

ASSEMBLY, No. 132

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Revises procedures for securing permit to carry handgun.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/6/2022)

1 AN ACT concerning crime, supplementing chapter 58 of Title 2C of
2 the New Jersey Statutes, and amending N.J.S.2C:39-2,
3 N.J.S.2C:58-3 and N.J.S.2C:58-4.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) This act shall be known and may be cited as
9 the "Citizens' Protection Act."
10

11 2. (New section) The Legislature finds that:

12 **WHEREAS**, The New Jersey Constitution provides that "all persons
13 are by nature free and independent, and have certain natural and
14 unalienable rights, among which are those of enjoying and
15 defending life and liberty, of acquiring, possessing, and
16 protecting property, and of pursuing and obtaining safety and
17 happiness"; and

18 **WHEREAS**, The Superior Court of New Jersey in 1978 ruled in
19 *Wuethrich v. Delia*, that no public entity can be held liable for
20 failure to provide police protection; and

21 **WHEREAS**, In 1994, 636 New Jersey residents were victims of car-
22 jackers and these 636 victims were unable to make the personal
23 choice to carry firearms for self-defense; and

24 **WHEREAS**, An analysis of the nation's 30 "right-to-carry" states has
25 demonstrated that only three to five percent of the population
26 actually obtain permits to carry a handgun, but 95 to 97 percent
27 of the population benefits because those individuals who exhibit
28 socially aberrant behavior do not know if their intended victim is
29 armed; and

30 **WHEREAS**, The "right-to-carry" is a significant deterrent to crime,
31 as indicated by the marked reduction in crime rates experienced
32 in those states which afford their law-abiding citizens the "right-
33 to-carry" compared to those states which do not; and

34 **WHEREAS**, Aggravated assaults, for example, are 19.4 percent
35 lower in "right-to-carry" states; as are robberies (38.4 percent
36 lower), homicides (37.9 percent lower), and handgun homicides
37 (41.1 percent lower); and

38 **WHEREAS**, In California, where the "right-to-carry" is permitted in
39 certain counties, a comparison of the crime rates in those
40 counties with those which do not permit their law-abiding
41 residents to carry handguns reveals lower crime rates in the
42 "right-to-carry" counties; and

43 **WHEREAS**, The State of Florida has experienced lower crime rates
44 since enacting its "right-to-carry" statute, as reflected in that
45 state's 22 percent drop in homicides and 29 percent reduction in

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 handgun homicides; and
2 **WHEREAS**, Cognizant of the unmistakable statistical evidence
3 affirming the significant impact the "right-to-carry" has had in
4 dramatically lowering crime rates in those states and
5 jurisdictions where law-abiding citizens are permitted to carry
6 handguns; and
7 **WHEREAS**, Recognizing the natural and unalienable rights accorded
8 the citizens of this State by the New Jersey Constitution to
9 defend their lives, protect their property, and pursue and obtain
10 their safety and happiness.
11 **WHEREAS**, The Legislature, therefore, declares that it is altogether
12 fitting and proper, and within the public interest, to revise the
13 statutes of this State governing the issuance of permits to carry
14 handguns by enacting the provisions of this act, the "Crime
15 Reduction Act," so that the law-abiding citizens of this State may
16 exercise their natural and unalienable rights to provide for the
17 defense, protection and safety of their families, property, and
18 themselves by carrying a handgun, if they so choose.

19

20 3. N.J.S.2C:39-2 is amended to read as follows:

21 2C:39-2. Presumptions a. Possession of firearms, weapons,
22 destructive devices, silencers, or explosives in a vehicle. When a
23 firearm, weapon, destructive device, silencer, or explosive
24 described in this chapter is found in a vehicle, it is presumed to be
25 in the possession of the occupant if there is but one. If there is more
26 than one occupant in the vehicle, it shall be presumed to be in the
27 possession of all, except under the following circumstances:

28 (1) When it is found upon the person of one of the occupants, it
29 shall be presumed to be in the possession of that occupant alone;

30 (2) When the vehicle is not a stolen one and the weapon or other
31 instrument is found out of view in a glove compartment, trunk or
32 other enclosed customary depository, it shall be presumed to be in
33 the possession of the occupant or occupants who own or have
34 authority to operate the vehicle; and

35 (3) When the vehicle is a taxicab and a weapon or other
36 instrument is found in the passenger's portion of the vehicle, it shall
37 be presumed to be in the possession of all the passengers, if there
38 are any, and if not, in the possession of the driver.

