

# Gun Lawyer -- Episode 87 Transcript

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carry, handgun, new jersey, second amendment, permit, justifiable, firearms, gun, state, lawyer, justice, approved, apply, judge, lay, requirement, law, license, ptc, gun laws

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:00

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. This is going to be one exciting show, let me tell you. I am just thrilled beyond belief with the United States Supreme Court decision on carry licensing, the New York State Rifle & Pistol Association (NYSRPA) v. Bruen.

([https://www.supremecourt.gov/opinions/21pdf/20-843\\_7j80.pdf](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf) ) It is an absolute masterpiece of an opinion written by the finest judge on that court, Judge Thomas. Justice Thomas just did an amazing job. Let me tell you. This opinion is better, better, than we ever anticipated it could be. Beyond our wildest expectations. I have been working in this area for 40 years. Since I wrote my first book on getting a concealed carry license. This has been just a dream.

### **Evan Nappen** 01:21

This show, I am going to tell you how to get your New Jersey Carry License, and I'm going to explain the impact of this magnificent landmark decision. I am so happy to be able to do a show where I'm going to tell you how to get a carry license that used to be impossible in New Jersey. With the exception of less than 600 elites that could get licenses for a whole state of 10 million people. Not anymore, my friends, not anymore. The average law-abiding honest citizen, as long as objective criteria is met, will be able to get a license to carry, and New Jerseyans can convert themselves from being victims into defenders. Finally, finally, we can start saving lives in New Jersey and making our state safer. Beginning with each individual who can now have the ability to arm themselves with the most effective means of self-defense, a gun, and defend themselves against violent crime. This has not been available to the honest citizen in New Jersey. For years, decades, decades and decades, New Jerseyans have been denied the right to defend themselves, but not anymore. It's extremely exciting. Like I said, I'm going to lay out the specifics of how to get your carry.

### **Evan Nappen** 03:21

But I want to talk more about how we got to this point, what it means, how significant it is. This case is actually bigger and broader and more impactful than just getting carry licensing. Justice Thomas laid out how the Second Amendment is to be applied, and he rejected the balancing test. He rejected the intermediate scrutiny. He essentially put the Second Amendment on the same plane as all the other primary Constitutional fundamental rights like freedom of speech, etc. And he's put the burden, the burden of proof for any law to be upheld as Constitutional when dealing with guns, the burden on the

state, on the Government, on the Government, to have to prove not just a compelling state interest, that's not even the test when it comes to guns.

**Evan Nappen 04:27**

The Government has to prove, based on traditions, that this area they tend to regulate is something that was done at the time of the enactment of the Second Amendment. In other words, they better show that in 1791, this type of law, whatever it is that they are trying to pass, existed and that burden to prove it is on the Government not on the individual. It is opening the door for immense challenges to every gun law on the books. But right now, without even any argument, without any challenge, without any question, that horrible, terrible, requirement of an individual having to explain to the Government and to a judge why they need to have a gun and to meet that extraordinarily ridiculous standard that no one could meet of justifiable need. Basically, you had to show that you needed to use deadly force, before you needed to use deadly force for you as an individual facing individual threats and that carrying a handgun is necessary to avert those threats. That is no longer the case. They cannot demand that of us.

**Evan Nappen 05:56**

In other words, Justice Thomas said, the Second Amendment is no longer going to be a second-class right. No other right do you have to convince the Government before you exercise it. Yet, that's what they did to gun owners. Well not anymore, my friends, not anymore. That is dead and gone. And this new day, this new dawn, this wonderful time, is finally upon us. Essentially, the New Jersey Government has capitulated. The Attorney General directive and even the governor's statement, oh, sure, it's full of all kinds of we're going to do this, we're going to do that. But you know what? Don't let them gaslight you, folks. The bottom line is they know, and they've admitted that justifiable need is done and dead. They cannot require that to get a carry license. And that was their trick. That was their secret weapon to stop us from being able to defend ourselves. That's been blown out of the water by Justice Thomas and the Supreme Court. What this Court did is magnificent.

