and

6 **WHEREAS**, Recognizing the natural and unalienable rights accorded
7 the citizens of this State by the New Jersey Constitution to
8 defend their lives, protect their property, and pursue and obtain
9 their safety and happiness.

10 **WHEREAS**, The Legislature, therefore, declares that it is altogether
11 fitting and proper, and within the public interest, to revise the
12 statutes of this State governing the issuance of permits to carry
13 handguns by enacting the provisions of this act, the "Crime
14 Reduction Act," so that the law-abiding citizens of this State may
15 exercise their natural and unalienable rights to provide for the
16 defense, protection and safety of their families, property, and
17 themselves by carrying a handgun, if they so choose.

18

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

20 2C:39-2. Presumptions a. Possession of firearms, weapons,
21 destructive devices, silencers, or explosives in a vehicle. When a
22 firearm, weapon, destructive device, silencer, or explosive
23 described in this chapter is found in a vehicle, it is presumed to be
24 in the possession of the occupant if there is but one. If there is more
25 than one occupant in the vehicle, it shall be presumed to be in the
26 possession of all, except under the following circumstances:

27 (1) When it is found upon the person of one of the occupants, it
28 shall be presumed to be in the possession of that occupant alone;

29 (2) When the vehicle is not a stolen one and the weapon or other
30 instrument is found out of view in a glove compartment, trunk or
31 other enclosed customary depository, it shall be presumed to be in
32 the possession of the occupant or occupants who own or have
33 authority to operate the vehicle; and

34 (3) When the vehicle is a taxicab and a weapon or other
35 instrument is found in the passenger's portion of the vehicle, it shall
36 be presumed to be in the possession of all the passengers, if there
37 are any, and if not, in the possession of the driver.

38 b. **【**Licenses and permits. When the legality of a person's
39 conduct under this chapter depends on his possession of a license or
40 permit or on his having registered with or given notice to a
41 particular person or agency, it shall be presumed that he does not
42 possess such a license or permit or has not registered or given the
43 required notice, until he establishes the contrary.**】** (Deleted by
44 amendment, P.L. __, c. __)

45 (cf: P.L.1979, c.179, s.1)

46

47 4. N.J.S.2C:58-3 is amended to read as follows:

48 2C:58-3. a. Purchase of Firearms.

1 (1) No person shall sell, give, transfer, assign or otherwise
2 dispose of, nor receive, purchase, or otherwise acquire a handgun
3 unless the purchaser, assignee, donee, receiver or holder is licensed
4 as a dealer under this chapter or has first secured a permit to
5 purchase a handgun as provided by this section.

6 (2) A person who is not a licensed retail dealer and sells, gives,
7 transfers, assigns, or otherwise disposes of, or receives, purchases
8 or otherwise acquires a handgun pursuant to this section shall
9 conduct the transaction through a licensed retail dealer.

10 The provisions of this paragraph shall not apply if the transaction
11 is:

12 (a) between members of an immediate family as defined in
13 subsection n. of this section;

14 (b) between law enforcement officers;

15 (c) between collectors of firearms or ammunition as curios or
16 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
17 in their possession a valid Collector of Curios and Relics License
18 issued by the Bureau of Alcohol, Tobacco, Firearms, and
19 Explosives; or

20 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
21 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

22 (3) Prior to a transaction conducted pursuant to this subsection,
23 the retail dealer shall complete a National Instant Criminal
24 Background Check of the person acquiring the handgun. In
25 addition:

26 (a) the retail dealer shall submit to the Superintendent of State
27 Police, on a form approved by the superintendent, information
28 identifying and confirming the background check;

29 (b) every retail dealer shall maintain a record of transactions
30 conducted pursuant to this subsection, which shall be maintained at
31 the address displayed on the retail dealer's license for inspection by
32 a law enforcement officer during reasonable hours;

33 (c) a retail dealer may charge a fee for a transaction conducted
34 pursuant to this subsection; and

35 (d) any record produced pursuant to this subsection shall not be
36 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
37 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

38 b. Firearms purchaser identification card.

