



State of New Jersey

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Governor

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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2023-02

TO: All Law Enforcement Chief Executives and County Prosecutors
Chief Data Officer, Office of Justice Data

FROM: Matthew J. Platkin, Attorney General

DATE: June 14, 2023

SUBJECT: Directive Requiring Data Collection for Certain Firearm Permits

On June 24, 2022, in response to the United States Supreme Court ruling in *N.Y. State Rifle & Pistol Assoc. v. Bruen*, I issued Attorney General Law Enforcement Directive 2022-07, clarifying that although the Court's ruling had invalidated New Jersey's requirement that an applicant for a carry permit demonstrate justifiable need, all other requirements in our carry permit laws remained intact and were to be strictly followed. On December 22, 2022, Governor Phil Murphy signed *L. 2022, c. 131*, providing, among various other parameters for ensuring the safety of New Jerseyans, clear procedures for reviewing applications for permits to carry handguns, and the ability to implement a web portal operated by the New Jersey State Police to electronically process applications for permits to carry.

At present, all firearm purchase identification cards and permits to purchase a handgun are maintained within the Firearms Application & Registration System (FARS) operated by the New Jersey State Police (NJSP). To ensure consistency with permits to carry handguns, NJSP will create and implement a centralized web portal for the issuance of permits to carry handguns, as well as collecting relevant data related to same.

Until such time that the statewide web portal for permits to carry a handgun is active, it is critical that law enforcement agencies tasked with issuing permits to carry immediately begin providing the Office of the Attorney General with anonymous information related to all permit to carry applications the agency has approved or denied since December 1, 2019, three years prior to the enactment of the new law and just prior to the global COVID-19 pandemic. Providing this information will assist in creating data-driven policy to strengthen public safety, inform necessary



personnel and resource allocation, and mitigate risks associated with an increase in handguns carried in public places throughout our state.

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 agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the reporting procedures outlined below.

I. Permits to Carry a Handgun – Reporting Requirements and Procedures

As of December 22, 2022, the enactment of *L. 2022, c. 131*, the police chief of the municipality where an applicant resides, or in certain circumstances the NJSP Superintendent, is responsible for reviewing and approving or denying applications for permits to carry handguns. Prior to the new law, the final decision was made by the Superior Court in the appropriate vicinage. Given that law enforcement is now the ultimate decision maker in one of the most significant processes in the state, we must be acutely aware of the impact. By implementing the following reporting procedures, we will gain better insight into the effect of carrying handguns in public in New Jersey.

There are three timeframes for reporting information on applications to carry handguns: (A) one-time historical reporting; (B) interim reporting; (C) reporting post-implementation of the statewide web portal. By incorporating all three, New Jersey will be able to provide the public with a full picture of the prevalence of handguns being legally carried throughout our state.

A. One-Time Historical Data Reporting

As noted, prior to December 22, 2022—the enactment of *L. 2022, c. 131*—a Superior Court judge in the appropriate vicinage made the final decision on whether a permit to carry a handgun was approved. As a result of the statutory revisions, law enforcement chief executives in hundreds of jurisdictions are now tasked with making this critical determination. Thus, using the excel spreadsheet and appropriate submission link in Appendix A, all law enforcement agencies shall submit anonymized data on all permit to carry applications that were approved or denied by the law enforcement agency during the period from December 1, 2019, until June 30, 2023, capturing three full years of data prior to the enactment of the new law (this does not include the Superior Court’s decision or applications pending appeal). Once agencies submit their completed Appendix A the historical reporting requirement will be complete.

The anonymized information will be collected in the following categories:

- a. Date of submission

- b. County of submission;
- c. Municipality of submission;
- d. Applicant's year of birth;
- e. Applicant's race;
- f. Applicant's gender identity;
- g. Whether approved or denied;
- h. Date of approval or denial; and
- i. Reason for denial, if applicable.

One-time historical data reporting shall be submitted no later than October 1, 2023.

