

SENATE, No. 288

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Senator Holzapfel

SYNOPSIS

Eliminates age restriction for issuing special permits to carry handgun to retired law enforcement officers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning retired law enforcement officers and amending
2 N.J.S.2C:39-6.

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

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

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

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

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

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

39 (6) A civilian employee of the United States Government under
40 the supervision of the commanding officer of any post, camp,
41 station, base or other military or naval installation located in this
42 State who is required, in the performance of his official duties, to
43 carry firearms, and who is authorized to carry firearms by the
44 commanding officer, while in the actual performance of his official
45 duties;

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 (7) (a) A regularly employed member, including a detective, of
2 the police department of any county or municipality, or of any
3 State, interstate, municipal or county park police force or boulevard
4 police force, at all times while in the State of New Jersey;
- 5 (b) A special law enforcement officer authorized to carry a
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
7 (C.40A:14-146.14);
- 8 (c) An airport security officer or a special law enforcement
9 officer appointed by the governing body of any county or
10 municipality, except as provided in **subsection** subparagraph (b)
11 of this **section** paragraph, or by the commission, board or other
12 body having control of a county park or airport or boulevard police
13 force, while engaged in the actual performance of his official duties
14 and when specifically authorized by the governing body to carry
15 weapons;
- 16 (8) A full-time, paid member of a paid or part-paid fire
17 department or force of any municipality who is assigned full-time
18 or part-time to an arson investigation unit created pursuant to
19 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
20 investigation unit in the county prosecutor's office, while either
21 engaged in the actual performance of arson investigation duties or
22 while actually on call to perform arson investigation duties and
23 when specifically authorized by the governing body or the county
24 prosecutor, as the case may be, to carry weapons. Prior to being
25 permitted to carry a firearm, a member shall take and successfully
26 complete a firearms training course administered by the Police
27 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
28 seq.), and shall annually qualify in the use of a revolver or similar
29 weapon prior to being permitted to carry a firearm;
- 30 (9) A juvenile corrections officer in the employment of the
31 Juvenile Justice Commission established pursuant to section 2 of
32 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
33 promulgated by the commission;
- 34 (10) A designated employee or designated licensed agent for a
35 nuclear power plant under license of the Nuclear Regulatory
36 Commission, while in the actual performance of his official duties,
37 if the federal licensee certifies that the designated employee or
38 designated licensed agent is assigned to perform site protection,
39 guard, armed response or armed escort duties and is appropriately
40 trained and qualified, as prescribed by federal regulation, to
41 perform those duties. Any firearm utilized by an employee or agent
42 for a nuclear power plant pursuant to this paragraph shall be
43 returned each day at the end of the employee's or agent's authorized
44 official duties to the employee's or agent's supervisor. All firearms
45 returned each day pursuant to this paragraph shall be stored in
46 locked containers located in a secure area;
- 47 (11) A county corrections officer at all times while in the State of
48 New Jersey, provided he annually passes an examination approved

1 by the superintendent testing his proficiency in the handling of
2 firearms.

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

4 (1) A law enforcement officer employed by a governmental
5 agency outside of the State of New Jersey while actually engaged in
6 his official duties, provided, however, that he has first notified the
7 superintendent or the chief law enforcement officer of the
8 municipality or the prosecutor of the county in which he is engaged;
9 or

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

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

19 (1) A special agent of the Division of Taxation who has passed
20 an examination in an approved police training program testing
21 proficiency in the handling of any firearm which he may be
22 required to carry, while in the actual performance of his official
23 duties and while going to or from his place of duty, or any other
24 police officer, while in the actual performance of his official duties;

25 (2) A State deputy conservation officer or a full-time employee
26 of the Division of Parks and Forestry having the power of arrest and
27 authorized to carry weapons, while in the actual performance of his
28 official duties;

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

30 (4) A court attendant appointed by the sheriff of the county or
31 by the judge of any municipal court or other court of this State,
32 while in the actual performance of his official duties;