39 (1) No person shall sell, give, transfer, assign or otherwise
40 dispose of nor receive, purchase or otherwise acquire an antique
41 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
42 unless the purchaser, assignee, donee, receiver or holder is licensed
43 as a dealer under this chapter or possesses a valid firearms
44 purchaser identification card, and first exhibits the card to the seller,
45 donor, transferor or assignor, and unless the purchaser, assignee,
46 donee, receiver or holder signs a written certification, on a form
47 prescribed by the superintendent, which shall indicate that he
48 presently complies with the requirements of subsection c. of this

1 section and shall contain his name, address and firearms purchaser
2 identification card number or dealer's registration number. The
3 certification shall be retained by the seller, as provided in paragraph
4 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
5 who is not a dealer, it may be filed with the chief of police of the
6 municipality in which he resides or with the superintendent.

7 (2) A person who is not a licensed retail dealer and sells, gives,
8 transfers, assigns, or otherwise disposes of, or receives, purchases
9 or otherwise acquires an antique cannon or a rifle or shotgun
10 pursuant to this section shall conduct the transaction through a
11 licensed retail dealer.

12 The provisions of this paragraph shall not apply if the transaction
13 is:

14 (a) between members of an immediate family as defined in
15 subsection n. of this section;

16 (b) between law enforcement officers;

17 (c) between collectors of firearms or ammunition as curios or
18 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
19 in their possession a valid Collector of Curios and Relics License
20 issued by the Bureau of Alcohol, Tobacco, Firearms, and
21 Explosives; or

22 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
23 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

24 (3) Prior to a transaction conducted pursuant to this subsection,
25 the retail dealer shall complete a National Instant Criminal
26 Background Check of the person acquiring an antique cannon or a
27 rifle or shotgun. In addition:

28 (a) the retail dealer shall submit to the Superintendent of State
29 Police, on a form approved by the superintendent, information
30 identifying and confirming the background check;

31 (b) every retail dealer shall maintain a record of transactions
32 conducted pursuant to this section which shall be maintained at the
33 address set forth on the retail dealer's license for inspection by a law
34 enforcement officer during reasonable hours;

35 (c) a retail dealer may charge a fee for a transaction conducted
36 pursuant to this subsection; and

37 (d) any record produced pursuant to this subsection shall not be
38 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
39 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

40 c. Who may obtain. No person of good character and good
41 repute in the community in which he lives, and who is not subject to
42 any of the disabilities set forth in this section or other sections of
43 this chapter, shall be denied a permit to purchase a handgun or a
44 firearms purchaser identification card, except as hereinafter set
45 forth. No handgun purchase permit or firearms purchaser
46 identification card shall be issued:

47 (1) To any person who has been convicted of any crime, or a
48 disorderly persons offense involving an act of domestic violence as