39 b. **【**Licenses and permits. When the legality of a person's
40 conduct under this chapter depends on his possession of a license or
41 permit or on his having registered with or given notice to a
42 particular person or agency, it shall be presumed that he does not
43 possess such a license or permit or has not registered or given the
44 required notice, until he establishes the contrary.**】** (Deleted by
45 amendment, P.L. , c.)

46 (cf: P.L.1979, c.179, s.1)

47

48 4. N.J.S.2C:58-3 is amended to read as follows:

1 2C:58-3. a. Purchase of Firearms.

2 (1) No person shall sell, give, transfer, assign or otherwise
3 dispose of, nor receive, purchase, or otherwise acquire a handgun
4 unless the purchaser, assignee, donee, receiver or holder is licensed
5 as a dealer under this chapter or has first secured a permit to
6 purchase a handgun as provided by this section.

7 (2) A person who is not a licensed retail dealer and sells, gives,
8 transfers, assigns, or otherwise disposes of, or receives, purchases
9 or otherwise acquires a handgun pursuant to this section shall
10 conduct the transaction through a licensed retail dealer.

11 The provisions of this paragraph shall not apply if the transaction
12 is:

13 (a) between members of an immediate family as defined in
14 subsection n. of this section;

15 (b) between law enforcement officers;

16 (c) between collectors of firearms or ammunition as curios or
17 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
18 in their possession a valid Collector of Curios and Relics License
19 issued by the Bureau of Alcohol, Tobacco, Firearms, and
20 Explosives; or

21 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
22 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

23 (3) Prior to a transaction conducted pursuant to this subsection,
24 the retail dealer shall complete a National Instant Criminal
25 Background Check of the person acquiring the handgun. In
26 addition:

27 (a) the retail dealer shall submit to the Superintendent of State
28 Police, on a form approved by the superintendent, information
29 identifying and confirming the background check;

30 (b) every retail dealer shall maintain a record of transactions
31 conducted pursuant to this subsection, which shall be maintained at
32 the address displayed on the retail dealer's license for inspection by
33 a law enforcement officer during reasonable hours;

34 (c) a retail dealer may charge a fee for a transaction conducted
35 pursuant to this subsection; and

36 (d) any record produced pursuant to this subsection shall not be
37 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
38 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

39 b. Firearms purchaser identification card.

40 (1) No person shall sell, give, transfer, assign or otherwise
41 dispose of nor receive, purchase or otherwise acquire an antique
42 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
43 unless the purchaser, assignee, donee, receiver or holder is licensed
44 as a dealer under this chapter or possesses a valid firearms
45 purchaser identification card, and first exhibits the card to the seller,
46 donor, transferor or assignor, and unless the purchaser, assignee,
47 donee, receiver or holder signs a written certification, on a form
48 prescribed by the superintendent, which shall indicate that he

1 presently complies with the requirements of subsection c. of this
2 section and shall contain his name, address and firearms purchaser
3 identification card number or dealer's registration number. The
4 certification shall be retained by the seller, as provided in paragraph
5 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
6 who is not a dealer, it may be filed with the chief of police of the
7 municipality in which he resides or with the superintendent.

8 (2) A person who is not a licensed retail dealer and sells, gives,
9 transfers, assigns, or otherwise disposes of, or receives, purchases
10 or otherwise acquires an antique cannon or a rifle or shotgun
11 pursuant to this section shall conduct the transaction through a
12 licensed retail dealer.