33 (5) A guard employed by any railway express company, banking
34 or building and loan or savings and loan institution of this State,
35 while in the actual performance of his official duties;

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

40 (7) A humane law enforcement officer of the New Jersey
41 Society for the Prevention of Cruelty to Animals or of a county
42 society for the prevention of cruelty to animals, while in the actual
43 performance of his duties;

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

46 (9) A railway policeman, except a transit police officer of the
47 New Jersey Transit Police Department, at all times while in the
48 State of New Jersey, provided that he has passed an approved police

1 academy training program consisting of at least 280 hours. The
2 training program shall include, but need not be limited to, the
3 handling of firearms, community relations, and juvenile relations;

4 (10) A campus police officer appointed under P.L.1970, c.211
5 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
6 a firearm, a campus police officer shall take and successfully
7 complete a firearms training course administered by the Police
8 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-
9 66 et seq.), and shall annually qualify in the use of a revolver or
10 similar weapon prior to being permitted to carry a firearm;

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

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

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

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

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

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

33 (17) A probation officer assigned to the "Probation Officer
34 Community Safety Unit" created by section 2 of P.L.2001, c.362
35 (C.2B:10A-2) while in the actual performance of the probation
36 officer's official duties. Prior to being permitted to carry a firearm,
37 a probation officer shall take and successfully complete a basic
38 course for regular police officer training administered by the Police
39 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
40 seq.), and shall annually qualify in the use of a revolver or similar
41 weapon prior to being permitted to carry a firearm.

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

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

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

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

22 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to the transportation of unloaded
24 antique cannons directly to or from exhibitions or demonstrations
25 authorized under paragraph (4) of this subsection **[d. of this**
26 **section]**, provided that the transportation is in compliance with
27 safety regulations the superintendent may promulgate. Those
28 subsections shall not apply to transportation directly to or from
29 exhibitions or demonstrations authorized under the law of another
30 jurisdiction, provided that the superintendent has been given 30
31 days' notice and that the transportation is in compliance with safety
32 regulations the superintendent may promulgate.

33 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
34 be construed to prevent a person keeping or carrying about his place
35 of business, residence, premises or other land owned or possessed
36 by him, any firearm, or from carrying the same, in the manner
37 specified in subsection g. of this section, from any place of
38 purchase to his residence or place of business, between his dwelling
39 and his place of business, between one place of business or
40 residence and another when moving, or between his dwelling or
41 place of business and place where the firearms are repaired, for the
42 purpose of repair. For the purposes of this section, a place of
43 business shall be deemed to be a fixed location.

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

46 (1) A member of any rifle or pistol club organized in accordance
47 with the rules prescribed by the National Board for the Promotion
48 of Rifle Practice, in going to or from a place of target practice,

1 carrying firearms necessary for target practice, provided that the
2 club has filed a copy of its charter with the superintendent and
3 annually submits a list of its members to the superintendent and
4 provided further that the firearms are carried in the manner
5 specified in subsection g. of this section;

6 (2) A person carrying a firearm or knife in the woods or fields
7 or upon the waters of this State for the purpose of hunting, target
8 practice or fishing, provided that the firearm or knife is legal and
9 appropriate for hunting or fishing purposes in this State and he has
10 in his possession a valid hunting license, or, with respect to fresh
11 water fishing, a valid fishing license;

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

13 (a) Directly to or from any place for the purpose of hunting or
14 fishing, provided the person has in his possession a valid hunting or
15 fishing license; or

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

24 (c) In the case of a firearm, directly to or from any exhibition or
25 display of firearms which is sponsored by any law enforcement
26 agency, any rifle or pistol club, or any firearms collectors club, for
27 the purpose of displaying the firearms to the public or to the
28 members of the organization or club, provided, however, that not
29 less than 30 days prior to the exhibition or display, notice of the
30 exhibition or display shall be given to the Superintendent of the
31 State Police by the sponsoring organization or club, and the sponsor
32 has complied with any reasonable safety regulations the
33 superintendent may promulgate. Any firearms transported pursuant
34 to this section shall be transported in the manner specified in
35 subsection g. of this section;

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

41 g. Any weapon being transported under paragraph (2) of
42 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
43 of this section shall be carried unloaded and contained in a closed
44 and fastened case, gunbox, securely tied package, or locked in the
45 trunk of the automobile in which **【it is】** they are being transported,
46 and in the course of travel shall include only deviations as are
47 reasonably necessary under the circumstances.

