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Coughlin

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD KOONS; NICHOLAS
GAUDIO; EFFREY M. MULLER;
SECOND AMENDMENT
FOUNDATION; FIREARMS POLICY
COALITION, INC.; COALITION OF
NEW JERSEY FIREARM OWNERS; and
NEW JERSEY SECOND AMENDMENT
SOCIETY,

Plaintiffs,

v.

WILLIAM REYNOLDS in his official
capacity as the Prosecutor of Atlantic
County, New Jersey; GRACE C.
MACAULAY in her official capacity as the
Prosecutor of Camden County, New
Jersey; ANNEMARIE TAGGART in her
official capacity as the Prosecutor of
Sussex County, New Jersey; MATTHEW
J. PLATKIN, in his official capacity as
Attorney General of the State of

Civil Action No: 1:22-cv-7464
RMB/EAP (CONSOLIDATED)

Hon. Renee Marie Bumb, U.S.D.J.
Hon. Elizabeth A. Pascal, U.S.M.J.

NOTICE OF MOTION
ON SHORT NOTICE TO INTERVENE
PURSUANT TO FED. R. CIV. P. 24(b)
BY INTERVENORS-APPLICANTS
SENATE PRESIDENT NICHOLAS P.
SCUTARI AND ASSEMBLY
SPEAKER CRAIG J. COUGHLIN

**New Jersey; and PATRICK CALLAHAN,
in his official capacity as Superintendent of
the New Jersey State Police,**

Defendants.

and

**NICHOLAS P. SCUTARI, President of the
New Jersey Senate, and CRAIG J.
COUGHLIN, Speaker of the New Jersey
General Assembly,**

Intervenors-Applicants

TO: Daniel L. Schmutter, Esq.
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PLEASE TAKE NOTICE that on February 21, 2023 or on such Short Notice as the Court may allow, Intervenors-Applicants, Nicholas P. Scutari, New Jersey Senate President, and Craig J. Coughlin, Speaker of the New Jersey General Assembly, by and through their counsel Cullen and Dykman LLP, and Kologi ♦ Simitz, shall move before the Hon. Renee Marie Bumb, U.S.D.J., at the United States District Court for the District of New Jersey, Mitchell H. Cohen Building and U.S. Courthouse, 4th & Cooper Street, Camden, New Jersey, for an Order granting

Intervenors-Applicants' Motion to Intervene pursuant to Fed. R. Civ. P. 24(b).

PLEASE TAKE FURTHER NOTICE that in support of this Motion Intervenors-Applicants will rely on the accompanying Affirmation of Edward J. Kologi, Esq. (including proposed Answer of Intervenors-Applicants) and Brief.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested on the return date only if the within Motion is opposed.

A proposed form of order is submitted herewith.

Respectfully submitted,

Cullen and Dykman, LLP

By: /s/ Leon J. Sokol
Leon J. Sokol

Kologi ♦ Simitz, Counsellors at Law

By: /s/ Edward J. Kologi
Edward J. Kologi

Attorneys for Applicants-Intervenors
Senate President Nicholas P. Scutari and
Assembly Speaker Craig J. Coughlin

Dated: January 24, 2023

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD KOONS; NICHOLAS GAUDIO; EFFREY M. MULLER; SECOND AMENDMENT FOUNDATION; FIREARMS POLICY COALITION, INC.; COALITION OF NEW JERSEY FIREARM OWNERS; and NEW JERSEY SECOND AMENDMENT SOCIETY,

Plaintiffs,

v.

WILLIAM REYNOLDS in his official capacity as the Prosecutor of Atlantic County, New Jersey; GRACE C. MACAULAY in her official capacity as the Prosecutor of Camden County, New Jersey; ANNEMARIE TAGGART in her official capacity as the Prosecutor of Sussex County, New Jersey; MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey; and PATRICK CALLAHAN, in his official capacity as Superintendent of the New Jersey State Police,

Defendants.

and

NICHOLAS P. SCUTARI, President of the New Jersey Senate, and CRAIG J. COUGLIN, Speaker of the New Jersey General Assembly,

Intervenors-Applicants

**Civil Action No: 1:22-cv-7464
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**Hon. Renee Marie Bumb, U.S.D.J.
Hon. Elizabeth A. Pascal, U.S.M.J.**

**Return Date: February 21, 2023, unless
the Court elects to hear this motion
on short notice**

**BRIEF IN SUPPORT OF MOTION TO INTERVENE ON BEHALF OF
NEW JERSEY SENATE PRESIDENT NICHOLAS P. SCUTARI AND
NEW JERSEY ASSEMBLY SPEAKER CRAIG J. COUGHLIN**

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Assembly Speaker Craig J. Coughlin**

**LEON J. SOKOL, ESQ.
EDWARD J. KOLOGI, ESQ.
Of Counsel and On the Brief**

**STEVEN SIEGEL, ESQ.
On the Brief**

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PRELIMINARY STATEMENT

Nicholas P. Scutari, President of the New Jersey Senate, and Craig J. Coughlin, Speaker of the General Assembly (hereafter collectively “the Presiding Officers”) respectfully request leave to intervene as Defendants in this matter. The Presiding Officers seek to intervene in order to represent the interests of the New Jersey Senate and New Jersey General Assembly in this action challenging a recently enacted statute.

This litigation challenges the constitutionality of a New Jersey statute, L. 2022, c. 131. (hereafter “Chapter 131” or “Act”). Chapter 131 on enacted on December 19,2022 and approved by the Governor on December 22.

Chapter 131 was enacted in response to the recent decision of the Supreme Court *New York State Rifle & Pistol Association, Inc., v. Bruen*, 142 S. Ct. 2111 (2022). which struck down a New York statute that required a demonstration of “proper cause” in order to obtain a permit to carry a handgun. Because New Jersey’s long prevailing firearms law had previously required a “justifiable need” to carry a handgun, the New Jersey Legislature enacted Chapter 131 in order to satisfy the new standard enunciated in *Bruen*. Furthermore, the Legislature’s enactment of Chapter 131 was intended to provide additional safeguards with regard to the handling and carrying of handguns in New Jersey – consistent with the strictures of *Bruen*.

The public legislative history of Chapter 131 reflects that the Legislature gave careful and extensive consideration to the vital issues at stake prior to enacting this legislation. *See, e.g.*, Kologi Aff., Exhibit “C” (summary of legislative history of A4769); Exhibit “D”(A4769 – as introduced); Exhibit “E” (Report of the Assembly Judiciary Committee dated 10/17/22 summarizing A4769); Exhibit “F” (Report of the Assembly Appropriations Committee dated 10/20/22 summarizing A4769); Exhibit “G” (Report of the Assembly Oversight Committee dated 10/24/22 summarizing A4769); Exhibit “H” (Report of the Senate Budget and

Appropriations Committee dated 12/5/22 summarizing A4769).

In seeking leave to intervene, the Presiding Officers rely on two distinct alternative grounds authorizing intervention. The first alternative ground permits intervention by a government officer or agency when “a party's claim or defense is based on ... a statute or executive order administered by the officer or agency.” Fed. R. Civ. P. 24(b)(2)(A). The second alternative ground is the familiar general permissive intervention standard, Fed. R. Civ. Pro. 24(b)(1)(B), which requires: (a) the motion to be timely; (b) an applicant's claim or defense and the main action have a question of law or fact in common; and (c) the intervention may not cause undue delay or prejudice to the original parties' rights. It is respectfully submitted that the Presiding Officers are entitled to intervene under either, or both, of these two grounds.

Based on the foregoing, the Presiding Officers are in a position to offer the Court a valuable perspective on the vital issues that are at stake in this litigation. Therefore, the Presiding Officers respectfully seek leave to intervene in order to present these and other factual and legal considerations to this Court.

LEGAL ARGUMENT

POINT I

THE PRESIDING OFFICERS OF THE NEW JERSEY SENATE AND GENERAL ASSEMBLY ARE ENTITLED TO INTERVENE IN THIS ACTION UNDER THE AUTHORITY OF EITHER FED. R. CIV. P. 24(b)(1)(B) (INTERVENTION BY A GOVERNMENTAL OFFICER OR AGENCY) OR FED. R. CIV. P. 24(b)(2)(A) (PERMISSIVE INTERVENTION)

This Court should allow Senate President Scutari and Speaker Coughlin to intervene in this action because, as Presiding Officers of the New Jersey Legislature, they are clearly interested in the subject matter and outcome of this lawsuit. The action challenges the constitutionality of a statute recently enacted by the Legislature. The Presiding Officers' participation will assist the Court in the development and presentation of the issues in the lawsuit and in no way will prejudice any of the parties.

The Presiding Officers are entitled to intervene in this action under the authority of *either* Fed. R. Civ. P. 24(b)(2)(A) (intervention by a governmental officer or agency) *or* Fed. R. Civ. P. 24(b)(1)(B) (permissive intervention). Each of these alternative grounds is addressed in turn.

A. The Presiding Officers of the New Jersey Senate and Assembly are entitled to intervene pursuant to Fed. R. Civ. P. 24(b)(2)(A)

Fed. R. Civ. P. 24(b)(2)(A) provides, in relevant part, that permissive intervention may be granted to a government officer or agency when “a party's claim or defense is based on ... a statute or executive order administered by the officer or agency.” “Rule 24(b) expands the traditional concept of claim or defense insofar as intervention by a governmental officer or agency is concerned.” *Nuesse v. Camp*, 385 F.2d 694, 705 (D.C.Cir.1967). *See also Metro Transp. Co. v. Balboa Ins. Co.*, 118 F.R.D. 423, 424 (E.D. Pa. 1987); *Karr v. Castle*, 768 F. Supp. 1087, 1092 (D. Del. 1991) (“The thrust of this portion of Rule 24(b) is in the direction of liberally allowing government agencies to intervene”).

The Third Circuit described an earlier, substantially similar version of the rule as

“mak[ing] specific provision for intervention by governmental agencies interested in statutes, regulations, or agreements relied upon by the parties in the action.” *Halderman v. Pennhurst State Sch. & Hosp.*, 612 F.2d 84, 92 (3d Cir.1979) *rev'd on other grounds*, 451 U.S. 1, 101 S.Ct. 1531, 67 L.Ed.2d 694 (1981). *See also* Fed. R. Civ. Pr. 24 Advisory Committee's notes. “The rule requires that intervention be granted liberally to governmental agencies because they purport to speak for the public interest.” *Metro Transp. Co. v. Balboa Ins. Co.*, 118 F.R.D. 423, 424 (E.D.Pa.1987) (citing 7C Wright & Miller, *Fed. Prac. & Proc.* § 1913 (3d ed.)). Indeed, even before Fed. R. Civ. P. 24 was amended to provide for the intervention of a government agency or officer in such an action, the Supreme Court sanctioned intervention by the government when appropriate and useful to advance the public interest. *See* 7C Wright & Miller, *Fed. Prac. & Proc.* § 1912 (3d ed.) (discussing *Sec. & Exch. Comm'n v. U.S. Realty & Imp. Co.*, 310 U.S. 434, 60 S.Ct. 1044, 84 L.Ed. 1293 (1940)). *See also Waterfront Comm'n of N.Y. Harbor v. Murphy*, 429 F. Supp. 3d 1 (D.N.J. 2019) (permitting intervention by the Presiding Officers).

1. The Legislature’s consideration and enactment of Chapter 131, *i.e.*, the statute under challenge in this litigation

The proposed legislation (ultimately enacted as L. 2022, c. 131, or “Chapter 131”) was introduced in the Assembly on October 13, 2022 as A4769. *See* Kologi Aff., Exhibit “D” (Assembly Bill A4769 – as introduced). Over the next two months A4769 was the subject of extensive legislative proceedings. *See* Kologi Aff., Exhibit “C” (summary of legislative history of A4769).

The legislative study and proceedings leading to the enactment of Chapter 131 may be briefly summarized as follows. The Assembly Judiciary Committee, the Assembly Appropriations Committee and the Assembly Oversight Committee each issued statements summarizing the proposed legislation. Kologi Aff., Exhibit “E” (Report of the Assembly Judiciary Committee

dated 10/17/22 summarizing A4769); Exhibit “F” (Report of the Assembly Appropriations Committee dated 10/20/22 summarizing A4769); Exhibit “G” (Report of the Assembly Oversight Committee dated 10/24/22 summarizing A4769). The Senate Budget and Appropriations Committee also issued a statement summarizing the proposed legislation. Kologi Aff., Exhibit “H” (Report of the Senate Budget and Appropriations Committee dated 12/5/22 summarizing A4769). Furthermore, the Legislature held public hearings on the proposed legislation.

Based on the foregoing, the Presiding Officers are in a position to offer the Court a valuable perspective on the vital issues that are at stake in this litigation.

2. Senate President Scutari and Speaker Coughlin, as Presiding Officers of their Respective Legislative Bodies, are entitled to represent the interests of the Senate and the Assembly in litigation

It has long been recognized that the Presiding Officers of the New Jersey Legislature may represent the interests of their respective legislative bodies in litigation. *See, e.g., Abbott v. Burke*, 164 N.J. 84,87 (2000) (allowing Assembly Speaker to intervene in appeal “out of deference to the constitutional branches of government”); *Karcher v. Kean*, 97 N.J. 483, 487 (1984) (considering appeal brought by the Senate President and Speaker, on behalf of their respective legislative bodies, challenging the Governor’s use of the line-item veto); *In re Forsythe*, 91 N.J. 141, 144 (1982) (allowing the Senate President and the Assembly Speaker to intervene to defend redistricting statute).

More recently, the New Jersey Appellate Division expressly recognized the standing of the Senate President to bring an appeal to advance the interest of the Senate. *See In Re Governor Christie’s Appointment*, 436 N.J. Super 575, (App. Div. 2014). The court held:

We are convinced that the Senate has a strong interest in exercising its authority to advise and consent to gubernatorial appointments, if such advice and consent is required by law. **We are also convinced that, as Senate President, Sweeney has standing to bring this appeal to advance that interest.**

Recognition of the Senate President's standing in this dispute is consistent with past practice....

The Governor argues that Senator Sweeney should not be permitted to represent the Senate's interest in this case because the Senate did not adopt a resolution authorizing him to do so. We note that in *General Assembly of New Jersey v. Byrne*, 90 N.J. 376, 381 (1982), the Legislature had passed a concurrent resolution authorizing the Senate President and Assembly Speaker to begin a legal action to enforce certain legislation. However, **such a resolution is not required to confer standing on the Senate President to further the Senate's institutional interests through litigation.**

[*Id.* at 587 (emphasis added)]

Similarly, the United States District Court for the District of New Jersey has held that the Senate President and the Assembly Speaker are entitled to represent the interests of the Senate and the Assembly in litigation in the District of New Jersey challenging the validity of statute enacted by the Legislature. *See, e.g., Nat'l Collegiate Athletic Ass'n v. Christie*, 61 F. Supp. 3d 488, 491, n. 1 (D.N.J. 2014) (granting leave to intervene to the Senate President and the Assembly Speaker with respect to litigation challenging a law legalizing sports betting in New Jersey), *aff'd sub nom., Nat'l Collegiate Athletic Ass'n v. Governor of New Jersey*, 799 F.3d 259 (3d Cir. 2015), *reh'g en banc granted, opinion vacated* (Oct. 14, 2015), *on reh'g en banc*, 832 F.3d 389 (3d Cir. 2016), and *aff'd sub nom., Nat'l Collegiate Athletic Ass'n v. Governor of New Jersey*, 832 F.3d 389 (3d Cir. 2016); *cert. granted*, 137 S. Ct. 2326 (2017).

As previously noted, Fed. R. Civ. P. 24(b)(2) “requires that intervention be granted liberally to governmental agencies because they purport to speak for the public interest.” *Metro Transp. Co. v. Balboa Ins. Co.*, 118 F.R.D. 423, 424 (E.D. Pa. 1987). This Motion seeks precisely to interject the Legislature’s factual and legal perspectives that address the vital public interest at issue in this litigation. For these reasons, the Presiding Officers’ Motion to Intervene should be granted pursuant to Fed. R. Civ. P. 24(b)(2).

B. In the alternative, the Presiding Officers are entitled to intervene pursuant to Fed. R. Civ. Pr. 24(b)(1)(B)

The Presiding Officers also are entitled to intervene pursuant to Fed. R. Civ. P. 24(b)(1)(B) – the general permissive intervention rule that is applicable to *any* proposed intervenor (as distinct from government agencies or officers). Permissive intervention requires: (1) the motion to be timely; (2) an applicant's claim or defense and the main action have a question of law or fact in common; and (3) the intervention may not cause undue delay or prejudice to the original parties' rights. *See* Fed. R. Civ. Pr. 24(b); *see also N.C.A.A. v. Governor of N.J.*, 520 Fed.Appx. 61, 63 (3d Cir.2013); *Appleton v. Comm'r*, 430 Fed.Appx. 135, 137–38 (3d Cir.2011). As long as these threshold requirements are met, whether to allow a party to permissively intervene is left to the sound discretion of the court. *See N.C.A.A.*, 520 Fed.Appx. at 63.

As to the first factor, the Presiding Officers' motion is timely. The Presiding Officers have moved to intervene approximately thirty days after the initial Complaint was filed. Furthermore, the Presiding Officers will abide by the schedule of briefing in connection with forthcoming Preliminary Injunction proceedings. In short, there will be no delay whatsoever in the Preliminary Injunction proceedings a consequence of the Presiding Officers' proposed intervention.

As to the second factor, the Presiding Officers' position in this litigation shares a common question of law with the position to be put forward by the New Jersey Attorney General in this litigation. The New Jersey Attorney General is defending the constitutionality of Chapter 131. The Presiding Officers also will likewise be defending the constitutionality of the statute. The Presiding Officers are in a position to provide additional assistance and perspective on the public legislative history leading to the enactment of Chapter 131. Furthermore, the Presiding Officers are in a position to provide perspective on the critical public health, safety and welfare issues that led the Legislature to enact Chapter 131.

As to the third factor, the intervention will not cause “undue delay or prejudice” to the rights of either Plaintiff or Defendant. As stated above, there is ample precedent permitting the Presiding

Officers to intervene in particular where there is substantial constitutional issues at stake regarding legislation. Furthermore, as previously noted, the Presiding Officers will abide by schedule of briefing in connection with forthcoming Preliminary Injunction proceedings. Thus, there will be no delay whatsoever in the Preliminary Injunction proceedings a consequence of the Presiding Officers' proposed intervention.

Accordingly, it is respectfully submitted that the factors governing permissive intervention are satisfied. *See* Fed. R. Civ. P. 24(b)(1)(B). That being so, the Presiding Officers' motion for permissive intervention should be granted.

POINT II

THE PRESIDING OFFICERS SEEK LEAVE TO INTERVENE ON SHORT NOTICE SO THAT THEY MAY TIMELY FILE A BRIEF IN OPPOSITION TO PLAINTIFF'S PRELIMINARY INJUNCTION MOTION IN ACCORDANCE WITH A BRIEFING SCHEDULE THAT WILL BE ISSUED BY THIS COURT IN THE NEAR FUTURE

The Presiding Officers seek leave to intervene *on short notice* so that they may file a brief in opposition to Plaintiff's preliminary injunction motion without causing any delay in the forthcoming preliminary injunction proceedings. To the best of our knowledge, this Court has not yet issued a briefing schedule pertaining to Plaintiffs' preliminary injunction motion.¹

In any event, to the extent that this Court were to adopt a briefing schedule in the forthcoming preliminary injunction proceedings with deadlines for the submission of briefs that are sooner than the return date of this motion to intervene, the Presiding Officers respectfully request that this Court hear this motion to intervene on short notice so that there is no possible delay whatsoever in the preliminary injunction briefing schedule.

¹ Presently, oral argument on the pending TRO application in *Siegel v Platkin* is scheduled for January 26, 2023. Please be advised that the Presiding Officers do **not** seek to participate in the January 26 TRO oral argument. Instead, the Presiding Officers seek to participate in the forthcoming preliminary injunction proceedings.

CONCLUSION

For the reasons set forth above, the motion of Senate President Scutari and Assembly Speaker Coughlin – seeking leave to intervene as Defendants – should be granted.

