

facility’s policies and/or procedures regarding preparation and maintenance of client records differ from this section.

SUBCHAPTER 5. CONTINUING EDUCATION

13:34C-5.2 Continuing education contact hour requirements

(a)-(d) (No change.)

(e) All licensees and certificate holders shall complete a minimum of three contact hours of the 40 or 60 contact hours of continuing education, as applicable, required by N.J.A.C. 13:34C-5.1 in the subject area of social and cultural competence in every biennial period. For the purposes of this subsection, cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status, and unique characteristics of individuals, couples, families, ethnic groups, and communities, including any of the following:

1.-6. (No change.)

(f) (No change.)

13:34C-5.3 Continuing education contact hour calculations

(a) (No change.)

(b) A licensee or certificate holder shall complete and be able to verify such completion of a continuing education course or program in order to receive continuing education credits. The Committee shall grant a licensee or certificate holder continuing education credit for each biennial renewal period as follows:

1.-2. (No change.)

3. Successfully completing an undergraduate, graduate or post graduate coursework in the content areas listed at N.J.A.C. 13:34C-5.4(d), at a regionally accredited institution of higher education: 15 contact hours of continuing education for each semester course credit awarded;

4.-5. (No change.)

13:34C-5.4 (No change in text.)

SUBCHAPTER 6. CLINICAL SUPERVISION

13:34C-6.4 Clinical supervision of an agency practice

(a) The Committee shall accept clinical supervision requirements in agencies licensed by the Department of Human Services, Division of Mental Health and Addiction Services, as substance abuse treatment facilities as they relate to the clinical supervision of alcohol and drug counselors, unless otherwise specified in this subchapter.

(b) (No change.)

(c) If the Committee is advised of inadequacies in the clinical supervision of certified alcohol and drug counselors in a Department of Human Services, Division of Mental Health and Addiction Services (DMHAS) licensed substance abuse treatment facility, the Committee shall notify the DMHAS of such inadequacies and may recommend to DMHAS a plan for clinical supervision. If the inadequacies in supervision within an agency practice setting, as defined in (a) above, are not resolved within three months of such notice, the agency supervision exemption described herein shall be withdrawn and the rule for supervised practice at N.J.A.C. 13:34C-6.3 shall be imposed upon subject certificate holders until such time as the Committee determines that the inadequacies in supervision have been corrected.

(d) (No change.)

(a)

DIVISION OF STATE POLICE

Firearms and Weapons

Application for a Permit to Carry a Handgun

Adopted Amendment: N.J.A.C. 13:54-2.4

Proposed: March 7, 2016, at 48 N.J.R. 377(a).

Adopted: March 2, 2017, by Joseph R. Fuentes, Superintendent,

Division of State Police, with the approval of Christopher S.

Porrino, Attorney General.

Filed: March 6, 2017, as R.2017 d.063, without change.

Authority: N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq.

Effective Date: April 3, 2017.

Expiration Date: May 12, 2022.

Summary of Public Comments and Agency Responses:

The official 60-day comment period ended May 6, 2016. The Division received electronic comments from the following individuals or representatives of organizations:

- Hector Correa
- Leo Edward Bankowski
- Eric M. Saperstein
- Robert Marter
- Fred Vineyard
- Joseph Celentano
- John Hauryluke
- Damian Rork
- JoAnn Lucchetti
- Robert Kubler
- Franklyn C. Gluckler
- Michael Guarino
- Christopher Gates
- James F. Foley
- Mike Assainte
- Mr. & Mrs. Armando Gonzalez
- Todd Peterson
- Philip Beard
- Mark Impala
- V. Holzer
- Michael Tumminelli
- Jaymee Hodges
- Michael Harper
- Michael Parsons
- John Jillard
- James Troiano
- Frank Maryd
- Amanda Leavy
- Joe Andujar
- Mindy Roman
- Lowell Doerr
- Scott R. Ferry
- Anthony Rossi  
(No name provided) aor\*\*\*\*\*73@aol.com (address truncated for individual privacy)
- Ed Cabrera
- Christopher Casale
- Ted Woodside
- Christopher Brown
- Steve Spera
- Kevin Murphy
- Alexander Holian  
(No name provided) gl\*\*\*\*do@aol.com (address truncated for individual privacy)
- (No name provided) s\*\*\*\*s@aol.com (address truncated for individual privacy)
- Tony Gallo
- John Albert
- Steven Faiello