1 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
2 to prevent any employee of a public utility, as defined in R.S.48:2-
3 13, doing business in this State or any United States Postal Service
4 employee, while in the actual performance of duties which
5 specifically require regular and frequent visits to private premises,
6 from possessing, carrying or using any device which projects,
7 releases or emits any substance specified as being noninjurious to
8 canines or other animals by the Commissioner of Health and which
9 immobilizes only on a temporary basis and produces only
10 temporary physical discomfort through being vaporized or
11 otherwise dispensed in the air for the sole purpose of repelling
12 canine or other animal attacks.

13 The device shall be used solely to repel only those canine or
14 other animal attacks when the canines or other animals are not
15 restrained in a fashion sufficient to allow the employee to properly
16 perform his duties.

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

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

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

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

45 The exempt person shall not possess or carry a firearm until the
46 person has satisfactorily completed a firearms training course and
47 shall annually qualify in the use of a revolver or similar weapon.
48 For purposes of this subsection, a "firearms training course" means

1 a course of instruction in the safe use, maintenance and storage of
2 firearms which is approved by the Police Training Commission.
3 The commission shall approve a firearms training course if the
4 requirements of the course are substantially equivalent to the
5 requirements for firearms training provided by police training
6 courses which are certified under section 6 of P.L.1961, c.56
7 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
8 or (6) of subsection a. of this section shall be exempt from the
9 requirements of this subsection.

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

16 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
17 to prevent a law enforcement officer who retired in good standing,
18 including a retirement because of a disability pursuant to section 6
19 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
20 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
21 substantially similar statute governing the disability retirement of
22 federal law enforcement officers, provided the officer was a
23 regularly employed, full-time law enforcement officer for an
24 aggregate of four or more years prior to his disability retirement and
25 further provided that the disability which constituted the basis for
26 the officer's retirement did not involve a certification that the officer
27 was mentally incapacitated for the performance of his usual law
28 enforcement duties and any other available duty in the department
29 which his employer was willing to assign to him or does not subject
30 that retired officer to any of the disabilities set forth in subsection c.
31 of N.J.S.2C:58-3 which would disqualify the retired officer from
32 possessing or carrying a firearm, who semi-annually qualifies in the
33 use of the handgun he is permitted to carry in accordance with the
34 requirements and procedures established by the Attorney General
35 pursuant to subsection j. of this section and pays the actual costs
36 associated with those semi-annual qualifications, [who is 75 years
37 of age or younger,] and who was regularly employed as a full-time
38 member of the State Police; a full-time member of an interstate
39 police force; a full-time member of a county or municipal police
40 department in this State; a full-time member of a State law
41 enforcement agency; a full-time sheriff, undersheriff or sheriff's
42 officer of a county of this State; a full-time State or county
43 corrections officer; a full-time State or county park police officer; a
44 full-time special agent of the Division of Taxation; a full-time
45 Human Services police officer; a full-time transit police officer of
46 the New Jersey Transit Police Department; a full-time campus
47 police officer exempted pursuant to paragraph (10) of subsection c.
48 of this section; a full-time State conservation officer exempted

