



State of New Jersey

PHILIP D. MURPHY
Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 080
TRENTON, NJ 08625-0080

MATTHEW J. PLATKIN
Acting Attorney General

SHEILA Y. OLIVER
Lt. Governor

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2022-07

TO: All Law Enforcement Chief Executives and County Prosecutors

FROM: Matthew J. Platkin, Acting Attorney General

DATE: June 24, 2022

SUBJECT: Directive Clarifying Requirements For Carrying Of Firearms In Public

For over a century, New Jersey state law has recognized the risks to public safety and to law enforcement that carrying firearms in public can present. As both law enforcement experts and public safety data confirm, an increase in the number of firearms in public can turn confrontations deadly, increase the risk of felonies resulting in death, and make all New Jersey residents less safe. Unchecked public carrying of firearms also puts officers at risk and can turn routine police-citizen encounters into high-risk events. That is why, since 1905, New Jersey has required that individuals who wish to carry firearms in public must obtain a permit to do so.

Yesterday, the U.S. Supreme Court issued a decision that impacts New Jersey's permitting law but does not eliminate our overall permitting requirements. Under current New Jersey law, an individual can obtain a carry permit only if they can demonstrate to the reviewing officer that the applicant satisfies mandatory statutory requirements: (1) 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," (2) is "thoroughly familiar with the safe handling and use of handguns," and (3) "[h]as demonstrated a justifiable need to carry a handgun." N.J.S.A. 2C:58-4; N.J.A.C. 13:54-2.4. The decision in *N.Y. State Rifle & Pistol Assoc. v. Bruen*, No. 20-843, prevents us from continuing to require a demonstration of justifiable need in order to carry a firearm, but it does not prevent us from enforcing the other requirements in our law.

Because state law assigns the initial responsibility of reviewing public-carry applications to law enforcement agencies before delegating the ultimate decision to the New Jersey Superior Court, N.J.S.A. 2C:58-4d, it is particularly important to explain the full scope of law enforcement's remaining responsibilities. While *Bruen* impacts our justifiable need requirement, the ruling does not change *any other aspect* of New Jersey's public carry laws. As this Directive explains, carrying



a handgun without a permit is still illegal in this state, and law enforcement agencies must consider all other the mandatory requirements for obtaining a carry permit before granting an application. Moreover, law enforcement agencies must adhere to all regulations of the New Jersey State Police relating to applications for of handgun carry permits and associated background checks, including any regulations issued on an expedited basis in the aftermath of *Bruen*.

The changes to our permitting requirements require swift understanding and action. New Jersey's commonsense firearms safety laws have resulted in the State having one of the lowest firearm mortality rates in the country. But over 5,000 New Jerseyans nevertheless have been killed by gun violence in the past decade. And the increase of firearms in our public spaces, especially in the aftermath of recent mass shootings, has the potential to undermine the safety of New Jersey residents and of our law enforcement officers. Therefore, pursuant to the authority granted to me under the New Jersey Constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State, I hereby direct all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the directives outlined below.

I. Implementation of New Jersey Carry Permit Requirements

- A. ***Review of Applications.*** In reviewing an individual's application for a permit to carry, the applicable law enforcement agency shall continue to ensure that the applicant satisfies all of the criteria of N.J.S.A. 2C:58-4d and N.J.A.C. 13:54-2.4, except that the applicant need not submit a written certification of justifiable need to carry a handgun.
1. **Statutory Prohibitions.** The agency shall not approve a permit if the applicant is subject to any of the disabilities set forth at N.J.S.A. 2C:58-3(c)(1)-(11) that would prevent them from obtaining a permit to purchase a handgun or a firearms purchaser identification card.
 2. **Background Checks.** The agency shall not approve a permit unless it confirms that the applicant is qualified to carry. The application must, among other things, "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."
 3. **Firearms Familiarity.** The agency shall not approve a permit unless the applicant demonstrates "that he is thoroughly familiar with the safe handling and use of handguns," in accordance with N.J.A.C. 13:54-2.4(b).
- B. ***New Jersey State Policy Regulations.*** State law assigns to the Superintendent of the State Police the authority to implement the statutory requirements for carry permits. *See* N.J.S.A.

2C:58-4. All law enforcement agencies reviewing applications for carry permits shall continue to abide by the regulations issued by the New Jersey State Police, including any amendments adopted on an expedited basis pursuant to N.J.S.A. 52:14B-4(b).

II. Other Provisions

- A. ***Non-enforceability by third parties.*** This Directive is issued pursuant to the Attorney General's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice throughout the State. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
- B. ***Severability.*** The provisions of this Directive shall be severable. If any phrase, clause, sentence, or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the document shall not be affected.
- C. ***Questions.*** Any questions concerning the interpretation or implementation of this Directive shall be addressed to the First Assistant Attorney General or her designee.
- D. ***Effective date.*** This Directive shall take effect immediately and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Matthew J. Platkin
Acting Attorney General

ATTEST:



Lyndsay Ruotolo
First Assistant Attorney General
Dated: June 24, 2022