- 1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of the offense;
- 3 (2) To any drug dependent person as defined in section 2 of
4 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
5 mental disorder to a hospital, mental institution or sanitarium, or to
6 any person who is presently an habitual drunkard;
- 7 (3) To any person who suffers from a physical defect or disease
8 which would make it unsafe for him to handle firearms, to any
9 person who has ever been confined for a mental disorder, or to any
10 alcoholic unless any of the foregoing persons produces a certificate
11 of a medical doctor or psychiatrist licensed in New Jersey, or other
12 satisfactory proof, that he is no longer suffering from that particular
13 disability in a manner that would interfere with or handicap him in
14 the handling of firearms; to any person who knowingly falsifies any
15 information on the application form for a handgun purchase permit
16 or firearms purchaser identification card;
- 17 (4) To any person under the age of 18 years for a firearms
18 purchaser identification card and to any person under the age of 21
19 years for a permit to purchase a handgun;
- 20 (5) **【To any person where the issuance would not be in the**
21 **interest of the public health, safety or welfare;】** (Deleted by
22 amendment, P.L. , c.)
- 23 (6) To any person who is subject to a restraining order issued
24 pursuant to the "Prevention of Domestic Violence Act of 1991,"
25 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
26 possessing any firearm;
- 27 (7) To any person who as a juvenile was adjudicated delinquent
28 for an offense which, if committed by an adult, would constitute a
29 crime and the offense involved the unlawful use or possession of a
30 weapon, explosive or destructive device or is enumerated in
31 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 32 (8) To any person whose firearm is seized pursuant to the
33 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
34 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 35 (9) To any person named on the consolidated Terrorist Watchlist
36 maintained by the Terrorist Screening Center administered by the
37 Federal Bureau of Investigation; or
- 38 (10) To any person who is subject to a court order prohibiting
39 the custody, control, ownership, purchase, possession, or receipt of
40 a firearm or ammunition issued pursuant to the "Extreme Risk
41 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).
- 42 d. Issuance. The chief of police of an organized full-time
43 police department of the municipality where the applicant resides or
44 the superintendent, in all other cases, shall upon application, issue
45 to any person qualified under the provisions of subsection c. of this
46 section a permit to purchase a handgun or a firearms purchaser
47 identification card.

1 Any person aggrieved by the denial of a permit or identification
2 card may request a hearing in the Superior Court of the county in
3 which he resides if he is a resident of New Jersey or in the Superior
4 Court of the county in which his application was filed if he is a
5 nonresident. The request for a hearing shall be made in writing
6 within 30 days of the denial of the application for a permit or
7 identification card. The applicant shall serve a copy of his request
8 for a hearing upon the chief of police of the municipality in which
9 he resides, if he is a resident of New Jersey, and upon the
10 superintendent in all cases. The hearing shall be held and a record
11 made thereof within 30 days of the receipt of the application for a
12 hearing by the judge of the Superior Court. No formal pleading and
13 no filing fee shall be required as a preliminary to a hearing.
14 Appeals from the results of a hearing shall be in accordance with
15 law.

16 e. Applications. Applications for permits to purchase a
17 handgun and for firearms purchaser identification cards shall be in
18 the form prescribed by the superintendent and shall set forth the
19 name, residence, place of business, age, date of birth, occupation,
20 sex and physical description, including distinguishing physical
21 characteristics, if any, of the applicant, and shall state whether the
22 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
23 drug dependent person as defined in section 2 of P.L.1970, c.226
24 (C.24:21-2), whether he has ever been confined or committed to a
25 mental institution or hospital for treatment or observation of a
26 mental or psychiatric condition on a temporary, interim or
27 permanent basis, giving the name and location of the institution or
28 hospital and the dates of confinement or commitment, whether he
29 has been attended, treated or observed by any doctor or psychiatrist
30 or at any hospital or mental institution on an inpatient or outpatient
31 basis for any mental or psychiatric condition, giving the name and
32 location of the doctor, psychiatrist, hospital or institution and the
33 dates of the occurrence, whether he presently or ever has been a
34 member of any organization which advocates or approves the
35 commission of acts of force and violence to overthrow the
36 Government of the United States or of this State, or which seeks to
37 deny others their rights under the Constitution of either the United
38 States or the State of New Jersey, whether he has ever been
39 convicted of a crime or disorderly persons offense, whether the
40 person is subject to a restraining order issued pursuant to the
41 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
42 (C.2C:25-17 et seq.) prohibiting the person from possessing any
43 firearm, whether the person is subject to a protective order issued
44 pursuant to the "Extreme Risk Protective Order Act of 2018,"
45 P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from
46 possessing any firearm, and other information as the superintendent
47 shall deem necessary for the proper enforcement of this chapter.
48 For the purpose of complying with this subsection, the applicant

1 shall waive any statutory or other right of confidentiality relating to
2 institutional confinement. The application shall be signed by the
3 applicant and shall contain as references the names and addresses of
4 two reputable citizens personally acquainted with him.

