

SENATE, No. 1336

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes “gun-free” and “weapon free” zones around certain school and public properties.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the possession of a firearm or weapon in
2 certain cases and amending N.J.S.2C:39-5 and 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:39-5 is amended to read as follows:

8 2C:39-5. Unlawful possession of weapons. a. Machine guns.
9 Any person who knowingly has in his possession a machine gun or
10 any instrument or device adaptable for use as a machine gun,
11 without being licensed to do so as provided in N.J.S.2C:58-5, is
12 guilty of a crime of the second degree.

13 b. Handguns. (1) Any person who knowingly has in his
14 possession any handgun, including any antique handgun, without
15 first having obtained a permit to carry the same as provided in
16 N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the
17 handgun is in the nature of an air gun, spring gun or pistol or other
18 weapon of a similar nature in which the propelling force is a spring,
19 elastic band, carbon dioxide, compressed or other gas or vapor, air
20 or compressed air, or is ignited by compressed air, and ejecting a
21 bullet or missile smaller than three-eighths of an inch in diameter,
22 with sufficient force to injure a person it is a crime of the third
23 degree.

24 c. Rifles and shotguns. (1) Any person who knowingly has in
25 his possession any rifle or shotgun without having first obtained a
26 firearms purchaser identification card in accordance with the
27 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

28 (2) Unless otherwise permitted by law, any person who
29 knowingly has in his possession any loaded rifle or shotgun is
30 guilty of a crime of the third degree.

31 d. Other weapons. Any person who knowingly has in his
32 possession any other weapon under circumstances not manifestly
33 appropriate for such lawful uses as it may have is guilty of a crime
34 of the fourth degree.

35 e. Firearms or other weapons in educational institutions.

36 (1) (a) Any person who knowingly has in his possession any
37 firearm in or upon any part of the buildings or grounds of any
38 school, college, university or other educational institution, without
39 the written authorization of the governing officer of the institution,
40 is guilty of a crime of the third degree, irrespective of whether he
41 possesses a valid permit to carry the firearm or a valid firearms
42 purchaser identification card.

43 (b) Any person who knowingly has in his possession any
44 firearm while within 1,000 feet from the outermost boundaries of
45 buildings or grounds owned or leased by any school, college,

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 university or other education institution and used for school
2 purposes, or while on any school bus, and possesses that firearm in
3 violation of any law of this State is guilty of a crime of the third
4 degree.

5 It shall not be a defense to a prosecution for a violation of this
6 subparagraph that the actor was unaware that the prohibited
7 possession took place within 1,000 feet of school property. It shall
8 not be a defense to a prosecution under this subparagraph that no
9 juveniles or students were present on the school property at the time
10 of the offense or that the school was not in session.

11 In a prosecution under this subparagraph, a map produced or
12 reproduced by any municipal or county engineer for the purpose of
13 depicting the location and boundaries of the buildings or grounds
14 owned by or leased to any school, school board, college, university
15 or other educational institution and used for school purposes, or
16 within 1,000 feet from the outermost boundaries of those buildings
17 or grounds, or a true copy of such a map, shall be admissible upon
18 proper authentication, and shall constitute prima facie evidence of
19 the location and boundaries of those areas, provided that the
20 governing body of the municipality or county has adopted a
21 resolution or ordinance approving the map as the official finding
22 and record of the location and boundaries of those areas. Any map
23 approved pursuant to this subparagraph may be changed from time
24 to time by the governing body of the municipality or county. The
25 original of every map approved or revised pursuant to this
26 subparagraph, or a true copy thereof, shall be filed with the clerk of
27 the municipality or county, and shall be maintained as an official
28 record of the municipality or county. Nothing in this subparagraph
29 shall be construed to preclude the prosecution from introducing or
30 relying upon any other evidence or testimony to establish any
31 element of this offense; nor shall this subparagraph be construed to
32 preclude the use or admissibility of any map or diagram other than
33 one which has been approved by the governing body of a
34 municipality or county, provided that the map or diagram is
35 otherwise admissible pursuant to the Rules of Evidence.