ADOPTIONS

Edward Scarfi  
Jonathan Davis  
(No name provided) ad\*\*\*\*\*3@gmail.com (address truncated for individual privacy)  
David Aune  
Anthony Marandola  
Aaron Varnado  
Ken Reinboth  
Jason Butow  
Marc Becker  
Ricahrd Farrell  
(No name provided) en\*\*\*\*\*0@aol.com (address truncated for individual privacy)  
Eric Motson  
Daniel Feltyberger  
Mark Reynolds  
Ray Harper  
Rick Blauvelt  
Alexander Covan  
Carlos Suero  
Benny Rubino  
Bob Leach  
Keith Conticelli  
Joe Parsons  
Bill Connors  
JD Sherman  
Steve Justice  
Daniel Weigel  
Jessica Swenson  
Richard Knudsen  
Joe Gallo  
(No name provided) m\*\*\*3@aol.com (address truncated for individual privacy)  
Bill Waldron  
Eileen Onder  
Greg Sylvester  
Matt Luongo  
Michael Flippin  
Bryan Gordon  
Robert Britton  
Mike Wobeser  
John Borowic  
Karl Ostergaard  
Dylan Craig  
Paul Nolin  
Marcus Cosby  
Don Maddy  
Dave Felice  
Felix Rosa  
John Hayden  
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(No name provided) Ri\*\*\*\*J@comcast.net (address truncated for individual privacy)  
Peter Seidelmann  
Mike Lodato  
Scott Struck  
Darrien George  
Bruce Taneski  
James V. Scaglione  
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Lee Fuchs  
Adrian Miranda  
Ryan Gonzalez  
Andrew Stravitz  
Bob DiMarco

LAW AND PUBLIC SAFETY

(No name provided) r\*\*\*nj@gmail.com (address truncated for individual privacy)  
John and Wendy Jensen  
Tony Bowen  
Dennis Mitchell  
Michael Lindner  
Pete Smith  
Charles Lescinsky  
(No name provided) ah\*\*\*\*\*9@gmail.com (address truncated for individual privacy)  
Richard Earls  
Robert Adam  
Jim Dramis  
Anthony F. Parise  
Linda Gochfeld MD  
Robert Mehlman  
Jill Perin  
Irene Goldman  
Susan Colby  
Jeffrey Laurenti  
Jack Pyle  
Howard Moskowitz  
Chrystal Schivell  
Susan N Wilson  
Jim Harford  
JoAnne MacBeth  
Rita Reisman  
Carol Haag  
(No name provided) sd\*\*\*\*1@comcast.net (address truncated for individual privacy)  
Dorothy Anna T. Moore  
Tom F. Driver  
Mandi Perlmutter  
Murphy Birdsall  
Jan Knepper  
Linda Gentile  
Robert Fenelon  
Walter Amos  
Ronald Haucke  
(No name provided) sl\*\*\*a@learnj.org (address truncated for individual privacy)  
Jack Soper  
Joyce Hilfman  
Mr. & Mrs. Walter Balsavage  
Sheila Marrero  
Lucy Kennedy  
Carol Allen  
Daniel F. Barr  
Judith Weiss  
Rev. Craig Hirshberg  
Fruqan Mouzon  
Marc Tolo  
Carole Stiller  
Katherine Allen  
Edward Gross  
Ron Schwartz  
Thomas Kendrick  
Alex Tolkuchka  
Ruth Banks  
Chris Gunther  
Erie Lugo Jr.  
(No name provided) sl\*\*\*\*\*1@aol.com (address truncated for individual privacy)  
(No name provided) m\*\*\*\*\*20@gmail.com (address truncated for individual privacy)  
Barry Fitzpatrick  
Christoph Negron  
John Schiavome  
Ben Adams  
James Richards

Aaron Hefner  
David Pfau

COMMENT: The commenters objected to the proposed language in this section of the Code dealing with the definition of “justifiable need.” The commenters stated that New Jersey gun owners continually are unable to prove “justifiable need” in order to obtain the right to carry within the State’s borders due to lack of proven threat, attack, or other bodily harm. The commenters requested support in extending the definition of “justifiable need” to include “self-defense” solely without further definition.

