**EXECUTIVE ORDER NO. 129**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act (EHPA), to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-128 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in recognition that the Centers for Disease Control (CDC) has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) on March 21, 2020, which instituted certain social

mitigation strategies for combatting COVID-19, including closure of non-essential retail businesses to the public; and

WHEREAS, such closures may bear on certain residents' ability to obtain permits to carry firearms otherwise available under New Jersey law, including retired law enforcement officers, security officers, and individuals who have been found by the Superior Court to have a justifiable need to carry; and

WHEREAS, the statutes authorizing individuals in these groups to carry – where such individuals have passed robust background checks and satisfied the appropriate statutory criteria – reflect the Legislature's judgment that doing so protects such persons' safety and promotes public safety; and

WHEREAS, under N.J.S.A. 2C:39-6(l), law enforcement officers who were employed on a full time basis with a law enforcement agency and who retired in good standing can apply yearly to the Superintendent of the State Police ("Superintendent") for a permit to carry a hand gun ("Retired Officer Carry Permit"); and

WHEREAS, prior to issuing a Retired Officer Carry Permit, the Superintendent undertakes a thorough investigation, including verification of the retired officer's service in good standing prior to retirement and confirmation that the retired officer does not suffer from statutory disqualifications; and

WHEREAS, the scheme for renewals of Retired Officer Carry Permits, which requires retired officers to make an application in the same manner as the initial application, will unduly delay the re-issuance of existing permits to carry during the ongoing Public Health Emergency; and

WHEREAS, pursuant to N.J.S.A. 2C:58-4, other individuals who demonstrate to the chief police officer of the municipality in which they reside or the Superintendent, and the applicable

Superior Court, that they are persons of good character who are not subject to statutory disqualifications, have a justifiable need to carry a handgun, and are thoroughly familiar with the safe handling and use of handguns, may also obtain permits to carry firearms ("Carry Permit"); and

WHEREAS, in order to renew Carry Permits, law enforcement again must complete the same thorough review as was both necessary and appropriate for the initial Carry Permit application, including a determination that the renewal applicant is thoroughly familiar with the safe handling and use of handguns; and

WHEREAS, to demonstrate a thorough familiarity with the safe handling and use of handguns, N.J.A.C. 13:54-2.4 and N.J.A.C. 13:54-2.9 require that the applicant submit proof of completion of a training course, passage of a test administered by a certified instructor, or handgun qualification scores; and

WHEREAS, it may be more challenging to show that an individual is thoroughly familiar with the safe handling and use of handguns based on in-person instruction and/or in-person training during the ongoing Public Health Emergency, which will make it harder for those individuals to obtain the permits that the Legislature found promote their individual safety and public safety; and

WHEREAS, under the Security Officer Registration Act (SORA), N.J.S.A. 45:19A-1, et seq., certain security officers registered and licensed under State law may permissibly carry a firearm only if they have a Retired Officer Carry Permit under N.J.S.A. 2C:39-6(l) or a Carry Permit under N.J.S.A. 2C:58-4; and

WHEREAS, if security guards are not able to obtain or to renew their permits to carry firearms, they may not be able to be hired for or continue in their employment, which would lead to turnover

in security roles during an emergency, and which could undermine public welfare and safety at this time; and

WHEREAS, for these reasons, among others, the strict enforcement of the statutes and regulations governing the issuance and renewal of Retired Officer Carry Permits and Carry Permits under N.J.S.A. 2C:39-6(l) and N.J.S.A. 2C:58-4, respectively, is detrimental to the public welfare; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq. and N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. All Retired Officer Carry Permits that expire during the term of the Public Health Emergency declared in Executive Order No. 103 (2020), including those that expired after the issuance of Executive Order No. 103 (2020) but before issuance of this Order, are hereby extended until 90 days after the end of the Public Health Emergency, but only for any holder of a Retired Officer Carry Permit that has satisfied the following requirements:

a. The permit holder submits a renewal application pursuant to N.J.S.A. 2C:39-6(l) prior to the

expiration of their existing permit or prior to May 4, 2020, whichever is later; and

b. As part of that renewal application, the permit holder submits proof of qualification on the use of their weapons from the first qualification period of the current 12-month permit cycle as required by the Attorney General's Semi-Annual Firearms Qualification and Requalification Standards for New Jersey Law Enforcement.

2. Any permit holder who has their Retired Officer Carry Permit extended under Paragraph 1 of this Order shall submit proof of their semi-annual firearms requalification within ninety days of the expiration of the Public Health Emergency declared in Executive Order No. 103 (2020). Should such permit holder fail to do so, their renewal application submitted under Paragraph 1(a) of this Order shall be denied.

3. For the duration of the Public Health Emergency declared in Executive Order No. 103 (2020), the following rules apply where an individual seeks to obtain or renew a Carry Permit:

a. Where the chief police officer, the Superintendent, and/or the Superior Court receive an application to obtain or renew a Carry Permit pursuant to N.J.S.A. 2C:58-4, and where the chief police officer, the Superintendent, and/or the Superior Court find that the applicant would qualify for such permit except that the applicant cannot show the requisite familiarity with the safe handling and use of handguns under N.J.S.A. 2C:58-4, N.J.A.C. 13:54-2.4, and/or N.J.A.C. 13:54-2.9 due to the restrictions imposed in response to the Public

Health Emergency declared in Executive Order No. 103 (2020), the chief police officer, the Superintendent, and/or the Superior Court may authorize such individual to complete such training, practice, or testing as would allow them to satisfy N.J.A.C. 13:54-2.4 or N.J.A.C. 13:54-2.9;

b. The Superintendent shall prescribe and publish a form that the chief police officer, the Superintendent, and/or the Superior Court may complete authorizing such individual to complete the training, practice, or testing described in Paragraph 3(a) of this Order; and

c. Where the individual is authorized to complete the training, practice, or testing described in Paragraph 3(a) of this Order, a shooting range that is otherwise closed to the public pursuant to the terms of Executive Order No. 107 (2020) may offer such individual and their single instructor access to that range, until such individual subsequently receives or is denied the Carry Permit. Shooting ranges who offer such access must comply with social distancing practices wherever practicable.

4. The State Director of Emergency Management, who is the Superintendent, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order. The Superintendent is also directed to take all appropriate steps to effectuate this Order.

5. To the degree that they are inconsistent with this Order, the provisions of N.J.S.A. 2C:39-6, N.J.S.A. 2C:58-4, N.J.A.C. 13:54-2.4, and N.J.A.C. 13:54-2.9 are suspended for the duration of this Public Health Emergency. Any provisions of these statutes and regulations that are not inconsistent with this Order remain in full force and effect.

6. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this 27th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor