

SENATE, No. 3202

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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:58-4 is amended to read as follows:

8 2C:58-4 a. Scope and duration of authority. Any person who
9 holds a valid permit to carry a handgun issued by this State pursuant
10 to this section, or a valid permit to carry a handgun issued by
11 another state and recognized by this State, pursuant to section 2 of
12 P.L. , c. (C.) (pending before the Legislature as this bill)
13 shall be authorized to carry a handgun in all parts of this State,
14 except as prohibited by [section 2C:39-5e] subsection e. of
15 N.J.S.2C:39-5. One permit shall be sufficient for all handguns
16 owned by the holder thereof, but the permit shall apply only to a
17 handgun carried by the actual and legal holder of the permit.

18 All permits to carry handguns issued by this State shall expire
19 [2] two years from the date of issuance or, in the case of an
20 employee of an armored car company, upon termination of his
21 employment by the company occurring prior thereto whichever is
22 earlier in time, and they may thereafter be renewed every [2] two
23 years in the same manner and subject to the same conditions as in
24 the case of original applications. All permits to carry handguns
25 issued by other states and recognized by this State, pursuant to
26 section 2 of P.L. c. (C.) (pending before the Legislature as
27 this bill), shall expire in accordance with the issuing state's
28 applicable statute, rule, or regulation.

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27
28 2. (New section) a. Any State resident who holds a valid
29 permit to carry a handgun issued by another state may apply for
30 recognition of that permit by this State if, in order to obtain the
31 permit, the issuing state required the applicant to:

32 (1) be at least 21 years of age;

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

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

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

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

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

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

7
8 3. This act shall take effect on the first day of fourth month
9 following the date of enactment, except that the Superintendent of
10 State Police may take any anticipatory administrative action as shall
11 be necessary for the implementation of this act.

12
13
14 STATEMENT

15
16 This bill provides that a New Jersey resident holding a valid
17 permit to carry a handgun issued by another state will be authorized
18 to carry a handgun in this State provided certain criteria are met.

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

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

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

- 40 (1) be at least 21 years of age;
41 (2) submit to fingerprinting and a criminal history records
42 check; and
43 (3) demonstrate thorough familiarity with the safe handling and
44 use of handguns as evidenced by certain training, participation in
45 shooting competitions, law enforcement employment or military
46 service.

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

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

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

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