5 Application blanks shall be obtainable from the superintendent,
6 from any other officer authorized to grant a permit or identification
7 card, and from licensed retail dealers.

8 The chief police officer or the superintendent shall obtain the
9 fingerprints of the applicant and shall have them compared with any
10 and all records of fingerprints in the municipality and county in
11 which the applicant resides and also the records of the State Bureau
12 of Identification and the Federal Bureau of Investigation, provided
13 that an applicant for a handgun purchase permit who possesses a
14 valid firearms purchaser identification card, or who has previously
15 obtained a handgun purchase permit from the same licensing
16 authority for which he was previously fingerprinted, and who
17 provides other reasonably satisfactory proof of his identity, need not
18 be fingerprinted again; however, the chief police officer or the
19 superintendent shall proceed to investigate the application to
20 determine whether or not the applicant has become subject to any of
21 the disabilities set forth in this chapter.

22 f. Granting of permit or identification card; fee; term; renewal;
23 revocation. The application for the permit to purchase a handgun
24 together with a fee of \$2, or the application for the firearms
25 purchaser identification card together with a fee of \$5, shall be
26 delivered or forwarded to the licensing authority who shall
27 investigate the same and, unless good cause for the denial thereof
28 appears, shall grant the permit or the identification card, or both, if
29 application has been made therefor, within 30 days from the date of
30 receipt of the application for residents of this State and within 45
31 days for nonresident applicants. A permit to purchase a handgun
32 shall be valid for a period of 90 days from the date of issuance and
33 may be renewed by the issuing authority for good cause for an
34 additional 90 days. A firearms purchaser identification card shall
35 be valid until such time as the holder becomes subject to any of the
36 disabilities set forth in subsection c. of this section, whereupon the
37 card shall be void and shall be returned within five days by the
38 holder to the superintendent, who shall then advise the licensing
39 authority. Failure of the holder to return the firearms purchaser
40 identification card to the superintendent within the five days shall
41 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
42 purchaser identification card may be revoked by the Superior Court
43 of the county wherein the card was issued, after hearing upon
44 notice, upon a finding that the holder thereof no longer qualifies for
45 the issuance of the permit. The county prosecutor of any county,
46 the chief police officer of any municipality or any citizen may apply
47 to the court at any time for the revocation of the card.

1 There shall be no conditions or requirements added to the form
2 or content of the application, or required by the licensing authority
3 for the issuance of a permit or identification card, other than those
4 that are specifically set forth in this chapter.

5 g. Disposition of fees. All fees for permits shall be paid to the
6 State Treasury if the permit is issued by the superintendent, to the
7 municipality if issued by the chief of police, and to the county
8 treasurer if issued by the judge of the Superior Court.

9 h. Form of permit; quadruplicate; disposition of copies. The
10 permit shall be in the form prescribed by the superintendent and
11 shall be issued to the applicant in quadruplicate. Prior to the time
12 he receives the handgun from the seller, the applicant shall deliver
13 to the seller the permit in quadruplicate and the seller shall
14 complete all of the information required on the form. Within five
15 days of the date of the sale, the seller shall forward the original
16 copy to the superintendent and the second copy to the chief of
17 police of the municipality in which the purchaser resides, except
18 that in a municipality having no chief of police, the copy shall be
19 forwarded to the superintendent. The third copy shall then be
20 returned to the purchaser with the pistol or revolver and the fourth
21 copy shall be kept by the seller as a permanent record.

