ASSEMBLY, No. 4053

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
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District 24 (Morris, Sussex and Warren)
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District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
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SYNOPSIS

Requires State to recognize permits to carry handguns issued to certain New Jersey residents by other states.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/7/2020)

AN ACT concerning permits to carry handguns and amending and supplementing Title 2C of the New Jersey Statutes.

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

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

2C:58-4 a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued by this State pursuant to this section, or a valid permit to carry a handgun issued by another state and recognized by this State, pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) shall be authorized to carry a handgun in all parts of this State, except as prohibited by **[**section 2C:39-5e**]** subsection e. of N.J.S.2C:39-5. One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit.

All permits to carry handguns issued by this State shall expire **[**2**]** two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of his employment by the company occurring prior thereto whichever is earlier in time, and they may thereafter be renewed every **[**2**]** two years in the same manner and subject to the same conditions as in the case of original applications. All permits to carry handguns issued by other states and recognized by this State, pursuant to section 2 of P.L. c. (C.) (pending before the Legislature as this bill), shall expire in accordance with the issuing state's applicable statute, rule, or regulation.

b. Application forms. (1) All applications for permits to carry handguns, and all applications for renewal of permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and any other information the superintendent may prescribe for the determination of the applicant's eligibility for a permit and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least **[**3**]** three years preceding the date of application, and who shall certify thereon that the applicant is a person of good moral character and behavior.

(2) All applications for recognition of permits to carry handguns issued by other states and recognized by this State, pursuant to section 2 of P.L. c. (C.) (pending before the Legislature as this bill) shall be made on the forms prescribed by the superintendent.

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.

Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, physical description of the applicant, and any other information as the superintendent may prescribe concerning submission of proof of having obtained a permit to carry a handgun from another state, in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

c. Investigation and approval. Each application for issuance of a permit to carry a handgun and for recognition of a permit to carry a handgun issued by another state shall **[**in the first instance**]** be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent, (1) if the applicant is an employee of an armored car company, or (2) if there is no chief police officer in the municipality where the applicant resides, or (3) if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application for issuance of a permit to carry a handgun shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in **[**2C:58-3c.**]** subsection c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun.

No application for recognition of a permit to carry a handgun issued by another state shall be granted unless the applicant demonstrates that he is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 and that he is the holder of a valid permit to carry a handgun issued by another State, pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill.)

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

If the application is not approved by the chief police officer or the superintendent within 60 days of filing, it shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

d. Issuance [by Superior Court]; fee. [If the application has been approved] (1) Upon approval by the chief police officer or the superintendent, as the case may be, of an application for issuance of a permit to carry a handgun the applicant shall forthwith present it to the Superior Court of the county in which the applicant resides, or to the Superior Court in any county where he intends to carry a handgun, in the case of a nonresident or employee of an armored car company. The court shall issue the permit to the applicant if, but only if, it is satisfied that the applicant is a person of good character who is not subject to any of the disabilities set forth in [section 2C:58-3c.] subsection c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun in accordance with the provisions of subsection c. of this section. The court may at its discretion issue a limited-type permit which would restrict the applicant as to the types of handguns he may carry and where and for what purposes the handguns may be carried. At the time of issuance, the applicant shall pay to the county clerk of the county where the permit was issued a permit fee of [$20.00] $20.

(2) Upon approval by the chief police officer of the municipality where the applicant resides or the superintendent, as the case may be, that an applicant has satisfied the criteria set forth in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) and is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 recognition of the permit issued by another state shall be granted. At the time written recognition is granted, in a form determined by the superintendent, the applicant shall pay a fee of $20 to the granting authority.

e. Appeals from denial of applications. Any person aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which he resides or in any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor, and the chief police officer of the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at the hearing shall be in accordance with law and the rules governing the courts of this State.

If the superintendent or chief police officer approves an application for a permit to carry a handgun and the Superior Court denies the application and refuses to issue a permit, the applicant may appeal the denial in accordance with law and the rules governing the courts of this State.

f. Revocation of permits and revocation of recognition of permits.