36 (2) (a) Any person who knowingly possesses any weapon
37 enumerated in paragraphs (3) and (4) of subsection r. of
38 N.J.S.2C:39-1 or any components which can readily be assembled
39 into a firearm or other weapon enumerated in subsection r. of
40 N.J.S.2C:39-1 or any other weapon under circumstances not
41 manifestly appropriate for such lawful use as it may have, while in
42 or upon any part of the buildings or grounds of any school, college,
43 university or other educational institution without the written
44 authorization of the governing officer of the institution is guilty of a
45 crime of the fourth degree.

46 (b) Any person who knowingly possesses any weapon
47 enumerated in paragraphs (3) and (4) of subsection r. of
48 N.J.S.2C:39-1 or any components which can readily be assembled

1 into a firearm or other weapon enumerated in subsection r. of
2 N.J.S.2C:39-1 or any other weapon under circumstances not
3 manifestly appropriate for such lawful use as it may have, while
4 within 1,000 feet from the outermost boundaries of buildings or
5 grounds owned or leased by any school, college, university or other
6 education institution, or while on any school bus, is guilty of a
7 crime of the fourth degree.

8 It shall not be a defense to a prosecution for a violation of this
9 subparagraph that the actor was unaware that the prohibited
10 possession took place within 1,000 feet of school property. It shall
11 not be a defense to a prosecution under this subparagraph that no
12 juveniles or students were present on the school property at the time
13 of the offense or that the school was not in session.

14 In a prosecution under this subparagraph, a map produced or
15 reproduced by any municipal or county engineer for the purpose of
16 depicting the location and boundaries of the buildings or grounds
17 owned by or leased to any school, school board, college, university
18 or other educational institution and used for school purposes, or
19 within 1,000 feet from the outermost boundaries of those buildings
20 or grounds, or a true copy of such a map, shall be admissible upon
21 proper authentication, and shall constitute prima facie evidence of
22 the location and boundaries of those areas, provided that the
23 governing body of the municipality or county has adopted a
24 resolution or ordinance approving the map as the official finding
25 and record of the location and boundaries of those areas. Any map
26 approved pursuant to this subparagraph may be changed from time
27 to time by the governing body of the municipality or county. The
28 original of every map approved or revised pursuant to this
29 subparagraph, or a true copy thereof, shall be filed with the clerk of
30 the municipality or county, and shall be maintained as an official
31 record of the municipality or county. Nothing in this subparagraph
32 shall be construed to preclude the prosecution from introducing or
33 relying upon any other evidence or testimony to establish any
34 element of this offense; nor shall this subparagraph be construed to
35 preclude the use or admissibility of any map or diagram other than
36 one which has been approved by the governing body of a
37 municipality or county, provided that the map or diagram is
38 otherwise admissible pursuant to the Rules of Evidence.

39 (3) Any person who knowingly has in his possession any
40 imitation firearm in or upon any part of the buildings or grounds of
41 any school, college, university or other educational institution,
42 without the written authorization of the governing officer of the
43 institution, or while on any school bus is a disorderly person,
44 irrespective of whether he possesses a valid permit to carry a
45 firearm or a valid firearms purchaser identification card.

46 f. Assault firearms. Any person who knowingly has in his
47 possession an assault firearm is guilty of a crime of the second
48 degree except if the assault firearm is licensed pursuant to

1 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
2 (C.2C:58-12); or rendered inoperable pursuant to section 12 of
3 P.L.1990, c.32 (C.2C:58-13).

4 g. (1) The temporary possession of a handgun, rifle or shotgun
5 by a person receiving, possessing, carrying or using the handgun,
6 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74
7 (C.2C:58-3.1) shall not be considered unlawful possession under
8 the provisions of subsection b. or c. of this section.

9 (2) The temporary possession of a firearm by a person receiving,
10 possessing, carrying or using the firearm under the provisions of
11 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered
12 unlawful possession under the provisions of this section.