Respectfully submitted,

Cullen and Dykman LLP

By: /s/ Leon J. Sokol
Leon J. Sokol

Kologi ♦ Simitz,
Counsellors at Law

By: /s/ Edward J. Kologi
Edward J. Kologi

Attorneys for Intervenors-Applicants Senate
President Nicholas P. Scutari and Assembly
Speaker Craig J. Coughlin

Dated: January 24, 2023

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AFFIRMATION OF EDWARD
J. KOLOGI, ESQ. IN SIPPOT OF
INTERVENORS-APPLICANTS'
MOTION TO INTERVENE
PURSUANT TO FED. R. CIV. P.
24(b)

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COUGHLIN, Speaker of the New Jersey
General Assembly,**

Intervenors-Applicants.

EDWARD J. KOLOGI, ESQ., of full age, affirms to the court as follows:

1. I am an attorney at law of the State of New Jersey and a partner with the law firm of Kologi ♦ Simitz, attorneys for Intervenors-Applicants Nicholas P. Scutari and Craig J. Coughlin. I make this Certification in support of Intervenors-Applicants' Motion to Intervene pursuant to Fed. R. Civ. P. 24(b).

2. Attached hereto are true copies of the following documents:

- A. Proposed Intervention Pleading pursuant to Fed. R. Civ. P. 24(c)
- B. L. 2022, c. 231 as enacted by the New Jersey Legislature and as approved by the Governor.
- C. Summary of legislative history of A4769
- D. A4769 – as introduced
- E. Report of the Assembly Judiciary Committee dated 10/17/22 summarizing A4769,
- F. Report of the Assembly Appropriations Committee dated 10/20/22 summarizing A4769
- G. Report of the Assembly Oversight Committee dated 10/24/22 summarizing A4769

H. Report of the Senate Budget and Appropriations Committee dated 12/5/22 summarizing A4769

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Edward J. Kologi
Edward J. Kologi

Dated: January 24, 2023

EXHIBIT A

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PROPOSED ANSWER OF
INTERVENORS-APPLICANTS
SENATE PRESIDENT NICHOLAS P.
SCUTARI AND ASSEMBLY SPEAKER
CRAIG J. COUGHLIN TO COMPLAINTS
IN:

(1) CIVIL CASE NO 22-7464 (KOONS,
ET AL V. REYNOLDS, ET AL); AND

(2) CASE NO. 22-7363 (SIEGEL, ET AL
V. PLATKIN, CIVIL CASE NO. 22-7463)

**New Jersey; and PATRICK CALLAHAN,
in his official capacity as Superintendent of
the New Jersey State Police,**

Defendants.

and

**NICHOLAS P. SCUTARI, President of the
New Jersey Senate, and CRAIG J.
COUGHLIN, Speaker of the New Jersey
General Assembly,**

Intervenors-Applicants

Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Intervenors-Applicants Senate President Nicholas P. Scutari and Assembly Speak Craig J. Coughlin, (collectively “Intervenors-Applicants”), answer the Consolidated Complaints of the Plaintiffs as follows:

Complaint in KOONS, ET AL. V. REYNOLDS, ET AL., Civil Action No. 1:22-Cv-7464-Rmb/Eap

1. Denied.
2. Denied.

VENUE AND JURISDICTION

3. The allegations of Paragraph 3 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
4. As to the allegations of Paragraph 4 of the Complaint are admitted, except it is denied that Plaintiff has legal authority, capacity and standing to bring the within lawsuit and to assert the claims set forth in the Complaint.
5. The allegations of Paragraph 5 of the Complaint are not factual allegations and

are instead legal argument and therefore a response is not necessary to same.

PARTIES

6. As to the allegations in Paragraph 6 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
7. As to the allegations in Paragraph 7 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
8. As to the allegations in Paragraph 8 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
9. As to the allegations in Paragraph 9 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
10. As to the allegations in Paragraph 10 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
11. As to the allegations in Paragraph 11 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
12. As to the allegations in Paragraph 12 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

13. The allegations in Paragraph 13 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.
14. The allegations in Paragraph 14 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.
15. The allegations in Paragraph 15 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.
16. The allegations in Paragraph 16 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.
17. The allegations in Paragraph 17 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.

PERTINENT CONSTITUTIONAL PROVISIONS

18. The allegations of Paragraph 18 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
19. The allegations of Paragraph 19 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
20. The allegations of Paragraph 20 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
21. The allegations of Paragraph 21 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
22. The allegations of Paragraph 22 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
23. The allegations of Paragraph 23 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

24. The allegations of Paragraph 24 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

25. The allegations of Paragraph 25 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

26. The allegations of Paragraph 26 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

PERTINENT STATUTES AND REGULATIONS

Background and Overview

27. The allegations of Paragraph 27 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

28. The allegations of Paragraph 28 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

29. As to the allegations of Paragraph 29 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

30. As to the allegations of Paragraph 30 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

31. As to the allegations of Paragraph 31 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

32. As to the allegations of Paragraph 32 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

33. As to the allegations of Paragraph 33 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

34. As to the allegations of Paragraph 34 of the Complaint the cited statutes speak for

themselves and therefore a response is not necessary to same.

35. As to the allegations of Paragraph 35 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

36. As to the allegations of Paragraph 36 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

37. Denied.

38. Denied.

The “Sensitive Place” and Vehicle Restrictions Challenged Here

39. The allegations of Paragraph 39 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

40. The allegations of Paragraph 40 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

41. As to the allegations of Paragraph 41 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

DEFENDANTS’ ACTUAL AND THREATENED ENFORCEMENT OF THE CHALLENGED LAWS AND ITS INJURY TO THE PLAINTIFFS

Plaintiff Ronald Koons

42. As to the allegations in Paragraph 42 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

43. As to the allegations in Paragraph 43 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

44. As to the allegations in Paragraph 44 of the Complaint the Applicants-Intervenors

are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

45. As to the allegations in Paragraph 45 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

46. As to the allegations in Paragraph 46 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

47. Denied.

Plaintiff Nicholas Gaudio

48. As to the allegations in Paragraph 48 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

49. As to the allegations in Paragraph 49 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

50. As to the allegations in Paragraph 50 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

51. As to the allegations in Paragraph 51 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

52. Denied.

Plaintiff Jeffrey M. Muller

53. As to the allegations in Paragraph 53 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

54. As to the allegations in Paragraph 54 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

55. As to the allegations in Paragraph 55 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

56. As to the allegations in Paragraph 56 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

57. As to the allegations in Paragraph 57 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

58. Denied.

Plaintiff Second Amendment Foundation

59. As to the allegations in Paragraph 59 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

60. As to the allegations in Paragraph 60 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and

they leave the Plaintiffs to their proofs except to deny that their members' constitutional rights are being violated.

Plaintiff Firearms Policy Coalition

61. As to the allegations in Paragraph 61 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

62. As to the allegations in Paragraph 62 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs except to deny that their members' constitutional rights are being violated.

Plaintiff Coalition of New Jersey Firearms Owners

63. As to the allegations in Paragraph 63 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

64. As to the allegations in Paragraph 64 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs except to deny that their members' constitutional rights are being violated.

Plaintiff New Jersey Second Amendment Society

65. As to the allegations in Paragraph 65 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

66. As to the allegations in Paragraph 66 of the Complaint the Applicants-Intervenors

are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs except to deny that their members' constitutional rights are being violated.

**CAUSE OF ACTION FOR DEPRIVATION OF CIVIL RIGHTS
42 U.S.C. § 1983**

67. The allegations of Paragraph 67 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
68. Denied.
69. Denied.
70. Denied.

WHEREFORE, Applicants-Intervenors Senate President Nicholas P. Scutari and Assembly Speaker Craig J. Coughlin demand judgment against Plaintiffs dismissing the Complaint with prejudice and for attorney's fees and costs of suit.

AFFIRMATIVE DEFENSES

1. The Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b) (6) as it fails to state a claim upon which relief can be granted.
2. Plaintiffs lack the requisite standing to maintain this action.
3. Plaintiffs have not suffered a concrete particularized injury in fact in connection with the enactment and/or enforcement of L. 2022, c. 231.
4. Plaintiffs cannot establish any credible threat of enforcement of L. 2022, c. 231 against them.
5. Plaintiffs cannot meet their burden of showing that any injury is fairly traceable to the enactment of L. 2022, c. 231,
6. L. 2022, c. 231 is amply supported by historical tradition with respect to those

provisions that fall within the plain text of the Second Amendment.

7. Various sensitive places that are within the scope of L. 2022, c. 231 constitute “new and analogous sensitive places [that] are constitutionally permissible” within the meaning of *Bruen*. *Bruen*, 142 S.Ct. at 2133.

8. Various sensitive places that are within the scope of L. 2022, c. 231 are constitutionally permissible because they entail the restriction of firearms in locales where vulnerable or incapacitated people gather.

9. Various sensitive places that are within the scope of L. 2022, c. 231 are constitutionally permissible because they are locations for core First Amendment activity.

10. Section 7(a)(24) of L. 2022, c. 231 (pertaining to firearms carry on private property) does not change the scope of the right to carry on private property. Hence, the section is constitutionally permissible.

11. Section 7(a)(24) of L. 2022, c. 231 (pertaining to firearms carry on private property) does not prevent the owners of private establishments from indicating their consent to allow visitors or licensees to carry firearms on the owner’s property. Hence, the section is constitutionally permissible.

12. L. 2022, c. 231 properly allows property owned by the government in its proprietary capacity to be controlled by the government in a manner that is fully consistent with background principles of property law, including the right of an owner of property to: (1) exclude others; or (2) impose conditions of entry on to the property. Hence, government has the right to exclude firearms with respect to this class of property.

13. Section 7(b)(1) of L. 2022, c. 231 (carriage of firearms in motor vehicles) is constitutionally permissible because it is amply supported by historical tradition with respect to

the carriage of firearms in Founding-era and Reconstruction-era modes of transport

14. Section 7(b)(1) of L. 2022, c. 231 (carriage of firearms in motor vehicles) is constitutionally permissible because: (1) motor vehicles pose different problems than Founding-era and Reconstruction-era modes of transport; and (2) motor vehicles constitute “new and analogous sensitive places [that] are constitutionally permissible” within the meaning of *Bruen*. *Bruen*, 142 S.Ct. at 2133.

15. The Intervenors-Applicants hereby adopt the Affirmative Defenses of all co-defendants.

16. The Intervenors-Applicants reserve the right to interpose such other defenses as may be warranted after further investigation and discovery.

Respectfully submitted,

Cullen and Dykman LLP

By: /s/ Leon J. Sokol
Leon J. Sokol

Kologi ♦ Simitz, Counsellors at Law

By: /s/ Edward J. Kologi
Edward J. Kologi

Attorneys for Intervenors-Applicants
Senate President Nicholas P. Scutari and
Assembly Speaker Craig J. Coughlin

Dated: January 23, 2023

Complaint in SIEGEL, ET AL. V. PLATKIN, ET AL., Civil Action No. 1:22-cv-7464-RMB/EAP

INTRODUCTION

1. The allegations of Paragraph 1 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. As to the allegations in Paragraph 6 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

JURISDICTION AND VENUE

14. Admitted.
15. As to the allegations in Paragraph 15 of the Complaint the Applicants-Intervenors

are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

16. Admitted.

PARTIES

17. As to the allegations in Paragraph 17 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

18. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

19. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

20. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

21. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

22. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

23. As to the allegations in Paragraph 13 of the Complaint the Applicants-Intervenors

are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

24. As to the allegations in Paragraph 24 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegation and they leave the Plaintiffs to their proofs.

25. The allegations in Paragraph 25 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.

26. The allegations in Paragraph 26 of the Complaint pertain exclusively to the status or description of a party other than Intervenors; hence, no response is required.

FACTUAL ALLEGATIONS

A. Prior Law Governing the Public Possession of Handguns

27. Denied.

28. Denied.

29. As to the allegations of Paragraph 29 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

30. As to the allegations of Paragraph 30 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

31. As to the allegations of Paragraph 31 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

32. As to the allegations of Paragraph 32 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

33. As to the allegations of Paragraph 33 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

34. Denied.

B. Bruen Decision

35. The allegations of Paragraph 35 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

36. The allegations of Paragraph 36 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

37. The allegations of Paragraph 37 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

C. New Jersey Announces “Massive Resistance” to Bruen

38. Denied.

D. New York’s Massive Resistance

39. Denied.

40. Denied.

E. New Jersey’s Massive Resistance: A4769 -- The New “Justifiable Need”

41. Denied.

42. Denied.

43. Denied.

44. The allegations of Paragraph 44 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

I. Prohibited Sensitive Places: Nearly Everywhere in the State

49. Denied.

50. The allegations of Paragraph 50 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

51. The allegations of Paragraph 51 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

52. The allegations of Paragraph 52 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

53. The allegations of Paragraph 53 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

54. The allegations of Paragraph 54 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

55. Denied.

56. Denied.

57. The allegations of Paragraph 57 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

II. Insurance Requirement

58. As to the allegations of Paragraph 58 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

59. Denied.

60. The allegations of Paragraph 60 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

III. Massive Fee Increase

61. The allegations of Paragraph 61 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

62. Denied.

63. Denied.

64. The allegations of Paragraph 64 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

65. The allegations of Paragraph 65 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

66. Denied.

67. The allegations of Paragraph 67 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

68. Denied.

69. The allegations of Paragraph 69 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

IV. Onerous New Permit Requirements

70. Denied.

71. The allegations of Paragraph 71 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

72. The allegations of Paragraph 72 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

73. The allegations of Paragraph 73 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

74. Denied.

75. The allegations of Paragraph 75 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

76. Denied.

77. The allegations of Paragraph 35 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

78. Denied.

79. Denied.

80. The allegations of Paragraph 80 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

81. Denied.

82. Denied.

83. The allegations of Paragraph 83 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

V. Unjustified Display of a Handgun

84. Denied.

85. Denied.

86. The allegations of Paragraph 86 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

VI. Special Elite Class of Handgun Carry and Firearm Possession

87. Denied.

88. Denied.

89. Denied.

90. The allegations of Paragraph 90 of the Complaint are not factual allegations and

are instead legal argument and therefore a response is not necessary to same.

VII. A4769 is Simply “Justifiable Need” Part 2.

91. Denied.

92. The allegations of Paragraph 92 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

F. A4769 Violates the Fundamental Constitutional Rights of Plaintiffs.

Paragraphs 93 through 251. As to the factual allegations contained in Paragraphs 93

through 251 of the Complaint the Applicants-Intervenors are without knowledge or information sufficient to respond to this allegations and they leave the Plaintiffs to their proofs except to deny any violation of the Plaintiff’s constitutional rights.

COUNT ONE

Deprivation of Plaintiffs’ Rights Under U.S. CONST. amends. II and XIV

252. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

253. As to the allegations of Paragraph 253 of the Complaint the cited constitutional provision speaks for itself and therefore a response is not necessary to same.

254. The allegations of Paragraph 254 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

255. The allegations of Paragraph 255 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

256. Denied.

257. As to the allegations of Paragraph 257 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.

258. Denied.

259. Denied.

260. Denied.

261. Denied.

262. Denied.

263. Denied.

264. Denied.

265. Denied.

266. Denied.

267. Denied.

268. Denied.

269. Denied.

270. Denied.

271. Denied.

272. Denied.

273. Denied.

274. Denied.

275. Denied.

276. Denied.

277. Denied.

278. Denied.

279. Denied.

280. Denied.

281. Denied.

282. Denied.

283. Denied.

284. Denied.

285. Denied.

286. Denied.

287. Denied.

COUNT TWO

**Deprivation of Plaintiffs' Rights Under U.S. CONST. amend. XIV
(Equal Protection)**

288. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

289. As to the allegations of Paragraph 289 of the Complaint the cited constitutional provision speaks for itself and therefore a response is not necessary to same.

290. Denied.

291. Denied.

292. Denied.

293. Denied.

294. Denied.

295. Denied.

COUNT THREE

**Deprivation of Plaintiffs' Rights Under U.S. CONST. amend. XIV
(Due Process of Law – Void for Vagueness/Lack of Notice)**

296. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

297. As to the allegations of Paragraph 297 of the Complaint the cited constitutional provision speaks for itself and therefore a response is not necessary to same.

298. The allegations of Paragraph 298 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
299. The allegations of Paragraph 299 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
300. The allegations of Paragraph 300 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.
301. Denied.
302. Denied.
303. Denied.
304. Denied.
305. Denied.
306. As to the allegations of Paragraph 306 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.
307. Denied.
308. Denied.
309. As to the allegations of Paragraph 309 of the Complaint the cited statutes speak for themselves and therefore a response is not necessary to same.
310. Denied.
311. Denied.

COUNT FOUR
Deprivation of Plaintiffs' Rights Under U.S. CONST. amend. I and XIV
(Compelled Speech)

312. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

313. Denied.

314. Denied.

315. The allegations of Paragraph 315 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

316. Denied.

COUNT FIVE

Deprivation of Plaintiffs' Rights Under U.S. CONST. amend. I and XIV

317. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

318. Denied.

319. Denied.

320. Denied.

321. Denied.

322. Denied.

323. Denied.

324. Denied.

COUNT SIX

**Deprivation of Plaintiffs' Rights Under U.S. CONST. amend. I and XIV
(Right to Access Library)**

325. The Applicants-Intervenors hereby incorporate all previous responses to the preceding paragraphs.

326. The allegations of Paragraph 326 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

327. The allegations of Paragraph 327 of the Complaint are not factual allegations and are instead legal argument and therefore a response is not necessary to same.

328. Denied.

WHEREFORE, Applicants-Intervenors Senate President Nicholas P. Scutari and Assembly Speaker Craig J. Coughlin demand judgment against plaintiffs dismissing the Complaint with prejudice and for attorney's fees and costs of suit.

AFFIRMATIVE DEFENSES

1. The Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b) (6) as it fails to state a claim upon which relief can be granted.
2. Plaintiffs lack the requisite standing to maintain this action.
3. Plaintiffs have not suffered a concrete particularized injury in fact in connection with the enactment and/or enforcement of L. 2022, c. 231.
4. Plaintiffs cannot establish any credible threat of enforcement of L. 2022, c. 231 against them.
5. Plaintiffs cannot meet their burden of showing that any injury is fairly traceable to the enactment of L. 2022, c. 231,
6. L. 2022, c. 231 is amply supported by historical tradition with respect to those provisions that fall within the plain text of the Second Amendment.
7. Various sensitive places that are within the scope of L. 2022, c. 231 constitute “new and analogous sensitive places [that] are constitutionally permissible” within the meaning of *Bruen*. *Bruen*, 142 S.Ct. at 2133.
8. Various sensitive places that are within the scope of L. 2022, c. 231 are constitutionally permissible because they entail the restriction of firearms in locales where vulnerable or incapacitated people gather.
9. Various sensitive places that are within the scope of L. 2022, c. 231 are

constitutionally permissible because they are locations for core First Amendment activity.

10. Section 7(a)(24) of L. 2022, c. 231 (pertaining to firearms carry on private property) does not change the scope of the right to carry on private property. Hence, the section is constitutionally permissible.

11. Section 7(a)(24) of L. 2022, c. 231 (pertaining to firearms carry on private property) does not prevent the owners of private establishments from indicating their consent to allow visitors or licensees to carry firearms on the owner's property. Hence, the section is constitutionally permissible.

12. L. 2022, c. 231 properly allows property owned by the government in its proprietary capacity to be controlled by the government in a manner that is fully consistent with background principles of property law, including the right of an owner of property to: (1) exclude others; or (2) impose conditions of entry on to the property. Hence, government has the right to exclude firearms with respect to this class of property.

13. Section 7(b)(1) of L. 2022, c. 231 (carriage of firearms in motor vehicles) is constitutionally permissible because it is amply supported by historical tradition with respect to the carriage of firearms in Founding-era and Reconstruction-era modes of transport

14. Section 7(b)(1) of L. 2022, c. 231 (carriage of firearms in motor vehicles) is constitutionally permissible because: (1) motor vehicles pose different problems than Founding-era and Reconstruction-era modes of transport; and (2) motor vehicles constitute “new and analogous sensitive places [that] are constitutionally permissible” within the meaning of *Bruen*. *Bruen*, 142 S.Ct. at 2133.

15. The Intervenors-Applicants hereby adopt the Affirmative Defenses of all co-defendants.

16. The Intervenors-Applicants reserve the right to interpose such other defenses as may be warranted after further investigation and discovery.