RESPONSE: The Division believes that the amendments to N.J.A.C. 13:54-2.4 harmonize the regulatory definition of “justifiable need” with the Supreme Court of New Jersey’s construction of that standard. The Court first defined the concept in *Siccardi v. State*, 59 N.J. 545 (1971). In *Siccardi*, the Court observed that carry permits may be issued under the standard to those “who can establish an urgent necessity for carrying guns for self-protection . . . [o]ne whose life is in real danger, as evidenced by serious threats or earlier attacks[.]” *Id.* at 557. The Supreme Court repeated that standard in *In re Preis*, 118 N.J. 564, 566, 571 (1990), stating that “urgent necessity” includes “the case of one whose life is in danger as evidenced by serious threats or earlier attacks,” and includes “specific threats or previous attacks demonstrating a special danger to the applicant’s life that cannot be avoided by other means.”

The amendments to N.J.A.C. 13:54-2.4(d) add “serious threats” to circumstances that could demonstrate a special danger to the applicant’s life that a private citizen may specify in a written certification of “justifiable need,” which would be submitted with an application for a permit to carry a handgun under N.J.S.A. 2C:58-4. In light of the applicable Supreme Court interpretation, the suggestion of extending the definition of “justifiable need” to include “self-defense” solely without further definition appears unwarranted, and, therefore, the Division rejects this suggestion.

COMMENT: The commenters objected to any changes to current New Jersey gun laws, due to a concern that more concealed weapons may pose an increased risk to innocent citizens. Furthermore, the commenters stated there is no legitimate reason to amend the “justifiable need” provision in the concealed carry statute, because it is merely a “solution in search of a problem.” If amended, many more people who cannot identify a specific threat would be allowed to carry loaded concealed handguns in the State of New Jersey. There is no evidence that more concealed weapons make for a safer society. The commenters argue, according to a Violence Policy Center analysis of data from the Centers for Disease Control and Prevention’s National Center for Injury Prevention and Control, the top six states (New Jersey is sixth) with the lowest gun death rates in the country have tightly regulated concealed carry permit laws to require a specific “justifiable need” to carry a gun in public.

RESPONSE: N.J.A.C. 13:54-2.4 is very clear in intent. The amendments do not change the process for obtaining a permit to carry a handgun. In practical application, this change will allow a chief of police or the Superintendent of the State Police to consider evidence of serious threats not directed specifically at an individual but that establish more than mere generalized fears or concerns. The amendment also makes explicit that the permit applications shall demonstrate that the special danger to a carry permit applicant’s life cannot be avoided by “reasonable” means other than the issuance of a permit to carry a handgun.

The Division takes note of Senate Concurrent Resolutions No. 101 and 117, which reached final passage in both houses of the Legislature on June 16, 2016, and December 19, 2016, respectively. SCR-101 invoked the Legislative Review Clause of the New Jersey Constitution, concluded that the amendments were somehow inconsistent with the intent of the Legislature as expressed in N.J.S.A. 2C:58-4(c), and stated that the Division had 30 days following transmittal of the resolution to amend or withdraw the proposal. SCR-117 in turn asserted that the SCR-101 had been properly transmitted to the Governor, the Attorney General, and the Division, observed that the regulatory proposal had not been amended following the alleged transmittal, and, therefore, declared

the proposal void pursuant to the Legislative Review Clause. The resolutions do not affect the proposal for two reasons.

First, the New Jersey Constitution states that upon passing a resolution under the Legislative Review Clause, “the Legislature shall transmit [its] finding in the form of a concurrent resolution to the Governor and the head of the Executive Branch agency which promulgated, or plans to promulgate, the rule or regulation.” The Legislature never complied with this constitutional mandate for SCR-101. The Legislature was informed of this deficiency by letters dated August 4 and 5, 2016, but nevertheless declined to perform the constitutionally required transmission. Accordingly, the two concurrent resolutions are procedurally defective.

Second, the resolutions are not substantively valid. The Constitution authorizes the Legislature to invalidate or prohibit a rule or regulation from taking effect if it is not consistent with the intent of the Legislature as expressed in the language of the statute that the rule or regulation is intended to implement. New Jersey statutory law authorizes the issuance of a carry permit upon the demonstration of “justifiable need.” The Supreme Court of New Jersey has stated the statute, thus, requires “an urgent necessity for protection of self or others,” which can exist in the case of “serious threats,” “specific threats,” or “previous attacks,” with “[g]eneralized fears for personal safety [being] inadequate.” *In re Preis*, 118 N.J. 564, 566, 571 (1990). It has been over 25 years since the Supreme Court articulated the demonstration required to meet the justifiable need standard in this fashion, and in that time there have been no legislative efforts to amend the law to “correct” the Court’s articulation of this standard. Thus, after more than a quarter century, the amendment merely conforms the rule to the Supreme Court’s precedent on the meaning of “justifiable need.” Because the rulemaking is not inconsistent with the language of the statute, the Legislative resolutions concluding otherwise are substantively wrong and, therefore, ineffective.