22 i. Restriction on number of firearms person may purchase.
23 Only one handgun shall be purchased or delivered on each permit
24 and no more than one handgun shall be purchased within any 30-
25 day period, but this limitation shall not apply to:

26 (1) a federal, State, or local law enforcement officer or agency
27 purchasing handguns for use by officers in the actual performance
28 of their law enforcement duties;

29 (2) a collector of handguns as curios or relics as defined in Title
30 18, United States Code, section 921 (a) (13) who has in his
31 possession a valid Collector of Curios and Relics License issued by
32 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

33 (3) transfers of handguns among licensed retail dealers,
34 registered wholesale dealers and registered manufacturers;

35 (4) transfers of handguns from any person to a licensed retail
36 dealer or a registered wholesale dealer or registered manufacturer;

37 (5) any transaction where the person has purchased a handgun
38 from a licensed retail dealer and has returned that handgun to the
39 dealer in exchange for another handgun within 30 days of the
40 original transaction, provided the retail dealer reports the exchange
41 transaction to the superintendent; or

42 (6) any transaction where the superintendent issues an
43 exemption from the prohibition in this subsection pursuant to the
44 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

45 The provisions of this subsection shall not be construed to afford
46 or authorize any other exemption from the regulatory provisions
47 governing firearms set forth in chapter 39 and chapter 58 of Title
48 2C of the New Jersey Statutes;

1 A person shall not be restricted as to the number of rifles or
2 shotguns he may purchase, provided he possesses a valid firearms
3 purchaser identification card and provided further that he signs the
4 certification required in subsection b. of this section for each
5 transaction.

6 j. Firearms passing to heirs or legatees. Notwithstanding any
7 other provision of this section concerning the transfer, receipt or
8 acquisition of a firearm, a permit to purchase or a firearms
9 purchaser identification card shall not be required for the passing of
10 a firearm upon the death of an owner thereof to his heir or legatee,
11 whether the same be by testamentary bequest or by the laws of
12 intestacy. The person who shall so receive, or acquire the firearm
13 shall, however, be subject to all other provisions of this chapter. If
14 the heir or legatee of the firearm does not qualify to possess or carry
15 it, he may retain ownership of the firearm for the purpose of sale for
16 a period not exceeding 180 days, or for a further limited period as
17 may be approved by the chief law enforcement officer of the
18 municipality in which the heir or legatee resides or the
19 superintendent, provided that the firearm is in the custody of the
20 chief law enforcement officer of the municipality or the
21 superintendent during that period.

22 k. Sawed-off shotguns. Nothing in this section shall be
23 construed to authorize the purchase or possession of any sawed-off
24 shotgun.

25 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
26 the sale or purchase of a visual distress signalling device approved
27 by the United States Coast Guard, solely for possession on a private
28 or commercial aircraft or any boat; provided, however, that no
29 person under the age of 18 years shall purchase nor shall any person
30 sell to a person under the age of 18 years a visual distress signalling
31 device.

32 m. The provisions of subsections a. and b. of this section and
33 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
34 apply to the purchase of firearms by a law enforcement agency for
35 use by law enforcement officers in the actual performance of the
36 officers' official duties, which purchase may be made directly from
37 a manufacturer or from a licensed dealer located in this State or any
38 other state.

39 n. For the purposes of this section, "immediate family" means a
40 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
41 (C.26:8A-3), partner in a civil union couple as defined in section 2
42 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
43 sibling, stepsibling, child, stepchild, and grandchild, as related by
44 blood or by law.

45 (cf: P.L.2018, c.36, s.1)

46

47 5. N.J.S.2C:58-4 is amended to read as follows:

1 2C:58-4. a. Scope and duration of authority. Any person who
2 holds a valid permit to carry a handgun issued pursuant to this
3 section shall be authorized to carry a handgun in all parts of this
4 State, except as prohibited by subsection e. of N.J.S.2C:39-5. One
5 permit shall be sufficient for all handguns owned or possessed by
6 the holder thereof, but the permit shall apply only to a handgun
7 carried by the actual and legal holder of the permit.

8 All permits to carry handguns shall expire **【two】** 5 years from
9 the date of issuance **【or, in the case of an employee of an armored**
10 **car company, upon termination of his employment by the company**
11 **occurring prior thereto whichever is earlier in time,】** and they may
12 thereafter be renewed every **【two】** 5 years in the same manner and
13 subject to the same conditions as in the case of original
14 applications.

