

**ASSEMBLY, No. 4062**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MAY 7, 2020

**Sponsored by:**

**Assemblyman HAROLD "HAL" J. WIRTHS**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Clarifies that licensed dealers may provide firearms for display at fund raising events sponsored by certain tax exempt organizations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/24/2020)**

1 AN ACT concerning firearms and amending N.J.S.2C:39-6 and  
2 N.J.S.2C:58-2.

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 the  
4 State of New Jersey, provided the officer annually passes an  
5 examination approved by the superintendent testing the officer's  
6 proficiency in the handling of firearms.

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

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

14 (2) A licensed dealer in firearms and the dealer's registered  
15 employees during the course of their normal business while  
16 traveling to and from their place of business and other places for the  
17 purpose of demonstration, exhibition, or delivery in connection with  
18 a sale, or for the purpose of providing firearms for display at a fund  
19 raising event sponsored by an organization determined by the  
20 federal Internal Revenue Service to be a tax exempt organization  
21 pursuant to section 501(c)(3) of the Internal Revenue Code of 1986,  
22 26 U.S.C.s.501 (c)(3), provided, however, that the weapon is  
23 carried in the manner specified in subsection g. of this section and  
24 further provided, that in the case of firearms provided for display  
25 purposes, timely and proper notice is given the superintendent.

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

29 (1) A special agent of the Division of Taxation who has passed  
30 an examination in an approved police training program testing  
31 proficiency in the handling of any firearm which the agent may be  
32 required to carry, while in the actual performance of the agent's  
33 official duties and while going to or from the agent's place of duty,  
34 or any other police officer, while in the actual performance of the  
35 officer's official duties;

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

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

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

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

47 (6) A member of a legally recognized military organization  
48 while actually under orders or while going to or from the prescribed

1 place of meeting and carrying the weapons prescribed for drill,  
2 exercise or parade;

3 (7) A municipal humane law enforcement officer, authorized  
4 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-  
5 14.1), or humane law enforcement officer of a county society for  
6 the prevention of cruelty to animals authorized pursuant to  
7 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while  
8 in the actual performance of the officer's duties;

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

11 (9) A railway policeman, except a transit police officer of the  
12 New Jersey Transit Police Department, at all times while in the  
13 State of New Jersey, provided that the person has passed an  
14 approved police academy training program consisting of at least  
15 280 hours. The training program shall include, but need not be  
16 limited to, the handling of firearms, community relations, and  
17 juvenile relations;

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

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

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

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

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

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

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

47 (17) A probation officer assigned to the "Probation Officer  
48 Community Safety Unit" created by section 2 of P.L.2001, c.362

1 (C.2B:10A-2) while in the actual performance of the probation  
2 officer's official duties. Prior to being permitted to carry a firearm,  
3 a probation officer shall take and successfully complete a basic  
4 course for regular police officer training administered by the Police  
5 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
6 seq.), and shall annually qualify in the use of a revolver or similar  
7 weapon prior to being permitted to carry a firearm.

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

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

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

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

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

47 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall  
48 be construed to prevent a person keeping or carrying about the

1 person's place of business, residence, premises, or other land owned  
2 or possessed by the person, any firearm, or from carrying the same,  
3 in the manner specified in subsection g. of this section, from any  
4 place of purchase to the person's residence or place of business,  
5 between the person's dwelling and place of business, between one  
6 place of business or residence and another when moving, or  
7 between the person's dwelling or place of business and place where  
8 the firearms are repaired, for the purpose of repair. For the  
9 purposes of this section, a place of business shall be deemed to be a  
10 fixed location.