COMMENT: Twenty-five commenters requested a public hearing to discuss the proposed amendment.

RESPONSE: Pursuant to N.J.A.C. 13:1E-4.3, the Department of Law and Public Safety must hold a public hearing on a rulemaking proposal if “sufficient public interest” is demonstrated. “Sufficient public interest” is demonstrated if “at least 50 persons submit written requests to hold a public hearing . . .” N.J.A.C. 13:1E-4.3. During this public comment period, the Department received fewer than 50 requests for a public hearing. Therefore, the Department did not schedule a public hearing.

#### Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment does not exceed Federal standards, and is not adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under State statutes that incorporates or refers to Federal law, Federal standards, or Federal requirements.

Full text of the adoption follows:

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

(a)-(c) (No change.)

(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 serious threats, specific threats, or previous attacks, which demonstrate a special danger to the applicant’s life that cannot be avoided by reasonable 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. (No change.)

(e)-(f) (No change.)

(ANNOTATION: On June 16, 2016, and December 19, 2016, the Concurrent Resolutions below were passed by the New Jersey Legislature concerning N.J.A.C. 13:54-2.4. This annotation is provided

by the New Jersey Office of Administrative Law pursuant to N.J.S.A. 52:14B-4.3.)

[First Reprint]  
**SENATE CONCURRENT RESOLUTION No. 101**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**  
 INTRODUCED MAY 2, 2016

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Vitale, Stack, Gordon, Turner and Cunningham**

**SYNOPSIS**

Determines that State Police rule to expand definition of justifiable need for purpose of handgun carry permit is inconsistent with legislative intent.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on May 5, 2016, with amendments.

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law. Matter underlined thus is new matter. Matter enclosed in superscript numerals has been adopted as follows: 1Senate SSG committee amendments adopted May 5, 2016.**

**A CONCURRENT RESOLUTION** concerning legislative review of Division of State Police rules and regulations pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey and prohibiting the adoption of certain proposed Division of State Police rules and regulations concerning justifiable need to carry a handgun.

**WHEREAS**, Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, the Legislature may review any rule or regulation adopted or proposed by an administrative agency to determine if it is consistent with the intent of the Legislature, and invalidate an adopted rule or regulation or prohibit the adoption of a proposed rule or regulation if it finds that the rule or regulation is not consistent with legislative intent; and

**WHEREAS**, Upon finding that a rule or regulation, either proposed or adopted, is not consistent with legislative intent, Article V, Section IV, paragraph 6 provides that the Legislature shall transmit its findings in the form of a concurrent resolution to the Governor and the head of the Executive Branch agency which promulgated, or plans to promulgate, the rule or regulation, and the agency shall have 30 days from the time the concurrent resolution is transmitted to amend or withdraw the rule or regulation; and

**WHEREAS**, If the agency does not amend or withdraw the existing or proposed rule or regulation, Article V, Section IV, paragraph 6 provides that the Legislature may invalidate or prohibit the adoption of the proposed rule or regulation, following a public hearing held by either House on the invalidation or prohibition, the placement of a transcript of the public hearing on the desks of the members of each House of the Legislature in open meeting followed by the passage of at least 20 calendar days, and a vote of a majority of the authorized membership of each House in favor of a concurrent resolution invalidating or prohibiting the adoption of the rule or regulation; and

**WHEREAS**, New Jersey's gun safety laws are among the strongest in the nation; the state's regulatory and legislative provisions draw careful lines between possessing a gun in one's home or place of

business and carrying a gun for protection outside of the home or business; and

**WHEREAS**, New Jersey citizens are prohibited from carrying a handgun in public unless they have obtained a permit to carry that handgun; a violation constitutes a crime of the second degree, which is punishable by a term of imprisonment of five-to-10 years, a fine of up to \$150,000, or both; and