15 b. Application forms. All applications for permits to carry
16 handguns, and all applications for renewal of permits, shall be made
17 on the forms prescribed by the superintendent. Each application
18 shall set forth the full name, date of birth, sex, residence,
19 occupation, place of business or employment, and physical
20 description of the applicant**【, and any other information the**
21 **superintendent may prescribe for the determination of the**
22 **applicant's eligibility for a permit and for the proper enforcement of**
23 **this chapter】**. To demonstrate completion of the requirement in
24 paragraph (6) of subsection d. of this section, the applicant shall
25 attach to the application a photocopy of a certificate of completion
26 of the course or class; an affidavit from the instructor, school, club,
27 organization, or group that conducted or taught the course or class
28 attesting to the completion of the course or class by the applicant;
29 or a copy of any document which shows completion. The applicant
30 shall provide two frontal view photographs of himself. The
31 photographs shall have been taken within the preceding 30 days
32 and shall be of a size and style specified by the superintendent.
33 The application shall be signed by the applicant **【under oath, and**
34 **shall be indorsed by three reputable persons who have known the**
35 **applicant for at least three years preceding the date of application,**
36 **and who shall certify thereon that the applicant is a person of good**
37 **moral character and behavior】**, who shall attest under penalty of
38 perjury that all of the statements thereon are true. The
39 superintendent shall not add any requirements to the application
40 which are not specifically authorized in this subsection.

41 c. Investigation and approval. Each application shall in the
42 first instance be submitted to the chief police officer of the
43 municipality in which the applicant resides, or to the
44 superintendent, **【(1) if the applicant is an employee of an armored**
45 **car company, or (2)】** if there is no chief police officer in the
46 municipality where the applicant resides**【, 】**or **【(3)】** if the applicant
47 does not reside in this State. The chief police officer, or the

1 superintendent, as the case may be, shall cause the fingerprints of
2 the applicant to be taken and compared with any and all records
3 maintained by the municipality, the county in which it is located,
4 the State Bureau of Identification and the Federal Bureau of
5 Identification. **【He shall also determine and record a complete
6 description of each handgun the applicant intends to carry】** The
7 permit may not specifically identify a handgun by make, model or
8 serial number.

9 No application shall be approved by the chief police officer or
10 the superintendent **【unless the applicant demonstrates that he is
11 not】** if the applicant is subject to any of the disabilities set forth in
12 subsection c. of N.J.S.2C:58-3,**【** that he is thoroughly familiar with
13 the safe handling and use of handguns, and that he has a justifiable
14 need to carry a handgun**】** which would prohibit the applicant from
15 obtaining a firearms purchaser identification card or a permit to
16 purchase a handgun, or if he does not meet the additional
17 requirements set forth in subsection d. of this section.

18 Each application form shall be accompanied by a written
19 certification of justifiable need to carry a handgun, which shall be
20 under oath and, in the case of a private citizen, shall specify in
21 detail the urgent necessity for self-protection, as evidenced by
22 specific threats or previous attacks which demonstrate a special
23 danger to the applicant's life that cannot be avoided by means other
24 than by issuance of a permit to carry a handgun. Where possible,
25 the applicant shall corroborate the existence of any specific threats
26 or previous attacks by reference to reports of the incidents to the
27 appropriate law enforcement agencies.

28 If the application is not approved by the chief police officer or
29 the superintendent within 60 days of filing, it shall be deemed to
30 have been approved, unless the applicant agrees to an extension of
31 time in writing. If the application is approved by the chief police
32 officer or the superintendent, as the case may be, the applicant shall
33 at the time of issuance pay a fee of \$20 for the five year permit.
34 The fee for renewal of the five year permit shall be \$20.