(1) Any permit issued under this section by this State, or permit issued by another state and recognized by this State, pursuant to section 2 of P.L. c. (C.) (pending before the Legislature as this bill)shall be void at the time the holder thereof becomes subject to any of the disabilities set forth in **[**section 2C:58-3c.**]** subsection c. of N.J.S.2C:58-3, and the holder of a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority.

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

(3) The recognition of any permit issued by another state and recognized by this State, pursuant to section 2 of P.L. c. (C.) (pending before the Legislature as this bill), may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder has become subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 or that the permit was revoked by the issuing state for any reason. The county prosecutor of any county, the chief police officer of any municipality, the superintendent, or any citizen may apply to the court at any time for the revocation of the recognition.

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

2. (New section) a. Any State resident who holds a valid permit to carry a handgun issued by another state may apply for recognition of that permit by this State if, in order to obtain the permit, the issuing state required the applicant to:

(1) be at least 21 years of age;

(2) submit to fingerprinting and a criminal history records check; and

(3) demonstrate thorough familiarity with the safe handling and use of handguns as evidenced by:

(a) completion of a course of instruction conducted by a national, state, or local firearms training organization, a law enforcement agency, an educational institution, the military or the National Rifle Association; or

(b) demonstration of equivalent experience with a firearm through participation in an organized shooting competition; employment by local, State, or federal law enforcement; or military service.

b. The application for recognition of a valid permit to carry a handgun issued by another state shall be submitted in accordance with the provisions of N.J.S.2C:58-4.

c. For the purposes of this section, "State resident" means a person whose primary residence is in New Jersey and who is present in New Jersey for at least six months of the calendar year, or, in the case of a person who has moved to New Jersey less than six months before applying for recognition, who intends to be present in New Jersey for at least six months of the calendar year.

3. This act shall take effect on the first day of fourth month following the date of enactment, except that the Superintendent of State Police may take any anticipatory administrative action as shall be necessary for the implementation of this act.

STATEMENT

This bill provides that a New Jersey resident holding a valid permit to carry a handgun issued by another state will be authorized to carry a handgun in this State provided certain criteria are met.

Under current law, New Jersey does not have reciprocity with any other state concerning permits to carry handguns. The only lawful way a private citizen may carry a handgun in this State is if he has been be issued a permit by the New Jersey Superior Court, following approval by his local chief of police, or the Superintendent of State Police. Issuance requires an applicant to demonstrate "justifiable need," which has been construed very narrowly by both regulation and case law. In practice, this standard has made it virtually impossible for the vast majority of New Jersey residents to obtain permits to carry handguns.

In order to provide firearms owners the ability the carry handguns for purposes of self defense and defense of others, the bill provides that a New Jersey resident who has obtained a valid permit to carry from another state, may apply to have that permit recognized by this State. Under the provisions of the bill, recognition of the permit authorizes a person to carry a handgun in this State, in the same manner as a person who has been issued a permit by the New Jersey Superior Court.

The bill provides that in order for another state's permit to be eligible for recognition, the application process of the issuing state had to require that an applicant:

(1) be at least 21 years of age;

(2) submit to fingerprinting and a criminal history records check; and

(3) demonstrate thorough familiarity with the safe handling and use of handguns as evidenced by certain training, participation in shooting competitions, law enforcement employment or military service.

In accordance with the provisions of the bill, an applicant whose permit was issued by an eligible state will be granted written

recognition of that permit, provided that he is not subject to any of the statutory disabilities set forth in current law prohibiting an individual from obtaining a permit to purchase a handgun or a firearms purchaser identification card.

Statistics reveal a connection between robust right-to-carry laws and a decrease in violent crime rates. Based on data from the FBI's Annual Uniform Crime Report, it has been estimated that so-called "right-to-carry" states have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates, as compared to the rest of the country. In an ever-changing world, where violent attacks by armed individuals appear time and again in the national news media, the citizens of New Jersey are left vulnerable by the State's overly restrictive and burdensome handgun carry permit scheme.

Accordingly, it is the sponsor's intent to allow law abiding, competent firearms owners, who have been granted the authority by another state to carry a handgun within its borders, to carry handguns in this State for the purposes of self defense and defense of others, provided certain criteria are met, as set forth in this bill.