13 h. A person who is convicted of a crime under subsection a., b.,
14 f. or j. of this section shall be ineligible for participation in any
15 program of intensive supervision; provided, however, that this
16 provision shall not apply to a crime under subsection b. involving
17 only a handgun which is in the nature of an air gun, spring gun or
18 pistol or other weapon of a similar nature in which the propelling
19 force is a spring, elastic band, carbon dioxide, compressed or other
20 gas or vapor, air or compressed air, or is ignited by compressed air,
21 and ejecting a bullet or missile smaller than three-eighths of an inch
22 in diameter, with sufficient force to injure a person.

23 i. A person convicted of violating subsection a., b. or f. of this
24 section shall be sentenced by the court to a term of imprisonment,
25 which shall include the imposition of a minimum term during which
26 the defendant shall be ineligible for parole, if the court finds that
27 the aggravating circumstance set forth in paragraph (5) of
28 subsection a. of N.J.S.2C:44-1 applies. The minimum term of
29 parole ineligibility shall be fixed at five years. The sentencing
30 court shall make a finding on the record as to whether the
31 aggravating circumstance set forth in paragraph (5) of subsection a.
32 of N.J.S.2C:44-1 applies, and the court shall presume that there is a
33 substantial likelihood that the defendant is involved in organized
34 criminal activity if there is a substantial likelihood that the
35 defendant is a member of an organization or group that engages in
36 criminal activity. The prosecution at the sentencing hearing shall
37 have the initial burden of producing evidence or information
38 concerning the defendant's membership in such an organization or
39 group.

40 j. A violation of subsection a., b., c. or f. of this section by a
41 person who has a prior conviction of any of the crimes enumerated
42 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a
43 first degree crime.

44 k. (1) For the purposes of this subsection:

45 “Day care center” means a public or private facility in the State
46 which provides children with out-of-home care, supervision or
47 maintenance.

1 “Public building” means any publicly owned or leased library or
2 museum.

3 “Public housing facility” means any dwelling, complex of
4 dwelling, accommodation, building, structure or facility and real
5 property of any nature appurtenant thereto and used in connection
6 therewith, which is owned by or leased to a local housing authority
7 in accordance with the “Local Redevelopment and Housing Law,”
8 P.L.1992, c.79 (C.40A:12A-1 et seq.), for the purpose of providing
9 living accommodations to person of low income.

10 “Public park” means a park, recreation facility or area or
11 playground owned or controlled by a State, county or local
12 government unit.

13 “Public property safety zone” means any day care center, public
14 housing facility, public park, or public building.

15 (2) Any person who knowingly has in his possession any
16 firearm while within 500 feet from the outermost boundaries of a
17 public property safety zone and possesses that firearm in violation
18 of any law of this State is guilty of a crime of the third degree.

19 (3) Any person who knowingly possesses any weapon
20 enumerated in paragraphs (3) and (4) of subsection r. of
21 N.J.S.2C:39-1 or any components which can readily be assembled
22 into a firearm or other weapon enumerated in subsection r. of
23 N.J.S.2C:39-1 or any other weapon under circumstances not
24 manifestly appropriate for such lawful use as it may have, while
25 within 500 feet from the outermost boundaries of a public property
26 safety zone is guilty of a crime of the fourth degree.

27 (4) It shall not be a defense to a prosecution for a violation of
28 this subsection that the actor was unaware that the prohibited
29 possession took place within 1,000 feet of a public property safety
30 zone.

31 In a prosecution under this subsection, a map produced or
32 reproduced by any municipal or county engineer for the purpose of
33 depicting the location and boundaries of the buildings or grounds
34 comprising a public property safety zone, or within 1,000 feet from
35 the outermost boundaries of those buildings or grounds, or a true
36 copy of such a map, shall be admissible upon proper authentication,
37 and shall constitute prima facie evidence of the location and
38 boundaries of those areas, provided that the governing body of the
39 municipality or county has adopted a resolution or ordinance
40 approving the map as the official finding and record of the location
41 and boundaries of those areas. Any map approved pursuant to this
42 subsection may be changed from time to time by the governing
43 body of the municipality or county. The original of every map
44 approved or revised pursuant to this section, or a true copy thereof,
45 shall be filed with the clerk of the municipality or county, and shall
46 be maintained as an official record of the municipality or county.
47 Nothing in this subsection shall be construed to preclude the
48 prosecution from introducing or relying upon any other evidence or

1 testimony to establish any element of this offense; nor shall this
2 section be construed to preclude the use or admissibility of any map
3 or diagram other than one which has been approved by the
4 governing body of a municipality or county, provided that the map
5 or diagram is otherwise admissible pursuant to the Rules of
6 Evidence.

