

# ASSEMBLY, No. 3354

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

**Sponsored by:**

**Assemblyman HAROLD "HAL" J. WIRTHS**  
**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblyman Space**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/9/2023)**

A3354 WIRTHS

2

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

3

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

6

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

8 2C:39-6. a. Provided a person complies with the requirements of  
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

**A3354 WIRTHS**

1 (7) (a) A regularly employed member, including a detective, of  
2 the police department of any county or municipality, or of any  
3 State, interstate, municipal or county park police force or boulevard  
4 police force, at all times while in the State of New Jersey;

5 (b) A special law enforcement officer authorized to carry a  
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439  
7 (C.40A:14-146.14);

8 (c) An airport security officer or a special law enforcement  
9 officer appointed by the governing body of any county or  
10 municipality, except as provided in subparagraph (b) of this  
11 paragraph, or by the commission, board or other body having  
12 control of a county park or airport or boulevard police force, while  
13 engaged in the actual performance of the officer's official duties and  
14 when specifically authorized by the governing body to carry  
15 weapons;

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

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

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

A3354 WIRTHS

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

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

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

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

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

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

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

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

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

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

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

43 (7) A municipal humane law enforcement officer, authorized  
44 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-  
45 14.1), or humane law enforcement officer of a county society for  
46 the prevention of cruelty to animals authorized pursuant to  
47 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while  
48 in the actual performance of the officer's duties;

**A3354 WIRTHS**

- 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 the person has passed an  
6 approved police academy training program consisting of at least  
7 280 hours. The training program shall include, but need not be  
8 limited to, the handling of firearms, community relations, and  
9 juvenile relations;
- 10 (10) A campus police officer appointed under P.L.1970, c.211  
11 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry  
12 a firearm, a campus police officer shall take and successfully  
13 complete a firearms training course administered by the Police  
14 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
15 seq.), and shall annually qualify in the use of a revolver or similar  
16 weapon prior to being permitted to carry a firearm;
- 17 (11) (Deleted by amendment, P.L.2003, c.168).
- 18 (12) A transit police officer of the New Jersey Transit Police  
19 Department, at all times while in the State of New Jersey, provided  
20 the officer has satisfied the training requirements of the Police  
21 Training Commission, pursuant to subsection c. of section 2 of  
22 P.L.1989, c.291 (C.27:25-15.1);
- 23 (13) A parole officer employed by the State Parole Board at all  
24 times. Prior to being permitted to carry a firearm, a parole officer  
25 shall take and successfully complete a basic course for regular  
26 police officer training administered by the Police Training  
27 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
28 shall annually qualify in the use of a revolver or similar weapon  
29 prior to being permitted to carry a firearm;
- 30 (14) A Human Services police officer at all times while in the  
31 State of New Jersey, as authorized by the Commissioner of Human  
32 Services;
- 33 (15) A person or employee of any person who, pursuant to and  
34 as required by a contract with a governmental entity, supervises or  
35 transports persons charged with or convicted of an offense;
- 36 (16) A housing authority police officer appointed under  
37 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
38 State of New Jersey; or
- 39 (17) A probation officer assigned to the "Probation Officer  
40 Community Safety Unit" created by section 2 of P.L.2001, c.362  
41 (C.2B:10A-2) while in the actual performance of the probation  
42 officer's official duties. Prior to being permitted to carry a firearm,  
43 a probation officer shall take and successfully complete a basic  
44 course for regular police officer training administered by the Police  
45 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
46 seq.), and shall annually qualify in the use of a revolver or similar  
47 weapon prior to being permitted to carry a firearm.

A3354 WIRTHS

1 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
2 antique firearms, provided that the antique firearms are unloaded or  
3 are being fired for the purposes of exhibition or demonstration at an  
4 authorized target range or in another manner approved in writing by  
5 the chief law enforcement officer of the municipality in which the  
6 exhibition or demonstration is held, or if not held on property under  
7 the control of a particular 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 this subsection [d. of this  
33 section], provided that the transportation is in compliance with  
34 safety regulations the superintendent may promulgate. Those  
35 subsections shall not apply to transportation directly to or from  
36 exhibitions or demonstrations authorized under the law of another  
37 jurisdiction, provided that the superintendent has been given 30  
38 days' notice and that the transportation is in compliance with safety  
39 regulations the superintendent may promulgate.

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

A3354 WIRTHS

1 the firearms are repaired, for the purpose of repair. For the  
2 purposes of this section, a place of business shall be deemed to be a  
3 fixed location.

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

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

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

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

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

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

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

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

A3354 WIRTHS

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

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

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

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

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

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

A3354 WIRTHS

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

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

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

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

A3354 WIRTHS

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1 this State; a full-time member of a State law enforcement agency; a  
2 full-time sheriff, undersheriff or sheriff's officer of a county of this  
3 State; a full-time State or county correctional police officer; a full-  
4 time State correctional police officer or county correctional police  
5 officer; a full-time State or county park police officer; a full-time  
6 special agent of the Division of Taxation; a full-time Human  
7 Services police officer; a full-time transit police officer of the New  
8 Jersey Transit Police Department; a full-time campus police officer  
9 exempted pursuant to paragraph (10) of subsection c. of this  
10 section; a full-time State conservation police officer exempted  
11 pursuant to paragraph (4) of subsection a. of this section; a full-time  
12 Palisades Interstate Park officer appointed pursuant to R.S.32:14-  
13 21; a full-time Burlington County Bridge police officer appointed  
14 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time  
15 housing authority police officer exempted pursuant to paragraph  
16 (16) of subsection c. of this section; a full-time juvenile correctional  
17 police officer exempted pursuant to paragraph (9) of subsection a.  
18 of this section; a full-time parole officer exempted pursuant to  
19 paragraph (13) of subsection c. of this section; a full-time railway  
20 policeman exempted pursuant to paragraph (9) of subsection c. of  
21 this section; a full-time county prosecutor's detective or  
22 investigator; a full-time federal law enforcement officer; or is a  
23 qualified retired law enforcement officer, as used in the federal  
24 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,  
25 domiciled in this State from carrying a handgun in the same manner  
26 as law enforcement officers exempted under paragraph (7) of  
27 subsection a. of this section under the conditions provided herein:

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

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

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

39 (b) The date that the retired officer was hired and the date that  
40 the officer retired;

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

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

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

46 (3) If the superintendent approves a retired officer's application  
47 or reapplication to carry a handgun pursuant to the provisions of  
48 this subsection, the superintendent shall notify in writing the chief

**A3354 WIRTHS**

1 law enforcement officer of the municipality wherein that retired  
2 officer resides. In the event the retired officer resides in a  
3 municipality which has no chief law enforcement officer or law  
4 enforcement agency, the superintendent shall maintain a record of  
5 the approval.

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

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

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

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

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

**A3354 WIRTHS**

12

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

17 (cf: P.L.2019, c.407, s.2)

18

19 2. This act shall take effect immediately.

20

21

22

**STATEMENT**

23

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

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