

**ASSEMBLY, No. 145**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman HAROLD "HAL" J. WIRTHS**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblyman Rooney**

**SYNOPSIS**

Clarifies definition of reasonably necessary deviation when legally transporting firearm or weapon in motor vehicle.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the transporting of certain firearms and  
2 weapons and amending N.J.S.2C:39-6.

3

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

6

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

8 2C:39-6. 1. a. Provided a person complies with the  
9 requirements of subsection j. of this section, N.J.S.2C:39-5 does not  
10 apply to:

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

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

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

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

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

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

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

Matter underlined thus is new matter.

- 1 (7) (a) A regularly employed member, including a detective, of  
2 the police department of any county or municipality, or of any  
3 State, interstate, municipal or county park police force or boulevard  
4 police force, at all times while in the State of New Jersey;
- 5 (b) A special law enforcement officer authorized to carry a  
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439  
7 (C.40A:14-146.14);
- 8 (c) An airport security officer or a special law enforcement  
9 officer appointed by the governing body of any county or  
10 municipality, except as provided in subsection (b) of this section, or  
11 by the commission, board or other body having control of a county  
12 park or airport or boulevard police force, while engaged in the  
13 actual performance of his official duties and when specifically  
14 authorized by the governing body to carry weapons;
- 15 (8) A full-time, paid member of a paid or part-paid fire  
16 department or force of any municipality who is assigned full-time  
17 or part-time to an arson investigation unit created pursuant to  
18 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
19 investigation unit in the county prosecutor's office, while either  
20 engaged in the actual performance of arson investigation duties or  
21 while actually on call to perform arson investigation duties and  
22 when specifically authorized by the governing body or the county  
23 prosecutor, as the case may be, to carry weapons. Prior to being  
24 permitted to carry a firearm, a member shall take and successfully  
25 complete a firearms training course administered by the Police  
26 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et  
27 seq.), and shall annually qualify in the use of a revolver or similar  
28 weapon prior to being permitted to carry a firearm;
- 29 (9) A juvenile corrections officer in the employment of the  
30 Juvenile Justice Commission established pursuant to section 2 of  
31 P.L.1995, c.284 (C.52:17B-170) subject to the regulations  
32 promulgated by the commission;
- 33 (10) A designated employee or designated licensed agent for a  
34 nuclear power plant under license of the Nuclear Regulatory  
35 Commission, while in the actual performance of his official duties,  
36 if the federal licensee certifies that the designated employee or  
37 designated licensed agent is assigned to perform site protection,  
38 guard, armed response or armed escort duties and is appropriately  
39 trained and qualified, as prescribed by federal regulation, to  
40 perform those duties. Any firearm utilized by an employee or agent  
41 for a nuclear power plant pursuant to this paragraph shall be  
42 returned each day at the end of the employee's or agent's authorized  
43 official duties to the employee's or agent's supervisor. All firearms  
44 returned each day pursuant to this paragraph shall be stored in  
45 locked containers located in a secure area;
- 46 (11) A county corrections officer at all times while in the State of  
47 New Jersey, provided he annually passes an examination approved

1 by the superintendent testing his proficiency in the handling of  
2 firearms.

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

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

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

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

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

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

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

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

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

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

40 (7) A humane law enforcement officer of the New Jersey  
41 Society for the Prevention of Cruelty to Animals or of a county  
42 society for the prevention of cruelty to animals, while in the actual  
43 performance of his duties;

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

46 (9) A railway policeman, except a transit police officer of the  
47 New Jersey Transit Police Department, at all times while in the  
48 State of New Jersey, provided that he has passed an approved police

1 academy training program consisting of at least 280 hours. The  
2 training program shall include, but need not be limited to, the  
3 handling of firearms, community relations, and juvenile relations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46       (1) A member of any rifle or pistol club organized in accordance  
47 with the rules prescribed by the National Board for the Promotion  
48 of Rifle Practice, in going to or from a place of target practice,

1 carrying firearms necessary for target practice, provided that the  
2 club has filed a copy of its charter with the superintendent and  
3 annually submits a list of its members to the superintendent and  
4 provided further that the firearms are carried in the manner  
5 specified in subsection g. of this section;

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

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

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

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

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

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

41 g. Any weapon being transported under paragraph (2) of  
42 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
43 of this section shall be carried unloaded and contained in a closed  
44 and fastened case, gunbox, securely tied package, or locked in the  
45 trunk of the automobile in which it is being transported, and in the  
46 course of travel shall include only deviations as are reasonably  
47 necessary under the circumstances. Reasonably necessary  
48 deviations shall include, but not be limited to, collecting and

1 discharging passengers; purchasing fuel, food and beverages,  
2 medicine, or other supplies; using a restroom; or contending with an  
3 emergency situation.

4 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
5 to prevent any employee of a public utility, as defined in R.S.48:2-  
6 13, doing business in this State or any United States Postal Service  
7 employee, while in the actual performance of duties which  
8 specifically require regular and frequent visits to private premises,  
9 from possessing, carrying or using any device which projects,  
10 releases or emits any substance specified as being noninjurious to  
11 canines or other animals by the Commissioner of Health and which  
12 immobilizes only on a temporary basis and produces only  
13 temporary physical discomfort through being vaporized or  
14 otherwise dispensed in the air for the sole purpose of repelling  
15 canine or other animal attacks.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43       n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
44 be construed to prevent duly authorized personnel of the New  
45 Jersey Division of Fish and Wildlife, while in the actual  
46 performance of duties, from possessing, transporting or using hand  
47 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
48 missiles for the sole purpose of frightening, hazing or aversive

1 conditioning of nuisance or depredating wildlife; from possessing,  
2 transporting or using rifles, pistols or similar devices for the sole  
3 purpose of chemically immobilizing wild or non-domestic animals;  
4 or, provided the duly authorized person complies with the  
5 requirements of subsection j. of this section, from possessing,  
6 transporting or using rifles or shotguns, upon completion of a Police  
7 Training Commission approved training course, in order to dispatch  
8 injured or dangerous animals or for non-lethal use for the purpose  
9 of frightening, hazing or aversive conditioning of nuisance or  
10 depredating wildlife.

11 (cf: P.L.2017, c.110, s.1)

12

13 2. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 Current law provides that a person lawfully transporting a  
19 firearm or weapon in a motor vehicle may deviate from the course  
20 of travel only to the extent reasonably necessary under the  
21 circumstances.

22 This bill clarifies the type of situations that could constitute  
23 reasonably necessary deviations. The bill provides that reasonably  
24 necessary deviations are to include, but not be limited to, collecting  
25 and discharging passengers; purchasing fuel, food and beverages,  
26 medicine or other supplies; use of a restroom; or contending with an  
27 emergency situation.