7 (cf: P.L.2013, c.113, s.1)

8
9 2. N.J.S.2C:39-6 is amended to read as follows:

10 2C:39-6 Exemptions.

11 2C:39-6. 1. a. Provided a person complies with the
12 requirements of subsection j. of this section, N.J.S.2C:39-5 does not
13 apply to:

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

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

21 (3) Members of the State Police and, under conditions
22 prescribed by the superintendent, members of the Marine Law
23 Enforcement Bureau of the Division of State Police;

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

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

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

1 commanding officer, while in the actual performance of his official
2 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 subsection (b) of this section, or
13 by the commission, board or other body having control of a county
14 park or airport or boulevard police force, while engaged in the
15 actual performance of his official duties and when specifically
16 authorized by the governing body to carry weapons;

17 (8) A full-time, paid member of a paid or part-paid fire
18 department or force of any municipality who is assigned full-time
19 or part-time to an arson investigation unit created pursuant to
20 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
21 investigation unit in the county prosecutor's office, while either
22 engaged in the actual performance of arson investigation duties or
23 while actually on call to perform arson investigation duties and
24 when specifically authorized by the governing body or the county
25 prosecutor, as the case may be, to carry weapons. Prior to being
26 permitted to carry a firearm, a member shall take and successfully
27 complete a firearms training course administered by the Police
28 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-
29 66 et seq.), and shall annually qualify in the use of a revolver or
30 similar weapon prior to being permitted to carry a firearm;

31 (9) A juvenile corrections officer in the employment of the
32 Juvenile Justice Commission established pursuant to section 2 of
33 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
34 promulgated by the commission;

35 (10) A designated employee or designated licensed agent for a
36 nuclear power plant under license of the Nuclear Regulatory
37 Commission, while in the actual performance of his official duties,
38 if the federal licensee certifies that the designated employee or
39 designated licensed agent is assigned to perform site protection,
40 guard, armed response or armed escort duties and is appropriately
41 trained and qualified, as prescribed by federal regulation, to
42 perform those duties. Any firearm utilized by an employee or agent
43 for a nuclear power plant pursuant to this paragraph shall be
44 returned each day at the end of the employee's or agent's authorized
45 official duties to the employee's or agent's supervisor. All firearms
46 returned each day pursuant to this paragraph shall be stored in
47 locked containers located in a secure area;

1 (11) A county corrections officer at all times while in the State
2 of New Jersey, provided he annually passes an examination
3 approved by the superintendent testing his proficiency in the
4 handling of firearms.

5 b. Subsections a., b. **and**, c., k., and subparagraph (b) of
6 paragraph (1) and subparagraph (b) of paragraph (2) of subsection
7 e. 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 his official duties, provided, however, that he has first notified the
11 superintendent or the chief law enforcement officer of the
12 municipality or the prosecutor of the county in which he is engaged;
13 or

14 (2) A licensed dealer in firearms and his registered employees
15 during the course of their normal business while traveling to and
16 from their place of business and other places for the purpose of
17 demonstration, exhibition or delivery in connection with a sale,
18 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., k., and
22 subparagraph (b) of paragraph (1) and subparagraph (b) of
23 paragraph (2) of subsection e. of N.J.S.2C:39-5 do not apply to:

24 (1) A special agent of the Division of Taxation who has passed
25 an examination in an approved police training program testing
26 proficiency in the handling of any firearm which he may be
27 required to carry, while in the actual performance of his official
28 duties and while going to or from his place of duty, or any other
29 police officer, while in the actual performance of his 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 his
33 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 his 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 his 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 humane law enforcement officer of the New Jersey
46 Society for the Prevention of Cruelty to Animals or of a county
47 society for the prevention of cruelty to animals, while in the actual
48 performance of his duties;