35 d. **【**Issuance by Superior Court; fee. If the application has been
36 approved by the chief police officer or the superintendent, as the
37 case may be, the applicant shall forthwith present it to the Superior
38 Court of the county in which the applicant resides, or to the
39 Superior Court in any county where he intends to carry a handgun,
40 in the case of a nonresident or employee of an armored car
41 company. The court shall issue the permit to the applicant if, but
42 only if, it is satisfied that the applicant is a person of good character
43 who is not subject to any of the disabilities set forth in subsection c.
44 of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
45 handling and use of handguns, and that he has a justifiable need to
46 carry a handgun in accordance with the provisions of subsection c.
47 of this section. The court may at its discretion issue a limited-type

1 permit which would restrict the applicant as to the types of
2 handguns he may carry and where and for what purposes the
3 handguns may be carried. At the time of issuance, the applicant
4 shall pay to the county clerk of the county where the permit was
5 issued a permit fee of \$20.】 Requirements for the issuance of a
6 permit. A permit to carry a handgun shall be issued by the chief
7 police officer of the municipality in which the applicant resides or
8 the superintendent, as the case may be, if the applicant is not
9 subject to any of the disabilities set forth in subsection c. of
10 N.J.S.2C:58-3 and if the following additional requirements are
11 satisfied:

12 (1) The applicant is a citizen of the United States.

13 (2) The applicant is 21 years of age or older.

14 (3) The applicant has not been found guilty of a crime under the
15 provisions of N.J.S.2C:35-1 et seq. or the similar laws of any other
16 state concerning controlled substances within a five year period
17 immediately preceding the date on which the application is
18 submitted.

19 (4) The applicant does not chronically and habitually use
20 alcoholic beverages or other substances to the extent that his normal
21 faculties are impaired. It shall be presumed that an applicant
22 chronically and habitually uses alcoholic beverages or other
23 substances to the extent that his normal faculties are impaired if the
24 applicant has been placed in a rehabilitation program or committed
25 under N.J.S.2C:35-14, has been treated as an alcoholic at a facility
26 under P.L.1975, c.453 (C.26:2B-7 et seq.), or has had one or more
27 convictions or refusals to submit to chemical tests under R.S.39:4-
28 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or a similar law of
29 any other state within the five year period immediately preceding
30 the date on which the application is submitted.

31 (5) The applicant has not, in the past, suffered from a physical
32 defect or disease which would make it unsafe for him to handle
33 firearms, been confined for a mental disorder or been an alcoholic,
34 unless the applicant produces a certificate of a medical doctor or
35 psychiatrist licensed in New Jersey, or other satisfactory proof, that
36 the applicant has not suffered from the aforementioned disability
37 for a period of five years.

38 (6) The applicant demonstrates competence with a firearm by
39 any one of the following: completion of any National Rifle
40 Association firearms safety or training course; completion of any
41 firearms safety or training course or class available to the general
42 public offered by a law enforcement organization, junior college,
43 college, university, or firearms training school; completion of any
44 law enforcement firearms safety or training course or class offered
45 for security guards, investigators, special deputies, or any division
46 or subdivision of law enforcement or security enforcement; presents
47 evidence of equivalent experience with a firearm through military
48 service; or is licensed or has been licensed to carry a firearm in this

1 State pursuant to N.J.S.2C:58-4, unless such license has been
2 revoked for cause. For the purposes of this subsection, a firearms
3 safety or training course or class shall consist of at least eight
4 program hours. Evidence of qualification under this paragraph shall
5 include: a photocopy of a certificate of completion of the course or
6 class; an affidavit from the instructor, school, club, organization, or
7 group that conducted or taught the course or class attesting to the
8 completion of the course or class by the applicant; or a copy of any
9 document which shows completion of the course or class.

10 e. Appeals from denial of applications. Any person aggrieved
11 by the denial by the chief police officer or the superintendent of
12 approval for a permit to carry a handgun may request a hearing in
13 the Superior Court of the county in which he resides, the county in
14 which his business is located, in the case of a nonresident who
15 maintains a place of business in this State, or in any county in
16 which he intends to carry a handgun, in the case of a nonresident
17 who is required to carry a handgun as a condition of employment,
18 by filing a written request for a hearing within 30 days of the
19 denial. Copies of the request shall be served upon the
20 superintendent, the county prosecutor, and the chief police officer
21 of the municipality where the applicant resides, if he is a resident of
22 this State. The hearing shall be held within 30 days of the filing of
23 the request, and no formal pleading or filing fee shall be required.
24 Appeals from the determination at the hearing shall be in
25 accordance with law and the rules governing the courts of this State.

