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Governor Christie Protects Individuals' Right to Firearms for Self-Defense and Protection with Commonsense Reforms

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Attorney General Issues Directives, Processes Regulatory Changes to Expedite Review of Firearm Identification and Carry Permits for New Jersey Residents; New "Serious Threats" Standard Will Help Provide

Trenton, NJ – Acting on Governor Chris Christie's commitment to ensure fair and consistent application of the state's gun laws that respects individual's Second Amendment rights and protects public safety, the Office of Attorney General announced a directive and guideline issued by Acting Attorney General Robert Lougy, and a regulatory change to align the regulations governing the issuance of a carry permit with New Jersey Supreme Court precedent interpreting the statutory standard of justifiable need. Taken together, the changes will help ensure all applicants receive efficient and uniform consideration in the processing of firearm permit applications.

"The terrible tragedy involving Berlin resident Carol Bowne last summer was a jarring example of a permitting system that had failed and needed to be reexamined and fixed. Likewise, I have seen far too many instances in my time as governor of otherwise lawful gun owners facing severe criminal penalties when they have no intent to violate the law in the routine transport of their lawfully owned firearms," said Governor Christie. "Building on the work of the Study Commission, my Administration is taking important, concrete steps today to address those loopholes and inequities and deliver relief and assurance to New Jerseyans exercising their Second Amendment rights that their constitutional rights will be protected and respected in New Jersey."

"We are always looking for ways to improve the permitting process and to provide uniformity across the state," said Acting Attorney General Robert Lougy. "And our guideline on reasonably necessary deviation in transporting a firearm provides additional clarity to police, prosecutors, and law abiding gun owners."

Last year, Governor Christie signed Executive Order No. 180, calling for expedited treatment of applications in cases of domestic violence and creating the New Jersey Firearm Purchase and Permitting Study Commission, following the tragic murder of Carol Bowne, a Camden County resident. Bowne had secured a restraining order against her ex-boyfriend and filed an application for a firearm permit in April 2015. Less than two months later, and with her application delayed beyond the 30-day statutory deadline for its processing, she was stabbed to death in her front yard by her ex-boyfriend.

The Study Commission was charged with the specific task of reviewing the state's laws, regulations and procedures pertaining to the ownership and possession of firearms and make recommendations to enhance the lawful exercise of New Jerseyans' Second Amendment rights. The Study Commission issued its report in December, noting multiple complaints from firearm permit applicants that statutory permitting requirements were being applied unevenly across the state, specifically, that there were unnecessary delays in processing applications and the imposition of unauthorized requirements for permit applications, in violation of state law.

The directive, guideline and regulatory change announced today include:

A Regulatory Change For A Handgun Carry Permit To Align And Harmonize The Definition Of "Justifiable Need" With New Jersey Supreme Court Standards:

- Published in the New Jersey Register on March 7, 2016, the regulatory amendment will provide greater objectivity, consistency, and clarity in the application of this standard.

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- The regulation adds "serious threats" to the circumstances that could demonstrate a special danger to the applicant's life - including evidence of serious threats that are not directed specifically at an individual but which establish more than mere generalized fears or concerns - that a private citizen may specify in a written certification of justifiable need submitted with an application for a permit to carry a handgun.
- The amendment also clarifies that the issuance of a permit to carry a handgun can be based on a special danger to the applicant's life that cannot be avoided by other "reasonable" means, rather than by "any" means, as the regulation currently provides.

A Guideline On The Reasonably Necessary Deviations In The Course Of Travel Exception For Transporting Firearms In New Jersey:

- Currently, the law allows a limited degree of deviation in the course of travel when an individual is lawfully transporting a firearm. People may transport a firearm that is unloaded and properly stored and in prescribed circumstances without a carry permit: to and from their home and business, hunting, shooting ranges and while moving between residences. New Jersey law allows, but does not define, "reasonably necessary" deviations in the course of that direct travel.
- The Study Commission found a lack of clarity in the statute that creates a risk of disparate and inconsistent application by law enforcement.
- The Attorney General is providing guidance through this directive to law enforcement and prosecutors to ensure the law is administered uniformly throughout the state. The directive sets forth a balanced approach for law enforcement and prosecutors to employ to determine whether a deviation in the course of direct travel between two points with a lawfully-possessed firearm is "reasonably necessary," considering the nature, purpose and extent of the deviation from the firearm owner's direct route.
- While not an exclusive list, some examples of stops or detours in the course of travel to or between locations that would qualify as reasonably necessary include: collecting and discharging passengers; purchasing fuel, food and beverages, medication, or other needed supplies; using a restroom; contending with an emergency situation; or driving around a traffic jam.

A Directive For Uniform Statewide Practices And Procedures For Issuing Firearms Purchaser Identification Cards, Handgun Purchase Permits, And Permits To Carry Handguns:

- The Study Commission's report noted complaints by firearm permit applicants about variations in the practices and procedures used by licensing authorities issuing Firearms Purchaser Identification Cards, Handgun Permits and Carry Permits, including processing delays well beyond the 30 days prescribed by law and the imposition by some licensing authorities of application requirements that exceed the state permitting statute.
- The Attorney General directive requires licensing authorities simply to follow the law by processing permit applications in a timely fashion and limiting application requirements to those prescribed by statute.
- To increase transparency in the permitting process, the Directive requires licensing authorities to submit, annually, data on the number of ID cards and handgun purchase permit applications filed and processed per month over the year, and the length of time it took to process those applications. These statistics will be posted annually on the Division of State Police web site.
- The directive also envisions a more efficient and consistent application process, requiring the State Police, within 9 months, to develop and disseminate to licensing authorities standard protocols promoting best practices for reviewing, investigating and acting on applications for firearms purchaser identification cards, purchase permits and handgun carry permits.
- Finally, the Attorney General will consider how new technology might streamline the processing of permit applications by directing the Superintendent of State Police, within 45 days, to convene a study group and report its findings to the Attorney General within 180 days of the group's first meeting.

Regulations Change: http://www.nj.gov/oag/newsreleases16/Proposed-Amendment_NJAC_1354-24_Reg.pdf

Guideline: http://www.nj.gov/oag/newsreleases16/Transporting-Firearms_Guidelines.pdf

Directive: http://www.nj.gov/oag/newsreleases16/Permits-to-Carry-Firearms_Directive.pdf

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