Respectfully submitted,

Cullen and Dykman, LLP

By: /s/ Leon J. Sokol
Leon J. Sokol

Kologi ♦ Simitz, Counsellors at Law

By: /s/ Edward J. Kologi
Edward J. Kologi

Attorneys for Applicants-Intervenors
Senate President Nicholas P. Scutari and
Assembly Speaker Craig J. Coughlin

Dated: January 23, 2023

EXHIBIT B

CHAPTER 131

AN ACT concerning the sale and possession of firearms and supplementing and amending various parts of the statutory law.

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

C.2C:58-4.2 Findings, declarations.

1. The Legislature finds and declares that:

a. The decision of the United States Supreme Court in *New York State Rifle & Pistol Association v. Bruen* holds significant implications for carrying a handgun in New Jersey and the law governing the issuance of permits to carry a handgun. The Bruen decision establishes that states cannot deny permits to carry a handgun to otherwise-qualified citizens who fail to show that they have the “proper cause” to carry a handgun. New Jersey law relies on a similar standard, considering whether an applicant has a “justifiable need,” in determining whether to issue a permit to carry a handgun.

b. In accordance with the precedent established in the Bruen decision, laws requiring showings of particularized need are no longer legally viable to determine whether a person may carry a handgun in public. The Bruen decision does make clear, however, that the Legislature can enact laws to protect our communities from threats to public health, safety, and welfare posed by gun violence, which take into account as appropriate the Supreme Court’s Second Amendment ruling while continuing to promote and enhance public safety.

c. Statistics show that expanding handgun carrying creates safety risks, helping to fuel the epidemic of gun violence. For example, a study by researchers at the Johns Hopkins Bloomberg School of Public Health found that the estimated average rate of officer-involved shootings increased by 12.9 percent in 10 states that relaxed restrictions between 2014 and 2020 on civilians carrying concealed firearms in public. Accordingly, evidence demonstrates that more guns on the streets can translate into more acts of gun violence. To mitigate the impact of having more people carrying guns in public places, steps must be taken to better ensure that those who exercise the right to carry are responsible, law-abiding, and appropriately trained individuals who would not pose undue safety risks if armed in public places.

d. In Bruen, the Supreme Court recognized that states may prohibit individuals who are not “law-abiding, responsible citizens” from carrying firearms in public, and endorsed the use of “licensing requirements for carrying a handgun for self-defense.” Although the Court did not provide a complete list of lawful requirements, it specifically cited a “background check, mental health check, training in firearms handling and in laws regarding the use of force, among other possible requirements” as permissible. The purpose of these checks, the Court explained, is to “ensure only that those bearing arms in the jurisdiction are in fact, ‘law-abiding, responsible citizens.’” It is thus important to bolster and improve the process in this State for ensuring that only such individuals possess and carry firearms. Toward that end, this act strengthens the criteria and background investigation requirements that are used to determine whether an applicant is qualified to carry a firearm in New Jersey.

e. This act also designates places in which the carrying of a firearm or destructive device is prohibited. Previously, application of the justifiable need standard minimized the serious dangers of misuse and accidental use inherent in the carrying of handguns in a public place. Given the likelihood that a much greater number of individuals will now qualify to carry handguns in public, it is now both necessary and appropriate to clearly identify in the law those sensitive places where, due to heightened public safety concerns, carrying a dangerous, potentially lethal device or weapon, including a handgun, is not permissible. These prohibitions are based on common sense principles and historical analogues.

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f. Notwithstanding its rejection of a particularized need standard, the Bruen decision recognizes that the carrying of firearms in sensitive places can “be prohibited consistent with the Second Amendment.” Indeed, the Court assumed it settled that “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings,” as well as other places such as “legislative assemblies, polling places, and courthouses,” are “longstanding” and not subject to disputes regarding their constitutionality. The Court added that other “sensitive place” regulations may be permissible if “consistent with the Second Amendment’s text and historical understanding” – that is, “relevantly similar” to historical analogues.

g. The sensitive-place prohibitions on dangerous weapons set forth in this act are rooted in history and tradition. They are analogous to historical laws that can be found from the Founding era to Reconstruction, which are also found in modern laws in many states. History and tradition support at least the following location-based restrictions on carrying firearms:

(1) Places that are the site of core constitutional activity, such as but not limited to the exercise of First Amendment rights, or that are otherwise vital to the functioning of democracy and our system of government. That includes prohibitions of firearms in facilities within the criminal justice system;

(2) Schools, universities, other educational institutions, where people assemble for educational purposes and for the purposes of teaching, learning, research, and the pursuit of knowledge;

(3) Parks and other recreation spaces, including locations where children congregate;

(4) Locations that protect vulnerable classes of people, such as the young and the frail;

(5) Places where intoxicating substances are sold, places where large groups of individuals congregate, and places where volatile conditions may pose a threat to public safety; and

(6) Various forms of transportation and public infrastructure, whose safety, security, and stability are critical to supporting social function.

h. The historical record also supports restriction of firearm possession on private property when the owner has not given their consent. Many states require a property owner’s permission before another may enter private dwellings and private lands with a firearm or other weapons. Requiring consent from the property owner before carrying weapons onto private property is also in line with both the reasonable expectations and property rights of New Jersey property owners.

i. Additionally, the fees to obtain a firearms purchaser identification permit or a permit to purchase a handgun in New Jersey were initially set by statute over 50 years ago at \$5 and \$2, respectively, and in over a half century the law has never been changed to increase these fees, notwithstanding the impact of inflation, increasing costs of background checks and related investigations, and the investment made over the years to technologically upgrade the firearms application and registration system established and maintained by the New Jersey State Police.

j. Accordingly, the Legislature finds it is necessary and proper to revise this State’s procedural and substantive laws related to firearms to update the process and the standards applicable to firearm purchase and possession as well as our handgun carry law, and to continue to promote public safety and reduce gun violence in a manner consistent with the Second Amendment principles articulated by the current Supreme Court jurisprudence. These revisions will focus on factors other than the need or purpose a person may assert as justification to carry a handgun, such as the person’s background and qualifications, with the ultimate goal of keeping New Jersey streets and neighborhoods safe from gun violence.

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

Purchase of firearms.

2C:58-3. a. Permit to purchase a handgun.

(1) A person shall not sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

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

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

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

(b) between law enforcement officers;

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

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

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

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

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

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

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

b. Firearms purchaser identification card.

(1) A person shall not sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that the person presently complies with the requirements of subsection c. of this section and shall contain the person's name, address and firearms purchaser identification card number or dealer's registration number. The certification shall be retained by the seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may be filed with the chief police officer of the municipality in which the person resides or with the superintendent.

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

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

- (a) between members of an immediate family as defined in subsection n. of this section;
- (b) between law enforcement officers;

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

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

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

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

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

(c) a retail dealer may charge a fee, not to exceed \$70, for a transaction conducted pursuant to this subsection; and

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

c. Who may obtain. Except as hereinafter provided, a person shall not be denied a permit to purchase a handgun or a firearms purchaser identification card, unless the person is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in this section or other sections of this chapter. A handgun purchase permit or firearms purchaser identification card shall not be issued:

(1) To any person who has been convicted of: (a) any crime in this State or its felony counterpart in any other state or federal jurisdiction; or (b) a disorderly persons offense in this State involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) or its felony or misdemeanor counterpart involving an act of domestic violence as defined under a comparable statute in any other state or federal jurisdiction, whether or not armed with or possessing a weapon at the time of the offense;

(2) To any person who is presently confined for a mental disorder as a voluntary admission as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) or who is presently involuntarily committed to inpatient or outpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.);

(3) To any person who suffers from a physical defect or disease which would make it unsafe for that person to handle firearms, to any person with a substance use disorder involving drugs as defined in section 2 of P.L.1970, c.226 (C.24:21-2), or to any alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8) unless any of the foregoing persons produces a certificate of a medical doctor, treatment provider, or psychiatrist licensed in New Jersey, or other satisfactory proof, that the person is no longer suffering from that particular disability in a manner that would interfere with or handicap that person in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

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

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(5) To any person where the issuance would not be in the interest of the public health, safety or welfare because the person is found to be lacking the essential character of temperament necessary to be entrusted with a firearm;

(6) To any person who is subject to or has violated a temporary or final restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;

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

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

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

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

(11) To any person who is subject to or has violated a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.);

(12) To any person who is subject to or has violated a temporary or final restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et al.);

(13) To any person who has previously been voluntarily admitted to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.) or involuntarily committed to inpatient or outpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court has expunged the person's record pursuant to P.L.1953, c.268 (C.30:4-80.8 et seq.);

(14) To any person who is subject to an outstanding arrest warrant for an indictable crime in this State or for a felony, other than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1) would apply, in any other state or federal jurisdiction; or

(15) To any person who is a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime, other than a crime to which section 1 of P.L.2022, c.50 (C.2A:160-14.1) would apply, or to avoid giving testimony in any criminal proceeding.

In order to obtain a permit to purchase a handgun or a firearms purchaser identification card, the applicant shall demonstrate that, within four years prior to the date of the application, the applicant satisfactorily completed a course of instruction approved by the superintendent in the lawful and safe handling and storage of firearms. The applicant shall be required to demonstrate completion of a course of instruction only once prior to obtaining either a firearms purchaser identification card or the applicant's first permit to purchase a handgun.

The applicant shall not be required to demonstrate completion of a course of instruction in order to obtain any subsequent permit to purchase a handgun, to replace an existing firearms purchaser identification card, or to renew a firearms purchaser identification card.

An applicant who is a law enforcement officer who has satisfied the requirements of subsection j. of N.J.S.2C:39-6, a retired law enforcement officer who has satisfied the requirements of subsection l. of N.J.S.2C:39-6, or a veteran who was honorably discharged as

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a member of the United States Armed Forces or National Guard who received substantially equivalent training shall not be required to complete the course of instruction required pursuant to the provisions of this subsection.

A person who obtained a permit to purchase a handgun or a firearms purchaser identification card prior to the effective date of P.L.2022, c.58 shall not be required to complete a course of instruction pursuant to this subsection.

d. Issuance. The chief police officer of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

A firearms purchaser identification card issued following the effective date of P.L.2022, c.58 shall display a color photograph and be electronically linked to the fingerprints of the card holder. A person who obtained a firearms purchaser identification card prior to the effective date of P.L.2022, c.58 shall not be required to obtain a firearms purchaser identification card that displays a color photograph and is electronically linked to fingerprints. The superintendent shall establish guidelines as necessary to effectuate the issuance of firearms purchaser identification cards that display a color photograph and which are electronically linked to the fingerprints of the card holder.

The requirements of this subsection concerning firearms purchaser identification cards issued following the effective date of P.L.2022, c.58 shall remain inoperative until such time as the superintendent establishes a system to produce cards that comply with this requirement and, until such time, applicants issued a firearms purchaser identification card shall be provided with cards that do not conform to the requirements of this section, which shall be afforded full force and effect until such time as the system is established and a compliant card is issued in accordance with this subsection. An applicant issued a non-compliant firearms purchaser identification card shall obtain a card, at no cost to the applicant, which conforms to the requirements of this section no later than one year after receiving notice that the system to produce cards that comply with this requirement is operational.

If an application for a permit or identification card is denied, the applicant shall be provided with a written statement of the reasons for the denial. Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which the person resides if the person is a resident of New Jersey or in the Superior Court of the county in which the person's application was filed if the person is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of the request for a hearing upon the chief police officer of the municipality in which the person resides, if the person is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 60 days of the receipt of the application for a hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to a hearing. Appeals from the results of a hearing shall be in accordance with law.

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex, any aliases or other names previously used by the applicant, gender, and physical description, including

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distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether the applicant is an alcoholic as defined in section 2 of P.L.1975, c. 305 (C. 26:2B-8) or is a drug-dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether the applicant has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether the applicant has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether the applicant presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether the applicant has ever been convicted of a crime or disorderly persons offense in this State or felony or misdemeanor in any other state or federal jurisdiction, whether the applicant is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered under the provisions of a substantially similar statute under the laws of another jurisdiction prohibiting the applicant from possessing any firearm, whether the applicant is subject to a restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another jurisdiction, whether the applicant is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.), whether the applicant is subject to a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.) prohibiting the applicant from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with the applicant.

An applicant for a permit to purchase a handgun shall also certify, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant's own behalf or, if not, that the purchase is being made on behalf of a third party to whom the applicant may lawfully transfer the handgun.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers, or shall be made available through an online process established or made available by the superintendent.

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

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f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$25, or the application for the firearms purchaser identification card together with a fee of \$50, shall be delivered or forwarded to the licensing authority who, upon determining that the application is complete, shall investigate the same and, provided the requirements of this section are met, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the completed application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card issued or renewed after the effective date of P.L.2022, c.58 shall expire during the tenth calendar year following its date of issuance and on the same calendar day as the person's date of birth.

If the date of birth of the firearms purchaser identification card holder does not correspond to a calendar day of the tenth calendar year, the card shall expire on the last day of the birth month of the card holder.

A firearms purchaser identification card issued pursuant to this section may be renewed upon filing of a renewal application and payment of the required fee, provided that the holder is not subject to any of the disabilities set forth in subsection c. of this section and complies with all other applicable requirements as set forth in statute and regulation. If an application for renewal of a firearms purchaser identification card is denied, the applicant shall be provided with a written statement of the reasons for the denial. Any person aggrieved by the denial of an application for renewal of a firearms purchaser identification card may request a hearing in the Superior Court of the county in which the person resides if the person is a resident of New Jersey or in the Superior Court of the county in which the person's application was filed if the person is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for renewal of the firearms purchaser identification card. The applicant shall serve a copy of the request for a hearing upon the chief police officer of the municipality in which the applicant resides, if the person is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 60 days of the receipt of the application for a hearing by the judge of the Superior Court. A formal pleading and filing fee shall not be required as a preliminary to a hearing. Appeals from the results of a hearing shall be in accordance with law.

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section.

A firearms purchaser identification card issued prior to the effective date of P.L.2022, c.58 shall not expire.

A firearms purchaser identification card shall be void if the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card.

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

g. Disposition of fees. All fees for permits shall be paid to the State Treasury for deposit into the Victims of Crime Compensation Office account if the permit is issued by the superintendent, to the municipality if issued by the chief police officer, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; establishment of a web portal; disposition of the completed information. (1) Except as otherwise provided in paragraph (2) of this subsection, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant electronically through e-mail or the web portal established or designated for this purpose by the superintendent or in such form or manner as may be authorized by the superintendent. Prior to the time the applicant receives the handgun from the seller, the applicant shall provide to the seller an acknowledgement of the permit in the form required under the process established by the superintendent, and the seller shall complete all of the information required on the web portal. This information shall be forwarded to the superintendent through the web portal, or in such other manner as may be authorized by the superintendent, and to the chief police officer of the municipality in which the purchaser resides, except that in a municipality having no chief police officer, the information shall be forwarded to the superintendent. The purchaser shall retain a copy of the completed information and the seller shall retain a copy of the completed information as a permanent record.

A transfer of a handgun between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics shall be conducted via the web portal established or designated by the superintendent, which shall include among other things a certification that the seller and purchaser are in fact immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics.

(2) The requirements of this subsection concerning the delivery and form of permit and disposition of copies shall not be applicable when these functions may be completed by utilizing an electronic system as described in paragraph (2) of subsection b. of N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

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

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

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

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

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

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The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;

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

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

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

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

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

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

o. Registration of handguns owned by new residents. Any person who becomes a resident of this State following the effective date of P.L.2022, c.52 and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearms purchaser identification card within 60 days of becoming a New Jersey resident, and shall register any handgun so transported into this State within 60 days as provided in this subsection.

A person who registers a handgun pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent. The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the handgun being registered. Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement.

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The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station.

Within 60 days prior to the effective date of P.L.2022, c.52, the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

A person who fails to apply for a firearms purchaser identification card or register a handgun as required pursuant to this subsection shall be granted 30 days to comply with the provisions of this subsection. If the person does not comply within 30 days, the person shall be liable to a civil penalty of \$250 for a first offense and shall be guilty of a disorderly persons offense for a second or subsequent offense.

If a person is in possession of multiple firearms or handguns in violation of this subsection, the person shall be guilty of one offense under this subsection provided the violation is a single event.

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in a summary proceeding before the municipal court having jurisdiction. A law enforcement officer having enforcement authority in that municipality may issue a summons for a violation, and may serve and execute all process with respect to the enforcement of this subsection consistent with the Rules of Court.

p. A chief police officer or the superintendent may delegate to subordinate officers or employees of the law enforcement agency the responsibilities established pursuant to this section.

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

Permits to carry handguns.

2C:58-4. a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in a holster concealed on their person in all parts of this State, except as prohibited by subsection e. of N.J.S.2C:39-5 and section 7 of P.L.2022, c.131 (C.2C:58-4.6). One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit and, except as otherwise provided in subsection b. of section 6 of P.L.2022, c.131 (C.2C:58-4.5), shall not be construed to authorize a holder to carry a handgun openly, provided that a brief, incidental exposure of a handgun while transferring it to or from a holster or due to the shifting of the person's body position or clothing shall be deemed a de minimis infraction within the contemplation of N.J.S.2C:2-11.

All permits to carry handguns shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of the employee's employment by the company occurring prior thereto whichever is earlier in time, and they may thereafter be renewed every two years in the same manner and subject to the same conditions as in the case of original applications.

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of permits, shall be made on the forms and in the manner prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, any aliases or other names previously used by the applicant, and physical description of the applicant, and any other information the superintendent may prescribe for the determination of the applicant's eligibility for a permit

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and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be endorsed by not less than four reputable persons who are not related by blood or by law to the applicant and have known the applicant for at least three years preceding the date of application, and who shall certify thereon that the applicant has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others. The reputable persons also shall provide relevant information supporting the certification, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol.

c. Investigation and approval. Each application shall be accompanied by a \$200 application fee and shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent if: (1) the applicant is an employee of an armored car company; (2) there is no chief police officer in the municipality where the applicant resides; (3) the applicant does not reside in this State; or (4) the applicant is a mayor or other elected member of the municipal governing body.

In the case of an application made to the chief police officer of a municipality, \$150 of the fee shall be retained by the municipality and the remaining \$50 shall be forwarded to the superintendent. The fee amount retained by the municipality shall be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent shall be deposited into the Victims of Crime Compensation Office account.

The chief police officer, or the superintendent, as the case may be, shall determine whether the application is complete and, if so, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification or, for an applicant who previously submitted fingerprints in order to apply for a firearms purchaser identification card or a permit to purchase a handgun in accordance with N.J.S.2C:58-3 or a permit to carry a handgun in accordance with this section, may solicit such other identification information as may be authorized by the superintendent for the conduct of a comparable criminal record check. The chief police officer or the superintendent, as the case may be, shall also determine and record a complete description of each handgun the applicant intends to carry. The chief police officer, or the superintendent, as the case may be, shall interview the applicant and the persons endorsing the application under subsection b. of this section, and shall make inquiry concerning, and investigate to the extent warranted, whether the applicant is likely to engage in conduct that would result in harm to the applicant or others, including, but not limited to, whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3, including but not limited to determining whether the applicant has been subject to any recent arrests or criminal charges for disqualifying crimes or has been experiencing any mental health issues such as suicidal ideation or violent impulses, and the applicant's use of drugs or alcohol.

The chief police officer or the superintendent may require such other information from the applicant or any other person, including but not limited to publicly available statements posted or published online by the applicant, as the chief police officer or superintendent deems reasonably necessary to conduct the review of the application.

An application shall not be approved by the chief police officer or the superintendent unless the applicant demonstrates that the applicant is not subject to any of the disabilities set forth

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in subsection c. of N.J.S.2C:58-3, that the applicant is thoroughly familiar with the safe handling and use of handguns, including providing proof of completion of any training or proficiency requirements established under the law, and that the applicant is in compliance with the liability insurance requirement of section 4 of P.L.2022, c.131 (C.2C:58-4.3).

Once the application is deemed complete by the chief police officer or the superintendent, if it is not approved or denied by the chief police officer or the superintendent within 90 days of filing, it shall be deemed to have been approved; provided, however, the chief police officer or the superintendent may, for good cause shown and upon written notification to the applicant, extend by up to an additional 30 days the time period for which the application may be approved or denied. The written notification sent to the applicant shall provide a detailed explanation of the reasons for the extension. An applicant also may agree in writing to an additional extension of time past the 120 day statutory time frame.