13 The provisions of this paragraph shall not apply if the transaction
14 is:

15 (a) between members of an immediate family as defined in
16 subsection n. of this section;

17 (b) between law enforcement officers;

18 (c) between collectors of firearms or ammunition as curios or
19 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
20 in their possession a valid Collector of Curios and Relics License
21 issued by the Bureau of Alcohol, Tobacco, Firearms, and
22 Explosives; or

23 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
24 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

25 (3) Prior to a transaction conducted pursuant to this subsection,
26 the retail dealer shall complete a National Instant Criminal
27 Background Check of the person acquiring an antique cannon or a
28 rifle or shotgun. In addition:

29 (a) the retail dealer shall submit to the Superintendent of State
30 Police, on a form approved by the superintendent, information
31 identifying and confirming the background check;

32 (b) every retail dealer shall maintain a record of transactions
33 conducted pursuant to this section which shall be maintained at the
34 address set forth on the retail dealer's license for inspection by a law
35 enforcement officer during reasonable hours;

36 (c) a retail dealer may charge a fee for a transaction conducted
37 pursuant to this subsection; and

38 (d) any record produced pursuant to this subsection shall not be
39 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
40 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

41 c. Who may obtain. No person of good character and good
42 repute in the community in which he lives, and who is not subject to
43 any of the disabilities set forth in this section or other sections of
44 this chapter, shall be denied a permit to purchase a handgun or a
45 firearms purchaser identification card, except as hereinafter set
46 forth. No handgun purchase permit or firearms purchaser
47 identification card shall be issued:

1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of the offense;

5 (2) To any drug dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
7 mental disorder to a hospital, mental institution or sanitarium, or to
8 any person who is presently an habitual drunkard;

9 (3) To any person who suffers from a physical defect or disease
10 which would make it unsafe for him to handle firearms, to any
11 person who has ever been confined for a mental disorder, or to any
12 alcoholic unless any of the foregoing persons produces a certificate
13 of a medical doctor or psychiatrist licensed in New Jersey, or other
14 satisfactory proof, that he is no longer suffering from that particular
15 disability in a manner that would interfere with or handicap him in
16 the handling of firearms; to any person who knowingly falsifies any
17 information on the application form for a handgun purchase permit
18 or firearms purchaser identification card;

19 (4) To any person under the age of 18 years for a firearms
20 purchaser identification card and to any person under the age of 21
21 years for a permit to purchase a handgun;

22 (5) **【To any person where the issuance would not be in the**
23 **interest of the public health, safety or welfare;】** (Deleted by
24 amendment, P.L. , c.)

25 (6) To any person who is subject to a restraining order issued
26 pursuant to the "Prevention of Domestic Violence Act of 1991,"
27 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
28 possessing any firearm;

29 (7) To any person who as a juvenile was adjudicated delinquent
30 for an offense which, if committed by an adult, would constitute a
31 crime and the offense involved the unlawful use or possession of a
32 weapon, explosive or destructive device or is enumerated in
33 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

34 (8) To any person whose firearm is seized pursuant to the
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
36 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

37 (9) To any person named on the consolidated Terrorist Watchlist
38 maintained by the Terrorist Screening Center administered by the
39 Federal Bureau of Investigation; or

40 (10) To any person who is subject to a court order prohibiting
41 the custody, control, ownership, purchase, possession, or receipt of
42 a firearm or ammunition issued pursuant to the "Extreme Risk
43 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

44 d. Issuance. The chief of police of an organized full-time
45 police department of the municipality where the applicant resides or
46 the superintendent, in all other cases, shall upon application, issue
47 to any person qualified under the provisions of subsection c. of this

1 section a permit to purchase a handgun or a firearms purchaser
2 identification card.

3 Any person aggrieved by the denial of a permit or identification
4 card may request a hearing in the Superior Court of the county in
5 which he resides if he is a resident of New Jersey or in the Superior
6 Court of the county in which his application was filed if he is a
7 nonresident. The request for a hearing shall be made in writing
8 within 30 days of the denial of the application for a permit or
9 identification card. The applicant shall serve a copy of his request
10 for a hearing upon the chief of police of the municipality in which
11 he resides, if he is a resident of New Jersey, and upon the
12 superintendent in all cases. The hearing shall be held and a record
13 made thereof within 30 days of the receipt of the application for a
14 hearing by the judge of the Superior Court. No formal pleading and
15 no filing fee shall be required as a preliminary to a hearing.
16 Appeals from the results of a hearing shall be in accordance with
17 law.