1 pursuant to paragraph (4) of subsection a. of this section; a full-time
2 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
3 21; a full-time Burlington County Bridge police officer appointed
4 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
5 housing authority police officer exempted pursuant to paragraph
6 (16) of subsection c. of this section; a full-time juvenile corrections
7 officer exempted pursuant to paragraph (9) of subsection a. of this
8 section; a full-time parole officer exempted pursuant to paragraph
9 (13) of subsection c. of this section; a full-time railway policeman
10 exempted pursuant to paragraph (9) of subsection c. of this section;
11 a full-time county prosecutor's detective or investigator; a full-time
12 federal law enforcement officer; or is a qualified retired law
13 enforcement officer, as used in the federal "Law Enforcement
14 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
15 State from carrying a handgun in the same manner as law
16 enforcement officers exempted under paragraph (7) of subsection a.
17 of this section under the conditions provided herein:

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

22 (2) Upon receipt of the written application of the retired law
23 enforcement officer, the superintendent shall request a verification
24 of service from the chief law enforcement officer of the
25 organization in which the retired officer was last regularly
26 employed as a full-time law enforcement officer prior to retiring.
27 The verification of service shall include:

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

29 (b) The date that the retired officer was hired and the date that
30 the officer retired;

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

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

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

36 (3) If the superintendent approves a retired officer's application
37 or reapplication to carry a handgun pursuant to the provisions of
38 this subsection, the superintendent shall notify in writing the chief
39 law enforcement officer of the municipality wherein that retired
40 officer resides. In the event the retired officer resides in a
41 municipality which has no chief law enforcement officer or law
42 enforcement agency, the superintendent shall maintain a record of
43 the approval.

44 (4) The superintendent shall issue to an approved retired officer
45 an identification card permitting the retired officer to carry a
46 handgun pursuant to this subsection. This identification card shall
47 be valid for one year from the date of issuance and shall be valid
48 throughout the State. The identification card shall not be

1 transferable to any other person. The identification card shall be
2 carried at all times on the person of the retired officer while the
3 retired officer is carrying a handgun. The retired officer shall
4 produce the identification card for review on the demand of any law
5 enforcement officer or authority.

6 (5) Any person aggrieved by the denial of the superintendent of
7 approval for a permit to carry a handgun pursuant to this subsection
8 may request a hearing in the Superior Court of New Jersey in the
9 county in which he resides by filing a written request for a hearing
10 within 30 days of the denial. Copies of the request shall be served
11 upon the superintendent and the county prosecutor. The hearing
12 shall be held within 30 days of the filing of the request, and no
13 formal pleading or filing fee shall be required. Appeals from the
14 determination of the hearing shall be in accordance with law and the
15 rules governing the courts of this State.

16 (6) A judge of the Superior Court may revoke a retired officer's
17 privilege to carry a handgun pursuant to this subsection for good
18 cause shown on the application of any interested person. A person
19 who becomes subject to any of the disabilities set forth in
20 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
21 superintendent, his identification card issued under paragraph (4) of
22 this subsection to the chief law enforcement officer of the
23 municipality wherein he resides or the superintendent, and shall be
24 permanently disqualified to carry a handgun under this subsection.

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

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

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
39 be construed to prevent duly authorized personnel of the New
40 Jersey Division of Fish and Wildlife, while in the actual
41 performance of duties, from possessing, transporting or using hand
42 held pistol-like devices, rifles or shotguns that launch pyrotechnic
43 missiles for the sole purpose of frightening, hazing or aversive
44 conditioning of nuisance or depredating wildlife; from possessing,
45 transporting or using rifles, pistols or similar devices for the sole
46 purpose of chemically immobilizing wild or non-domestic animals;
47 or, provided the duly authorized person complies with the
48 requirements of subsection j. of this section, from possessing,

1 transporting or using rifles or shotguns, upon completion of a Police
2 Training Commission approved training course, in order to dispatch
3 injured or dangerous animals or for non-lethal use for the purpose
4 of frightening, hazing or aversive conditioning of nuisance or
5 depredating wildlife.
6 (cf: P.L.2017, c.110, s.1)

7

8 2. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill eliminates the age restriction governing the issuance of
14 permits to carry handguns to retired law enforcement officers.

15 Currently, retired law enforcement officers may receive a permit
16 to carry a handgun without having to establish “justifiable need”
17 until they have attained the age of 75. This bill eliminates that age
18 limitation.