A chief police officer or the superintendent may delegate to subordinate officers or employees of the law enforcement agency the responsibilities established pursuant to this section.

d. Issuance of permit; establishment of web portal; disposition of completed information. If the application has been approved by the chief police officer or the superintendent, as the case may be, the chief police officer or the superintendent shall issue the permit to the applicant in the form prescribed by the superintendent.

The permit shall be issued to the applicant electronically through electronic mail or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent, if, but only if, the chief police officer or superintendent determines that the applicant:

(1) has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3;

(2) is thoroughly familiar with the safe handling and use of handguns;

(3) has completed the training requirements established pursuant to subsection g. of this section, provided that any requirement for classroom instruction and target training shall not be required for a renewal applicant who completed the instruction and training when obtaining a permit to carry a handgun issued within the previous two years; and

(4) is in compliance with the liability insurance requirement of section 4 of P.L.2022, c.131 (C.2C:58-4.3).

The provisions of this section requiring the issuance of a permit to carry a handgun utilizing the web portal established pursuant to this subsection and requiring the superintendent or chief police officer to determine that an applicant has completed the training requirement pursuant to subsection c. of this section and paragraph (3) of this subsection and is in compliance with the liability insurance requirements pursuant to subsection c. of this section and paragraph (4) of this subsection shall remain inoperative until the first day of the seventh month next following the date of enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.).

e. Appeals from denial of applications. An applicant who is denied a permit to carry a handgun shall be provided with a written statement of the reasons for the denial. Any applicant aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which the applicant resides or in any county in which the applicant intends to carry a handgun, in the case of a nonresident, by filing a written request for a hearing within 30 days of the denial. The aggrieved applicant shall serve copies of the request upon the superintendent, the county prosecutor, and the chief police officer of the municipality where the applicant resides, if the

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applicant is a resident of this State. The hearing shall be held within 60 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at the hearing shall be in accordance with law and the rules governing the courts of this State.

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section.

f. Revocation of permits. Any permit issued under this section shall be void at the time the holder thereof becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and the holder of a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority. Any permit may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of a permit. The county prosecutor of any county, the chief police officer of any municipality, the superintendent, or any citizen may apply to the court at any time for the revocation of any permit issued pursuant to this section.

g. Training requirement. (1) On or prior to the first day of the seventh month following the enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.), the superintendent shall establish training requirements in the lawful and safe handling and storage of firearms, which shall consist of an online course of instruction, in-person classroom instruction, and target training administered by a certified firearm instructor on a firing range approved by the superintendent and on the list of approved ranges published on the State Police website. The training shall include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training, developed or approved in conjunction with the Police Training Commission, on justification in the use of deadly force under State law.

(2) A person who obtained a permit pursuant to this section prior to the first day of the seventh month following the date of enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) and which permit is not scheduled to expire until at least one year following the enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) shall comply with the training requirement established pursuant to this subsection no later than the first day of the tenth month following the date of enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.).

h. For purposes of this section, "holster" means a device or sheath that securely retains a handgun which, at a minimum, conceals and protects the main body of the firearm, maintains the firearm in a consistent and accessible position, and renders the trigger covered and inaccessible while the handgun is fully seated in the holster.

C.2C:58-4.3 Liability insurance, handgun, public, carrying.

4. a. Every private citizen who carries a handgun in public in this State shall maintain liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public wherein such coverage shall be at least in an amount or limit of \$300,000, exclusive of interest and costs, on account of injury to or death of more than one person and for damage to property, in any one incident.

b. Proof of liability insurance, as required pursuant to subsection a. of this section, shall be produced by the person carrying a handgun in public, within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public. This requirement shall be satisfied by delivering a full and complete copy of the applicable policy or policies of insurance that meet the standards

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established by subsection a. of this section and that were in force at the time of the injury, death, or property damage.

Notwithstanding the provisions of this subsection, disclosure of policy information under this section shall not constitute an admission that the alleged injury, death, or property damage is subject to the policy.

Information concerning the insurance policy shall not be admissible as evidence at trial by reason of disclosure pursuant to this subsection. The disclosure shall be confidential and available only to the injured person, representative of the decedent, or owner of damaged property and the attorney representing the injured person, representative of the decedent, or owner of damaged property and personnel in the office of the attorney.

c. A violation of this section shall be a crime of the fourth degree and shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

C.2C:58-4.4 Safety requirements, handgun carry.

5. Safe carry requirements for authorized holders of a permit to carry a handgun.

a. The holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4 shall not:

(1) use or consume alcohol, a cannabis item, or a controlled substance while carrying a handgun;

(2) be under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;

(3) carry a handgun in public outside of a holster or carry a handgun in public in a holster that does not meet the requirements of subsection h. of N.J.S.2C:58-4;

(4) carry more than two firearms under the permittee's control at one time; or

(5) engage in an unjustified display of a handgun.

A violation of this subsection shall be a crime of the fourth degree, and any such violation shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

b. The holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4, if stopped or detained by a law enforcement officer while carrying a handgun in public or traveling with a handgun in a motor vehicle, shall:

(1) immediately disclose to the law enforcement officer that they are carrying a handgun or that a handgun is stored in the vehicle; and

(2) display the permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

A violation of paragraph (1) of this section shall be a crime of the fourth degree. A person who violates paragraph (2) of this subsection shall be guilty of a disorderly persons offense for a first offense and subject to a \$100 fine and a crime of the fourth degree for a second or subsequent offense.

c. A holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4 who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation shall provide the handgun to the law enforcement officer upon request for purposes of inspecting the handgun. The provisions of this subsection shall not be construed to affect or otherwise limit the authority of a law enforcement officer to conduct a lawful search or seizure.

A violation of this subsection shall be a crime of the fourth degree.

C.2C:58-4.5 Restrictions, public carrying, handgun.

6. Requirements and restrictions on the lawful carrying of a handgun in public.

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Except as permitted pursuant to N.J.S.2C:39-6, in addition to any criminal penalties under subsection b. of N.J.S.2C:39-5, sections 5 and 7 of P.L.2022, c.131 (C.2C:58-4.4 and C.2C:58-4.6), or any other law, it shall be a crime of the fourth degree for any person in a public place:

a. to carry a handgun concealed on or about their person, except as permitted in accordance with N.J.S.2C:39-6, without possessing on their person a valid and lawfully issued permit to carry under N.J.S.2C:58-4 and proof of the liability insurance required pursuant to section 4 of P.L.2022, c.131 (C.2C:58-4.3); or

b. to carry a handgun openly, whether or not in possession of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 and proof of the liability insurance required pursuant to section 4 of P.L.2022, c.131 (C.2C:58-4.3).

C.2C:58-4.6 Prohibited areas, carrying, firearms, destructive device.

7. Places where the carrying of a firearm or destructive device is prohibited.

a. Except as otherwise provided in this section and in the case of a brief, incidental entry onto property, which shall be deemed a de minimis infraction within the contemplation of N.J.S.2C:2-11, it shall be a crime of the third degree for any person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in N.J.S.2C:39-6, to knowingly carry a firearm as defined in subsection f. of N.J.S.2C:39-1 and a crime of the second degree to knowingly possess a destructive device as defined in subsection c. of N.J.S.2C:39-1 in any of the following places, including in or upon any part of the buildings, grounds, or parking area of:

(1) a place owned, leased, or under the control of State, county or municipal government used for the purpose of government administration, including but not limited to police stations;

(2) a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

(3) a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;

(4) a State-contracted half-way house;

(5) a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots;

(6) within 100 feet of a place where a public gathering, demonstration or event is held for which a government permit is required, during the conduct of such gathering, demonstration or event;

(7) a school, college, university or other educational institution, and on any school bus;

(8) a child care facility, including a day care center;

(9) a nursery school, pre-school, zoo, or summer camp;

(10) a park, beach, recreation facility or area or playground owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun-free zone by the governing authority based on considerations of public safety;

(11) youth sports events, as defined in N.J.S.5:17-1, during and immediately preceding and following the conduct of the event, except that this provision shall not apply to participants of a youth sports event which is a firearm shooting competition to which paragraph (3) of subsection b. of section 14 of P.L.1979, c.179 (C.2C:58-6.1) applies;

(12) a publicly owned or leased library or museum;

(13) a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter

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for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;

(14) a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;

(15) a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;

(16) a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24);

(17) a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held;

(18) a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment and recreational venues located within the casino property;

(19) a plant or operation that produces, converts, distributes or stores energy or converts one form of energy to another;

(20) an airport or public transportation hub;

(21) a health care facility, including but not limited to a general hospital, special hospital, psychiatric hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, assisted living center, home health care agency, residential treatment facility, residential health care facility, medical office, or ambulatory care facility;

(22) a facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;

(23) a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;

(24) private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit under N.J.S.2C:58-4, provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e. of N.J.S.2C:39-6; and

(25) any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency.

b. (1) A person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in subsection a., c., or l. of N.J.S.2C:39-6, who is otherwise authorized under the law to carry or transport a firearm shall not do so while in a vehicle in New Jersey, unless the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk of the vehicle.

(2) A holder of a valid and lawfully issued permit to carry a handgun shall not leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely fastened case, or gunbox, and is

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not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle.

A violation of paragraph (1) or (2) of this subsection is a crime of the fourth degree.

c. Notwithstanding the provisions of subsections a. and b. of this section, the holder of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 who is otherwise prohibited under this section from carrying a concealed firearm into the parking area of a prohibited location specified in subsection a. of this section shall be permitted to:

(1) transport a concealed handgun or ammunition within a vehicle into or out of the parking area, provided that the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk or storage area of the vehicle;

(2) store a handgun or ammunition within a locked lock box and out of plain view within the vehicle in the parking area;

(3) transport a concealed handgun in the immediate area surrounding their vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving the handgun within a locked lock box in the vehicle's trunk or other place inside the vehicle that is out of plain view; and

(4) transport a concealed handgun between a vehicle parked within a prohibited parking lot area and a place other than a prohibited place enumerated in subsection a. of this section, provided that the person immediately leaves the parking lot area and does not enter into or on the grounds of the prohibited place with the handgun.

d. The holder of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 shall not be in violation of subsection a. of this section while the holder is traveling along a public right-of-way that touches or crosses any of the places enumerated in subsection a. of this section if the concealed handgun is carried on their person in accordance with the provisions of this act or is being transported in a vehicle by the permit holder in accordance with all other applicable provisions of law.

e. (1) Nothing in this act shall be construed to prohibit the holder of a valid and lawfully issued permit under N.J.S.2C:58-4 who is lawfully authorized to provide security at a place enumerated in subsection a. of this section from carrying a firearm, openly or concealed, provided that the authorization is set forth in writing, and only to the extent permitted by the entity responsible for security at the place in question.

(2) Unless otherwise required or prohibited by law, the owner or entity in control of any place enumerated in subsection a. of this section or owner or entity responsible for providing security may allow or prohibit retired law enforcement officers who are authorized to possess and carry a handgun pursuant to subsection 1. of N.J.S.2C:39-6 or qualified retired law enforcement officers within the meaning of the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277 to carry a concealed handgun on the premises of such place.

f. Nothing in this section shall be construed to prohibit an employee of an armored car company who is the holder of a valid and lawfully issued permit to carry a handgun issued pursuant to N.J.S.2C:58-4 who is contractually authorized to provide services for a client at a place enumerated in subsection a. of this section from carrying a firearm, openly, in the regular course of employment.

g. Nothing in this section shall prohibit the carrying or transporting of a firearm in accordance with subsections e. and f. of N.J.S.2C:39-6 or where it is otherwise expressly authorized by law.

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

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Exemptions.

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

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

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

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

(4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective or investigator, State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation police officer;

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

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

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

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

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

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, a member shall take and successfully complete a firearms training course administered by the Police Training

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Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

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

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

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

(12) A county prosecutor, assistant prosecutor, federal prosecutor, municipal prosecutor, Attorney General, assistant attorney general, deputy attorney general and federal, State, county, or municipal court judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation at all times while in this State. Prior to being permitted to carry a firearm, a person subject to this paragraph shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a handgun or similar weapon prior to being permitted to carry a firearm. The superintendent may issue identification cards indicating that such a person is permitted to carry a handgun pursuant to this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical

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discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.

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

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

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

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

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

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officer; a full-time State correctional police officer or county correctional police officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation police officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section. A retired law enforcement officer shall be entitled to carry a handgun pursuant to this subsection under the following conditions:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun every two years. A renewal application shall be submitted in the same manner.

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

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

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

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

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

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

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

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for two years from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which the person resides by filing a written request for a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent

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and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of the hearing shall be in accordance with law and the rules governing the courts of this State.

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

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

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

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

C.2C:58-4.7 Regulations, necessary to implementation.

9. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Superintendent of State Police may adopt immediately upon filing with the Office of Administrative Law such regulations as the superintendent deems necessary to implement the provisions of P.L.2022, c.131 (C.2C:58-4.2 et al.), which shall be effective for a period not to exceed 18 months, and may thereafter be amended, adopted, or readopted by the superintendent in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.2C:58-4.8 Application determinations, pending, filed, submitted.

10. a. Notwithstanding the provisions of subsection d. of N.J.S.2C:58-4, application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the date of enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) shall be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit.

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b. Application determinations for a permit to carry a handgun that are submitted on or after the date of enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) shall be made by a chief police officer or superintendent, as the case may be, in accordance with subsection d. of N.J.S.2C:58-4.

C.2C:58-4.9 Severability.

11. The provisions of P.L.2022, c.131 (C.2C:58-4.2 et al.) are severable; if any provision, or application of any provision, of this amendatory and supplementary act is held invalid by any court, the holding or judgment shall not affect the remaining provisions or applications of the provisions thereof.

12. Sections 2, 3, 7, and 10 of this act shall take effect immediately and the remainder of this act shall take effect on the first day of the seventh month next following the date of enactment, but the Attorney General, Superintendent of State Police, and Commissioner of Banking and Insurance may take such anticipatory action as is necessary for the implementation of this act.

Approved December 22, 2022.

EXHIBIT C

Bill A4769

Session 2022 - 2023

Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and destructive devices are prohibited.*

Bills and Joint Resolutions Signed by the Governor

*Identical Bill Number:***S3214**

This bill has been certified by OLS for a fiscal note.

Primary Sponsor:

- Danielsen, Joe
- Greenwald, Louis D.
- Jasey, Mila M.
- McKeon, John F.
- Park, Ellen J.
- Chaparro, Annette
- Scutari, Nicholas P.
- Greenstein, Linda R.

Co-Sponsor:

- Johnson, Gordon M.
-

- **10/13/2022** Introduced, Referred to Assembly Judiciary Committee
- **10/17/2022** Reported out of Asm. Comm. with Amendments, and Referred to Assembly Appropriations Committee
- **10/20/2022** Reported out of Assembly Comm. with Amendments, 2nd Reading
- **10/24/2022** Recommitted to Assembly Oversight, Reform and Federal Relations Committee
- **10/24/2022** Reported out of Assembly Comm. with Amendments, 2nd Reading
- **11/14/2022** Recommitted to Assembly Judiciary Committee
- **11/14/2022** Reported from Assembly Comm. as a Substitute, 2nd Reading
- **11/21/2022** Passed by the Assembly (43-29-1)
- **12/1/2022** Received in the Senate, Referred to Senate Budget and Appropriations Committee
- **12/5/2022** Reported from Senate Committee, 2nd Reading
- **12/19/2022** Substituted for S3214 (SCS)
- **12/19/2022** Passed Senate (Passed Both Houses) (21-16)
- **12/22/2022** Approved P.L.2022, c.131.

- **Introduced**

(33 pages) [PDF Format](#) [HTML Format](#)

- **Statement** - AJU 10/17/22

(7 pages) [PDF Format](#) [HTML Format](#)

- **Reprint** - AJU 10/17/22 1R
(26 pages)[PDF Format](#)[HTML Format](#)
- **Statement** - AAP 10/20/22 1R
(10 pages)[PDF Format](#)[HTML Format](#)
- **Statement** - AOF 10/24/22 2R
(8 pages)[PDF Format](#)[HTML Format](#)
- **Reprint** - AOF 10/24/22 3R
(38 pages)[PDF Format](#)[HTML Format](#)
- **Reprint** - AAP 10/20/22 2R
(38 pages)[PDF Format](#)[HTML Format](#)
- **Fiscal Estimate** - 10/31/22; 3R
(5 pages)[PDF Format](#)[HTML Format](#)
- **Statement** - JUD 3R ACS CC 11/14/22
(9 pages)[PDF Format](#)[HTML Format](#)
- **Fiscal Estimate** - 11/25/22; ACS
(6 pages)[PDF Format](#)[HTML Format](#)
- **Statement** - SBA 12/5/22 ACS
(8 pages)[PDF Format](#)[HTML Format](#)
- **Assembly Committee Substitute** - AJU 11/14/22 ACS
(39 pages)[PDF Format](#)[HTML Format](#)
- **Advance Law**
(38 pages)[PDF Format](#)[HTML Format](#)
- **Pamphlet Law**
(27 pages)[PDF Format](#)[HTML Format](#)

Committee Voting:

• **AJU - 10/17/2022 - r/Aca**

Yes: 3

No: 2

Not Voting: 0

Abstain: 0

Roll Call

• **AAP - 10/20/2022 - r/Aca**

Yes: 7

No: 4

Not Voting: 0

Abstain: 0

Roll Call

• **AOF - 10/24/2022 - r/Aca**

Yes: 3

No: 2

Not Voting: 0

Abstain: 0

Roll Call

• **AJU - 11/14/2022 - r/ACS**

Yes: 3

No: 2

Not Voting: 0

Abstain: 0

Roll Call

• **SBA - 12/5/2022 - r/ACS**

Yes: 8
No: 4
Not Voting: 0
Abstain: 0

Roll Call

Session Voting:

• Asm. 11/21/2022 - 3RDG FINAL PASSAGE

Yes: 43
No: 29
Not Voting: 7
Abstain: 1

Roll Call

• Sen. 12/19/2022 - SUB FOR S-3214

Yes: 0
No: 0
Not Voting: 40

- Voice Vote Passed

• Sen. 12/19/2022 - 3RDG FINAL PASSAGE

Yes: 21
No: 16
Not Voting: 3
Abstain: 0

Roll Call

EXHIBIT D

ASSEMBLY, No. 4769

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 13, 2022

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

SYNOPSIS

Makes various revisions to requirements for obtaining firearm purchaser identification card, permit to purchase handgun, and permit to carry handgun; codifies sensitive places in which firearms and weapons are prohibited.

CURRENT VERSION OF TEXT

As introduced.



A4769 DANIELSEN, GREENWALD

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1 **AN ACT** concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure
37 that those who exercise the right to carry are responsible, law-
38 abiding, and appropriately trained individuals who would not pose
39 undue safety risks if armed in public places.

40 d. In Bruen, the Supreme Court recognized that states may
41 prohibit individuals who are not “law-abiding, responsible citizens”
42 from carrying firearms in public, and endorsed the use of “licensing
43 requirements for carrying a handgun for self-defense.” Although the
44 Court did not provide a complete list of lawful requirements, it
45 specifically cited a “background check, mental health check, training

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.

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1 in firearms handling and in laws regarding the use of force, among
2 other possible requirements” as permissible. The purpose of these
3 checks, the Court explained, is to “ensure only that those bearing
4 arms in the jurisdiction are in fact, ‘law-abiding, responsible
5 citizens.’” It is thus important to bolster and improve the process in
6 this State for ensuring that only such individuals possess and carry
7 firearms. Toward that end, this act strengthens the criteria and
8 background investigation requirements that are used to determine
9 whether an applicant is qualified to carry a firearm in New Jersey.

10 e. This act also designates places in which the carrying of a
11 weapon is prohibited. Previously, application of the justifiable need
12 standard minimized the serious dangers of misuse and accidental
13 use inherent in the carrying of handguns in a public place. Given
14 the likelihood that a much greater number of individuals will now
15 qualify to carry handguns in public, it is now both necessary and
16 appropriate to clearly identify in the law those sensitive places
17 where, due to heightened public safety concerns, carrying a weapon
18 of any kind, including a handgun, is not permissible. These
19 prohibitions are based on common sense principles and historical
20 analogues.