18 e. Applications. Applications for permits to purchase a
19 handgun and for firearms purchaser identification cards shall be in
20 the form prescribed by the superintendent and shall set forth the
21 name, residence, place of business, age, date of birth, occupation,
22 sex and physical description, including distinguishing physical
23 characteristics, if any, of the applicant, and shall state whether the
24 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
25 drug dependent person as defined in section 2 of P.L.1970, c.226
26 (C.24:21-2), whether he has ever been confined or committed to a
27 mental institution or hospital for treatment or observation of a
28 mental or psychiatric condition on a temporary, interim or
29 permanent basis, giving the name and location of the institution or
30 hospital and the dates of confinement or commitment, whether he
31 has been attended, treated or observed by any doctor or psychiatrist
32 or at any hospital or mental institution on an inpatient or outpatient
33 basis for any mental or psychiatric condition, giving the name and
34 location of the doctor, psychiatrist, hospital or institution and the
35 dates of the occurrence, whether he presently or ever has been a
36 member of any organization which advocates or approves the
37 commission of acts of force and violence to overthrow the
38 Government of the United States or of this State, or which seeks to
39 deny others their rights under the Constitution of either the United
40 States or the State of New Jersey, whether he has ever been
41 convicted of a crime or disorderly persons offense, whether the
42 person is subject to a restraining order issued pursuant to the
43 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
44 (C.2C:25-17 et seq.) prohibiting the person from possessing any
45 firearm, whether the person is subject to a protective order issued
46 pursuant to the "Extreme Risk Protective Order Act of 2018,"
47 P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from
48 possessing any firearm, and other information as the superintendent

1 shall deem necessary for the proper enforcement of this chapter.
2 For the purpose of complying with this subsection, the applicant
3 shall waive any statutory or other right of confidentiality relating to
4 institutional confinement. The application shall be signed by the
5 applicant and shall contain as references the names and addresses of
6 two reputable citizens personally acquainted with him.

7 Application blanks shall be obtainable from the superintendent,
8 from any other officer authorized to grant a permit or identification
9 card, and from licensed retail dealers.

10 The chief police officer or the superintendent shall obtain the
11 fingerprints of the applicant and shall have them compared with any
12 and all records of fingerprints in the municipality and county in
13 which the applicant resides and also the records of the State Bureau
14 of Identification and the Federal Bureau of Investigation, provided
15 that an applicant for a handgun purchase permit who possesses a
16 valid firearms purchaser identification card, or who has previously
17 obtained a handgun purchase permit from the same licensing
18 authority for which he was previously fingerprinted, and who
19 provides other reasonably satisfactory proof of his identity, need not
20 be fingerprinted again; however, the chief police officer or the
21 superintendent shall proceed to investigate the application to
22 determine whether or not the applicant has become subject to any of
23 the disabilities set forth in this chapter.

24 f. Granting of permit or identification card; fee; term; renewal;
25 revocation. The application for the permit to purchase a handgun
26 together with a fee of \$2, or the application for the firearms
27 purchaser identification card together with a fee of \$5, shall be
28 delivered or forwarded to the licensing authority who shall
29 investigate the same and, unless good cause for the denial thereof
30 appears, shall grant the permit or the identification card, or both, if
31 application has been made therefor, within 30 days from the date of
32 receipt of the application for residents of this State and within 45
33 days for nonresident applicants. A permit to purchase a handgun
34 shall be valid for a period of 90 days from the date of issuance and
35 may be renewed by the issuing authority for good cause for an
36 additional 90 days. A firearms purchaser identification card shall
37 be valid until such time as the holder becomes subject to any of the
38 disabilities set forth in subsection c. of this section, whereupon the
39 card shall be void and shall be returned within five days by the
40 holder to the superintendent, who shall then advise the licensing
41 authority. Failure of the holder to return the firearms purchaser
42 identification card to the superintendent within the five days shall
43 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
44 purchaser identification card may be revoked by the Superior Court
45 of the county wherein the card was issued, after hearing upon
46 notice, upon a finding that the holder thereof no longer qualifies for
47 the issuance of the permit. The county prosecutor of any county,

1 the chief police officer of any municipality or any citizen may apply
2 to the court at any time for the revocation of the card.