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

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

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

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

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

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

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

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

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

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

47 d. (1) Subsections c. **【and】**, d., k., and subparagraph (b) of
48 paragraph (1) and subparagraph (b) of paragraph (2) of subsection

1 e. of N.J.S.2C:39-5 do not apply to antique firearms, provided that
2 the antique firearms are unloaded or are being fired for the purposes
3 of exhibition or demonstration at an authorized target range or in
4 another manner approved in writing by the chief law enforcement
5 officer of the municipality in which the exhibition or demonstration
6 is held, or if not held on property under the control of a particular
7 municipality, the superintendent.

8 (2) 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 antique cannon that is capable of
10 being fired but that is unloaded and immobile, provided that the
11 antique cannon is possessed by (a) a scholastic institution, a
12 museum, a municipality, a county or the State, or (b) a person who
13 obtained a firearms purchaser identification card as specified in
14 N.J.S.2C:58-3.

15 (3) 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 unloaded antique cannon that is
17 being transported by one eligible to possess it, in compliance with
18 regulations the superintendent may promulgate, between its
19 permanent location and place of purchase or repair.

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

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

40 e. Nothing in subsections b., c., ~~and~~, d., k., and subparagraph
41 (b) of paragraph (1) and subparagraph (b) of paragraph (2) of
42 subsection e. of N.J.S.2C:39-5 shall be construed to prevent a
43 person keeping or carrying about his place of business, residence,
44 premises or other land owned or possessed by him, any firearm, or
45 from carrying the same, in the manner specified in subsection g. of
46 this section, from any place of purchase to his residence or place of
47 business, between his dwelling and his place of business, between
48 one place of business or residence and another when moving, or

1 between his dwelling or place of business and place where the
2 firearms are repaired, for the purpose of repair. For the purposes of
3 this section, a place of business shall be deemed to be a fixed
4 location.

5 f. Nothing in subsections b., c., ~~and~~, d., k., and
6 subparagraph (b) of paragraph (1) and subparagraph (b) of
7 paragraph (2) of subsection e. of N.J.S.2C:39-5 shall be construed
8 to prevent:

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

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

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

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

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

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

47 (4) A person from keeping or carrying about a private or
48 commercial aircraft or any boat, or from transporting to or from the

1 aircraft or boat for the purpose of installation or repair of a visual
2 distress signaling device approved by the United States Coast
3 Guard.

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

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

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

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

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

43 (2) Notwithstanding the provisions of paragraph (1) of this
44 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
45 health inspector or investigator operating pursuant to the provisions
46 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
47 inspector from possessing a device which is capable of releasing
48 more than three-quarters of an ounce of a chemical substance, as

1 described in paragraph (1), while in the actual performance of the
2 inspector's or investigator's duties, provided that the device does not
3 exceed the size of those used by law enforcement.

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

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

21 k. Nothing in subsection d., subparagraph (b) of paragraph (2)
22 of subsection e., and paragraph (3) of subsection k. of N.J.S.2C:39-
23 5 shall be construed to prevent any financial institution, or any duly
24 authorized personnel of the institution, from possessing, carrying or
25 using for the protection of money or property, any device which
26 projects, releases or emits tear gas or other substances intended to
27 produce temporary physical discomfort or temporary identification.

28 l. Nothing in subsection b., subparagraph (b) of paragraph
29 (2) of subsection e., and paragraph (3) of subsection k. of
30 N.J.S.2C:39-5

31 shall be construed to prevent a law enforcement officer who retired
32 in good standing, including a retirement because of a disability
33 pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of
34 P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103
35 (C.43:16A-6.1), or any substantially similar statute governing the
36 disability retirement of federal law enforcement officers, provided
37 the officer was a regularly employed, full-time law enforcement
38 officer for an aggregate of four or more years prior to his 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 his usual law enforcement duties and any other available duty in the
43 department which his employer was willing to assign to him or does
44 not subject that retired officer to any of the disabilities set forth in
45 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
46 officer from possessing or carrying a firearm, who semi-annually
47 qualifies in the use of the handgun he is permitted to carry in
48 accordance with the requirements and procedures established by the