21 f. Notwithstanding its rejection of a particularized need
22 standard, the Bruen decision recognizes that the carrying of
23 firearms in sensitive places can “be prohibited consistent with the
24 Second Amendment.” Indeed, the Court assumed it settled that
25 “laws forbidding the carrying of firearms in sensitive places such
26 as schools and government buildings,” as well other places such as
27 “legislative assemblies, polling places, and courthouses,” are
28 “longstanding” and not subject to disputes regarding their
29 constitutionality. The Court added that other “sensitive place”
30 regulations may be permissible if “consistent with the Second
31 Amendment’s text and historical understanding” – that is,
32 “relevantly similar” to historical analogues.

33 g. The sensitive-place prohibitions on dangerous weapons set
34 forth in this act are rooted in history and tradition. They are
35 analogous to historical laws that can be found from the Founding
36 era to Reconstruction, which are also found in modern laws in many
37 states. History and tradition support at least the following location-
38 based restrictions on carrying firearms:

39 (1) Places that are the site of core constitutional activity, such as
40 but not limited to the exercise of First Amendment rights, or that
41 are otherwise vital to the functioning of democracy and our system
42 of government. That includes prohibitions of firearms in facilities
43 within the criminal justice system;

44 (2) Schools, universities, other educational institutions, where
45 people assemble for educational purposes and for the purposes of
46 teaching, learning, research, and the pursuit of knowledge;

47 (3) Parks and other recreation spaces, including locations where
48 children congregate;

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1 (4) Locations that protect vulnerable classes of people, such as
2 the young and the frail;

3 (5) Places where intoxicating substances are sold, places where
4 large groups of individuals congregate, and places where volatile
5 conditions may pose a threat to public safety; and

6 (6) Various forms of transportation and public infrastructure,
7 whose safety, security, and stability are critical to supporting social
8 function.

9 h. The historical record also supports restriction of firearm
10 possession on private property when the owner has not given their
11 consent. Many states require a property owner's permission before
12 another may enter private dwellings and private lands with a
13 firearm or other weapons. Requiring consent from the property
14 owner before carrying weapons onto private property is also in line
15 with both the reasonable expectations and property rights of New
16 Jersey property owners.

17 i. Additionally, the fees to obtain a firearms purchaser
18 identification permit or a permit to purchase a handgun in New
19 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
20 respectively, and in over a half century the law has never been
21 changed to increase these fees, notwithstanding the impact of
22 inflation, increasing costs of background checks and related
23 investigations, and the investment made over the years to
24 technologically upgrade the firearms application and registration
25 system established and maintained by the New Jersey State Police.

26 j. Accordingly, the Legislature finds it is necessary and proper
27 to revise this State's procedural and substantive laws related to
28 firearms to update the process and the standards applicable to
29 firearm purchase and possession as well as our handgun carry law,
30 and to continue to promote public safety and reduce gun violence in
31 a manner consistent with the Second Amendment principles
32 articulated by the current Supreme Court jurisprudence. These
33 revisions will focus on factors other than the need or purpose a
34 person may assert as justification to carry a handgun, such as the
35 person's background and qualifications, with the ultimate goal of
36 keeping New Jersey streets and neighborhoods safe from gun
37 violence.

38

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

40 2C:58-3. a. Permit to purchase a handgun.

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

46 (2) A person who is not a licensed retail dealer and sells, gives,
47 transfers, assigns, or otherwise disposes of, or receives, purchases

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1 or otherwise acquires a handgun pursuant to this section shall
2 conduct the transaction through a licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction
4 is:

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

7 (b) between law enforcement officers;

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

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

15 (3) Prior to a transaction conducted pursuant to this subsection,
16 the retail dealer shall complete a National Instant Criminal
17 Background Check of the person acquiring the handgun. In
18 addition:

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

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

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

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

31 b. Firearms purchaser identification card.

32 (1) **[No]** A person shall not sell, give, transfer, assign or
33 otherwise dispose of nor receive, purchase or otherwise acquire an
34 antique cannon or a rifle or shotgun, other than an antique rifle or
35 shotgun, unless the purchaser, assignee, donee, receiver or holder is
36 licensed as a dealer under this chapter or possesses a valid firearms
37 purchaser identification card, and first exhibits the card to the seller,
38 donor, transferor or assignor, and unless the purchaser, assignee,
39 donee, receiver or holder signs a written certification, on a form
40 prescribed by the superintendent, which shall indicate that **[he]** the
41 person presently complies with the requirements of subsection c. of
42 this section and shall contain **[his]** the person's name, address and
43 firearms purchaser identification card number or dealer's
44 registration number. The certification shall be retained by the
45 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
46 2, or, in the case of a person who is not a dealer, it may be filed
47 with the chief of police of the municipality in which **[he]** the
48 person resides or with the superintendent.

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

6 The provisions of this paragraph shall not apply if the transaction
7 is:

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

10 (b) between law enforcement officers;

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

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

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

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

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

29 (c) a retail dealer may charge a fee, not to exceed \$25, for a
30 transaction conducted pursuant to this subsection; and

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

34 c. Who may obtain. **[No]** Except as hereinafter provided, a
35 person [of good character and good repute] shall not be denied a
36 permit to purchase a handgun or a firearms purchaser identification
37 card, unless the person is known in the community in which [he]
38 the person lives as someone who has engaged in acts or made
39 statements suggesting the person is likely to engage in conduct,
40 other than justified self-defense, that would pose a danger to self or
41 others, [and who] or is [not] subject to any of the disabilities set
42 forth in this section or other sections of this chapter [, shall be
43 denied a permit to purchase a handgun or a firearms purchaser
44 identification card, except as hereinafter set forth]. [No] A
45 handgun purchase permit or firearms purchaser identification card
46 shall not be issued:

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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 presently
7 confined for a mental disorder **【to a hospital, mental institution or**
8 **sanitarium】** as a voluntary admission as defined in section 2 of
9 P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to
10 inpatient or outpatient treatment pursuant to section 1 of P.L.1987,
11 c.116 (C.30:4-27.1), or to any person who is presently 【an habitual
12 drunkard】 an alcoholic, as defined by section 2 of P.L.1975, c.305
13 (C.26:2B-8);

14 (3) To any person who suffers from a physical defect or disease
15 which would make it unsafe for **【him】 that person** to handle
16 firearms, **【to any person who has ever been confined for a mental**
17 **disorder,】** or to any alcoholic as defined by section 2 of P.L.1975,
18 c.305 (C.26:2B-8) unless any of the foregoing persons produces a
19 certificate of a medical doctor or psychiatrist licensed in New
20 Jersey, or other satisfactory proof, that 【he】 the person is no longer
21 suffering from that particular disability in a manner that would
22 interfere with or handicap 【him】 that person in the handling of
23 firearms; to any person who knowingly falsifies any information on
24 the application form for a handgun purchase permit or firearms
25 purchaser identification card;

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

29 (5) To any person where the issuance would not be in the interest
30 of the public health, safety or welfare because the person is found to
31 be lacking the essential character or temperament necessary to be
32 entrusted with a firearm;

33 (6) To any person who is subject to or has violated a temporary
34 or final restraining order issued pursuant to the "Prevention of
35 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
36 seq.) prohibiting the person from possessing any firearm or a
37 temporary or final domestic violence restraining order issued in
38 another jurisdiction prohibiting the person from possessing any
39 firearm;

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

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

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1 (9) To any person named on the consolidated Terrorist Watchlist
2 maintained by the Terrorist Screening Center administered by the
3 Federal Bureau of Investigation;

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

9 (11) To any person who is subject to or has violated a court order
10 prohibiting the custody, control, ownership, purchase, possession,
11 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
12 c.327 (C.2C:12-14 et al.);

13 (12) To any person who is subject to or has violated a temporary
14 or final restraining order issued pursuant to the "Sexual Assault
15 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
16 al.);

17 (13) To any person who has previously been voluntarily admitted
18 or involuntarily committed to inpatient or outpatient treatment
19 pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the
20 court has expunged the person's record pursuant to P.L.1953, c.268
21 (C.30:4-80.8 et seq.);

22 (14) To any person who is subject to an outstanding arrest
23 warrant for an indictable crime in this State or for a felony, other
24 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
25 would apply, in any other state or federal jurisdiction;

26 (15) To any person who is a fugitive from justice due to having
27 fled from any state or federal jurisdiction to avoid prosecution for a
28 crime, other than a crime to which section 1 of P.L.2022, c.50
29 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
30 criminal proceeding; or

31 (16) To any person who has been convicted of more than one
32 crime of the fourth degree in violation of sections 4, 5, or 6 of
33 P.L. , c. (C.)(pending before the Legislature as this bill).

34 In order to obtain a permit to purchase a handgun or a firearms
35 purchaser identification card, the applicant shall demonstrate that,
36 within four years prior to the date of the application, the applicant
37 satisfactorily completed a course of instruction approved by the
38 superintendent in the lawful and safe handling and storage of
39 firearms. The applicant shall be required to demonstrate
40 completion of a course of instruction only once prior to obtaining
41 either a firearms purchaser identification card or the applicant's first
42 permit to purchase a handgun.

43 The applicant shall not be required to demonstrate completion of
44 a course of instruction in order to obtain any subsequent permit to
45 purchase a handgun, to replace an existing firearms purchaser
46 identification card, or to renew a firearms purchaser identification
47 card.

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1 An applicant who is a law enforcement officer who has satisfied
2 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
3 enforcement officer who has satisfied the requirements of
4 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
5 discharged as a member of the United States Armed Forces or
6 National Guard who received substantially equivalent training shall
7 not be required to complete the course of instruction required
8 pursuant to the provisions of this subsection.

9 A person who obtained a permit to purchase a handgun or a
10 firearms purchaser identification card prior to the effective date of
11 P.L.2022, c.58 shall not be required to complete a course of
12 instruction pursuant to this subsection.

13 d. Issuance. The chief of police of an organized full-time
14 police department of the municipality where the applicant resides or
15 the superintendent, in all other cases, shall upon application, issue
16 to any person qualified under the provisions of subsection c. of this
17 section a permit to purchase a handgun or a firearms purchaser
18 identification card.

19 A firearms purchaser identification card issued following the
20 effective date of P.L.2022, c.58 shall display a color photograph
21 and **【a thumb print】** be electronically linked to the fingerprints of
22 the card holder. A person who obtained a firearms purchaser
23 identification card prior to the effective date of P.L.2022, c.58 shall
24 not be required to obtain a firearm purchaser identification card that
25 displays a color photograph and **【a thumb print】** is electronically
26 linked to the fingerprints. The superintendent shall establish
27 guidelines as necessary to effectuate the issuance of firearms
28 purchaser identification cards that display a color photograph and
29 **【a thumb print】** which is electronically linked to the fingerprints of
30 the card holder.

31 The requirements of this subsection concerning firearms
32 purchaser identification cards issued following the effective date of
33 P.L.2022, c.58 shall remain inoperative until such time as the
34 superintendent establishes a system to produce cards that comply
35 with this requirement and, until such time, applicants issued a
36 firearms purchaser identification card shall be provided with cards
37 that do not conform to the requirements of this section, which shall
38 be afforded force and effect until such time as the system is
39 established and a compliant card is issued in accordance with this
40 subsection. An applicant issued a non-compliant firearms purchaser
41 identification card shall obtain a card, at no cost to the applicant,
42 which conforms to the requirements of this section no later than one
43 year after receiving notice that the system to produce cards that
44 comply with this requirement is operational.

45 If an application for a permit or identification card is denied, the
46 applicant shall be provided with a written statement of the reasons
47 for the denial. Any person aggrieved by the denial of a permit or
48 identification card may request a hearing in the Superior Court of

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1 the county in which **[he]** the person resides if **[he]** the person is a
2 resident of New Jersey or in the Superior Court of the county in
3 which **[his]** the person's application was filed if **[he]** the person is
4 a nonresident. The request for a hearing shall be made in writing
5 within 30 days of the denial of the application for a permit or
6 identification card. The applicant shall serve a copy of **[his]** the
7 request for a hearing upon the chief of police of the municipality in
8 which he resides, if **[he]** the person is a resident of New Jersey, and
9 upon the superintendent in all cases. The hearing shall be held and
10 a record made thereof within **[30]** 60 days of the receipt of the
11 application for a hearing by the judge of the Superior Court. No
12 formal pleading and no filing fee shall be required as a preliminary
13 to a hearing. Appeals from the results of a hearing shall be in
14 accordance with law.

15 The Administrative Director of the Courts shall coordinate with
16 the superintendent in the development of an electronic filing system
17 to receive requests for hearings and serve the chief of police and
18 superintendent as required in this section.

19 e. Applications. Applications for permits to purchase a
20 handgun and for firearms purchaser identification cards shall be in
21 the form prescribed by the superintendent and shall set forth the
22 name, residence, place of business, age, date of birth, occupation,
23 **[sex]** any aliases or other names previously used by the applicant,
24 gender, and physical description, including distinguishing physical
25 characteristics, if any, of the applicant, and shall state whether the
26 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
27 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
28 26:2B-8) or is a drug-dependent person as defined in section 2 of
29 P.L.1970, c.226 (C.24:21-2), whether **[he]** the applicant has ever

30 been confined or committed to a mental institution or hospital for
31 treatment or observation of a mental or psychiatric condition on a
32 temporary, interim or permanent basis, giving the name and
33 location of the institution or hospital and the dates of confinement
34 or commitment, whether **[he]** the applicant has been attended,
35 treated or observed by any doctor or psychiatrist or at any hospital
36 or mental institution on an inpatient or outpatient basis for any
37 mental or psychiatric condition, giving the name and location of the
38 doctor, psychiatrist, hospital or institution and the dates of the
39 occurrence, whether **[he]** the applicant presently or ever has been a
40 member of any organization which advocates or approves the
41 commission of acts of force and violence to overthrow the
42 Government of the United States or of this State, or which seeks to
43 deny others their rights under the Constitution of either the United
44 States or the State of New Jersey, whether **[he]** the applicant has
45 ever been convicted of a crime or disorderly persons offense,
46 whether the **[person]** applicant is subject to a restraining order
47 issued pursuant to the "Prevention of Domestic Violence Act of

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1 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the
2 **【person】 applicant** from possessing any firearm, whether the
3 **【person】 applicant** is subject to a protective order issued pursuant
4 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
5 (C.2C:58-20 et al.), whether the **【person】 applicant** is subject to a
6 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
7 al.) prohibiting the **【person】 applicant** from possessing any firearm,
8 and other information as the superintendent shall deem necessary
9 for the proper enforcement of this chapter. For the purpose of
10 complying with this subsection, the applicant shall waive any
11 statutory or other right of confidentiality relating to institutional
12 confinement. The application shall be signed by the applicant and
13 shall contain as references the names and addresses of two
14 reputable citizens personally acquainted with **【him】 the applicant**.

15 An application for a permit to purchase a handgun shall also
16 indicate, with respect to each handgun listed on the form, whether
17 the applicant is purchasing the handgun on the applicant's own
18 behalf or on behalf of a third party and shall specify that the
19 applicant is not an actual purchaser if the applicant is acquiring the
20 handgun on behalf of another person, unless otherwise permitted by
21 law.

22 Application blanks shall be obtainable from the superintendent,
23 from any other officer authorized to grant a permit or identification
24 card, and from licensed retail dealers, or shall be made available
25 through an online process established or made available by the
26 superintendent.

27 The chief police officer or the superintendent shall obtain the
28 fingerprints of the applicant and shall have them compared with any
29 and all records of fingerprints in the municipality and county in
30 which the applicant resides and also the records of the State Bureau
31 of Identification and the Federal Bureau of Investigation, provided
32 that an applicant for a handgun purchase permit who possesses a
33 valid firearms purchaser identification card, or who has previously
34 obtained a handgun purchase permit from the same licensing
35 authority for which **【he】 the applicant** was previously fingerprinted,
36 and who provides other reasonably satisfactory proof of **【his】 the**
37 applicant's identity, need not be fingerprinted again; however, the
38 chief police officer or the superintendent shall proceed to
39 investigate the application to determine whether or not the applicant
40 has become subject to any of the disabilities set forth in this
41 chapter.

42 f. Granting of permit or identification card; fee; term; renewal;
43 revocation. The application for the permit to purchase a handgun
44 together with a fee of **【\$2】 \$25**, or the application for the firearms
45 purchaser identification card together with a fee of **【\$5】 \$50**, shall
46 be delivered or forwarded to the licensing authority who, upon
47 determining that the application is complete, shall investigate the

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1 same and, unless good cause for the denial thereof appears, shall
2 grant the permit or the identification card, or both, if application has
3 been made therefor, within 30 days from the date of receipt of the
4 completed application for residents of this State and within 45 days
5 for nonresident applicants. A permit to purchase a handgun shall be
6 valid for a period of 90 days from the date of issuance and may be
7 renewed by the issuing authority for good cause for an additional 90
8 days. A firearms purchaser identification card issued or renewed
9 after the effective date of P.L.2022, c.58 shall expire during the
10 tenth calendar year following its date of issuance and on the same
11 calendar day as the person's date of birth.

12 If the date of birth of the firearms purchaser identification card
13 holder does not correspond to a calendar day of the tenth calendar
14 year, the card shall expire on the last day of the birth month of the
15 card holder.

16 A firearms purchaser identification card issued pursuant to this
17 section may be renewed upon filing of a renewal application and
18 payment of the required fee, provided that the holder is not subject
19 to any of the disabilities set forth in subsection c. of this section and
20 complies with all other applicable requirements as set forth in
21 statute and regulation. If an application for renewal of a firearm
22 purchaser identification card is denied, the applicant shall be
23 provided with a written statement of the reasons for the denial. Any
24 person aggrieved by the denial of an application for renewal of a
25 firearm purchaser identification card may request a hearing in the
26 Superior Court of the county in which the person resides if the
27 person is a resident of New Jersey or in the Superior Court of the
28 county in which the person's application was filed if the person is a
29 nonresident. The request for a hearing shall be made in writing
30 within 30 days of the denial of the application for renewal of the
31 firearm purchaser identification card. The applicant shall serve a
32 copy of the request for a hearing upon the chief of police of the
33 municipality in which the applicant resides, if the person is a
34 resident of New Jersey, and upon the superintendent in all cases.
35 The hearing shall be held and a record made thereof within 60 days
36 of the receipt of the application for a hearing by the judge of the
37 Superior Court. A formal pleading and filing fee shall not be
38 required as a preliminary to a hearing. Appeals from the results of a
39 hearing shall be in accordance with law.

40 The Administrative Director of the Courts shall coordinate with
41 the superintendent in the development of an electronic filing system
42 to receive requests for hearings and serve the chief of police and
43 superintendent as required in this section.

44 A firearms purchaser identification card issued prior to the
45 effective date of P.L.2022, c.58 shall not expire.

46 A firearms purchaser identification card shall be void if the
47 holder becomes subject to any of the disabilities set forth in
48 subsection c. of this section, whereupon the card shall be returned

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1 within five days by the holder to the superintendent, who shall then
2 advise the licensing authority. Failure of the holder to return the
3 firearms purchaser identification card to the superintendent within
4 the five days shall be an offense under subsection a. of N.J.S.2C:39-
5 10. Any firearms purchaser identification card may be revoked by
6 the Superior Court of the county wherein the card was issued, after
7 hearing upon notice, upon a finding that the holder thereof no
8 longer qualifies for the issuance of the permit. The county
9 prosecutor of any county, the chief police officer of any
10 municipality or any citizen may apply to the court at any time for
11 the revocation of the card.

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

16 g. Disposition of fees. All fees for permits shall be paid to the
17 State Treasury for deposit into the Victims of Crime Compensation
18 Office account if the permit is issued by the superintendent, to the
19 municipality if issued by the chief of police, and to the county
20 treasurer if issued by the judge of the Superior Court.

21 h. Form of permit; **【quadruplicate】** establishment of a web
22 portal; disposition of **【copies】** the completed information. (1)
23 Except as otherwise provided in paragraph (2) of this subsection,
24 the permit shall be in the form prescribed by the superintendent and
25 shall be issued to the applicant **【in quadruplicate】** electronically
26 through e-mail or the web portal established or designated for this
27 purpose by the superintendent or in such form or manner as may be
28 authorized by the superintendent. Prior to the time **【he】** the
29 applicant receives the handgun from the seller, the applicant shall
30 **【deliver】** provide to the seller an acknowledgement of the permit in
31 **【quadruplicate】** the form required under the process established by
32 the superintendent, and the seller shall complete all of the
33 information required on the **【form】** web portal. **【Within five days**
34 **of the date of the sale, the seller shall forward the original copy】**
35 This information shall be forwarded to the superintendent through
36 the web portal, or in such other manner as may be authorized by the
37 superintendent, and **【the second copy】** to the chief of police of the
38 municipality in which the purchaser resides, except that in a
39 municipality having no chief of police, **【the copy】** the information
40 shall be forwarded to the superintendent. The **【third copy shall then**
41 **be returned to the】** purchaser **【with the pistol or revolver】** shall
42 retain a copy of the completed information and the **【fourth copy**
43 **shall be kept by the】** seller shall retain a copy of the completed
44 information as a permanent record.