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

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

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

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

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

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

39 (c) In the case of a firearm, directly to or from any exhibition or  
40 display of firearms which is sponsored by any law enforcement  
41 agency, any rifle or pistol club, or any firearms collectors club, for  
42 the purpose of displaying the firearms to the public or to the  
43 members of the organization or club, provided, however, that not  
44 less than 30 days prior to the exhibition or display, notice of the  
45 exhibition or display shall be given to the Superintendent of the  
46 State Police by the sponsoring organization or club, and the sponsor  
47 has complied with any reasonable safety regulations the  
48 superintendent may promulgate. Any firearms transported pursuant

1 to this section shall be transported in the manner specified in  
2 subsection g. of this section;

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

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

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

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

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

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

46 (2) Notwithstanding the provisions of paragraph (1) of this  
47 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
48 health inspector or investigator operating pursuant to the provisions

1 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
2 inspector from possessing a device which is capable of releasing  
3 more than three-quarters of an ounce of a chemical substance, as  
4 described in paragraph (1), while in the actual performance of the  
5 inspector's or investigator's duties, provided that the device does not  
6 exceed the size of those used by law enforcement.

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

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

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

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

1 and procedures established by the Attorney General pursuant to  
2 subsection j. of this section and pays the actual costs associated  
3 with those semi-annual qualifications, who is 75 years of age or  
4 younger, and who was regularly employed as a full-time member of  
5 the State Police; a full-time member of an interstate police force; a  
6 full-time member of a county or municipal police department in this  
7 State; a full-time member of a State law enforcement agency; a full-  
8 time sheriff, undersheriff or sheriff's officer of a county of this  
9 State; a full-time State correctional police officer or county  
10 correctional police officer; a full-time State or county park police  
11 officer; a full-time special agent of the Division of Taxation; a full-  
12 time Human Services police officer; a full-time transit police officer  
13 of the New Jersey Transit Police Department; a full-time campus  
14 police officer exempted pursuant to paragraph (10) of subsection c.  
15 of this section; a full-time State conservation officer exempted  
16 pursuant to paragraph (4) of subsection a. of this section; a full-time  
17 Palisades Interstate Park officer appointed pursuant to R.S.32:14-  
18 21; a full-time Burlington County Bridge police officer appointed  
19 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time  
20 housing authority police officer exempted pursuant to paragraph  
21 (16) of subsection c. of this section; a full-time juvenile correctional  
22 police officer exempted pursuant to paragraph (9) of subsection a.  
23 of this section; a full-time parole officer exempted pursuant to  
24 paragraph (13) of subsection c. of this section; a full-time railway  
25 policeman exempted pursuant to paragraph (9) of subsection c. of  
26 this section; a full-time county prosecutor's detective or  
27 investigator; a full-time federal law enforcement officer; or is a  
28 qualified retired law enforcement officer, as used in the federal  
29 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,  
30 domiciled in this State from carrying a handgun in the same manner  
31 as law enforcement officers exempted under paragraph (7) of  
32 subsection a. of this section under the conditions provided herein:

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

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

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

44 (b) The date that the retired officer was hired and the date that  
45 the officer retired;

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

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

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

5 (3) If the superintendent approves a retired officer's application  
6 or reapplication to carry a handgun pursuant to the provisions of  
7 this subsection, the superintendent shall notify in writing the chief  
8 law enforcement officer of the municipality wherein that retired  
9 officer resides. In the event the retired officer resides in a  
10 municipality which has no chief law enforcement officer or law  
11 enforcement agency, the superintendent shall maintain a record of  
12 the approval.

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

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

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

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

46 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
47 to prevent duly authorized personnel of the New Jersey Division of  
48 Fish and Wildlife, while in the actual performance of duties, from

1 possessing, transporting or using any device that projects, releases  
2 or emits any substance specified as being non-injurious to wildlife  
3 by the Director of the Division of Animal Health in the Department  
4 of Agriculture, and which may immobilize wildlife and produces  
5 only temporary physical discomfort through being vaporized or  
6 otherwise dispensed in the air for the purpose of repelling bear or  
7 other animal attacks or for the aversive conditioning of wildlife.

