

ASSEMBLY, No. 3431

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows active duty members of United States military to carry firearm at all times.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the right to carry a firearm and amending
2 N.J.S.2C:58-6.

3

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

6

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

8 2C:39-6. a. Provided a person complies with the requirements
9 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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 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
4 the 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 or any other police officer, while in the actual performance of the
29 officer's official duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (17) A probation officer assigned to the "Probation Officer
42 Community Safety Unit" created by section 2 of P.L.2001, c.362
43 (C.2B:10A-2) while in the actual performance of the probation
44 officer's official duties. Prior to being permitted to carry a firearm,
45 a probation officer shall take and successfully complete a basic
46 course for regular police officer training administered by the Police
47 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 (18) An active duty member of the Armed Forces of the United
4 States or of the National Guard all times in this State. This
5 paragraph shall not prohibit an active duty member of the Armed
6 Forces of the United States or of the National Guard from
7 possessing a weapon in accordance with subsection a. of this
8 section.

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

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

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

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

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

1 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
2 be construed to prevent a person keeping or carrying about the
3 person's place of business, residence, premises, or other land owned
4 or possessed by the person, any firearm, or from carrying the same,
5 in the manner specified in subsection g. of this section, from any
6 place of purchase to the person's residence or place of business,
7 between the person's dwelling and place of business, between one
8 place of business or residence and another when moving, or
9 between the person's dwelling or place of business and place where
10 the firearms are repaired, for the purpose of repair. For the
11 purposes of this section, a place of business shall be deemed to be a
12 fixed location.

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

15 (1) A member of any rifle or pistol club organized in accordance
16 with the rules prescribed by the National Board for the Promotion
17 of Rifle Practice, in going to or from a place of target practice,
18 carrying firearms necessary for target practice, provided that the
19 club has filed a copy of its charter with the superintendent and
20 annually submits a list of its members to the superintendent and
21 provided further that the firearms are carried in the manner
22 specified in subsection g. of this section;

23 (2) A person carrying a firearm or knife in the woods or fields
24 or upon the waters of this State for the purpose of hunting, target
25 practice or fishing, provided that the firearm or knife is legal and
26 appropriate for hunting or fishing purposes in this State and the
27 person has in possession a valid hunting license, or, with respect to
28 fresh water fishing, a valid fishing license;

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

30 (a) Directly to or from any place for the purpose of hunting or
31 fishing, provided the person has in possession a valid hunting or
32 fishing license; or

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

41 (c) In the case of a firearm, directly to or from any exhibition or
42 display of firearms which is sponsored by any law enforcement
43 agency, any rifle or pistol club, or any firearms collectors club, for
44 the purpose of displaying the firearms to the public or to the
45 members of the organization or club, provided, however, that not
46 less than 30 days prior to the exhibition or display, notice of the
47 exhibition or display shall be given to the Superintendent of the

1 State Police by the sponsoring organization or club, and the sponsor
2 has complied with any reasonable safety regulations the
3 superintendent may promulgate. Any firearms transported pursuant
4 to this section shall be transported in the manner specified in
5 subsection g. of this section;

6 (4) A person from keeping or carrying about a private or
7 commercial aircraft or any boat, or from transporting to or from the
8 aircraft or boat for the purpose of installation or repair of a visual
9 distress signaling device approved by the United States Coast
10 Guard.

11 g. Any weapon being transported under paragraph (2) of
12 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
13 of this section shall be carried unloaded and contained in a closed
14 and fastened case, gunbox, securely tied package, or locked in the
15 trunk of the automobile in which ~~it is~~ they are being transported,
16 and in the course of travel shall include only deviations as are
17 reasonably necessary under the circumstances.

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

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

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

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

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

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

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

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

33 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
34 to prevent a law enforcement officer who retired in good standing,
35 including a retirement because of a disability pursuant to section 6
36 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
37 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
38 substantially similar statute governing the disability retirement of
39 federal law enforcement officers, provided the officer was a
40 regularly employed, full-time law enforcement officer for an
41 aggregate of four or more years prior to the officer's disability
42 retirement and further provided that the disability which constituted
43 the basis for the officer's retirement did not involve a certification
44 that the officer was mentally incapacitated for the performance of
45 the officer's usual law enforcement duties and any other available
46 duty in the department which the officer's employer was willing to

1 assign to the officer or does not subject that retired officer to any of
2 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
3 would disqualify the retired officer from possessing or carrying a
4 firearm, who semi-annually qualifies in the use of the handgun the
5 officer is permitted to carry in accordance with the requirements
6 and procedures established by the Attorney General pursuant to
7 subsection j. of this section and pays the actual costs associated
8 with those semi-annual qualifications, who is 75 years of age or
9 younger, and who was regularly employed as a full-time member of
10 the State Police; a full-time member of an interstate police force; a
11 full-time member of a county or municipal police department in this
12 State; a full-time member of a State law enforcement agency; a full-
13 time sheriff, undersheriff or sheriff's officer of a county of this
14 State; a full-time State correctional police officer or county
15 correctional police officer; a full-time State or county park police
16 officer; a full-time special agent of the Division of Taxation; a full-
17 time Human Services police officer; a full-time transit police officer
18 of the New Jersey Transit Police Department; a full-time campus
19 police officer exempted pursuant to paragraph (10) of subsection c.
20 of this section; a full-time State conservation officer exempted
21 pursuant to paragraph (4) of subsection a. of this section; a full-time
22 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
23 21; a full-time Burlington County Bridge police officer appointed
24 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
25 housing authority police officer exempted pursuant to paragraph
26 (16) of subsection c. of this section; a full-time juvenile correctional
27 police officer exempted pursuant to paragraph (9) of subsection a.
28 of this section; a full-time parole officer exempted pursuant to
29 paragraph (13) of subsection c. of this section; a full-time railway
30 policeman exempted pursuant to paragraph (9) of subsection c. of
31 this section; a full-time county prosecutor's detective or
32 investigator; a full-time federal law enforcement officer; or is a
33 qualified retired law enforcement officer, as used in the federal
34 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,
35 domiciled in this State from carrying a handgun in the same manner
36 as law enforcement officers exempted under paragraph (7) of
37 subsection a. of this section under the conditions provided herein:

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

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

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

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

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

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

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

31
32 2. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill allows active duty members of the United States Armed
38 Forces or of the National Guard to carry a personal or service rifle
39 or handgun at all times in this State. Current law permits members
40 of the military to carry weapons authorized by the appropriate
41 military authorities while on duty or while traveling between places
42 of duty. Under the bill, military personnel may only carry firearms
43 authorized for civilian use in New Jersey while off duty.

44 Recently, terrorist organizations claiming affiliation with the
45 Islamic State of Iraq and Syria (ISIS) have threatened to attack
46 members of the military and their families within the United
47 States. Whether motivated by terrorism or otherwise, members of

1 the military have been targeted in the 2007 plot to attack Fort Dix,
2 the 2009 shootings at Fort Hood, the 2009 attack on an Army
3 recruiting center in Little Rock, the 2013 shootings at the
4 Washington Navy Yard, and the 2015 attacks on a recruiting center
5 and a Navy Reserve facility in Chattanooga. This bill would permit
6 members of the military stationed in New Jersey to carry a firearm
7 at all times in order to protect themselves, their families, or other
8 unarmed civilians in the event of a terrorist attack.