1 Attorney General pursuant to subsection j. of this section and pays
2 the actual costs associated with those semi-annual qualifications,
3 who is 75 years of age or younger, and who was regularly employed
4 as a full-time member of the State Police; a full-time member of an
5 interstate police force; a full-time member of a county or municipal
6 police department in this State; a full-time member of a State law
7 enforcement agency; a full-time sheriff, undersheriff or sheriff's
8 officer of a county of this State; a full-time State correctional police
9 officer or county corrections officer; a full-time State or county
10 park police officer; a full-time special agent of the Division of
11 Taxation; a full-time Human Services police officer; a full-time
12 transit police officer of the New Jersey Transit Police Department; a
13 full-time campus police officer exempted pursuant to paragraph
14 (10) of subsection c. of this section; a full-time State conservation
15 officer exempted pursuant to paragraph (4) of subsection a. of this
16 section; a full-time Palisades Interstate Park officer appointed
17 pursuant to R.S.32:14-21; a full-time Burlington County Bridge
18 police officer appointed pursuant to section 1 of P.L.1960, c.168
19 (C.27:19-36.3); a full-time housing authority police officer
20 exempted pursuant to paragraph (16) of subsection c. of this
21 section; a full-time juvenile corrections officer exempted pursuant
22 to paragraph (9) of subsection a. of this section; a full-time parole
23 officer exempted pursuant to paragraph (13) of subsection c. of this
24 section; a full-time railway policeman exempted pursuant to
25 paragraph (9) of subsection c. of this section; a full-time county
26 prosecutor's detective or investigator; a full-time federal law
27 enforcement officer; or is a qualified retired law enforcement
28 officer, as used in the federal "Law Enforcement Officers Safety
29 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
30 a handgun in the same manner as law enforcement officers
31 exempted under paragraph (7) of subsection a. of this section under
32 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 he resides by filing a written request for a hearing
27 within 30 days of the denial. Copies of the request shall be served
28 upon the superintendent and the county prosecutor. The hearing
29 shall be held within 30 days of the filing of the request, and no
30 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, his identification card issued under paragraph (4) of
39 this subsection to the chief law enforcement officer of the
40 municipality wherein he resides or the superintendent, and shall be
41 permanently disqualified to carry a handgun under this subsection.

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

45 m. Nothing in subsection d., k., and subparagraph (b) of
46 paragraph (1) and subparagraph (b) of paragraph (2) of subsection
47 e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized
48 personnel of the New Jersey Division of Fish and Wildlife, while in

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

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

25 (cf: P.L.2017, c.293, s.3)

26
27 3. This act shall take effect on the first day of the third month
28 following enactment.

31 STATEMENT

32
33 This bill establishes “gun free” and “weapon free” zones around
34 schools, day care centers, public buildings, such as libraries and
35 museums, public housing facilities, and public parks, playgrounds,
36 and recreational facilities.

37 Under the provisions of the bill, anyone who unlawfully
38 possesses a firearm within 1,000 feet of a school, college, or
39 university building or facility, or while on any school bus, is guilty
40 of a crime of the third degree. A crime of the third degree is
41 punishable by imprisonment for a term of three to five years, a fine
42 of up to \$15,000, or both.

43 Any person who possesses a weapon within 1,000 feet of a
44 school, college, or university building or facility, or while on a
45 school bus, is guilty of a crime of the fourth degree. A crime of the
46 fourth degree is punishable by imprisonment for a term of up to 18
47 months, a fine of up to \$10,000, or both.

1 The bill also provides that anyone who unlawfully possesses a
2 firearm within 500 feet of a day care center, public building, public
3 housing facility, or public park or recreational area is guilty of a
4 crime of the third degree. A person who unlawfully possesses any
5 weapon within 500 feet of any of these places or facilities is guilty of
6 a crime of the fourth degree.