**Evan Nappen 07:16**

What this Court has been doing is not only just fantastic in terms of our rights, but I'll tell you what. Even though this isn't about abortion or any of the other issues, I'm sure you know that leak of the abortion case and all, caused an uproar. And what did we see? We saw intimidation tactics trying to be applied to this Court. They want to pack the Court. They were physically threatening the judges. Illegally picketing their house. The Attorney General Garland was ignoring the Federal law and allowing them to picket their houses. Even with an attempted assassination plot of Justice Kavanaugh. No arrest by the Justice Department to stop these protests at one's home.

**Evan Nappen 08:01**

To allow the intimidation, not just political, of court packing, but the intimidation of physical violence and harm and to delay the vote to provide security to the Justices. And to just be ignoring this and promoting it even, to scare them and threaten them. And do you know what? It didn't work. It didn't work at all. These Justices stood tall. These Justices had balls. They did what was right, and they stood up for the Constitution. Their originalist philosophy of the Constitution was maintained. They didn't

buckle. They didn't bend. They didn't give in to intimidation by the left. Didn't happen, folks, and I'm proud of them. It is a refreshing and amazing thing to see that.

**Evan Nappen 09:03**

Because I'll tell you, look at regular politicians. Their backbones are normally a Styrofoam, but not so with our Supreme Court Justices. They're doing what's right, despite the threats, and we've reaped the benefit my friends. We've reaped the benefit with a great Justice Thomas who has put down a decision here with such far-reaching applications in challenges to the gun laws. It's mind boggling. I was talking to a friend, other colleagues, that we do gun law work with. We'd fight a case, and we'd win on an issue here and there. Every win we cherished it like a nugget of gold that we can use to help others, and it just meant so much. This win is such an enormous win. It's like we hit the motherlode a gold vane so big, and we don't even know how to mine it all. We don't even have a wheelbarrow big enough. Okay? That's how big this is. The ramifications that are going to come down from this opinion. Am I excited? Damn right I am. These are the moments.

**Evan Nappen 10:20**

I've dedicated my entire career, from the time I was in college with my first gun law book to this, and seeing its demise finally, it's great. I just know that people are going to be safer. They're going to be able to defend themselves. That the Second Amendment and what it really means, is going to finally happen in New Jersey and New York and those states that have just crushed the law-abiding citizen and the Second Amendment. So, this is an exciting time. This was done, and it had to be on purpose, on Justice Thomas's birthday when this decision was released. I think he said, I'm going to give myself the greatest birthday present I can give and did this opinion. It wasn't only a birthday present to him, but also 335 million Americans got the greatest Justice Thomas birthday gift, there could be. Liberty and freedom restored. Our Second Amendment right respected, given teeth, and empowered.

**Evan Nappen 11:34**

This decision addressed so many things in it. Not just this, but skillfully and with amazing tactical significance, preempted all the anti-gun attempts and attacks that they're going to do in advance. Even the thing Murphy said that we're going to try to restrict areas. Well, restricted areas, they've been limited in the opinion. There are certain restricted areas you can do. But the very thing that Murphy's talking about doing is already addressed in the opinion that you can't do it. It has to be now. So, they're just ignoring it. Well, good luck with that. Because when you end up in Federal court because you violated the Second Amendment this time, then you can pay through the nose for attorneys' fees and costs. They can just keep paying pro-gun attorneys to take down your horrible laws. The state can just go broke paying for it, if that's how they want to play. Because the groundwork is laid for that, folks. It's laid for that.

**Evan Nappen 12:42**

So, let's talk about now. The practical, and how you can finally get what used to be, unobtainable. You can now get it, and what it's going to take for you to get a New Jersey Carry Permit. When we come back from the break, I will explain in detail to the extent that I know how to do at this time. Because there's still some things that are going to happen, and I'll talk about and explain what you need to do. So, you can finally defend yourself in New Jersey, and for that matter, other states as well. This applies,

by the way, not just to residents of New Jersey, but non-residents as well. New Jersey does not limit their carry license to residents. In their arrogance of never having reciprocity, they made sure that a non-resident could apply and get denied just like any resident. It was the old thing about rich and poor being treated equally. Except under bridges and begging for bread, both rich and poor can do that. So, everyone could get disqualified and denied their carry license. Not anymore, because how the law is structured, every law-abiding, honest citizen in America can apply for a Jersey carry license, too. If you end up having to come to Jersey, get your Jersey carry.