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

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

25  
26 2. N.J.S.2C:58-2 is amended to read as follows:

27 2C:58-2. a. Licensing of retail dealers and their employees.  
28 No retail dealer of firearms nor any employee of a retail dealer shall  
29 sell or expose for sale, or possess with the intent of selling, any  
30 firearm unless licensed to do so as hereinafter provided. The  
31 superintendent shall prescribe standards and qualifications for retail  
32 dealers of firearms and their employees for the protection of the  
33 public safety, health and welfare.

34 Applications shall be made in the form prescribed by the  
35 superintendent, accompanied by a fee of \$50 payable to the  
36 superintendent, and shall be made to a judge of the Superior Court  
37 in the county where the applicant maintains his place of business.  
38 The judge shall grant a license to an applicant if he finds that the  
39 applicant meets the standards and qualifications established by the  
40 superintendent and that the applicant can be permitted to engage in  
41 business as a retail dealer of firearms or employee thereof without  
42 any danger to the public safety, health and welfare. Each license  
43 shall be valid for a period of three years from the date of issuance,  
44 and shall authorize the holder to sell firearms at retail in a specified  
45 municipality.

46 In addition, every retail dealer shall pay a fee of \$5 for each  
47 employee actively engaged in the sale or purchase of firearms. The  
48 superintendent shall issue a license for each employee for whom

1 said fee has been paid, which license shall be valid for so long as  
2 the employee remains in the employ of said retail dealer.

3 No license shall be granted to any retail dealer under the age of  
4 21 years or to any employee of a retail dealer under the age of 18 or  
5 to any person who could not qualify to obtain a permit to purchase a  
6 handgun or a firearms purchaser identification card, or to any  
7 corporation, partnership or other business organization in which the  
8 actual or equitable controlling interest is held or possessed by such  
9 an ineligible person.

10 All licenses shall be granted subject to the following conditions,  
11 for breach of any of which the license shall be subject to revocation  
12 on the application of any law enforcement officer and after notice  
13 and hearing by the issuing court:

14 (1) The business shall be carried on only in the building or  
15 buildings designated in the license, provided that repairs may be  
16 made by the dealer or his employees outside of such premises, and  
17 further provided, that nothing herein shall be construed to prohibit a  
18 dealer from providing firearms for display at a fund raising event  
19 sponsored by an organization determined by the federal Internal  
20 Revenue Service to be a tax exempt organization pursuant to section  
21 501(c)(3) of the Internal Revenue Code of 1986, 26  
22 U.S.C.s.501(c)(3) when timely and proper notice is given the  
23 superintendent.

24 (2) The license or a copy certified by the issuing authority shall  
25 be displayed at all times in a conspicuous place on the business  
26 premises where it can be easily read.

27 (3) No firearm or imitation thereof shall be placed in any  
28 window or in any other part of the premises where it can be readily  
29 seen from the outside.

30 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
31 be delivered to any person unless such person possesses and  
32 exhibits a valid firearms purchaser identification card and furnishes  
33 the seller, on the form prescribed by the superintendent, a  
34 certification signed by him setting forth his name, permanent  
35 address, firearms purchaser identification card number and such  
36 other information as the superintendent may by rule or regulation  
37 require. The certification shall be retained by the dealer and shall  
38 be made available for inspection by any law enforcement officer at  
39 any reasonable time.

40 (5) No handgun shall be delivered to any person unless:

41 (a) Such person possesses and exhibits a valid permit to  
42 purchase a firearm and at least seven days have elapsed since the  
43 date of application for the permit;

44 (b) The person is personally known to the seller or presents  
45 evidence of his identity;

46 (c) The handgun is unloaded and securely wrapped;

47 (d) The handgun is accompanied by a trigger lock or a locked  
48 case, gun box, container or other secure facility; provided, however,

1 this provision shall not apply to antique handguns or personalized  
2 handguns included in the roster pursuant to section 2 of P.L.2019,  
3 c.164 (C.2C:58-2.8). The exemptions afforded under this  
4 subparagraph for antique handguns and personalized handguns shall  
5 be narrowly construed, limited solely to the requirements set forth  
6 herein and shall not be deemed to afford or authorize any other  
7 exemption from the regulatory provisions governing firearms set  
8 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
9 Statutes; and

10 (e) (Deleted by amendment, P.L.2019, c.164)

11 (6) The dealer shall keep a true record of every handgun sold,  
12 given or otherwise delivered or disposed of, in accordance with the  
13 provisions of subsections b. through e. of this section and the record  
14 shall note whether a trigger lock, locked case, gun box, container or  
15 other secure facility was delivered along with the handgun.

