

NJ2AS

NEW JERSEY SECOND AMENDMENT SOCIETY

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May 21, 2019

Bradley D. Billhimer
Ocean County Prosecutor
119 Hooper Ave
P.O. Box 2191
Toms River, N.J. 08754-2191

RE: Violation of firearm laws and regulations

Dear Mr. Billhimer:

Recently, several members of the New Jersey Second Amendment Society (NJ2AS) notified us about an irregularity with the Jackson Township firearms permit application procedures, specifically, that the Chief of Police, Matthew Kunz had instituted an additional requirement that is not required in NJ Statutes Annotated 2C:58-3, NJ Administrative Code 13:54-1.4 or in the New Jersey State Police Firearms Applicant Investigation Guide.

The Jackson police department currently has a requirement that anyone who has not been fingerprinted in the past two years be fingerprinted again as part of the firearms permit application process. A copy of this policy has been attached. In the statute, administrative code, and in the guide, there is no such requirement. In fact, each source states specifically that if the applicant has been previously fingerprinted, has an SBI number and proves his/her identity, then the applicant "need not be fingerprinted again."

We request that your office conduct an investigation to determine if Jackson Township and/or any of its officials are in violation of any of the following statutory or regulatory provisions and that you take the appropriate action if you determine that there is any improper, unauthorized or criminal activity.

1. The additional requirement to require applicants to needlessly undergo fingerprinting when fingerprints are already on file with SBI seems to violate 2C:58-3's "no additional requirements" clause.
2. The additional requirement to require applicants to needlessly undergo fingerprinting when fingerprints are already on file with SBI seems to violate 2C:58-3's "need not be fingerprinted again" clause.
3. The additional requirement to require applicants to needlessly undergo fingerprinting when fingerprints are already on file with SBI seems to violate New Jersey Administrative Code 13:54-1.4's "need not be fingerprinted again" clause.
4. The additional requirement to require applicants to needlessly undergo fingerprinting when fingerprints are already on file with SBI seems to violate the New Jersey State Police Firearms Applicant Investigation Guide's "need not be fingerprinted again" clause. This guide is the statewide Standard Operating Procedure for processing firearms permitting applications.
5. The additional requirement to require applicants to needlessly undergo fingerprinting when fingerprints are already on file with SBI seems to violate the requirements of 2C:39-10 to follow the regulatory procedures regarding firearms permitting.
6. If the personnel involved are knowingly committing an unauthorized act which creates a financial harm or benefit or interferes with a right or privilege of a person, they may be in violation of NJ's official misconduct statute, 2C:30-2.
7. The unauthorized additional requirement seem to be in violation of Attorney General Law Enforcement Directive No. 2016.4. Specifically:
 - "...permit applications... should be approved as expeditiously as practicable so that the applicants promptly can exercise their lawful rights..."
 - "...all police agencies must enforce State firearms statutes and regulations objectively and uniformly."
 - "Police agencies serving in the capacity of firearms licensing authorities are prohibited from applying different policies and standards reflecting local or personal views..."

On behalf of our members, NJ2AS requests that you conduct an investigation to see if there is any improper, unauthorized or criminal activity regarding this additional requirement and that you subsequently take the appropriate action.

If this policy is no longer in effect, we request that the investigation determine if there was any improper, unauthorized or criminal activity related to the policy while it was in effect.

NJ2AS believes in and supports the concept of preventing criminals and dangerous individuals from purchasing and possessing firearms. However, in this particular instance, we see no utility in forcing a person who already has his/her fingerprints on file with the State Bureau of Investigation to make another appointment with Morpho Trust and pay an additional fee. This policy seems to be a deliberate targeting of those who are trying to exercise their rights and are attempting in good faith to comply with the law. We are especially troubled that this policy, whether intended or not, disparately impacts minority, poor and disadvantaged citizens and communities. We respectfully ask for your full cooperation in the elimination of this policy and the harm that it is causing those who are attempting to follow NJ's regulatory provisions regarding firearms applications.

Sincerely,



Alexander Roubian
New Jersey Second Amendment Society
President

cc: New Jersey Attorney General Office, Division of Criminal Justice (via USPS certified mail)

Jackson Township Police Department

Special Services Division 102 Jackson Drive, Jackson, NJ 08527

Phone (732) 928-1145 Fax (732) 928-5557



FIREARMS APPLICATION INFORMATION GUIDELINES

OUT OF STATE APPLICANTS MUST APPLY FOR NEW JERSEY FIREARMS PAPERWORK

WHEN APPLYING FOR FIREARMS IDENTIFICATION CARD, HANDGUN PURCHASE PERMIT, OR PERMIT CARRY; PLEASE REFER TO THE APPROPRIATE CATEGORY FOR THE REQUIRED APPLICANT FEES AND FORM COMPLETION. YOUR APPLICATION WILL NOT BE PROCESSED IF ANY FORM IS MISSING OR NOT COMPLETED IN ITS ENTIRETY.

1. FIREARMS IDENTIFICATION CARD AND C.O.A.

- Complete Change of Address Form
- Complete Application for Firearms Purchaser Identification Card
- Consent for Mental Health Records Search
- Contact **Morpho Trust** for fingerprint appointment and fee
(If not fingerprinted within the past 2 Years)
- On line **State Form 212A**
(If Printed within 2years – Yellow Instruction Form)
- \$ 5.00 Cash only for the Township Application Fee

2. APPLICATION TO PURCHASE HANDGUNS

- Complete Application to Purchase Handgun
- Consent for Mental Health Records Check
- Contact **Morpho Trust** for fingerprint appointment and fee
(If not fingerprinted within the past 2 Years)
- \$ 2.00 Cash only for Township Fee for each individual Pistol Permit
- On line **State Form 212A** (If Printed within 2years – Yellow Instruction Form)

3. PERMIT TO CARRY

- Complete the Application for permit to carry in **triplicate**. All three Applications must be **notarized**.
- Attach (4) Four Photographs of Applicant
- Attach Letter from your Employer setting forth the reason why you need to carry a handgun with the Passage from the Prosecutor's Directive
- Letter of Qualification for use of a Firearm
- Consent for Mental Health Records Search
- \$50.00 Money Order made payable to "Treasurer of the State of NJ"
- Contact **Morpho Trust** for fingerprint appointment and fee.
- Firearms Investigation Report to be given to the **CHIEF** upon completion

NOTE: WHEN APPLYING FOR MORE THAN ONE APPLICATION CATEGORY, ONLY ONE (1) MONEY ORDER IS REQUIRED. PLEASE CONTACT THE JACKSON TOWNSHIP POLICE DEPARTMENT RECORDS BUREAU WITH ANY QUESTIONS CONCERNING THIS APPLICATION PROCESS.