



State of New Jersey

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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2016-4

TO: Superintendent, New Jersey State Police
Director, Division of Criminal Justice
All County Prosecutors
All County Sheriffs
All Police Chiefs
All Law Enforcement Chief Executives

FROM: Robert Lougy, Acting Attorney General

DATE: April 8, 2016

SUBJECT: Law Enforcement Directive Concerning Uniform Statewide Practices and Procedures for Issuing Firearms Purchaser Identification Cards, Handgun Purchase Permits, and Permits to Carry Handguns

The Superintendent of the New Jersey State Police in the Department of Law and Public Safety and the chiefs of local police departments are responsible for implementing and enforcing New Jersey's laws and regulations governing the purchase and carrying of firearms by private citizens. These laws and regulations must be applied uniformly throughout the State. The December 21, 2015 Report on Firearms Purchase & Permitting in New Jersey noted, however, possible variations in the practices and procedures used by these agencies in implementing State firearms laws and regulations, including observations of processing times in excess of the 30-day period for police agencies to review firearms purchaser identification cards or handgun purchase permits under N.J.S.A. 2C:58-3(f).

To more uniformly and expeditiously process permits across the State, it is necessary to identify best practices that will allow agencies to establish processes that employ the most effective and efficient technology and standard operating procedures as practicable in reviewing permit applications and approving firearms purchaser identification cards and handgun purchase permits for qualified applicants. These best practices also should include procedures to ensure that appropriate priority is given to applications submitted by applicants who meet the criteria set forth in N.J.A.C. 13:54-1.4(j) or 13:54-2.4(f).

In sum, permit applications that meet all of the statutory and regulatory standards should be approved as expeditiously as practicable so that the applicants promptly can exercise their lawful rights under New Jersey law and regulations to acquire and/or carry a firearm. So too, applications that do not satisfy all of the statutory and regulatory requirements should be denied expeditiously so that those applicants promptly may exercise their right to initiate an appeal to the courts should they choose to do so.

In addition to timeliness, all police agencies must enforce State firearms statutes and regulations objectively and uniformly. State law prescribes the qualification standards for each type of permit application. Police agencies serving in the capacity of firearms licensing authorities are prohibited from applying different policies and standards reflecting local or personal views for the appropriate regulation of civilian firearms, and are prohibited from requiring the submission of forms or the provision of information that goes beyond the items of information authorized by N.J.S.A. 2C:58-3(e), the State Police application forms, or judicial authority interpreting the law. See, e.g., N.J.S.A. 2C:58-3(f) (“There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.”).

A law enforcement agency’s decision whether to approve a permit application must be made on a case-by-case basis, considering the individualized circumstances pertaining to the applicant. Some statutory disqualification criteria are objective (e.g., that the applicant has been convicted of an indictable crime or a disorderly persons domestic violence offense as established by fingerprint-verified computerized criminal history records; see N.J.S.A. 2C:58-3(c)(1)). Other disqualification criteria, however, are more subjective, which might lead to different interpretations by different licensing authorities. For example, the governing statute provides that “[n]o handgun purchase permit or firearms purchaser identification card shall be issued . . . where the issuance would not be in the interest of the public health, safety or welfare.” N.J.S.A. 2C:58-3(c)(5). It therefore is appropriate to develop best practices and uniform operational procedures on reviewing and investigating permit applicants, as well as to develop uniform statewide standards for police agencies to follow in processing applications under New Jersey’s firearms licensing laws. The goal should be to ensure to the extent practicable that individuals who apply for a permit in one jurisdiction are not treated differently from similarly-qualified individuals who apply for a permit in another jurisdiction.

For the foregoing reasons, pursuant to my authority under the New Jersey Constitution and the statutes of this State, including the New Jersey Code of Criminal Justice (Title 2C), and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., I hereby Direct that the following actions be taken:

1. COMPLIANCE WITH STATUTORY REQUIREMENTS OF N.J.S.A. 2C:58-3

All licensing authorities shall comply with the requirements of N.J.S.A. 2C:58-3.

Upon inquiry by an applicant regarding the status of an application, the licensing authority shall explain to the applicant the status of any outstanding items or issues regarding the pending application.

2. DEVELOPMENT OF UNIFORM PROCEDURES TO PROMOTE BEST PRACTICES

Within 270 days of the effective date of this Directive, the Superintendent of State Police, in consultation with the Office of Attorney General, shall develop and disseminate to all law enforcement agencies in the State investigation standards and protocols to be used by firearms licensing authorities when reviewing and investigating permit applications, which standards and protocols shall promote best practices for the thorough, timely, and efficient disposition of the various types of firearms permit applications. The Superintendent may from time to time modify the investigation standards and protocols as appropriate. All firearms licensing authorities shall adhere to the investigation standards and protocols as issued or modified by the Superintendent of State Police pursuant to this section.

3. STUDY GROUP TO EVALUATE TECHNOLOGIES THAT MIGHT STREAMLINE/EXPEDITE THE FIREARMS PERMIT APPLICATION PROCESS

Within 45 days of the effective date of this Directive, the Superintendent of State Police shall convene a study group comprised of representatives from the Division of State Police Firearms Unit, the Office of Attorney General, Division of Criminal Justice, the County Prosecutors Association, the New Jersey State Chiefs of Police Association, and such other public sector, private sector, and/or academic stakeholders that the Superintendent deems appropriate, to evaluate how technology may be used to streamline or otherwise expedite the process for reviewing and investigating permit applications consistent with State law and regulations. The study group shall report its findings and recommendations to the Attorney General within 180 days of its first meeting.

4. ONGOING PERMIT PROCESSING DATA COLLECTION AND PUBLICATION

In accordance with the schedule that may be established by the Superintendent of State Police, every firearms licensing authority in this State shall submit to the Superintendent on an annual basis the following information:


- a. the number of firearms purchaser identification card and handgun purchase permit applications received by the licensing authority on a monthly basis during the calendar year;

- b. the number of firearms purchaser identification card and handgun purchase permit applications processed by the licensing authority on a monthly basis during the calendar year; and
- c. the length of time the licensing authority took to process applications for firearms purchaser identification cards and handgun purchase permits, measured from the date an applicant files with the licensing authority a complete application that includes all required certifications and information to the date when such application was denied or granted by the licensing authority, for those applications processed during the calendar year.

The Superintendent of State Police shall compile this information as a statistical summary and cause it to be published annually on the Division of State Police website.


5. EFFECTIVE DATE

This Directive shall take effect immediately, and shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Robert Lougy
Acting Attorney General

ATTEST:



Christine Baker
Counsel to the Attorney General

Issued on: April 8, 2016