**Evan Nappen 14:26**

The state police, by the way, are talking that they are going to have this online, which it's not online yet, but you can apply on paper. They're apparently going to have an online application for carry. They are preparing for 200,000 applications, two hundred thousand. I'll tell you what. That is an underestimate. I'm thinking more like a million at least. But let's just give it their number and say 200,000 applicants for carries now. Like I said, I think it will be five times that. But even if it's just 200,000, New Jersey's system is set up where first you get approved by the law enforcement officer who's the issuing authority. Then it goes to the judge who has to sign off on it. I cannot wait to see these county judges with 10s of 1000s of carry permits on their desk that they have to sign off on them for nothing. Why is this two-tier system here? Because of the old "justifiable need" where the judge would screw you on that and deny you and not sign. Well, that's gone. So, now their little trick, their little procedure of having it go to a judge, all it's going to do is overwhelm the superior court judges with applications they have to sign off on for no reason. Are they just going to schedule hearings on everyone? For what? Not if they're approved. It's going to be bedlam in the courts, and they brought it on themselves. So, if you want to talk about changes that should be made, they better streamline this. The system is going to come to a screaming halt with the numbers, and they have no idea. I'm going to help you so that those numbers will be even bigger, because I'm going to tell you what you need to do when we come back.

**Speaker 3 16:39**

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator fighting for rights, justice, and freedom. An unrelenting gun rights spokesman tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on Gun Law, a bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you never have to use it. But if you live, work, or travel with a firearm, the deck is already stacked against you. You can find him on the web at [EvanNappen.com](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

**Speaker 3 17:53**

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**Evan Nappen 18:08**

Hey, okay, everyone, here we go. Let's get into the nitty gritty. First, I want to thank you for being dedicated listeners to Gun Lawyer. It's the voice that I'm able to have to talk to you. Social media can shut me down as they love to do with algorithms and shadow bans and all the other tactics and techniques. So, we can get the word out. I'm getting the word out right now to you on what you need to know. Tell your friends to subscribe. It's free. Subscribe to Gun Lawyer. We're going to have more and more updates on this as things come and news breaks. But for now, let's focus on the specifics, the nuts and bolts. How to get a carry permit in New Jersey?

**Evan Nappen 18:57**

Well, here's the deal. If you go to the State Police website, they have a FAQ. Granted, it's the old FAQ. But it even says right on there. How do I apply for a permit to carry a handgun? It says, if you reside in New Jersey, you must apply with the municipal police department where you reside. If the municipality where you reside is serviced by the New Jersey State Police, you must apply to the station which covers your municipality. Out-of-state residents must apply at the New Jersey State Police station nearest to their geographic location. So, it lays it straight out how that works. If you are a resident, you're applying to your municipal Police Department or to the State Police if you don't have a municipal PD. If you are a non-resident, you apply to the State Police barracks that is closest to your geographic location. That's very simple and straightforward.

**Evan Nappen 20:01**

But let's get into the weeds here. What is involved in the actual application? What is it that the law requires and where do you even find this law? The New Jersey Permit to Carry a Handgun law is found under NJS 2C:58-4. Four is the carry license statute, and it's really quite interesting. Remember, this was written thinking they owned the show, thinking that they could make it as obnoxious and ridiculous as they wanted to, because the Second Amendment did not apply in New Jersey. Now suddenly, a lot of this stuff is going to reverse them and bite them in the ass because of how they structured this. Let me explain this right here. Take the first paragraph of 58-4, a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in all parts of the State, except as provided by subsection e. of N.J.S. 2C:39-5. Really? Isn't that amazing, folks? Other than educational institutions, all parts of the State. Why did they say that? Because they knew you couldn't get one, and the elites wanted to have maximum coverage. Well, there it is in the law.