3 There shall be no conditions or requirements added to the form
4 or content of the application, or required by the licensing authority
5 for the issuance of a permit or identification card, other than those
6 that are specifically set forth in this chapter.

7 g. Disposition of fees. All fees for permits shall be paid to the
8 State Treasury if the permit is issued by the superintendent, to the
9 municipality if issued by the chief of police, and to the county
10 treasurer if issued by the judge of the Superior Court.

11 h. Form of permit; quadruplicate; disposition of copies. The
12 permit shall be in the form prescribed by the superintendent and
13 shall be issued to the applicant in quadruplicate. Prior to the time
14 he receives the handgun from the seller, the applicant shall deliver
15 to the seller the permit in quadruplicate and the seller shall
16 complete all of the information required on the form. Within five
17 days of the date of the sale, the seller shall forward the original
18 copy to the superintendent and the second copy to the chief of
19 police of the municipality in which the purchaser resides, except
20 that in a municipality having no chief of police, the copy shall be
21 forwarded to the superintendent. The third copy shall then be
22 returned to the purchaser with the pistol or revolver and the fourth
23 copy shall be kept by the seller as a permanent record.

24 i. Restriction on number of firearms person may purchase.
25 Only one handgun shall be purchased or delivered on each permit
26 and no more than one handgun shall be purchased within any 30-
27 day period, but this limitation shall not apply to:

28 (1) a federal, State, or local law enforcement officer or agency
29 purchasing handguns for use by officers in the actual performance
30 of their law enforcement duties;

31 (2) a collector of handguns as curios or relics as defined in Title
32 18, United States Code, section 921 (a) (13) who has in his
33 possession a valid Collector of Curios and Relics License issued by
34 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

35 (3) transfers of handguns among licensed retail dealers,
36 registered wholesale dealers and registered manufacturers;

37 (4) transfers of handguns from any person to a licensed retail
38 dealer or a registered wholesale dealer or registered manufacturer;

39 (5) any transaction where the person has purchased a handgun
40 from a licensed retail dealer and has returned that handgun to the
41 dealer in exchange for another handgun within 30 days of the
42 original transaction, provided the retail dealer reports the exchange
43 transaction to the superintendent; or

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

47 The provisions of this subsection shall not be construed to afford
48 or authorize any other exemption from the regulatory provisions

1 governing firearms set forth in chapter 39 and chapter 58 of Title
2 2C of the New Jersey Statutes;

3 A person shall not be restricted as to the number of rifles or
4 shotguns he may purchase, provided he possesses a valid firearms
5 purchaser identification card and provided further that he signs the
6 certification required in subsection b. of this section for each
7 transaction.

8 j. Firearms passing to heirs or legatees. Notwithstanding any
9 other provision of this section concerning the transfer, receipt or
10 acquisition of a firearm, a permit to purchase or a firearms
11 purchaser identification card shall not be required for the passing of
12 a firearm upon the death of an owner thereof to his heir or legatee,
13 whether the same be by testamentary bequest or by the laws of
14 intestacy. The person who shall so receive, or acquire the firearm
15 shall, however, be subject to all other provisions of this chapter. If
16 the heir or legatee of the firearm does not qualify to possess or carry
17 it, he may retain ownership of the firearm for the purpose of sale for
18 a period not exceeding 180 days, or for a further limited period as
19 may be approved by the chief law enforcement officer of the
20 municipality in which the heir or legatee resides or the
21 superintendent, provided that the firearm is in the custody of the
22 chief law enforcement officer of the municipality or the
23 superintendent during that period.

24 k. Sawed-off shotguns. Nothing in this section shall be
25 construed to authorize the purchase or possession of any sawed-off
26 shotgun.

27 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
28 the sale or purchase of a visual distress signalling device approved
29 by the United States Coast Guard, solely for possession on a private
30 or commercial aircraft or any boat; provided, however, that no
31 person under the age of 18 years shall purchase nor shall any person
32 sell to a person under the age of 18 years a visual distress signalling
33 device.