26 **【If the superintendent or chief police officer approves an**
27 **application and the Superior Court denies the application and**
28 **refuses to issue a permit, the applicant may appeal the denial in**
29 **accordance with law and the rules governing the courts of this**
30 **State.】**

31 f. Revocation of permits. Any permit issued under this section
32 shall be void at the time the holder thereof becomes subject to any
33 of the disabilities set forth in **【subsection c.】** of N.J.S.2C:58-3 or
34 fails to comply with the additional requirements set forth in
35 subsection d. of this section, and the holder of a void permit shall
36 immediately surrender the permit to the superintendent who shall
37 give notice to the licensing authority.

38 Any permit may be revoked by the Superior Court, after hearing
39 upon notice to the holder, if the court finds that the holder is no
40 longer qualified for the issuance of a permit. The county prosecutor
41 of any county, the chief police officer of any municipality, the
42 superintendent, or any citizen may apply to the court at any time for
43 the revocation of any permit issued pursuant to this section.

44 (cf: P.L.2018, c.37, s.1)

45
46 6. This act shall take effect on the first day of the second month
47 following enactment.

STATEMENT

This bill, the "Citizens' Protection Act," revises and simplifies the procedures for securing a permit to carry a handgun in the State of New Jersey.

Under the provisions of the bill, an applicant for a permit to carry a handgun would be entitled to that permit so long as he can demonstrate competence with a firearm and is not statutorily disqualified. To demonstrate that competence, the applicant would be required to include, as part of his application for the permit, a copy indicating his successful completion of a firearms safety or training course or class offered by a law enforcement agency, an educational institution, the military, or the National Rifle Association. An applicant who holds a permit to carry is deemed competent and need not submit such evidence.

Among the disqualifications set forth in the bill are the statutory disabilities which currently prohibit an individual from obtaining either a permit to purchase a handgun or a firearms purchaser identification card: a crime involving controlled substances; a condition involving chronic and habitual alcoholic or drug abuse; or some other physical or mental condition or disease which would make it unsafe for the individual to obtain a permit to carry a handgun.

The bill also extends the term during which a permit to carry remains valid. At present, a permit to carry remains valid for two years; under this bill, a permit would be valid for five years.

Finally, the bill deletes subsection b. of N.J.S.2C:39-2 which provided that with regard to any firearm permit or license, an individual was deemed to be in violation of the law "until he establishes the contrary." This approach is inconsistent with traditional American legal jurisprudence and, therefore, should be ended.

In its current form, the law governing the issuance of permits to carry a handgun requires an applicant to demonstrate to the Superior Court a "justifiable need" in order to obtain a such permit. The court's interpretation of what constitutes a "justifiable need" makes it virtually impossible for citizens of New Jersey to obtain permits to carry.

The "right-to-carry" can serve as a significant deterrent to crime. An analysis of the nation's 30 "right-to-carry" states has revealed a significant reduction in crime in those states compared with the national average. For example, aggravated assaults are 19.4 percent lower in "right-to-carry" states; robbery is 38.4 percent lower; homicide is 37.9 percent lower; and handgun homicide is 41.1 percent lower. In California, where the "right-to-carry" is permitted in certain counties, a comparison of the crime rates in those counties with those which do not permit their residents to carry

1 reveals lower crime rates in the "right-to-carry" counties. Similarly,
2 Florida has experienced lower crime rates since enacting its "right-
3 to-carry" statute. The homicide rate in Florida has dropped 22
4 percent; the handgun homicide rate is down 29 percent. Finally,
5 even convicted robbers have indicated that if they suspected that a
6 potential victim might be armed they would probably look for
7 someone else to rob.