45 A transfer of a handgun between or among immediate family
46 members, law enforcement officers, or collectors of firearms or
47 ammunition as curios or relics shall be conducted via the web portal

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1 established or designated by the superintendent, which shall include
2 among other things a certification that the seller and purchaser are
3 in fact immediate family members, law enforcement officers, or
4 collectors of firearms or ammunition as curios or relics.

5 (2) The requirements of this subsection concerning the delivery
6 and form of permit and disposition of copies shall not be applicable
7 when these functions may be completed by utilizing an electronic
8 system as described in paragraph (2) of subsection b. of
9 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

17 (2) a collector of handguns as curios or relics as defined in Title
18 18, United States Code, section 921 (a) (13) who has in **【his】** the
19 collector's possession a valid Collector of Curios and Relics
20 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
21 and Explosives;

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

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

26 (5) any transaction where the person has purchased a handgun
27 from a licensed retail dealer and has returned that handgun to the
28 dealer in exchange for another handgun within 30 days of the
29 original transaction, provided the retail dealer reports the exchange
30 transaction to the superintendent; or

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

34 The provisions of this subsection shall not be construed to afford
35 or authorize any other exemption from the regulatory provisions
36 governing firearms set forth in chapter 39 and chapter 58 of Title
37 2C of the New Jersey Statutes;

38 A person shall not be restricted as to the number of rifles or
39 shotguns **【he】** the person may purchase, provided **【he】** the person
40 possesses a valid firearms purchaser identification card and
41 provided further that **【he】** the person signs the certification required
42 in subsection b. of this section for each transaction.

43 j. Firearms passing to heirs or legatees. Notwithstanding any
44 other provision of this section concerning the transfer, receipt or
45 acquisition of a firearm, a permit to purchase or a firearms
46 purchaser identification card shall not be required for the passing of
47 a firearm upon the death of an owner thereof to **【his】** the owner's
48 heir or legatee, whether the same be by testamentary bequest or by

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1 the laws of intestacy. The person who shall so receive, or acquire
2 the firearm shall, however, be subject to all other provisions of this
3 chapter. If the heir or legatee of the firearm does not qualify to
4 possess or carry it, **the** the heir or legatee may retain ownership of
5 the firearm for the purpose of sale for a period not exceeding 180
6 days, or for a further limited period as may be approved by the chief
7 law enforcement officer of the municipality in which the heir or
8 legatee resides or the superintendent, provided that the firearm is in
9 the custody of the chief law enforcement officer of the municipality
10 or the superintendent during that period.

11 k. Sawed-off shotguns. Nothing in this section shall be
12 construed to authorize the purchase or possession of any sawed-off
13 shotgun.

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

21 m. The provisions of subsections a. and b. of this section and
22 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
23 apply to the purchase of firearms by a law enforcement agency for
24 use by law enforcement officers in the actual performance of the
25 current or former judge's duties, which purchase may be made
26 directly from a manufacturer or from a licensed dealer located in
27 this State or any other state.

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

34 o. Registration of handguns owned by new residents. Any
35 person who becomes a resident of this State following the effective
36 date of P.L.2022, c.52 and who transports into this State a firearm
37 that the person owned or acquired while residing in another state
38 shall apply for a firearm purchaser identification card within 60
39 days of becoming a New Jersey resident, and shall register any
40 handgun so transported into this State within 60 days as provided in
41 this subsection.

42 A person who registers a handgun pursuant to this subsection
43 shall complete a registration statement, which shall be in a form
44 prescribed by the superintendent. The information provided in the
45 registration statement shall include, but shall not be limited to, the
46 name and address of the person and the make, model, and serial
47 number of the handgun being registered. Each registration
48 statement shall be signed by the person, and the signature shall

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1 constitute a representation of the accuracy of the information
2 contained in the registration statement.

3 The registration statement shall be submitted to the law
4 enforcement agency of the municipality in which the person resides
5 or, if the municipality does not have a municipal law enforcement
6 agency, any State Police station.

7 Within 60 days prior to the effective date of P.L.2022, c.52, the
8 superintendent shall prepare the form of registration statement as
9 described in this subsection and shall provide a suitable supply of
10 statements to each organized full-time municipal police department
11 and each State Police station.

12 A person who fails to apply for a firearm purchaser identification
13 card or register a handgun as required pursuant to this subsection
14 shall be granted 30 days to comply with the provisions of this
15 subsection. If the person does not comply within 30 days, the
16 person shall be liable to a civil penalty of \$250 for a first offense
17 and shall be guilty of a disorderly persons offense for a second or
18 subsequent offense.

19 If a person is in possession of multiple firearms or handguns in
20 violation of this subsection, the person shall be guilty of one
21 offense under this subsection provided the violation is a single
22 event.

23 The civil penalty shall be collected pursuant to the "Penalty
24 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
25 a summary proceeding before the municipal court having
26 jurisdiction. A law enforcement officer having enforcement
27 authority in that municipality may issue a summons for a violation,
28 and may serve and execute all process with respect to the
29 enforcement of this subsection consistent with the Rules of Court.

30 (cf: P.L.2022, c.58, s.1)

31

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

33 2C:58-4. a. Scope and duration of authority. Any person who
34 holds a valid permit to carry a handgun issued pursuant to this
35 section shall be authorized to carry a handgun in a holster concealed
36 on their person in all parts of this State, except as prohibited by
37 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
38 (pending before Legislature as this bill). One permit shall be
39 sufficient for all handguns owned by the holder thereof, but the
40 permit shall apply only to a handgun carried by the actual and legal
41 holder of the permit and, except as otherwise provided in subsection
42 b. of section 6 of P.L. , c. (C.)(pending before the
43 Legislature as this bill), shall not be construed to authorize a holder
44 to carry a handgun openly, provided that a brief, incidental
45 exposure of a handgun while transferring it to or from a holster or
46 due to the shifting of the person's body position or clothing shall be
47 deemed a de minimis infraction within the contemplation of
48 N.J.S.2C:2-11.

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1 All permits to carry handguns shall expire two years from the
2 date of issuance or, in the case of an employee of an armored car
3 company, upon termination of **[his]** the employee's employment by
4 the company occurring prior thereto whichever is earlier in time,
5 and they may thereafter be renewed every two years in the same
6 manner and subject to the same conditions as in the case of original
7 applications.

8 b. Application forms. All applications for permits to carry
9 handguns, and all applications for renewal of permits, shall be made
10 on the forms and in the manner prescribed by the superintendent.
11 Each application shall set forth the full name, date of birth, **[sex]**
12 gender, residence, occupation, place of business or employment,
13 any aliases or other names previously used by the applicant, and
14 physical description of the applicant, and any other information the
15 superintendent may prescribe for the determination of the
16 applicant's eligibility for a permit and for the proper enforcement of
17 this chapter. The application shall be signed by the applicant under
18 oath, and shall be **[indorsed]** endorsed by **[three]** not less than four
19 reputable persons who are not related by blood or by law to the
20 applicant and have known the applicant for at least three years
21 preceding the date of application, and who shall certify thereon that
22 the applicant [is a person of good moral character and behavior]
23 has not engaged in any acts or made any statements that suggest the
24 applicant is likely to engage in conduct, other than lawful self-
25 defense, that would pose a danger to the applicant or others. The
26 reputable persons also shall provide relevant information supporting
27 the certification, including the nature and extent of their
28 relationship with the applicant and information concerning their
29 knowledge of the applicant's use of drugs or alcohol.

30 c. Investigation and approval. Each application shall be
31 accompanied by a \$200 application fee and shall in the first
32 instance be submitted to the chief police officer of the municipality
33 in which the applicant resides, or to the superintendent **[,]** if: (1)
34 **[if]** the applicant is an employee of an armored car company **[, or]**
35 **;** (2) **[if]** there is no chief police officer in the municipality where
36 the applicant resides **[, or]** **;** (3) **[if]** the applicant does not reside in
37 this State; or (4) the applicant is a mayor or other elected member
38 of the municipal governing body.

39 In the case of an application made to the chief police officer of a
40 municipality, \$150 of the fee shall be retained by the municipality
41 and the remaining \$50 shall be forwarded to the superintendent.
42 The fee amount retained by the municipality shall be used to defray
43 the costs of investigation, administration, and processing of the
44 permit to carry handgun applications. Application fees made to the
45 superintendent shall be deposited into the Victims of Crime
46 Compensation Office account.

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1 The chief police officer, or the superintendent, as the case may
2 be, shall determine whether the application is complete and, if so,
3 shall cause the fingerprints of the applicant to be taken and
4 compared with any and all records maintained by the municipality,
5 the county in which it is located, the State Bureau of Identification
6 and the Federal Bureau of Identification. **【He】** The chief police
7 officer or the superintendent, as the case may be, shall also determine
8 and record a complete description of each handgun the applicant
9 intends to carry. The chief police officer, or the superintendent, as
10 the case may be, shall interview the applicant and the persons
11 endorsing the application under subsection b. of this section, and
12 shall make inquiry concerning, and investigate to the extent
13 warranted, whether the applicant is likely to engage in conduct that
14 would result in harm to the applicant or others, including, but not
15 limited to, whether the applicant has any history of threats or acts of
16 violence by the applicant directed toward self or others or any
17 history of use, attempted use, or threatened use of physical force by
18 the applicant against another person, or other incidents implicating
19 the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3,
20 including but not limited to determining whether the applicant has
21 been subject to any recent arrests or criminal charges for
22 disqualifying crimes or has been experiencing any mental health
23 issues such as suicidal ideation or violent impulses, and the
24 applicant's use of drugs or alcohol.

25 The chief police officer or the superintendent may require such
26 other information from the applicant or any other person, including
27 but not limited to publicly available statements posted or published
28 online by the applicant, as the chief police officer or superintendent
29 deems reasonably necessary to conduct the review of the
30 application.

31 **【No】** An application shall not be approved by the chief police
32 officer or the superintendent unless the applicant demonstrates that
33 **【he】** the applicant is not subject to any of the disabilities set forth
34 in subsection c. of N.J.S.2C:58-3, that 【he】 the applicant is
35 thoroughly familiar with the safe handling and use of handguns,
36 including providing proof of completion of any training or
37 proficiency requirements established under the law, and that 【he
38 has a justifiable need to carry a handgun】 the applicant is in
39 compliance with the firearm carry liability insurance requirement of
40 section 4 of P.L. , c. (C.)(pending before the Legislature as this
41 bill).

42 **【Each application form shall be accompanied by a written**
43 **certification of justifiable need to carry a handgun, which shall be**
44 **under oath and, in the case of a private citizen, shall specify in**
45 **detail the urgent necessity for self-protection, as evidenced by**
46 **specific threats or previous attacks which demonstrate a special**
47 **danger to the applicant's life that cannot be avoided by means other**

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1 than by issuance of a permit to carry a handgun. Where possible,
2 the applicant shall corroborate the existence of any specific threats
3 or previous attacks by reference to reports of the incidents to the
4 appropriate law enforcement agencies.

5 If **Once** the application is **[not approved]** deemed complete by
6 the chief police officer or the superintendent, if it is not approved
7 or denied by the chief police officer or the superintendent within
8 **[60]** 90 days of filing, it shall be deemed to have been approved
9 **[unless the applicant agrees]**; provided, however, the chief police
10 officer or the superintendent may, for good cause shown and upon
11 written notification to the applicant, extend by up to an additional
12 30 days the time period for which the application may be approved
13 or denied. The written notification sent to the applicant shall
14 provide a detailed explanation of the reasons for the extension. An
15 applicant also may agree in writing to an additional extension of
16 time [in writing] past the 120 day statutory time frame.

17 d. Issuance **[by Superior Court]** of permit; establishment of
18 web portal; disposition of completed information; fee. If the
19 application has been approved by the chief police officer or the
20 superintendent, as the case may be, the **[applicant shall forthwith**
21 **present it to the Superior Court of the county in which the applicant**
22 **resides, or to the Superior Court in any county where he intends to**
23 **carry a handgun, in the case of a nonresident or employee of an**
24 **armored car company. The court shall]** chief police officer or the
25 superintendent shall issue the permit to the applicant in the form
26 prescribed by the superintendent.

27 The permit shall be issued to the applicant electronically through
28 electronic mail or through the web portal established or designated
29 for this purpose by the superintendent, or in such form or manner as
30 may be authorized by the superintendent, if, but only if, [it is
31 satisfied] the chief police officer or superintendent determines that
32 the applicant:

33 (1) is a person **[of good character]** who has not engaged in any
34 acts or made any statements that suggest the applicant is likely to
35 engage in conduct, other than lawful self-defense, that would pose a
36 danger to the applicant or others and who is not subject to any of
37 the disabilities set forth in subsection c. of N.J.S.2C:58-3, **[that he**
38 **is]**;

39 (2) is thoroughly familiar with the safe handling and use of
40 handguns **[,]** ; and **[that he has a justifiable need to carry a**
41 **handgun in accordance with the provisions of subsection c. of this**
42 **section. The court may at its discretion issue a limited-type permit**
43 **which would restrict the applicant as to the types of handguns he**
44 **may carry and where and for what purposes the handguns may be**
45 **carried]**

46 (3) has completed the training requirements established pursuant
47 to subsection g. of this section, provided that any requirement for

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1 classroom instruction and target training shall not be required for a
2 renewal applicant who completed the instruction and training when
3 obtaining a permit to carry a handgun issued within the previous
4 two years; and

5 (4) is in compliance with the firearm carry liability insurance
6 requirement of section 4 of P.L. , c. (C.)(pending before the
7 Legislature as this bill).

8 At the time of issuance, the applicant shall pay to the county
9 clerk of the county where the permit was issued a permit fee of
10 ~~[\$20]~~ \$50.

11 e. Appeals from denial of applications. An applicant who is
12 denied a permit to carry a handgun shall be provided with a written
13 statement of the reasons for the denial. Any ~~[person]~~ applicant
14 aggrieved by the denial by the chief police officer or the
15 superintendent of approval for a permit to carry a handgun may
16 request a hearing in the Superior Court of the county in which ~~[he]~~
17 the applicant resides or in any county in which ~~[he]~~ the applicant
18 intends to carry a handgun, in the case of a nonresident, by filing a
19 written request for a hearing within 30 days of the denial. ~~[Copies]~~
20 The aggrieved applicant shall serve copies of the request ~~[shall be~~
21 ~~served]~~ upon the superintendent, the county prosecutor, and the
22 chief police officer of the municipality where the applicant resides,
23 if ~~[he]~~ the applicant is a resident of this State. The hearing shall be
24 held within ~~[30]~~ 60 days of the filing of the request, and no formal
25 pleading or filing fee shall be required. Appeals from the
26 determination at the hearing shall be in accordance with law and the
27 rules governing the courts of this State.

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

33 The Administrative Director of the Courts shall coordinate with
34 the superintendent in the development of an electronic filing system
35 to receive requests for hearings and serve the chief of police and
36 superintendent as required in this section.

37 f. Revocation of permits. Any permit issued under this section
38 shall be void at the time the holder thereof becomes subject to any
39 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
40 the holder of a void permit shall immediately surrender the permit
41 to the superintendent who shall give notice to the licensing
42 authority. Any permit may be revoked by the Superior Court, after
43 hearing upon notice to the holder, if the court finds that the holder
44 is no longer qualified for the issuance of a permit. The county
45 prosecutor of any county, the chief police officer of any
46 municipality, the superintendent, or any citizen may apply to the

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1 court at any time for the revocation of any permit issued pursuant to
2 this section.

3 g. Training requirement. (1) The superintendent shall establish
4 training requirements in the lawful and safe handling and storage of
5 firearms, which shall consist of an online course of instruction, in-
6 person classroom instruction, and target training administered by a
7 certified firearm instructor on a firing range approved by the
8 superintendent and on the list of approved ranges published on the
9 State Police website. The training shall include, but not be limited to,
10 demonstration of a level of proficiency in the use of a handgun in
11 such manner as required by the superintendent and training,
12 developed or approved in conjunction with the Police Training
13 Commission, on justification in the use of deadly force under State
14 law.

15 (2) A person who obtained a permit pursuant to this section prior to
16 the effective date of P.L. _____, c. _____ (C. _____) (pending before the
17 Legislature as this bill) shall comply with the training requirement
18 established pursuant to this subsection within 90 days following the
19 effective date of P.L. _____, c. _____ (C. _____) (pending before the Legislature
20 as this bill)

21 h. For purposes of this section, "holster" means a device or
22 sheath that secures a handgun which, at a minimum, is equipped
23 with a retention strap, conceals and protects the main body of the
24 firearm, maintains the firearm in a consistent and accessible
25 position, and renders the trigger covered and inaccessible while the
26 handgun is fully seated in the holster.

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

28

29 4. (New section) a. Every private citizen who carries a handgun
30 in public in this State shall maintain liability insurance coverage, under
31 provisions approved by the Commissioner of Banking and Insurance,
32 insuring against loss resulting from liability imposed by law for bodily
33 injury, death, and property damage sustained by any person arising out
34 of the ownership, maintenance, operation or use of a firearm carried in
35 public wherein such coverage shall be at least in:

36 (1) an amount or limit of \$100,000, exclusive of interest and costs,
37 on account of injury to, or death of, one person, in any one incident;

38 (2) an amount or limit, subject to such limit for any one person so
39 injured or killed, of \$300,000, exclusive of interest and costs, on
40 account of injury to or death of, more than one person, in any one
41 incident; and

42 (3) an amount or limit of \$25,000, exclusive of interest and costs,
43 for damage to property in any one incident.

44 b. Proof of insurance as required in subsection a. of this section
45 shall be produced and displayed by the person carrying a handgun in
46 public upon request to any law enforcement officer or to any person
47 who has suffered or makes a good faith claim to have suffered either

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1 injury or property damage arising out of the ownership, maintenance,
2 operation or use of a firearm carried in public.

3 c. A violation of this section shall be a crime of the fourth degree
4 and shall constitute full and sufficient grounds for revocation of a
5 permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

6

7 5. (New section) Safe carry requirements for authorized
8 holders of a permit to carry a handgun.

9 a. The holder of a permit to carry a handgun issued pursuant to
10 N.J.S.2C:58-4 shall not:

11 (1) use or consume alcohol, a cannabis item, or a controlled
12 substance while carrying a handgun;

13 (2) be under the influence of alcohol, cannabis, or a controlled
14 substance while carrying a handgun;

15 (3) carry a handgun in public outside of a holster or carry a
16 handgun in public in a holster that does not meet the requirements
17 of subsection g. of N.J.S.2C:58-4;

18 (4) carry more than two firearms under the permittee's control at
19 one time; or

20 (5) engage in an unjustified display of a handgun.

21 (6) if carrying a handgun in public, refuse to provide the
22 handgun to a law enforcement officer upon request for purposes of
23 inspecting the handgun.

24 A violation of this subsection shall be a crime of the fourth
25 degree, and any such violation shall constitute full and sufficient
26 grounds for revocation of a permit to carry a handgun issued
27 pursuant to N.J.S.2C:58-4.

28 b. The holder of a permit to carry a handgun issued pursuant to
29 N.J.S.2C:58-4, if stopped or detained by a law enforcement officer
30 while carrying a handgun in public, shall:

31 (1) immediately disclose to the law enforcement officer that they
32 are carrying a handgun; and

33 (2) display the permit to carry a handgun and proof of firearm
34 public carry liability insurance required pursuant to section 4 of
35 P.L. , c. (C.)(pending before the Legislature as this bill) upon
36 the request of the officer.

37 A violation of paragraph (1) of this section shall be a crime of
38 the fourth degree. A person who violates paragraph (2) of this
39 subsection shall be guilty of a disorderly persons offense for a first
40 offense and subject to a \$100 fine and a crime of the fourth degree
41 for a second or subsequent offense.

42

43 6. (New section) Requirements and restrictions on the lawful
44 carrying of a handgun in public.