16 (7) A dealer shall not knowingly deliver more than one handgun  
17 to any person within any 30-day period. This limitation shall not  
18 apply to:

19 (a) a federal, State, or local law enforcement officer or agency  
20 purchasing handguns for use by officers in the actual performance  
21 of their law enforcement duties;

22 (b) a collector of handguns as curios or relics as defined in Title  
23 18, United States Code, section 921 (a) (13) who has in his  
24 possession a valid Collector of Curios and Relics License issued by  
25 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

26 (c) transfers of handguns among licensed retail dealers,  
27 registered wholesale dealers and registered manufacturers;

28 (d) any transaction where the person has purchased a handgun  
29 from a licensed retail dealer and has returned that handgun to the  
30 dealer in exchange for another handgun within 30 days of the  
31 original transaction, provided the retail dealer reports the exchange  
32 transaction to the superintendent; or

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

36 b. Records. Every person engaged in the retail business of  
37 selling, leasing or otherwise transferring a handgun, as a retail  
38 dealer or otherwise, shall keep a register in which shall be entered  
39 the time of the sale, lease or other transfer, the date thereof, the  
40 name, age, date of birth, complexion, occupation, residence and a  
41 physical description including distinguishing physical  
42 characteristics, if any, of the purchaser, lessee or transferee, the  
43 name and permanent home address of the person making the sale,  
44 lease or transfer, the place of the transaction, and the make, model,  
45 manufacturer's number, caliber and other marks of identification on  
46 such handgun and such other information as the superintendent  
47 shall deem necessary for the proper enforcement of this chapter.  
48 The register shall be retained by the dealer and shall be made

1 available at all reasonable hours for inspection by any law  
2 enforcement officer.

3 c. Forms of register. The superintendent shall prepare the form  
4 of the register as described in subsection b. of this section and  
5 furnish the same in triplicate to each person licensed to be engaged  
6 in the business of selling, leasing or otherwise transferring firearms.

7 d. Signatures in register. The purchaser, lessee or transferee of  
8 any handgun shall sign, and the dealer shall require him to sign his  
9 name to the register, in triplicate, and the person making the sale,  
10 lease or transfer shall affix his name, in triplicate, as a witness to  
11 the signature. The signatures shall constitute a representation of the  
12 accuracy of the information contained in the register.

13 e. Copies of register entries; delivery to chief of police or  
14 county clerk. Within five days of the date of the sale, assignment or  
15 transfer, the dealer shall deliver or mail by certified mail, return  
16 receipt requested, legible copies of the register forms to the office  
17 of the chief of police of the municipality in which the purchaser  
18 resides, or to the office of the captain of the precinct of the  
19 municipality in which the purchaser resides, and to the  
20 superintendent. If hand delivered a receipt shall be given to the  
21 dealer therefor.

22 Where a sale, assignment or transfer is made to a purchaser who  
23 resides in a municipality having no chief of police, the dealer shall,  
24 within five days of the transaction, mail a duplicate copy of the  
25 register sheet to the clerk of the county within which the purchaser  
26 resides.

27 (cf: P.L.2019, c.164, s.7)

28

29 3. This act shall take effect on the first day of the third month  
30 following enactment.

31

32

33 STATEMENT

34

35 This bill clarifies that licensed firearms dealers may lawfully  
36 provide firearms for display at fund raising events sponsored by  
37 nonprofit, charitable and other organizations designated as tax  
38 exempt by the federal Internal Revenue Service pursuant to section  
39 501(c)(3) of the federal Internal Revenue Code.