

New Rule, R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

SUBCHAPTER 2. HANDGUNS

13:54-2.1 Permit to carry a handgun

This subchapter prescribes requirements and procedures for the issuance, renewal and revocation of permits to carry handguns.

13:54-2.2 Permit required

No person, except as provided in N.J.S.A. 2C:39-6, shall carry, hold or possess a handgun without first having obtained a permit to carry the same in accordance with the provisions of this chapter.

Case Notes

N.J.S.A. 2C:39-2b creating presumption of absence of firearm carrying permit unless defendant presents contrary evidence held constitutional as not offensive to due process; presumption rational in view of statutory and regulatory requirement for possession of permit whenever handgun is carried. *McCandless v. Beyer*, 835 F.2d 58 (3rd Cir. 1987).

In prosecution for possession of a handgun without a permit, State did not have burden of offering evidence on the issue of whether defendant had a permit, pursuant to statutory presumption that an accused weapons offender does not possess a requisite license or permit unless he establishes the contrary. *State v. Ingram*, 98 N.J. 489, 488 A.2d 545 (1985).

13:54-2.3 Criteria for the issuance of a permit to carry a handgun

(a) No application for a permit to carry a handgun shall be approved by a chief police officer of a municipality, the Superintendent or the Superior Court, unless the applicant:

1. Is a person of good character who is not subject to any of the disabilities which would prevent him or her from obtaining a permit to purchase a handgun or a firearms purchaser identification card as provided in this chapter;
2. Has demonstrated that at the time of the application for the permit he or she is thoroughly familiar with the safe handling and use of handguns; and
3. Has demonstrated a justifiable need to carry a handgun.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (a), substituted "chief police officer" for "police chief".

13:54-2.4 Application for a permit to carry a handgun

(a) Every person applying for a permit to carry a handgun shall furnish such information and particulars as set forth in the application form designated SP 642. The application shall be signed by the applicant under oath and shall be endorsed

by three reputable persons who have known the applicant for at least three years preceding the date of application, and who shall also certify thereon that the applicant is a person of good moral character and behavior. Applications can be obtained at police departments and State Police stations.

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns shall be evidenced by:

1. Completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission as described by N.J.S.A. 2C:39-6j;
2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or
3. Passage of any test in this State's laws governing the use of force administered by a certified instructor of a police academy, a certified instructor of the National Rifle Association, or any other recognized certified instructor.

(c) The information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s).

(d) Each application form shall also be accompanied by a written certification of justifiable need to carry a handgun, which shall be under oath and which:

1. In the case of a private citizen shall specify in detail 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. Where possible the applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of such incidents to the appropriate law enforcement agencies; or
2. In the case of employees of private detective agencies, armored car companies and private security companies, that:
 - i. In the course of performing statutorily authorized duties, the applicant is subject to a substantial threat of serious bodily harm; and
 - ii. That carrying a handgun by the applicant is necessary to reduce the threat of unjustifiable serious bodily harm to any person.

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., four photographs (1½ x 1½ square), a consent for mental health records search form designated S.P. 66, and a permit fee of \$20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief police officer of the municipality in which the applicant resides, or the Superintendent:

1. If there is no chief police officer in the municipality where the applicant resides; or

2. If the applicant is a non-resident of this State or if the applicant is an employee of an armored car company.

(f) An application for a permit to carry a handgun shall be prioritized and be investigated on an expedited basis and approved or disapproved without undue delay, within 14 days if possible, under the following circumstances:

1. The applicant is a private citizen who applies for a permit to purchase a handgun and/or a firearm purchaser identification card contemporaneously with the application for a permit to carry a handgun or who has previously obtained a handgun purchase permit from the same licensing authority; and

i. Has been the victim of an act of violence that resulted in the infliction of serious or significant bodily injury, or was credibly threatened with an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or subjected to an incident in which the actor was armed with and used a deadly weapon or threatened by word or gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1.c against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form (S.P. 398), and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to another such incident; or

ii. Is protected by a court order or under a condition imposed by the court restraining another person from contact with the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or be subjected to an incident in which the actor is armed with and would use a deadly weapon or threaten by word or

gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1.c against the applicant;

