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Governor Christie Embraces Reforms To Protect Lawful Individuals' Right To Firearms For Self-Defense And Protection

Monday, December 21, 2015

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Trenton, NJ – Building on his strong commitment to ensure a fair and sensible application of New Jersey's gun laws in a manner that respects law-abiding New Jerseyans' constitutional right to possess firearms for self-defense, Governor Christie today announced the release of the report of the New Jersey Firearm Purchase and Permitting Study Commission, and stated his full support of its recommendations to bring clarity and commonsense to New Jersey's gun control laws and regulations.

The scope of the Study Commission's work and its recommended reforms include the following ill-defined and confusing areas of law:

Changes to expand the "justifiable need" standard for the issuance of firearm carry permits.

Clearer guidance for the transport of lawfully-owned firearms.

Bringing fairness and uniformity to the processing of firearms applications.

"New Jersey's extraordinarily strict and expansive gun control laws and regulations have given rise to rules and restrictions that are complicated and unfair to law abiding New Jerseyans. The terrible tragedy involving Berlin resident Carol Bowne this past summer, and far too many instances of gun owners facing severe criminal penalties when they have no intent to violate the law, compelled the need to take a fresh look at whether our laws and rules around gun ownership are working. I thank the Study Commission for taking on this charge," said Governor Christie.

In June 2015, Governor Christie signed Executive Order No. 180, creating the New Jersey Firearm Purchase and Permitting Study Commission, with the specific task of reviewing the state's laws, regulations and procedures pertaining to the ownership and possession of firearms and ensuring they do not infringe on New Jerseyans' constitutional rights. The Governor named three subject matter experts as the Study Commission's members: retired police officer and attorney Adam Heck, criminal defense attorney and former federal prosecutor Eric H. Jaso, and criminal law professor Erik Lillquist.

Mindful of the tragic murder of Carol Bowne in her driveway by her ex-boyfriend, against whom she held a domestic violence protective order, while her application for a handgun permit languished weeks beyond the 30-day statutory deadline, the Commission focused its attention on impediments to the exercise of New Jersey citizens' constitutional right to bear arms for self-defense. The three primary subjects of its report reflect areas that the Commission believes bringing further clarity to the law could ease burdens on lawful and responsible gun ownership without undermining public safety.

"Our citizens have the right to exercise their constitutional right to bear arms. New Jersey citizens should be permitted to defend themselves and not encounter unlawful delays and impediments. The work of the Study Commission is thoughtful and strikes at the heart of these issues. I thank the members for lending their expertise and experience with these issues, and for providing a set of recommendations that I am proud to wholeheartedly embrace. We will work through the Attorney General to put these changes into effect as quickly as possible," Governor Christie concluded.

[The Recommendations Of The New Jersey Firearm Purchase And Permitting Study Commission Include The Following:](#)

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Giving Clarity And A Commonsense Expansion To The “Justifiable Need” Standard For The Issuance Of Carry Permits: New Jersey law currently requires that a firearms applicant must demonstrate a “justifiable need” to carry a handgun. The Commission found that the regulatory “standard for meeting this statutory requirement can be broadened to align more closely” with decisions from the New Jersey State Supreme Court and the Legislature’s intent.

The Commission recommends clarifying the regulation setting forth the criteria for carry permits to allow applicants to obtain a carry permit when they “can demonstrate an urgent necessity for self-protection by articulating serious threats, specific threats, or previous attacks which demonstrate a special danger to the applicant’s life that cannot reasonably be avoided by other means could obtain a carry permit if they are otherwise qualified.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

The recommended change would also “harmonize” the regulation with prior New Jersey Supreme Court decisions while also aligning the regulation with a more commonsense and reasonable interpretation of Legislative and Supreme Court intent – that an applicant is “to show that he/she could not take other reasonable steps to avoid the danger”, rather than the current regulation’s suggestion that the permit should not issue “if there is anything the applicant could do to avoid the danger.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, pgs. 15-16)

Ending The Firearm Transport Dilemma For Law-Abiding Owners By Providing Clear Guidance For The Transport Of Guns Within New Jersey: As a spate of recent cases, such as Shanteen Allen’s, have demonstrated, out-of-state residents passing through New Jersey with a firearm that they lawfully possess in their home state are at times unaware that they are breaking New Jersey law by possessing it in the Garden State. These visitors are still “subject to criminal prosecution and a substantial jail sentence for unlawful possession of a firearm.” (pg. 5) Governor Christie has previously utilized the pardon power to lessen the consequences of such unintentional violations.

The Commission found that in cases of intra-state transport of firearms, where owners are required to go directly from point-to-point subject only to deviations that are “reasonably necessary,” there currently is no guidance as to what constitutes a “reasonably necessary” deviation. Accordingly, the Commission has offered recommendations to guide both law enforcement and firearm owners in the application of the law.

In the absence of such criteria, the Commission “recommends that the Attorney General issue a Directive providing guidance, including specific examples, for what constitutes a “reasonably necessary” deviation while transporting a firearm.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

The criteria provided by such a directive may include “such examples as picking up and dropping off passengers, purchasing food, fuel, medicine and other supplies, using a restroom, or contending with an emergency situation.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 25)

Identifying And Reinforcing Uniform Criteria For Obtaining Gun Permits & Increasing Transparency: The Commission considered reports of unnecessary and lengthy delays, as well as reports “that the statutory requirements for obtaining firearm purchaser identification cards, handgun purchase permits and handgun carry permits are being applied unevenly across New Jersey townships. Unnecessary delays in processing applications and the imposition of unauthorized requirements in the application process violate the law and introduce arbitrariness to the exercise of a fundamental right.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

The Commission has offered the following recommendations to bring greater uniformity to the processing of firearms permit applications:

“The Attorney General of New Jersey issue a Directive to local police departments and the State Police identifying a uniform set of criteria for the consideration and processing of firearm permit applications, consistent with current state law.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

“Increasing transparency of the permitting process through the collection and publication of processing times by municipality and State Police barracks.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

The “State Police formally adopt its pending regulation expediting consideration of applications in cases where the victim is under the protection of a restraining order, and also that the Judiciary be urged to expedite its consideration of carry permit applications and appeals in those cases presenting a heightened risk to domestic violence victims.” (“Firearms Purchase & Permitting in New Jersey,” New Jersey Firearm Purchase and Permitting Study Commission, p. 4)

A full copy of the Study Commission’s report, findings and recommendations can be found [here](http://www.nj.gov/governor/news/news/552015/approved/20151221a.html).

Press Contact:
Brian Murray
Nicole Sizemore
609-777-2600



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Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000