34 m. The provisions of subsections a. and b. of this section and
35 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
36 apply to the purchase of firearms by a law enforcement agency for
37 use by law enforcement officers in the actual performance of the
38 officers' official duties, which purchase may be made directly from
39 a manufacturer or from a licensed dealer located in this State or any
40 other state.

41 n. For the purposes of this section, "immediate family" means a
42 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
43 (C.26:8A-3), partner in a civil union couple as defined in section 2
44 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
45 sibling, stepsibling, child, stepchild, and grandchild, as related by
46 blood or by law.

47 (cf: P.L.2018, c.36, s.1)

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

2 2C:58-4. a. Scope and duration of authority. Any person who
3 holds a valid permit to carry a handgun issued pursuant to this
4 section shall be authorized to carry a handgun in all parts of this
5 State, except as prohibited by subsection e. of N.J.S.2C:39-5. One
6 permit shall be sufficient for all handguns owned or possessed by
7 the holder thereof, but the permit shall apply only to a handgun
8 carried by the actual and legal holder of the permit.

9 All permits to carry handguns shall expire **【two】 5** years from
10 the date of issuance **【or, in the case of an employee of an armored**
11 **car company, upon termination of his employment by the company**
12 **occurring prior thereto whichever is earlier in time,】** and they may
13 thereafter be renewed every **【two】 5** years in the same manner and
14 subject to the same conditions as in the case of original
15 applications.

16 b. Application forms. All applications for permits to carry
17 handguns, and all applications for renewal of permits, shall be made
18 on the forms prescribed by the superintendent. Each application
19 shall set forth the full name, date of birth, sex, residence,
20 occupation, place of business or employment, and physical
21 description of the applicant**【, and any other information the**
22 **superintendent may prescribe for the determination of the**
23 **applicant's eligibility for a permit and for the proper enforcement of**
24 **this chapter】. To demonstrate completion of the requirement in**
25 **paragraph (6) of subsection d. of this section, the applicant shall**
26 **attach to the application a photocopy of a certificate of completion**
27 **of the course or class; an affidavit from the instructor, school, club,**
28 **organization, or group that conducted or taught the course or class**
29 **attesting to the completion of the course or class by the applicant;**
30 **or a copy of any document which shows completion. The applicant**
31 **shall provide two frontal view photographs of himself. The**
32 **photographs shall have been taken within the preceding 30 days**
33 **and shall be of a size and style specified by the superintendent.**
34 The application shall be signed by the applicant **【under oath, and**
35 shall be indorsed by three reputable persons who have known the
36 applicant for at least three years preceding the date of application,
37 and who shall certify thereon that the applicant is a person of good
38 moral character and behavior**】, who shall attest under penalty of**
39 **perjury that all of the statements thereon are true. The**
40 **superintendent shall not add any requirements to the application**
41 **which are not specifically authorized in this subsection.**

42 c. Investigation and approval. Each application shall in the
43 first instance be submitted to the chief police officer of the
44 municipality in which the applicant resides, or to the
45 superintendent, **【(1) if the applicant is an employee of an armored**
46 **car company, or (2)】** if there is no chief police officer in the
47 municipality where the applicant resides**【, 】or 【(3)】** if the applicant

1 does not reside in this State. The chief police officer, or the
2 superintendent, as the case may be, shall cause the fingerprints of
3 the applicant to be taken and compared with any and all records
4 maintained by the municipality, the county in which it is located,
5 the State Bureau of Identification and the Federal Bureau of
6 Identification. **【He shall also determine and record a complete
7 description of each handgun the applicant intends to carry】** The
8 permit may not specifically identify a handgun by make, model or
9 serial number.

10 No application shall be approved by the chief police officer or
11 the superintendent **【unless the applicant demonstrates that he is
12 not】** if the applicant is subject to any of the disabilities set forth in
13 subsection c. of N.J.S.2C:58-3,**【** that he is thoroughly familiar with
14 the safe handling and use of handguns, and that he has a justifiable
15 need to carry a handgun**】** which would prohibit the applicant from
16 obtaining a firearms purchaser identification card or a permit to
17 purchase a handgun, or if he does not meet the additional
18 requirements set forth in subsection d. of this section.