**Evan Nappen 21:30**

One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to the handgun carried by the actual legal holder of the permit. The permits last for two years. The application forms, which we're going to review what's in them and what's prescribed in the forms. We'll talk about that specifically in a little bit. They are, of course, subject to investigation. The application is then either approved or denied by the chief police officer or the superintendent within 60 days of filing. So, when you apply, they have 60 days, that's it by statute, to decide yes or no. And if they take no action, it's deemed approved. That doesn't even exist on a Permit to Purchase or Firearms ID Card. It's deemed approved if the chief takes no action, unless you agree to an extension of time in writing. Why bother? No way. Then after it's approved, it goes to the Superior Court in the county where you reside, or where you intend to carry if you are a non-resident. That's where the court has to then sign off on it.

**Evan Nappen 23:07**

The court has to determine whether, as well as the police, by the way, when they did it, whether you are thoroughly familiar with the safe handling and use of firearms and that you're not subject to any of the disabilities, meaning the firearm disqualifiers under N.J.S. 2C:58-3. subsection c., which is the same criteria for getting a Firearms ID card or a Pistol Purchase Permit. The third requirement is dead. The third requirement was justifiable need to carry a handgun. That's gone, wiped out, eliminated. So, it comes down to what do you have to show? That you are a law-abiding citizen that qualifies for a normal purchase permit and that you are thoroughly familiar with the safe handling and use of handguns.

**Evan Nappen 24:02**

Okay, so how does that work? How do you show that you're thoroughly familiar with the safe handling of handguns? Well, that has been interpreted, that has been put forward by way of Administrative rule. And that Administrative rule lays out these specific criteria. Let me just re-emphasize that the Attorney General just put out a directive clarifying the requirements for carrying a firearm in wake of the Supreme Court's decision. What does it say? Before issuing, ensure the applicant is not subject to disabilities that would prevent them from obtaining a Permit to Purchase a Handgun or Firearms ID Card. Well, that's what we just said. Conduct a background check that you're qualified to carry a handgun and it does take three references. Three reputable people that have known the applicant at least three years and can verify that you are of good moral character. Ensure that the applicant has demonstrated that they are thoroughly familiar with the safe handling of firearms. Notice, no justifiable need. They know that's dead; it's gone. They are not even trying to argue that anymore.

**Evan Nappen 25:20**

Then the review of the application, according to the actual directive. They lay out in the directive that the law enforcement agency shall continue to ensure that you have satisfied all the criteria. Okay, that's what they do. They make sure you don't have any statutory prohibitions. Well, they do background checks. Well, yeah, who expected that background check? Well, of course, right. That's what happens every time. Jerseyans are very used to that. Then you have to show the firearm familiarity. Okay. There we go. Back to what is it that is necessary for the safe handling requirement. This is where you are going to have to get that approved training course. This is the main distinguishing feature between the Permit to Carry and the Possession Permit.

**Evan Nappen 26:17**

To possess firearms in New Jersey, there is no requirement to have training. But to carry, there is and it's specific. That, my friends, is found under the New Jersey Administrative Code 13:54-2.4. This admin code is where they expand, they being the state police, on what that means to qualify accordingly. What they say is, each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns as indicated in the space thereon. Well, they're going to explain it and just say any put sworn attachments, and it's evidenced by the following. So, here's the first thing, completion of a firearms training course, substantially equivalent to the firearms training course approved by the Police Training Commission (PTC). Now any of these ranges that have training, and they have certifications, like my good friend, Anthony Colandro at Gun for Hire. They offer the PTC certified courses that meet this bill. You are going to need to complete that training course which is substantially is equivalent to

that PTC requirement, which is found under N.J.S. 2C:39-6.j. The PTC requirement is a firearm training course which means instruction in the safe use, maintenance and storage of firearms, which is approved by the Police Training Commission. The Commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training by police training courses who are certified. That's the definition.