B. Interim Monthly Reporting

In order to provide uniformity and efficiency in issuing permits to carry, the new law allows for the implementation of a centralized web portal to become effective on a date following July 1, 2023. *See* N.J.S.A. 2C:58-4(d). However, until such time that the web portal is active, it is imperative that there not be any break in data collection. Thus, monthly interim data on the categories outlined in Section I.A. of this Directive must be reported using the excel spreadsheet and appropriate submission link in Appendix A.

Interim reporting will begin on August 1, 2023, for the month of July and continue monthly until such time that the web portal is completed. At that time, this interim monthly reporting requirement will sunset.

C. Post-Implementation of the Statewide Web Portal Reporting for NJSP Only

Following implementation of the statewide web portal for permits to carry a handgun, the NJSP shall provide monthly anonymized statistical data from the web portal consistent with the categories outlined in Section I.A. of this Directive. The manner of submission shall be determined by the Office of Justice Data, in coordination with the NJSP Firearms Investigation Unit (FIU). Such collaboration shall begin immediately upon issuance of this Directive.

Please note that the processing and decision to issue permits to carry handguns pursuant to N.J.S.A. 2C:58-4 remain the responsibility of the chiefs of police, and the NJSP Superintendent as the case may be, and are in no way altered by this Directive.

II. Permits to Purchase & Firearms Identification Cards – Reporting Requirements and Procedures for NJSP Only

In addition to permits to carry, it is important to understand the context of approved permits to purchase and firearms identification cards. Currently, the New Jersey Firearms Application and Registration System (FARs) houses all data related to permits to purchase and firearms identification cards. To create consistency in reporting and housing of firearms statistics, it is

directed that NJSP FIU provide monthly data to the Attorney General on the following categories for completed applications for permits to purchase and firearms identification cards:

- a. County where the application was filed;
- b. Municipality where the application was filed;
- c. Applicant's year of birth;
- d. Applicant's race; and
- e. Applicant's gender identity.

This reporting requirement shall begin October 1, 2023, for data collected during the month of September and shall continue monthly, with a five-day grace period.

III. Reporting Summary Chart

Applications for Permits to Carry Handguns (Approved and Denied) *All Law Enforcement Agencies to Report*

Reporting category	Data Collection Range	Due Date (5-day grace period)
One-Time Historical	12/1/19 to 06/30/23	10/01/23
Monthly Interim	07/01/23 to 07/31/23 08/01/23 to 08/31/23 to continue until web portal implementation	08/01/23 09/01/23 to continue until web portal implementation
Post-Web Portal Implementation (<i>only NJSP to report</i>)	to begin upon notice of implementation of the web portal and continue monthly	to begin upon notice of implementation of the web portal and continue monthly

Permits to Purchase & Firearms Identification Cards (Approved Only) *NJSP Only to Report*

Reporting category	Reporting Date Range	Due Date (5-day grace period)
Monthly	09/01/23 to 09/30/23 10/01/23 to 10/31/23 to continue monthly	10/01/23 11/01/23 to continue monthly

IV. 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 Assistant Attorney General Sara Quigley, Senior Counsel to the Attorney General.
- 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
Attorney General

ATTEST:



Lyndsay V. Ruotolo
First Assistant Attorney General
Dated: June 14, 2023



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**AMENDMENT TO
ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE 2008-1**

TO: All Law Enforcement Chief Executives and County Prosecutors

FROM: Matthew J. Platkin, Attorney General

DATE: June 14, 2023

SUBJECT: Amendment to AG Directive 2008-1 – Submission and Analysis of Information Relating to Firearms and Ballistics Evidence.

On March 17, 2008, then Attorney General Anne Milgram issued AG Law Enforcement Directive 2008-1, “Submission and Analysis of Information Relating to Seized and Recovered Firearms.” This Directive called upon law enforcement across the State to respond to the emerging threats of gun violence through intelligence-led policing. Through the Directive, the New Jersey State Police established the NJ Trace System, which links various already-established law enforcement databases to assist in identifying critical information related to recovered or seized firearms and related ballistics evidence, such as shell casings. These databases include, among others, the National Crime Information Center (NCIC) System, the Alcohol, Tobacco, Firearms, and Explosives (ATF) e-Trace System, the National Integrated Ballistics Identification Network (NIBIN) database.