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

29 If the application is not approved by the chief police officer or
30 the superintendent within 60 days of filing, it shall be deemed to
31 have been approved, unless the applicant agrees to an extension of
32 time in writing. If the application is approved by the chief police
33 officer or the superintendent, as the case may be, the applicant shall
34 at the time of issuance pay a fee of \$20 for the five year permit.
35 The fee for renewal of the five year permit shall be \$20.

36 d. **【**Issuance by Superior Court; fee. If the application has been
37 approved by the chief police officer or the superintendent, as the
38 case may be, the applicant shall forthwith present it to the Superior
39 Court of the county in which the applicant resides, or to the
40 Superior Court in any county where he intends to carry a handgun,
41 in the case of a nonresident or employee of an armored car
42 company. The court shall issue the permit to the applicant if, but
43 only if, it is satisfied that the applicant is a person of good character
44 who is not subject to any of the disabilities set forth in subsection c.
45 of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
46 handling and use of handguns, and that he has a justifiable need to
47 carry a handgun in accordance with the provisions of subsection c.

1 of this section. The court may at its discretion issue a limited-type
2 permit which would restrict the applicant as to the types of
3 handguns he may carry and where and for what purposes the
4 handguns may be carried. At the time of issuance, the applicant
5 shall pay to the county clerk of the county where the permit was
6 issued a permit fee of \$20.】 Requirements for the issuance of a
7 permit. A permit to carry a handgun shall be issued by the chief
8 police officer of the municipality in which the applicant resides or
9 the superintendent, as the case may be, if the applicant is not
10 subject to any of the disabilities set forth in subsection c. of
11 N.J.S.2C:58-3 and if the following additional requirements are
12 satisfied:

13 (1) The applicant is a citizen of the United States.

14 (2) The applicant is 21 years of age or older.

15 (3) The applicant has not been found guilty of a crime under the
16 provisions of N.J.S.2C:35-1 et seq. or the similar laws of any other
17 state concerning controlled substances within a five year period
18 immediately preceding the date on which the application is
19 submitted.

20 (4) The applicant does not chronically and habitually use
21 alcoholic beverages or other substances to the extent that his normal
22 faculties are impaired. It shall be presumed that an applicant
23 chronically and habitually uses alcoholic beverages or other
24 substances to the extent that his normal faculties are impaired if the
25 applicant has been placed in a rehabilitation program or committed
26 under N.J.S.2C:35-14, has been treated as an alcoholic at a facility
27 under P.L.1975, c.453 (C.26:2B-7 et seq.), or has had one or more
28 convictions or refusals to submit to chemical tests under R.S.39:4-
29 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or a similar law of
30 any other state within the five year period immediately preceding
31 the date on which the application is submitted.

32 (5) The applicant has not, in the past, suffered from a physical
33 defect or disease which would make it unsafe for him to handle
34 firearms, been confined for a mental disorder or been an alcoholic,
35 unless the applicant produces a certificate of a medical doctor or
36 psychiatrist licensed in New Jersey, or other satisfactory proof, that
37 the applicant has not suffered from the aforementioned disability
38 for a period of five years.

39 (6) The applicant demonstrates competence with a firearm by
40 any one of the following: completion of any National Rifle
41 Association firearms safety or training course; completion of any
42 firearms safety or training course or class available to the general
43 public offered by a law enforcement organization, junior college,
44 college, university, or firearms training school; completion of any
45 law enforcement firearms safety or training course or class offered
46 for security guards, investigators, special deputies, or any division
47 or subdivision of law enforcement or security enforcement; presents
48 evidence of equivalent experience with a firearm through military

1 service; or is licensed or has been licensed to carry a firearm in this
2 State pursuant to N.J.S.2C:58-4, unless such license has been
3 revoked for cause. For the purposes of this subsection, a firearms
4 safety or training course or class shall consist of at least eight
5 program hours. Evidence of qualification under this paragraph shall
6 include: a photocopy of a certificate of completion of the course or
7 class; an affidavit from the instructor, school, club, organization, or
8 group that conducted or taught the course or class attesting to the
9 completion of the course or class by the applicant; or a copy of any
10 document which shows completion of the course or class.