**Evan Nappen 28:27**

So, you need to get that PTC type equivalent course, and then you have to submit your recent handgun qualification scores utilizing the handgun that you intend to carry. It is by test firings and there has to be a Certified Instructor. It can even be a Certified Instructor of the NRA. NRA Certified Instructors can do this certification. Finally, the valid certification of the appropriate instructor is submitted. That's how you meet the substantial and safe handling requirement. It is laid out in the admin code. There will be an absolute cottage industry, my friends, of training for getting your carry license. You need to find the facility that can give you what you need to meet that requirement. As long as you do that safety and training requirement and have no disqualifiers for gun possession, New Jersey's carry permit has, in effect, become a "shall issue". Can you believe I'm saying that, but it's true? Because the entire criteria are now objective, nothing subjective, like justifiable need, distorted and contorted by the courts and later by the legislature to be some impossible standard. No, no, no. If you want it, it's doable. If you get the training and you qualify otherwise for a Firearms ID Card, you can get a carry license now in Jersey, and you don't even have to be a resident.

**Evan Nappen 30:45**

A lot of folks from surrounding states travel into New Jersey. If you live in PA and you have your PA carry, which is a very reasonable permit to acquire, how many of you would love to have your Jersey carry? So, you don't have to disarm when coming to Jersey, right? Or any other state for that matter that you're coming from? Because New Jersey is the drive by state, everyone is driving through it. Well, you can now be covered. This is just critical to our freedom and not becoming a victim of New Jersey's gun laws. Because as you know, the penalty is draconian otherwise. Nutty, off the wall, off the charts. If you carry a handgun without a license in New Jersey, you are looking at 10 years in State Prison with a minimum mandatory of three and a half years. Well, now you can get a "shall issue" permit, and you're good. That's really exciting.

**Evan Nappen 31:50**

When you look at the actual application, it lays out the normal questions. Essentially the same questions you would fill out for a Firearms ID Card or pistol purchase permit. The only real distinction here would be anything about justifiable need, which is no longer applicable at all, and then needing to get these three endorsements of your references that require notarization, etc. So, it's a little more of a hassle on that, but it's not terrible. We'll finally be able to see this take place in New Jersey. If you go to the State Police website, they have an application process that they've put out. They say you submit the Permit to Carry a Handgun in triplicate, all references must have known you for at least three years, and all original copies must be notarized. Submit four color passport photos and complete your mental health search form. Then it says to submit justifiable need reason. Well, that's no longer allowed or Constitutional. So, forget about that. Written proof of qualification with the handgun you intend to carry

which must be done with a certified firearms instructor. A money order of \$50, that's what it costs (payable to Treasurer, State of New Jersey). And that's what the State Police lay out.

**Evan Nappen** 33:25

The only change, I believe, is that it's going to be available online. you actually may be able to fill it out and apply online. At least that's the rumor. So, that will be a great advantage to get these processed quickly. Right now, they're still getting the bugs out, and they're still trying to lay out a bureaucratic procedure. I'm sure they'll try to scramble to make things more difficult, but plainly, the roadblock that caused so many honest people to be victims of violent crime, murdered, dead, who could have possibly fought and saved their lives, the blood is on Jersey's hands, by those people that were denied the right to defend themselves. At least those days can finally be over. So, that's a good thing, and we owe Justice Thomas. We want to wish him the happiest of all birthdays. It's one birthday, I sure appreciate. As we look at this opinion and we look at its impact, I'm sure that we'll be doing many shows about other impacts. As developments take place across the country with this greatest of Second Amendment court decisions, probably the greatest ever written. Even though I love Justice Scalia and what he did in Heller case, groundbreaking, and Justices Alito and McDonald applying it to the states, we couldn't have this today if it wasn't for those greats, those awesome justices. But this one is just special, so special, this recent opinion. It's a good day. We can finally talk about a win for us. It's hard to believe even. We actually won something right now. We did. We won it so big, so enormous, that it defies the ability to quantify it right now. And that's what time will tell. But believe me, it is the most important event in the right to keep and bear arms in American history since 1791, when the Second Amendment was ratified. That is how significant this is, and I'm not overstating it in any way. This is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3** 36:29

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