2. An applicant who meets the criteria in (f)i or ii above shall be deemed to have demonstrated justifiable need (as set forth in N.J.A.C. 13:54-2.3(a)3); and

3. Approval of an expedited firearms application request does not automatically denote approval for a permit to carry a handgun. All applicants are subject to the provisions set forth in this chapter for final approval and issuance of cards and permits.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (b), substituted "shall" for "may"; in (b)2, inserted "and" at the end; deleted (b)3; recodified (b)4 as new (b)3; in (c), substituted "The" for "Where available, the" and deleted the second sentence; in the introductory paragraph of (d), substituted "justifiable need to carry a handgun," for "need"; and in the introductory paragraph of (e), deleted "(P.L. 1985, c.69)" following the N.J.S.A. reference, and substituted "SP 66" for "STS-1" and "chief police officer" for "chief of police".

Amended by R.2015 d.094, effective June 15, 2015.

See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

In (b)2, substituted "or" for "and" at the end; and in the introductory paragraph of (e), substituted "S.P." for "SP" and "chief police officer" for "full-time police department".

Amended by R.2016 d.015, effective February 16, 2016.

See: 47 N.J.R. 2243(a), 48 N.J.R. 281(a).

Added (f).

13:54-2.5 Approval of application

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be thoroughly investigated. The investigation shall include, but not be limited to, ascertaining that the applicant satisfies all of the requirements contained in this chapter for obtaining a permit to purchase a handgun or a firearms purchaser identification card, that the applicant has or has not demonstrated a thorough familiarity with the safe handling and use of handguns as evidenced by the application and accompanying materials, and that the applicant has or has not factually demonstrated a justifiable need to carry a handgun. The chief of police or the Superintendent shall approve or disapprove the application after completion of the investigation. If the application is approved, by the chief of police or the Superintendent, as the case may be, it shall be forwarded to the Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun, for presentation to a judge of the Superior Court.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Inserted "by the chief of police or the Superintendent, as the case may be," and substituted "Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun," for "county clerk".

13:54-2.6 Application of employees of armored car companies

Any application to carry a handgun by an employee of an armored car company shall be accompanied by a letter from the chief executive officer of the armored car company verifying employment of the applicant, endorsing approval of the application and agreeing to notify the Superintendent within five days of the termination of an employee to whom any permit is issued, and agreeing to obtain from that employee the permit, which shall be immediately surrendered to the Superintendent.

13:54-2.7 Issuance of a permit to carry a handgun

(a) Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of P.L. 1979, c. 58, the judge shall issue a permit. The issuing Superior Court judge shall return the original permit to carry a handgun along with the application endorsed by the issuing Superior Court judge, to the jurisdiction of origin.

(b) The court may, at its discretion, issue a limited type permit which would restrict the applicant as to the types of handguns he or she may carry and where and for what purposes such handguns may be carried.

(c) The Superintendent shall be provided with copies of all permits to carry handguns issued or re-issued by the Superior Court.

Amended by R.2015 d.094, effective June 15, 2015.
See: 46 N.J.R. 2393(a), 47 N.J.R. 1328(a).

In (a), substituted "P.L. 1979, c. 58" for "Chapter 58, Laws of 1979", and inserted the second sentence.

13:54-2.8 Appeal

(a) Any person making application for a permit to carry a handgun who is denied approval by the chief police officer or the Superintendent may request a hearing in the Superior Court of the county in which he or she resides, or a county in which he or she intends to carry a handgun, in the case of a non resident or an employee of an armored car company. Such request shall be made in writing within 30 days of denial of the application. Copies of the request shall be served on the Superintendent, the county prosecutor and the chief police officer of the municipality where the applicant resides, if he or she is a resident of this State.

(b) If the application is denied by the judge of the Superior Court the appeal shall be made in accordance with law.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted "chief police officer" for "chief of police" twice.

13:54-2.9 Duration and renewal

(a) All permits to carry a handgun shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of his or her employment by the company occurring prior thereto, whichever is earlier in time.

(b) Permits must be renewed in the same manner and subject to the identical procedures by which the original permit was obtained. The chief police officer, the Superintendent and the Superior Court shall process a renewal for a permit to