11 e. Appeals from denial of applications. Any person aggrieved
12 by the denial by the chief police officer or the superintendent of
13 approval for a permit to carry a handgun may request a hearing in
14 the Superior Court of the county in which he resides, the county in
15 which his business is located, in the case of a nonresident who
16 maintains a place of business in this State, or in any county in
17 which he intends to carry a handgun, in the case of a nonresident
18 who is required to carry a handgun as a condition of employment,
19 by filing a written request for a hearing within 30 days of the
20 denial. Copies of the request shall be served upon the
21 superintendent, the county prosecutor, and the chief police officer
22 of the municipality where the applicant resides, if he is a resident of
23 this State. The hearing shall be held within 30 days of the filing of
24 the request, and no formal pleading or filing fee shall be required.
25 Appeals from the determination at the hearing shall be in
26 accordance with law and the rules governing the courts of this State.

27 **【If the superintendent or chief police officer approves an**
28 **application and the Superior Court denies the application and**
29 **refuses to issue a permit, the applicant may appeal the denial in**
30 **accordance with law and the rules governing the courts of this**
31 **State.】**

32 f. Revocation of permits. Any permit issued under this section
33 shall be void at the time the holder thereof becomes subject to any
34 of the disabilities set forth in **【subsection c.】** of N.J.S.2C:58-3 or
35 fails to comply with the additional requirements set forth in
36 subsection d. of this section, and the holder of a void permit shall
37 immediately surrender the permit to the superintendent who shall
38 give notice to the licensing authority.

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

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

46
47 6. This act shall take effect on the first day of the second month
48 following enactment.

STATEMENT

This bill, the "Citizens' Protection Act," revises and simplifies the procedures for securing a permit to carry a handgun in the State of New Jersey.

Under the provisions of the bill, an applicant for a permit to carry a handgun would be entitled to that permit so long as he can demonstrate competence with a firearm and is not statutorily disqualified. To demonstrate that competence, the applicant would be required to include, as part of his application for the permit, a copy indicating his successful completion of a firearms safety or training course or class offered by a law enforcement agency, an educational institution, the military, or the National Rifle Association. An applicant who holds a permit to carry is deemed competent and need not submit such evidence.

Among the disqualifications set forth in the bill are the statutory disabilities which currently prohibit an individual from obtaining either a permit to purchase a handgun or a firearms purchaser identification card: a crime involving controlled substances; a condition involving chronic and habitual alcoholic or drug abuse; or some other physical or mental condition or disease which would make it unsafe for the individual to obtain a permit to carry a handgun.

The bill also extends the term during which a permit to carry remains valid. At present, a permit to carry remains valid for two years; under this bill, a permit would be valid for five years.

Finally, the bill deletes subsection b. of N.J.S.2C:39-2 which provided that with regard to any firearm permit or license, an individual was deemed to be in violation of the law "until he establishes the contrary." This approach is inconsistent with traditional American legal jurisprudence and, therefore, should be ended.

In its current form, the law governing the issuance of permits to carry a handgun requires an applicant to demonstrate to the Superior Court a "justifiable need" in order to obtain a such permit. The court's interpretation of what constitutes a "justifiable need" makes it virtually impossible for citizens of New Jersey to obtain permits to carry.

The "right-to-carry" can serve as a significant deterrent to crime. An analysis of the nation's 30 "right-to-carry" states has revealed a significant reduction in crime in those states compared with the national average. For example, aggravated assaults are 19.4 percent lower in "right-to-carry" states; robbery is 38.4 percent lower; homicide is 37.9 percent lower; and handgun homicide is 41.1 percent lower. In California, where the "right-to-carry" is permitted in certain counties, a comparison of the crime rates in those counties with those which do not permit their residents to carry reveals lower crime rates in the "right-to-carry" counties. Similarly,

1 Florida has experienced lower crime rates since enacting its "right-
2 to-carry" statute. The homicide rate in Florida has dropped 22
3 percent; the handgun homicide rate is down 29 percent. Finally,
4 even convicted robbers have indicated that if they suspected that a
5 potential victim might be armed they would probably look for
6 someone else to rob.