45 In addition to any criminal penalties under subsection b. of
46 N.J.S.2C:39-5, section 7 of P.L. , c. (C.)(pending before the
47 Legislature as this bill), or any other law, it shall be a crime of the
48 fourth degree for any person in a public place:

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1 a. to carry a handgun concealed on or about their person, except
2 as permitted in accordance with N.J.S.2C:39-6, without possessing on
3 their person a valid and lawfully issued permit to carry under
4 N.J.S.2C:58-4 and proof of firearm public carry liability insurance
5 required pursuant to section 4 of P.L. , c. (C.)(pending before the
6 Legislature as this bill); or

7 b. to carry a handgun openly, whether or not in possession of a
8 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
9 proof of handgun public carry liability insurance required pursuant to
10 section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

11

12 7. (New section) Places where the carrying of a weapon is
13 prohibited.

14 a. Except as otherwise provided in this section, it shall be a crime
15 of the third degree for any person, other than a person lawfully
16 carrying a firearm within the authorized scope of an exemption set
17 forth in N.J.S.2C:39-6 and only to the extent permitted by the entity
18 responsible for security at the place in question, to knowingly carry a
19 weapon, as defined in subsection r. of N.J.S.2C:39-1, in any of the
20 following places, including in or upon any part of the buildings,
21 grounds, or parking area of:

22 (1) a place owned, leased, or under the control of State, county or
23 municipal government used for the purpose of government
24 administration, including but not limited to police stations;

25 (2) a courthouse, courtroom, or any other premises used to conduct
26 judicial or court administrative proceedings or functions;

27 (3) a State, county, or municipal correctional or juvenile justice
28 facility, jail and any other place maintained by or for a governmental
29 entity for the detention of criminal suspects or offenders;

30 (4) a State-contracted half-way house;

31 (5) a location being used as a polling place during the conduct of an
32 election;

33 (6) within 100 feet of a place where a public gathering,
34 demonstration or event is held for which a government permit is
35 required, during the conduct of such gathering, demonstration or
36 event;

37 (7) a school, college, university or other educational institution, and
38 on any school bus;

39 (8) a child care facility or day care center;

40 (9) a nursery school, pre-school, zoo, or summer camp;

41 (10) a park, beach, recreation facility or area or playground owned
42 or controlled by a State, county or local government unit, or any part
43 of such a place, which is designated as a gun free zone by the
44 governing authority based on considerations of public safety;

45 (11) at youth sports events, as defined in N.J.S.5:17-1, during and
46 immediately preceding and following the conduct of the event;

47 (12) a publicly owned or leased library or museum;

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1 (13) a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway youth,
3 children's shelter, child care shelter, shelter for victims of domestic
4 violence, or any shelter under the control of the Juvenile Justice
5 Commission or the Department of Children and Families;

6 (14) a community residence for persons with developmental
7 disabilities, head injuries, or terminal illnesses, or any other residential
8 setting licensed by the Department of Human Services or Department
9 of Health;

10 (15) a bar or restaurant where alcohol is served, and any other site
11 or facility where alcohol is sold for consumption on the premises;

12 (16) a site or facility where cannabis is sold for consumption on the
13 premises;

14 (17) a privately or publicly owned and operated entertainment
15 facility within this State, including but not limited to a theater,
16 stadium, museum, arena, racetrack or other place where performances,
17 concerts, exhibits, games or contests are held;

18 (18) a casino and related facilities, including but not limited to
19 appurtenant hotels, retail premises, restaurant and bar facilities, and
20 entertainment and recreational venues located within the casino
21 property;

22 (19) a plant or operation that produces, converts, distributes or
23 stores energy or converts one form of energy to another;

24 (20) an airport or public transportation hub;

25 (21) a health care facility, including but not limited to a general
26 hospital, special hospital, mental hospital, public health center,
27 diagnostic center, treatment center, rehabilitation center, extended care
28 facility, skilled nursing home, nursing home, intermediate care facility,
29 tuberculosis hospital, chronic disease hospital, maternity hospital,
30 outpatient clinic, dispensary, assisted living center, home health care
31 agency or residential health care facility;

32 (22) a facility licensed or regulated by the Department of Human
33 Services or Department of Health, other than a health care facility, that
34 provides addiction or mental health treatment or support services;

35 (23) a public location being used for making motion picture or
36 television images for theatrical, commercial or educational purposes,
37 during the time such location is being used for that purpose;

38 (24) private property, including but not limited to residential,
39 commercial, industrial, agricultural, institutional or undeveloped
40 property, unless the owner has provided express consent or has posted
41 a sign indicating that it is permissible to carry on the premises a
42 concealed handgun with a valid and lawfully issued license under
43 N.J.S.2C:58-4; and

44 (25) any other place in which the carrying of a handgun is
45 prohibited by statute or rule or regulation promulgated by a federal or
46 State agency or by municipal ordinance or regulation.

47 b. (1) A person, other than a person lawfully carrying a firearm
48 within the authorized scope of an exemption set forth in subsection a.

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1 or c. of N.J.S.2C:39-6, who is otherwise authorized under the law to
2 carry or transport a firearm shall not do so while in a vehicle in New
3 Jersey, unless the handgun is unloaded and contained in a closed and
4 securely fastened case, gunbox, or locked unloaded in the trunk of the
5 vehicle.

6 (2) A holder of a valid and lawfully issued permit to carry a
7 handgun shall not leave a handgun outside of their immediate
8 possession or control within a parked vehicle, unless the handgun is
9 unloaded and contained in a closed and securely fastened case, or
10 gunbox, and is not visible from outside of the vehicle, or is locked
11 unloaded in the trunk or storage area of the vehicle.

12 A violation of paragraph (1) or (2) of this subsection is a crime of
13 the fourth degree.

14 c. Notwithstanding the provisions of subsections a. and b. of this
15 section, the holder of a valid and lawfully issued permit to carry under
16 N.J.S.2C:58-4 who is otherwise prohibited under this section from
17 carrying a concealed firearm into the parking area of a prohibited
18 location specified in subsection a. of this section shall be permitted to:

19 (1) transport a concealed handgun or ammunition within a vehicle
20 into or out of the parking area, provided that the handgun is unloaded
21 and contained in a closed and securely fastened case, gunbox, or
22 locked unloaded in the trunk or storage area of the vehicle;

23 (2) store a handgun or ammunition within a locked lock box and out
24 of plain view within the vehicle in the parking area;

25 (3) transport a concealed handgun in the immediate area
26 surrounding their vehicle within a prohibited parking lot area only for
27 the limited purpose of storing or retrieving the handgun within a
28 locked lock box in the vehicle's trunk or other place inside the vehicle
29 that is out of plain view; and

30 (4) transport a concealed handgun from a vehicle parked within a
31 prohibited parking lot area to a place other than a prohibited place
32 enumerated in subsection a. of this section, provided that the person
33 immediately leaves the parking lot area and does not enter into or on
34 the grounds of the prohibited place with the handgun.

35 d. The holder of a valid and lawfully issued permit to carry under
36 N.J.S.2C:58-4 shall not be in violation of subsection a. of this section
37 while the holder is traveling along a public right-of-way that touches
38 or crosses any of the places enumerated in subsection a. of this section
39 if the concealed handgun is carried on their person in accordance with
40 the provisions of this act or is being transported in a vehicle by the
41 permit holder in accordance with all other applicable provisions of
42 law.

43 e. (1) Nothing in this act shall be construed to prohibit the holder
44 of a valid and lawfully issued permit under N.J.S.2C:58-4 who is
45 lawfully authorized to provide security at a place enumerated in
46 subsection a. of this section from carrying a firearm, openly or
47 concealed, provided that the authorization is set forth in writing, and

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1 only to the extent permitted by the entity responsible for security at the
2 place in question.

3 (2) Unless otherwise required or prohibited by law, the owner or
4 entity in control of any place enumerated in subsection a. of this
5 section or owner or entity responsible for providing security may allow
6 or prohibit retired law enforcement officers who are authorized to
7 possess and carry a handgun pursuant to subsection l. of N.J.S.2C:39-6
8 or qualified retired law enforcement officers within the meaning of
9 the federal “Law Enforcement Officers Safety Act of 2004,” Pub.L.
10 108-277 to carry a concealed handgun on the premises of such place.

11 f. Nothing in this section shall prohibit the carrying of a firearm
12 where it is otherwise expressly authorized by law.

13
14 8. (New section) A person purchasing a firearm or firearm
15 ammunition shall be required to disclose in a written document under
16 penalty, on a form prescribed by the superintendent, whether the
17 firearm or ammunition to be purchased is intended to be transferred to
18 a third party, and the name and address of that third party, if known.

19
20 9. (New section) Notwithstanding any provision of the
21 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.)
22 to the contrary, the Superintendent of State Police may adopt
23 immediately upon filing with the Office of Administrative Law such
24 regulations as the Superintendent deems necessary to implement the
25 provisions of this act, which shall be effective for a period not to
26 exceed 18 months, and may thereafter be amended, adopted, or
27 readopted by the Superintendent in accordance with the requirements
28 of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
29 et seq.).

30
31 10. Sections 2 and 7 of this act shall take effect immediately,
32 section 8 of this act shall take effect on the first day of second month
33 next following the date of enactment, and the remainder of this act
34 shall take effect on the first day of the seventh month next following
35 the date of enactment, but the Attorney General, Superintendent of
36 State Police, and Commissioner of Banking and Insurance may take
37 such anticipatory action as is necessary for the implementation of
38 this act.

39
40

41 **STATEMENT**

42
43

44 This bill removes from current law the justifiable need standard,
45 which is necessary to hold a permit to carry a handgun in this State,
46 in accordance with a recent decision of the United States Supreme
47 Court in New York State Rifle & Pistol Association v Bruen. In
48 addition, the bill establishes certain criteria for obtaining a permit to
carry a handgun and codifies certain venues at which the right to

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1 carry firearms would be restricted due to security and safety
2 concerns.

3 Under current law, in order to lawfully carry a handgun in
4 public, it is necessary for a private citizen to obtain a permit to
5 carry a handgun. Applicants for a permit to carry a handgun need
6 the approval of the chief of police in the municipality where they
7 reside and the approval of a Superior Court judge in the county
8 where they reside. Approval is contingent upon a person submitting,
9 along with the application, a written certification establishing
10 justifiable need. Justifiable need is defined as the urgent necessity
11 for self-protection, as evidenced by specific threats or previous
12 attacks which demonstrate a special danger to the applicant's life
13 that cannot be avoided by means other than by issuance of a permit
14 to carry a handgun. This bill eliminates the justifiable need
15 standard.

16 The bill also expands the disqualifying criteria that would
17 prohibit a person from obtaining a firearm purchaser identification
18 card (FPIC), permit to purchase a handgun (PPH), or permit to carry
19 a handgun. Under current law, a person who receives these
20 documents is required to be of "good character" and "good repute" in
21 the community and not subject to any of the disqualifying criteria
22 listed in subsection c. of N.J.S.2C:58-3. The bill expands the list of
23 disqualifying criteria to include:

- 24 • persons presently confined for a mental disorder as a voluntary
25 admission or involuntary commitment for inpatient or
26 outpatient treatment;
- 27 • persons who have violated a temporary or final restraining
28 order issued pursuant to the "Prevention of Domestic
29 Violence Act of 1991" or a temporary or final domestic
30 violence restraining order issued in another jurisdiction
31 prohibiting the person from possessing any firearm;
- 32 • persons who are subject to or have violated a temporary or
33 final restraining order issued pursuant to the "Sexual Assault
34 Survivor Protection Act of 2015";
- 35 • persons who have previously been voluntarily admitted or
36 involuntarily committed to inpatient or outpatient mental health
37 treatment, unless the court has expunged the person's record;
- 38 • persons who are subject to an outstanding arrest warrant for an
39 indictable crime in this State or for a felony in any other state
40 or federal jurisdiction. This provision would not include
41 individuals seeking reproductive health care services in this
42 State;
- 43 • persons who are a fugitive from justice due to having fled from
44 any state or federal jurisdiction to avoid prosecution for a crime
45 or to avoid giving testimony in any criminal proceeding. This
46 provision would not include individuals seeking reproductive
47 health care services in this State; and

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- 1 • persons who are convicted of a fourth degree crime for
2 violating the handgun carry requirements established under the
3 bill.

4 The bill also makes several changes to the procedure for applying
5 for an FPIC or PPH. Under the bill, an applicant would be required to
6 provide any aliases or other names previously used by the applicant.
7 A PPH applicant also would be required to indicate, with respect to
8 each handgun listed on the form, whether the applicant is purchasing
9 the handgun on the applicant's own behalf or on behalf of a third
10 party. In addition, the bill increases the fee to obtain an FPIC from
11 two dollars to \$25. The fee for the PPH would be increased from
12 five dollars to \$50.

13 In addition, this bill renders a recent enactment (P.L.2022, c.58),
14 which requires FPICs to display a picture and thumb print,
15 inoperative until the Superintendent of State Police establishes a
16 system for issuing these cards. The bill also clarifies that the FPIC
17 would be electronically linked to the fingerprints of the card holder,
18 rather than displaying a thumb print.

19 The bill also codifies the electronic method for reporting
20 handgun sales. Under current law, the PPH is issued as a
21 quadruplicate document. A firearm retailer is required to complete
22 all four of the documents prior to selling a handgun and send the
23 first copy to Superintendent of State Police and the second copy to
24 the chief of police of the municipality in which the purchaser
25 resides. The third copy is retained by the retail dealer and may be
26 subject to inspection by law enforcement at any reasonable time.
27 The purchaser retains the fourth copy as a permanent record. This
28 bill codifies the current procedure established by the State Police,
29 which established a web portal for electronically reporting handgun
30 sales. The bill also requires that handgun transfers between or
31 among immediate family members, law enforcement officers, or
32 collectors of firearms or ammunition as curios or relics are to be
33 conducted via the web portal.

34 In addition, the bill revises the application process for obtaining
35 a permit to carry a handgun. Under current law, a person applying
36 for a permit to carry a handgun is required to provide endorsements
37 from three people who have known the applicant for at least three
38 years and can attest that he or she is of good moral character and
39 behavior. The bill requires an applicant to provide endorsements
40 from five people who are unrelated to the applicant. The persons
41 providing the endorsement are to provide relevant information,
42 including the nature and extent of their relationship with the
43 applicant and information concerning their knowledge of the
44 applicant's use of drugs or alcohol. The bill also requires the chief
45 of police or superintendent, as appropriate, to interview the
46 applicant and persons providing the endorsement. The interviewer
47 is to inquire whether the applicant is likely to engage in conduct
48 that would result in harm to the applicant or others. Additionally,

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1 the interviewer is to inquire whether the applicant has any history of
2 threats or acts of violence by the applicant directed toward self or
3 others or any history of use, attempted use, or threatened use of
4 physical force by the applicant against another person, or other
5 incidents implicating the criteria that would disqualify a person
6 from obtaining a FPIC or PPH. The chief of police or the
7 superintendent also may require information from the applicant or
8 any other person pertaining to publicly available statements posted
9 or published online by the applicant. The bill also extends the time
10 frame which the superintendent or chief of police is required to
11 approve or deny an application for a permit to carry a handgun
12 application from 60 to 90 days.

13 The bill also requires the Superintendent of State Police to
14 establish a training requirement in the lawful and safe handling and
15 storage of firearms for persons who obtain a permit to carry a
16 handgun. The training requirement is to consist of an online course
17 of instruction, in-person classroom instruction, and target training.
18 The training is to include, but not be limited to, demonstration of a
19 level of proficiency in the use of a handgun in such manner as
20 required by the superintendent and training on justification in the
21 use of deadly force under State law. The bill requires the training to
22 include demonstration of a level of proficiency in the use of a
23 handgun in a manner as may be required by the superintendent and
24 training on justification in the use of deadly force under State law.
25 A person who obtained a permit to carry a handgun prior to the
26 bill's effective date would be required to complete the classroom
27 instruction and target training within 90 days of the bill's effective
28 date.

29 In addition, the application fee for the permit to carry a handgun
30 would be \$200. In the case of an application made to the chief
31 police officer of a municipality, \$150 of the fee is to be retained by
32 the municipality and the remaining \$50 is to be forwarded to the
33 superintendent. The fee amount retained by the municipality is to
34 be used to defray the costs of investigation, administration, and
35 processing of the permit to carry handgun applications. Application
36 fees made to the superintendent are to be deposited into the Victims
37 of Crime Compensation Office account. The bill also provides that
38 mayors and elected members of a municipal governing body are to
39 apply to the superintendent, rather than the chief law enforcement
40 officer, when applying for a permit to carry a handgun.

41 Under the bill, the permit would be issued to the applicant
42 electronically through email or through the web portal established
43 or designated for this purpose by the superintendent, or in such
44 form or manner as may be authorized by the superintendent. Prior
45 to issuing the permit, the chief of police or superintendent is
46 required to determine whether:

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- 1 • the applicant is a person of good character who is not subject
2 to any of the disabilities prohibiting the person from
3 purchasing a firearm;
4 • has not been convicted of a crime of the fourth degree in
5 violation of the carry permit requirements established by the
6 bill;
7 • is thoroughly familiar with the safe handling and use of
8 handguns; and
9 • is in compliance with the firearm carry liability insurance
10 established by the bill.

11 The bill requires a private citizen who obtains a carry permit to
12 obtain public carry liability insurance. The bill requires the liability
13 insurance coverage to insure against loss resulting from liability
14 imposed by law for bodily injury, death, and property damage
15 sustained by any person arising out of the ownership, maintenance,
16 operation or use of a firearm carried in public. The bill requires the
17 coverage to be at least in:

- 18 • an amount or limit of \$100,000, exclusive of interest and
19 costs, on account of injury to, or death of, one person, in
20 any one incident;
21 • an amount or limit, subject to such limit for any one person
22 so injured or killed, of \$300,000, exclusive of interest and
23 costs, on account of injury to or death of, more than one
24 person, in any one incident; and
25 • an amount or limit of \$25,000, exclusive of interest and
26 costs, for damage to property in any one incident.

27 The holder of a permit to carry a handgun would be required to
28 produce and display proof of insurance upon request to any law
29 enforcement officer or to any person who has suffered or claims to
30 have suffered either injury or property damage arising out of the
31 ownership, maintenance, operation or use of a firearm carried in
32 public.

33 In addition, the bill requires persons who obtain a permit to carry a
34 handgun to adhere to certain requirements. Under the bill, a person
35 with a carry permit would be prohibited from:

- 36 • using or consuming alcohol, a cannabis item, or a controlled
37 substance while carrying a handgun;
38 • being under the influence of alcohol, cannabis, or a
39 controlled substance while carrying a handgun;
40 • carrying a handgun not authorized under the permit;
41 • carrying a handgun outside of a holster or in an unauthorized
42 holster;
43 • carrying more than two firearms under the permittee's
44 control at one time;
45 • engaging in an unjustified display of a handgun;

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- 1 • if carrying a handgun in public, failing to display the permit
2 to carry a handgun and proof of firearm public carry liability
3 insurance upon request of a law enforcement officer; or
4 • if carrying a handgun in public, refusing to provide the
5 handgun to a law enforcement officer upon request for
6 purposes of inspecting the handgun.

7 A person who violates these requirements would be guilty of a
8 crime of the fourth degree. A violation also may serve as sufficient
9 grounds for revocation of a permit to carry a handgun.

10 The bill provides that when stopped by a law enforcement officer a
11 permit holder would be required to immediately disclose to the officer
12 that the permit holder is carrying a handgun in public and display
13 proof of liability insurance. A person who fails to disclose to a law
14 enforcement officer that they are carry a handgun would be guilty of a
15 fourth degree crime. A person who fails to display proof of firearm
16 public carry liability insurance would be guilty of a disorderly persons
17 offense and subject to a \$100 fine and guilty of a crime of the fourth
18 degree for a second or subsequent offense.