**WHEREAS**, The limited exceptions to the carry permit requirement include: members of the armed forces, federal law enforcement officers, State Police officers, members of municipal and county police departments, sheriff's officers, and corrections officers at all times; railway police, park rangers, and campus police while in the actual performance of their duties; certain security personnel in the official performance of their duties; retired law enforcement officers, and employees of armored car companies; and

**WHEREAS**, To obtain a permit to carry a handgun, an applicant is required to provide with the application a written certification of justifiable need; and

**WHEREAS**, Justifiable need is defined in regulation, specifically N.J.A.C.13:54-2.4, as "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"; and

**WHEREAS**, While there have been several legal challenges to the justifiable need standard, including that the standard violates the right to bear arms under the Second Amendment, to date, both State and federal courts have upheld the constitutionality of the State's justifiable need requirement, and the United States Supreme Court has denied certiorari on the constitutional challenge; and

**WHEREAS**, The Division of State Police is proposing to amend N.J.A.C.13:54-2.4 to add "serious threats" to the circumstances that could demonstrate a special danger to the applicant's life that could be specified in the written certification of justifiable need; further, the proposed amendment also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant's life that cannot be avoided by other "reasonable" means; and

**WHEREAS**, The proposed amendments are premised on an inaccurate reading of the applicable New Jersey Supreme Court precedent interpreting the justifiable need standard, misstating the standard articulated in *Siccardi v. State*, 59 N.J. 545 (1971), which is actually consistent with the current regulations; and

**WHEREAS**, Examples provided by the State Police of a private citizen who could establish a justifiable need based on "serious threats" suggest that these amendments could potentially authorize taxi drivers, bus drivers, pizza delivery drivers, United Postal Service drivers, and anyone working or living in a high-crime neighborhood to qualify to carry a firearm; and

**WHEREAS**, Current law and judicial interpretations of the justifiable need standard clearly require demonstration of an urgent necessity for protection from a specific threat to one's life rather than from a mere generalized fear or concern; and

**WHEREAS**, The proposed amendment to N.J.A.C.13:54-2.4 expanding the scope of the right to carry well beyond that authorized under current law and judicial interpretation is inconsistent with the Legislature's intent to establish who may carry a handgun outside the home in this State; now, therefore,

**BE IT RESOLVED** by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Legislature declares that the rules and regulations proposed and made available for public comment in the New Jersey Register on March 7, 2016 at 48 N.J.R. 377(a) by the Division of State Police in the Department of Law and Public Safety to revise the rule governing Application for a Permit to Carry a Handgun, N.J.A.C.13:54-2.4, are not consistent with the intent of the 15 Legislature.

2. Copies of this concurrent resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly and the Secretary of the Senate to the Governor, the Attorney General, and the Superintendent of State Police.

3. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, the Superintendent of State Police shall have

30 days following transmittal of this resolution to amend or withdraw the adopted rules and regulations or the Legislature may, by passage of another concurrent resolution, exercise its authority under the Constitution to invalidate the rules and regulations in whole or in part.

**SENATE CONCURRENT RESOLUTION No. 117**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**  
 INTRODUCED SEPTEMBER 8, 2016

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Prohibits adoption of State Police proposed rule expanding justifiable need standard for issuing handgun carry permits.

**CURRENT VERSION OF TEXT**

As introduced.

**A CONCURRENT RESOLUTION** concerning legislative review of rules and regulations pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey and prohibiting the adoption of certain proposed Division of State Police rules and regulations.

**WHEREAS**, Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, the Legislature may review any rule or regulation adopted or proposed by an administrative agency to determine if it is consistent with the intent of the Legislature, and invalidate an adopted rule or regulation or prohibit the adoption of a proposed rule or regulation if it finds that the rule or regulation is not consistent with legislative intent; and

**WHEREAS**, Upon finding that a rule or regulation, either proposed or adopted, is not consistent with legislative intent, Article V, Section IV, paragraph 6 provides that the Legislature shall transmit its 16 findings in the form of a concurrent resolution to the Governor and the head of the Executive Branch agency which promulgated, or plans to promulgate, the rule or regulation, and the agency shall have 30 days from the time the concurrent resolution is transmitted to amend or withdraw the rule or regulation; and