Information entered into the NIBIN database is critical, as it can determine whether a particular firearm was used in the commission of another crime; it automates ballistics analyses and provides actionable investigative leads, generally within 24-hours of submission. Thus, the 2008-1 Directive required entries “as expeditiously as practicable.” The timing of submissions was then codified in N.J.S.A. § 52:17B-9.19 which requires all law enforcement agencies to submit “as soon as practicable” any firearm into the NIBIN database and NJ Trace System that was unlawfully possessed, used for an unlawful purpose, believed to be associated with or involved in the commission of a crime, and/or acquired by the agency as an abandoned or discarded, including all shell casings.

Timely information gathering and sharing is critical to our ongoing efforts to combat gun violence. This Office has long recognized the importance of intelligence-driven violence suppression efforts, as evidenced by the establishment of the Statewide Gun Violence Reduction



Task Force, pursuant to AG Directive 2021-10. The reality is, a firearm trafficked into New Jersey may cross various county lines and pass through many hands before it eventually becomes a murder weapon. The work of the Gun Violence Reduction Task Force improves and expedites critical information sharing across the State between local, county, and state law enforcement agencies, thereby advancing law enforcement's ability to identify and hold accountable violent recidivist offenders.

The success of our gun violence reduction efforts depends on effective information-sharing and the timely entry and analysis of ballistics evidence. Thus, based on recommendations from law enforcement chief executives, I have determined that a revision to AG Directive 2008-1 is appropriate in order to improve law enforcement's response to gun violence in this State.

For the reasons stated herein, and 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 AG Directive 2008-1 as revised herein, and to take any additional measures necessary to update their agency's policies accordingly.

I. Revision to AG Directive 2008-1, Section 3

3. National Integrated Ballistics Identification Network (NIBIN) Data Entry

When a law enforcement agency on or after the effective date of this Directive seizes or recovers a firearm that was unlawfully possessed or used, or that was recovered from a crime scene or that is otherwise reasonably believed to have been involved in the commission of a crime, or that was found property (*e.g.*, abandoned or discarded), the agency shall make arrangements to have any such weapon that is suitable for NIBIN examination ~~test-fired as expeditiously as practicable, and shall submit the test results to NIBIN~~ **submitted to a forensic laboratory that has NIBIN capabilities within two business days** to determine whether the weapon is related to any other criminal episode or person. When a law enforcement agency recovers any **other ballistics evidence, such as spent shell casings,** from a crime scene or otherwise has reason to believe that **such ballistics evidence** ~~the shell casing~~ is related to the commission of a crime or an improper discharge of a firearm, the agency shall **within two business days** ~~as expeditiously as possible~~ submit the ballistics ~~information~~ **evidence to a forensic laboratory with NIBIN capabilities.**¹

¹ It is expected that any and all evidence that must be collected prior to the submission of evidence for a ballistics examination (such as DNA and fingerprint evidence) will be completed within the two-business day timeframe set forth herein. There shall be an exception for the rare case when specialized testing of the weapon or ballistics evidence is required prior to submission, delaying submission to the lab beyond the two-day mandate. Such exceptions must be approved in writing by the County Prosecutor Director of the Division of Criminal Justice or their designee.

* * *

All other provisions of AG Directive 2008-1 shall remain the same.

II. Other Provisions

- A. **Non-enforceability by third parties.** This amended Directive is issued pursuant to the Attorney General's authority to supervise operations of the Department. This amended Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this amended 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 amended Directive shall be severable. If any phrase, clause, sentence, or provision of this amended 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 amended Directive shall be addressed to the Director of the Division of Criminal Justice, or their designee.
- D. **Effective date.** This amended 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
Attorney General

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Lyndsay V. Ruotolo
First Assistant Attorney General
Dated: June 14, 2023