19 The bill also delineates places in which a permit holder would be
20 prohibited from carrying a handgun. Under the bill, it would be a third
21 degree crime to carry any firearm or weapon in the following
22 locations:

- 23 • a place owned, leased, or under the control of State, county, or
24 municipal government used for the purpose of government
25 administration, including but not limited to police stations;
26 • a courthouse, courtroom, or any other premises used to conduct
27 judicial or court administrative proceedings or functions;
28 • a State, county, or municipal correctional or juvenile justice
29 facility, jail and any other place maintained by or for a
30 governmental entity for the detention of criminal suspects or
31 offenders;
32 • a State-contracted half-way house;
33 • a location being used as a polling place during the conduct of
34 an election;
35 • a place where a public gathering, demonstration, or event is
36 held for which a government permit is required, during the
37 conduct of such gathering, demonstration, or event;
38 • a school, college, university, or other educational institution
39 and on any school bus;
40 • a child care facility or day care center;
41 • a nursery school, pre-school, zoo, or summer camp;
42 • a park, beach, recreation facility, or area or playground owned
43 or controlled by a State, county or local government unit;
44 • at youth sports events during and immediately preceding and
45 following the conduct of the event;
46 • a publicly owned or leased library or museum;

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- 1 • a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway
3 youth, children’s shelter, child care shelter, shelter for victims
4 of domestic violence, or any shelter under the control of the
5 Juvenile Justice Commission or the Department of Children
6 and Families;
- 7 • a community residence for persons with developmental
8 disabilities, head injuries, or terminal illnesses, or any other
9 residential setting licensed by the Department of Human
10 Services or Department of Health;
- 11 • a bar or restaurant where alcohol is served, and any other site
12 or facility where alcohol is sold for consumption on the
13 premises;
- 14 • a site or facility where cannabis is sold for consumption on the
15 premises;
- 16 • a privately or publicly owned and operated entertainment
17 facility within this State, including but not limited to a theater,
18 stadium, museum, arena, racetrack, or other place where
19 performances, concerts, exhibits, games, or contests are held;
- 20 • a casino and related facilities, including but not limited to
21 appurtenant hotels, retail premises, restaurant, and bar
22 facilities, and entertainment and recreational venues located
23 within the casino property;
- 24 • a plant or operation that produces, converts, distributes, or
25 stores energy or converts one form of energy to another;
- 26 • an airport or public transportation hub;
- 27 • a health care facility and any facility licensed or regulated by
28 the Department of Human Services or Department of Health,
29 other than a health care facility, that provides addiction or
30 mental health treatment or support services;
- 31 • a public location being used for making motion picture or
32 television images for theatrical, commercial or educational
33 purposes, during the time such location is being used for that
34 purpose;
- 35 • private property, including but not limited to residential,
36 commercial, industrial, agricultural, institutional, or
37 undeveloped property, unless the owner has provided express
38 consent or has posted a sign indicating that it is permissible to
39 carry on the premises a concealed handgun with a valid and
40 lawfully issued permit to carry; and
- 41 • any other place in which the carrying of a handgun is
42 prohibited by statute or rule or regulation promulgated by a
43 federal or State agency or by municipal ordinance or
44 regulation.

45 The bill also requires the holder of a permit to carry a handgun to
46 adhere to certain requirements while transporting the handgun in a
47 vehicle.

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1 Finally, the bill requires a person purchasing a firearm or firearm
2 ammunition to disclose in a written document under penalty of perjury
3 whether the firearm or ammunition to be purchased is intended to be
4 transferred to a third party, and the name and address of the third
5 party, if known.

EXHIBIT E

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4769.

As amended and reported by the committee, Assembly Bill No. 4769 removes from current law the justifiable need standard, which is necessary to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearm purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of a FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to indicate, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to Superintendent of State Police and the second copy to the chief of

police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun application from 60 to 90 days.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to

carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the firearm carry liability insurance established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain public carry liability insurance. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce and display proof of insurance upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either injury or property damage arising out of the ownership, maintenance, operation or use of a firearm carried in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun;
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of firearm public carry liability insurance upon request of a law enforcement officer; or
- if carrying a handgun in public, refusing to provide the handgun to a law enforcement officer upon request for purposes of inspecting the handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that when stopped by a law enforcement officer a permit holder would be required to immediately disclose to the officer that the permit holder is carrying a handgun in public and display proof of liability insurance. A person who fails to disclose to a law enforcement officer that they are carrying a handgun would be guilty of a fourth degree crime. A person who fails to display proof of firearm public carry liability insurance would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense.

The bill also delineates places in which a permit holder would be prohibited from carrying a handgun. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility or day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a site or facility where cannabis is sold for consumption on the premises;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;

- a health care facility and any facility licensed or regulated by the Department of Human Services or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the bill requires a person purchasing a firearm or firearm ammunition to disclose in a written document under penalty of perjury whether the firearm or ammunition to be purchased is intended to be transferred to a third party, and the name and address of the third party, if known.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) increase the maximum fee that a firearm retailer or dealer may charge for conducting long gun sales transactions from \$25 to \$70;
- 2) removes from section four a reference to the Commissioner of Banking and Insurance to clarify the availability of the firearm permit carry insurance coverage in the bill; and
- 3) make technical corrections.

EXHIBIT F

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 20, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4769 (1R), with committee amendments.

As amended, this bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is

subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the

documents prior to selling a handgun and send the first copy to the Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining an FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends from 60 to 90 days the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be

required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the liability insurance requirement established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the permit. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;

- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun; or
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of liability insurance upon request of a law enforcement officer.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped by a law enforcement officer, would be required to immediately disclose to the officer that the permit holder is carrying a handgun in public and display proof of liability insurance. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a handgun. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar

facilities, and entertainment and recreational venues located within the casino property;

- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Service, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- within 100 feet of a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The limitation on places in which a person would be prohibited from carrying a handgun would not apply to active or retired law enforcement officers. However, retired law enforcement officer would be prohibited from carrying a handgun in nine of those locations unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun. The nine locations include: government building; courthouses; correctional facilities; locations used as polling places; within 100 feet of a public gathering demonstration, or event is held for which a government permit is required; schools, universities, and school buses; childcare centers; healthcare facilities; and private property unless granted permission by the property owner.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) remove the requirement that a person with a permit to carry a handgun who is stopped by a law enforcement officer provide the handgun to the officer for the purpose of inspection; as amended, the bill requires a person who is detained as part of a criminal investigation to provide the handgun to a law enforcement officer;

(2) remove the requirement that the holder of a permit to carry a handgun display proof of liability insurance to a law enforcement officer; the amendments preserve the requirement that a permit holder maintain liability insurance;

(3) remove from the bill's provisions references to "firearm carry insurance";

(4) require applicants for a permit to carry handguns to include with the application proof of liability insurance in compliance with the bill and a certification that the applicant will maintain the insurance coverage for the duration of the permit;

(5) provide that active law enforcement officers may carry a handgun in the locations in which a person is prohibited from carrying a handgun; as introduced, this exemption applied to persons lawfully carrying a firearm within the authorized scope of an exemption set forth in N.J.S.2C:39-6;

(6) establish locations in which a retired law enforcement officer is prohibited from carrying a firearm unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun;

(7) clarify that a person charged with a fourth degree crime under the bill would be ineligible to obtain an FPIC or PPH; and

(8) make clarifying and technical changes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearm purchaser identification card, the permit to purchase a handgun, and increased fines and penalties.

The bill's establishment of new crimes of the third degree and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the third and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

MINORITY STATEMENT

By Assemblymen Bergen, McClellan and Rooney

Since 1966, New Jersey has denied law-abiding New Jerseyans their constitutional right to carry handguns to protect themselves and their loved ones from violent crime. The contrived, arbitrary, and unlawful requirement made law-abiding citizens demonstrate to the satisfaction of a government official that they “need” to carry a handgun. For more than half a century, this requirement nearly always resulted in the denial of a permit to carry a handgun – the denial of a fundamental constitutional right.

This year, the United States Supreme Court decided *New York State Rifle & Pistol Association v. Bruen*, declaring once and for all that all Americans, including New Jerseyans, have a fundamental right to carry handguns for lawful self-defense. The Bruen decision swept away New Jersey’s scheme to deny this fundamental right.

However, this bill represents New Jersey’s lawless and outright defiance of the authority of the United States Supreme Court. Like the Southern states in the aftermath of *Brown v. Board of Education* when they fought tooth and nail with “massive resistance” to prevent African-American children from merely attending the same schools as white children, New Jersey now manifests its own “massive resistance” to the authority of the United States Constitution.

This bill systematically prevents New Jerseyans from exercising their fundamental right of public self-defense by labelling nearly every public place a person might go as off limits.

Train and bus stations are prohibited, denying the fundamental constitutional right of self-defense to everyone who commutes to work.

Parks, beaches, and recreational facilities are prohibited, denying the fundamental constitutional right of self-defense to everyone who spends leisure time with their families.

Health care facilities are prohibited, denying the fundamental constitutional right of self-defense to everyone who ever goes to a doctor.

Libraries, museums, and theaters are prohibited, denying the fundamental constitutional right of self-defense to everyone who seeks knowledge and culture.

Restaurants with a liquor license are prohibited, denying the fundamental constitutional right of self-defense to everyone who wants to go out with his family to eat chicken wings or burgers even if they do not drink alcohol.

Homeless shelters are prohibited, denying the fundamental constitutional right of self-defense merely because a person is homeless.

Shelters for victims of domestic violence are prohibited, denying the fundamental constitutional right of self-defense to those who most need to be able to protect themselves from violent attack.

Public gatherings are prohibited, forcing New Jerseyans to choose between their fundamental First Amendment rights and their fundamental Second Amendment right.

All automobiles are prohibited, inviting car-jacking and violent crime in parking lots throughout the state.

And as if all of these prohibitions were not enough, all private property is presumptively prohibited, turning the constitutionally mandated presumption in favor of the fundamental right to bear arms into a presumption against the fundamental right to bear arms – exactly the same place New Jersey was in the more than 50 years before Bruen was decided.

It also creates traps for the innocent that threaten to turn otherwise respectable, law-abiding citizens into criminals. If a law-abiding permit holder happens upon one of the numerous places banned, they will be susceptible to prosecution for a third-degree crime, punishable by 3-5 years in prison and a fine up to \$15,000. Penalties and laws that are hard to follow is another form of oppression, especially when allowing a patchwork of municipal ordinances creates an even greater quagmire of rules and regulations to ensnare otherwise law-abiding citizens who are unknowingly in violation.

Further, the bill disenfranchises the Second Amendment rights of low-income New Jerseyans. As inflation continues to make them poorer, permit application fees will increase to \$200 from \$2 and insurance, which will likely be very costly, is now mandated.

While we are supposed to help the people who can least help themselves, and who typically live in areas with the most crime, much of which include gun violence by illegal-gun owners, this bill aims to strip them of their ability to protect themselves and their families and friends. They too may turn to illicit gun ownership.

Ultimately, this bill seeks to erase the authority of the United States Supreme Court and the Constitution of the United States of America, and, as such, this bill is fundamentally lawless and disenfranchises the rights of New Jerseyans.

It is disappointing to see that the sponsor has taken a Benedict Arnold-esque turn from a defender of Americans' rights to join the side that aims to subdue them.

EXHIBIT G

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2022

The Assembly Oversight, Reform and Federal Relations Committee reports favorably and with committee amendments Assembly Bill No. 4769 (2R).

As amended by the committee, Assembly Bill No. 4769 removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the

person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining an FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends from 60 to 90 days the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the

superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun. As amended, the bill allows the superintendent or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to the conduct a comparable criminal history records check for applicant who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the liability insurance requirement established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the permit. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law

for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun; or
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of liability insurance upon request of a law enforcement officer.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped by a law enforcement officer while publicly carrying the handgun or transporting it in motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is

detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a handgun. The amended bill clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;

- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Service, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- within 100 feet of a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation

As amended, the bill allows municipalities to prohibit carrying a weapon, by ordinance or regulation, in a place which is not enumerated in the bill's list of prohibited locations if there is a public safety nexus justifying the prohibition and the prohibition is consistent with the nation's historical tradition of firearm regulation.

The limitation on places in which a person would be prohibited from carrying a handgun would not apply to active or retired law enforcement officers. However, retired law enforcement officer would be prohibited from carrying a handgun in eight of those locations unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun. The nine locations include: government buildings; courthouses;

correctional facilities; locations used as polling places; within 100 feet of a public gathering demonstration, or event is held for which a government permit is required; schools, universities, and school buses; childcare centers; healthcare facilities.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1) clarify that a permit holder when stopped in a motor vehicle by a law enforcement officer is to inform the officer that the permit holder is traveling with a handgun and display the permit to carry a handgun;

2) allow the Superintendent of State Police or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicant who have already undergone a criminal history records check in the course of obtaining a FPIC, PPH, or PCH;

3) clarify that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property;

4) remove a provision of the bill prohibiting retired law enforcement officers from entering private property while carrying a handgun; and

5) allow municipalities to prohibit, by ordinance or regulation, a person from carrying a weapon in a prohibited location which is not enumerated in the bill's list of prohibited locations if there is a public safety nexus justifying the prohibition and the prohibition is consistent with the nation's historical tradition of firearm regulation; and

6) make technical corrections.

EXHIBIT H

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 4769

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4769 ACS.

As reported by the committee, this bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment pursuant to the mental health screening law concerning assessments of persons believed to be in need of involuntary commitment to treatment, P.L.1987, c.116 (C.30:4-27.1 et seq.);
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State.

The bill also makes several changes to the procedure for applying for an FPIC or a PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain an PPH from two dollars to \$25. The fee for the FPIC would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also expands the list of officials who are allowed to carry a firearm at all times in this State. Under current law, county and assistant prosecutors and deputy attorneys general are permitted to carry a firearm at all times in this State. The bill extends this privilege to federal and municipal prosecutors, the Attorney General, and assistant attorneys general. In addition, the bill allows federal, State, and county judges, including judges in Tax Court, Office of Administrative Law, and the Division of Workers’ Compensation to carry a firearm at all times.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill requires the establishment of a web portal within six months of the bill's enactment for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics be conducted via the web portal. In addition, the bill clarifies that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from four people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief police officer or superintendent, as appropriate, to interview the applicant and persons providing the endorsements. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief police officer or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill extends from 60 to 90 days the time frame which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the superintendent to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to be established within six months of the bill's

enactment and consist of an online course of instruction, in-person classroom instruction, and target training. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun within six months following the bill's date of enactment and prior to the establishment of the training requirement would be required to complete the training within 10 months of the bill's date of enactment.

The application fee for the permit to carry a handgun would be \$200 under the bill. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. However, the bill removes from current law a \$20 fee imposed by the county clerk.

The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief police officer, when applying for a permit to carry a handgun. In addition, the bill allows the superintendent or chief police officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicants who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the bill, the permit would be issued to the applicant electronically through email or six months after the bill's enactment through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. The chief police officer or superintendent is to issue the permit if the applicant:

- has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and who is not subject to any of the disabilities prohibiting the applicant from purchasing a firearm;
- is thoroughly familiar with the safe handling and use of handguns;
- has completed the training requirements established by the bill; and
- is in compliance with the liability insurance requirements established by the bill.

The provisions of the bill requiring the chief police officer or superintendent to verify the training requirement and liability insurance are to remain inoperative for six months following the bill's enactment.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in an amount or limit of \$300,000, exclusive of interest and costs, on account of injury to, or death of, more than one person and damage to property, in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time; or
- engaging in an unjustified display of a handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation is to serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped or detained by a law enforcement officer while publicly carrying the handgun or transporting it in a motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the

officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a firearm or destructive device. The limitation on places in which a person would be prohibited from carrying a firearm would not apply to persons permitted to carry a firearm in this State within the authorized scope of an exemption set forth in N.J.S.2C:39-6. The bill also clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the bill, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots;
- within 100 feet of a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event with exception to youth sports events that are firearm shooting competitions;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;

- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency.

This bill also allows retired law enforcement officers to renew their permit to carry a handgun every two years. Under current law, retired law enforcement officers are required to annually renew their permit to carry. The bill preserves the requirement under current law that retired law enforcement officers semi-annually qualify in the use of the handgun in accordance with the requirements and procedures established by the Attorney General.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the bill clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the bill's enactment are to be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the bill's enactment will be made by a chief police officer or superintendent, as the case may be, in accordance with the provisions of the bill.

As reported by the committee, Assembly Bill No. 4769 (ACS) is identical to the Senate Committee Substitute for Senate Bill No. 3214 (SCS), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.

The bill's establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD KOONS; NICHOLAS
GAUDIO; EFFREY M. MULLER;
SECOND AMENDMENT
FOUNDATION; FIREARMS POLICY
COALITION, INC.; COALITION OF
NEW JERSEY FIREARM OWNERS; and
NEW JERSEY SECOND AMENDMENT
SOCIETY,

Plaintiffs,

v.

WILLIAM REYNOLDS in his official
capacity as the Prosecutor of Atlantic
County, New Jersey; GRACE C.
MACAULAY in her official capacity as the
Prosecutor of Camden County, New
Jersey; ANNEMARIE TAGGART in her
official capacity as the Prosecutor of
Sussex County, New Jersey; MATTHEW
J. PLATKIN, in his official capacity as
Attorney General of the State of
New Jersey; and PATRICK CALLAHAN,

Civil Action No: 1:22-cv-7464
RMB/EAP (CONSOLIDATED)

Hon. Renee Marie Bumb, U.S.D.J.
Hon. Elizabeth A. Pascal, U.S.M.J.

ORDER

**in his official capacity as Superintendent of
the New Jersey State Police,**

Defendants.

and

**NICHOLAS P. SCUTARI, President of the
New Jersey Senate, and CRAIG J.
COUGHLIN, Speaker of the New Jersey
General Assembly,**

Intervenors-Applicants

THIS MATTER being opened on short notice to the Court by Cullen and Dykman LLP, and Kologi ♦ Simitz, attorneys for Intervenors-Applicants Nicholas P. Scutari and Craig J. Coughlin by way of a Motion to Intervene pursuant to Fed. R. Civ. P. 24(b); and the Court having considered the moving papers submitted and having heard the arguments of counsel and for good cause shown,

IT IS on this ____ day of _____, 2023, **ORDERED** as follows:

1. Intervention-Applicants' Motion to Intervene is hereby granted;
2. Intervention-Applicants shall file an Answer on or before _____, 2023;
3. Intervention-Applicants shall file opposition papers to Plaintiffs' motion for a Preliminary Injunction on or before _____, 2023;
4. A copy of this Order shall be served on all counsel and parties within seven (7) days of the entry of this Order.

Hon. Renee Marie Bumb, U.S.D.J.

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Attorneys for Intervenors-Applicants Senate President
Nicholas P. Scutari and Assembly Speaker Craig J.
Coughlin

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD KOONS; NICHOLAS
GAUDIO; EFFREY M. MULLER;
SECOND AMENDMENT
FOUNDATION; FIREARMS POLICY
COALITION, INC.; COALITION OF
NEW JERSEY FIREARM OWNERS; and
NEW JERSEY SECOND AMENDMENT
SOCIETY,

Plaintiffs,

v.

WILLIAM REYNOLDS in his official
capacity as the Prosecutor of Atlantic
County, New Jersey; GRACE C.
MACAULAY in her official capacity as the
Prosecutor of Camden County, New
Jersey; ANNEMARIE TAGGART in her
official capacity as the Prosecutor of
Sussex County, New Jersey; MATTHEW
J. PLATKIN, in his official capacity as
Attorney General of the State of

Civil Action No: 1:22-cv-7464
RMB/EAP (CONSOLIDATED)

Hon. Renee Marie Bumb, U.S.D.J.
Hon. Elizabeth A. Pascal, U.S.M.J.

PROOF OF SERVICE

**New Jersey; and PATRICK CALLAHAN,
in his official capacity as Superintendent of
the New Jersey State Police,**

Defendants.

and

**NICHOLAS P. SCUTARI, President of the
New Jersey Senate, and CRAIG J.
COUGHLIN, Speaker of the New Jersey
General Assembly,**

Intervenors-Applicants

Michael Simitz, Esq. hereby certifies to the court as follows:

1. I am an attorney at law in the State of New Jersey and a partner with the Law Firm of Kologi ♦ Simitz, attorneys for Intervenors-Applicants, Nicholas P. Scutari and Craig J. Coughlin, in the above-captioned matter.

2. I certify that on this date the within Notice of Motion to Intervene, Certification of Edward J. Kologi, Esq. (including proposed Answer of Intervenor-Applicants), Memorandum of Law and proposed form of Order were served via ECF upon the following:

Daniel L. Schmutter, Esq.
HARTMAN & WINNICKI, P.C.
74 Passaci Street
Ridgewood, New Jersey 07450

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3. I further certify that on this date the aforementioned documents were filed with the United States District Court for the District of New Jersey via ECF.

4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Michael Simitz
Michael Simitz

Date: January 24, 2023