**WHEREAS**, If the agency does not amend or withdraw the existing or proposed rule or regulation, Article V, Section IV, paragraph 6 provides that the Legislature may invalidate or prohibit the adoption of the proposed rule or regulation, following a public hearing held by either House on the invalidation or prohibition, the placement of a transcript of the public hearing on the desks of the members of each House of the Legislature in open meeting followed by the passage of at least 20 calendar days, and a vote of a majority of the authorized membership of each House in favor of a concurrent resolution invalidating or prohibiting the adoption of the rule or regulation; and

**WHEREAS**, On March 7, 2016, the Division of State Police in the Department of Law and Public Safety proposed for public comment in the New Jersey Register a rule proposal concerning the Application for a Permit to Carry a Handgun pursuant to N.J.A.C.13:54-2.4; the rule proposal expands the circumstances under which justifiable need to carry a handgun can be based to include "serious threats," in addition to specific threats and previous attacks, which cannot be avoided by "reasonable" means other than by issuance of a permit; and

**WHEREAS**, This notice of proposal cites N.J.S.2C:39-1 et seq. and N.J.S.2C:58-1 et seq. as the statutory authority for the rule proposal; and

**WHEREAS**, Senate Concurrent Resolution No. 101 (1R) and Assembly 45 Resolution No. 175 declared that the proposal by the Division of State Police, published for public comment in the New Jersey Register on March 7, 2016 (48 N.J.R.377(a)), to revise the rule concerning Application for a Permit to Carry a Handgun, N.J.A.C.13:54-2.4, is not consistent with legislative intent; and

**WHEREAS**, On June 16, 2016, Senate Concurrent Resolution No. 101 (1R) received final approval by the Legislature and was transmitted 4 to the Governor, the Attorney General, and the Superintendent of State Police in the form of a concurrent resolution filed on June 16, 2016 with the Secretary of State and published on the Legislature's public website, and again on July 5, 2016 through a letter mailed by the Clerk of the General Assembly to the Governor, the Attorney General, and the Superintendent of State Police; and

**WHEREAS**, Senate Concurrent Resolution No. 101 (1R) expressed the Legislature's finding that the proposal by the Division of State Police on March 7, 2016 was not consistent with legislative intent and informed the Governor, the Attorney General, and the Superintendent of State Police, pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, that the superintendent shall have 30 days following transmittal of that concurrent resolution to amend or withdraw the proposed rules and regulations or the Legislature may, by passage of another concurrent resolution, exercise its authority under the Constitution to prohibit the adoption of the proposed rules and regulations in whole or in part; and

**WHEREAS**, The Division of State Police has failed to amend or withdraw, or provide any notification to the Legislature of its intention to amend or withdraw, the proposed regulations within 30 days after Senate Concurrent Resolution No. 101 (1R) was transmitted to the Governor, the Attorney General, and the Superintendent of State Police; and

**WHEREAS**, Prior to voting on a concurrent resolution to invalidate an adopted rule or regulation or prohibit the adoption of a proposed rule or regulation, a public hearing shall be held on invalidating or prohibiting the adoption of the proposed rule and the transcript of that hearing shall be placed on the desk of each member of the Senate and each member of the General Assembly; now, therefore,

**BE IT RESOLVED** by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Legislature prohibits adoption of the proposed rules and regulations published by the Division of State Police for public comment in the New Jersey Register on March 7, 2016 (48 N.J.R.377(a)), to expand the justifiable need standard for carrying a handgun pursuant to N.J.A.C.13:54-2.4 to include "serious threats" in addition to specific threats and previous attacks, which cannot be avoided by "reasonable" means other than by issuance of a permit.

2. Copies of this concurrent resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Governor, the Attorney General, the Superintendent of State Police, and the Office of Administrative Law.

3. This concurrent resolution shall take effect immediately.

**STATEMENT**

Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, this concurrent resolution prohibits adoption of the rules and regulations proposed by the Division of State Police for public comment in the New Jersey Register on March 7, 2016 to expand the circumstances in N.J.A.C.13:54-2.4 (Application for a Permit to Carry a Handgun) under which justifiable need to carry a handgun can be based to include "serious threats" in addition to specific threats and previous attacks, which cannot be avoided by "reasonable" means other than by issuance of a permit.

As required by the Constitution, the Legislature previously informed the Governor, the Attorney General, and the Division of State Police, through Senate Concurrent Resolution No. 101 (1R) of 2016, of the Legislature's finding that this rule proposal is not consistent with legislative intent.