

# NJ2AS

**NEW JERSEY SECOND AMENDMENT SOCIETY**

P.O. Box 96 - Hightstown, NJ 08520

(888) 718-0404 X 801

[ARoubian@NJ2AS.org](mailto:ARoubian@NJ2AS.org)

August 16, 2019

Esther Suarez  
Hudson County Prosecutor  
595 Newark Ave  
Jersey City, NJ 07306

RE: Violation of firearm laws and regulations

Dear Ms. Suarez:

Recently, several members of the New Jersey Second Amendment Society (NJ2AS) notified us about an irregularity with the City of Jersey City firearms permit application procedures, specifically, that the City of Jersey City police department has instituted additional requirements that are 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 City of Jersey City police department appears to have the following additional requirements:

1. Information Firearms Permit Recipients.
2. Authorization Waiver to Release Information.
3. Requiring multiple forms of identification.

A copy of the additional forms as well as the "Instructions and Guidelines" provided by the police department is attached. In the statute, administrative code, and in the guide, there is no such requirement.

We request that your office conduct an investigation to determine if the City of Jersey City police department 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 requirements seem to violate 2C:58-3's "no additional requirements" clause.

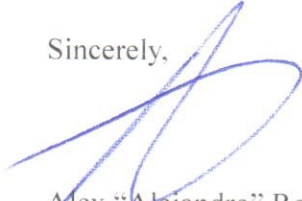
2. The additional requirements listed above do not appear to be in listed anywhere in Title 13, Chapter 54 of the NJ Administrative Code and, therefore appear to be unauthorized.
3. The additional requirements listed above do not appear to be listed anywhere in the most recent New Jersey State Police Firearms Applicant Investigation Guide and, therefore, appear to be unauthorized.
4. The additional requirements listed above seem to violate the requirements of 2C:39-10 to follow the regulatory procedures regarding firearms permitting.
5. 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.
6. The additional requirements listed above seem to be in direct violation of at least one court ruling. Specifically, in IN THE MATTER OF THE APPLICATION FOR A NEW JERSEY FIREARM PURCHASER IDENTIFICATION CARD (McGovern, April 28, 2014), the court ruled "Jersey City's municipal forms are contrary to this statutory provision..." and specifically listed the forms by title which include the same two forms listed above, "Authorization Waiver to Release Information" and "Information Firearms Permit Recipients." The court then states "...the Legislature or the Superintendent of the State Police must authorize any requirement or condition for issuance of a handgun permit that goes beyond the terms of the statute and the State Police application forms. Such requirements and conditions may not be added by individual municipalities or other licensing authorities."
7. The additional requirements listed above appear to be contrary to two additional court rulings: IN THE MATTER OF THE DENIAL FOR A NEW JERSEY FIREARMS PURCHASER IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN BY Z.K. (May 14, 2015) and IN THE MATTER OF APPLICATION LF JEREMY PEREZ FOR A FIREARMS PURCHASER IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN (January 8, 2014)
8. The additional requirements listed above 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.

As of August 7, 2019, a recorded visit to the Jersey City Police Department confirms that this policy is still in effect, despite the fact that Chief Mike Kelly acknowledged the McGovern case and stated the illegal practice of additional requirements and forms was "rectified." We will gladly supply the footage. We request an investigation to determine the improper, unauthorized or criminal activity related to Jersey City's firearm application process.

NJ2AS believes in and supports the concept of preventing criminals and dangerous individuals from purchasing and possessing firearms. However, the city of Jersey City must follow the law. We are especially troubled that these forms are still being used after the McGovern ruling. We respectfully ask for your full cooperation in the elimination of these forms and the harm that they are causing those who are attempting to follow NJ's regulatory provisions regarding firearms applications, and to hold accountable, with respect to the use of these forms, any individual that is (or was) knowingly violating the aforementioned statutes, regulations and case law.

Sincerely,



Alex "Alejandro" Roubian  
New Jersey Second Amendment Society  
President

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



**CITY OF JERSEY CITY**  
**POLICE DEPARTMENT**  
**FIREARMS LICENSING UNIT**

Telephone: 201-547-5310

Fax: 201-547-5196

**INSTRUCTIONS AND GUIDELINES**

**"NEW JERSEY STATE FIREARMS IDENTIFICATION CARD"**

**"NEW JERSEY STATE FIREARM PURCHASE PERMIT"**

(NOTES: FIREARMS PERMITS ARE NEW JERSEY STATE PERMITS)

The following information is intended to provide guidance upon commonly asked questions regarding firearms application processing. The Firearms Licensing Unit staff cannot provide legal advice. Firearms owners are obligated to acquaint themselves with and comply with all federal, state and local laws governing the possession and use of firearms.

\* **ALL INFORMATION GIVEN ON FORMS MUST BE NEAT AND CLEAR**

>> **PRINT IN BLOCK LETTERING USING ALL CAPITALS** <<

**INABILITY TO READ YOUR SUBMISSIONS WILL VOID THE FORM**

**1. RESIDENCE**

The applicant must be a resident of Jersey City. Two forms of government issued identification are required, one being a State of New Jersey Driver's License or State Identification Card. Driver's License or other items that list a Post Office Box number or an address other than your residence can not be accepted. Any item that verifies residence (i.e. – tax bill, rent receipt, utility bill, etc.) Applicants of foreign birth must submit a copy of Naturalization Certificate, Passport, or an Immigration Resident Alien Registration Card.

**2. STATE IDENTIFICATION CARD AND PURCHASE PERMIT APPLICATION FROM (S.P.033)**

The State Application Form is the same for a Firearms Purchaser Identification Card or for a Handgun Purchase Permit. Read each question carefully. All required questions must be answered. Do not sign the application when filling it out, you will sign in front of the investigating official when submitting the application.

NOTE: The State Application form (the first page) is available on line at:

**[www.njsp.org](http://www.njsp.org) >drop down information >drop down forms > 18<sup>th</sup>. Form in the list  
or Web Search "New Jersey Firearms Application Form sts-033"**

Please fill it out there, print it out and return it to our office. Type in **CAPITAL** letters.

**3. REFERENCES**

You are required to submit two references or endorsements in Box 29 of the State Form. These people cannot be immediate family members or close relatives. It is asked that they reside within the City of Jersey City. They must have reputable backgrounds and have known you for at least three years preceding the date of application. Questioners will be sent to them and your place of employment.

**4.FINGERPRINTING SCHEDULING FORM**

This form will be used by you to schedule your fingerprinting with the State Police authorized computer based digital fingerprint service called **IdentoG**. **DO NOT** schedule an appointment with them until this form has been checked and a Contributor's Case Number issued by the Firearms Unit.

**5. MENTAL HEALTH RECORD SEARCH CONSENT FORM (S.P. 66)**

NOTE: The State Mental Health Form is available on line at:

**[www.njsp.org](http://www.njsp.org) >drop down information >drop down forms > 5<sup>th</sup>. Form in the list  
or Web Search "N.J. Firearms Form S.P. 66"**

Please fill it out there, print it out and return it to our office. Type in **CAPITAL** letters.

Complete Part 1 of the form only. Do not sign when filling out; you will sign in front of the investigating official when submitting the application. If you are being treated or have ever been treated for any mental health

**CITY OF JERSEY CITY**  
**POLICE DEPARTMENT**  
**FIREARMS LICENSING UNIT**

Telephone 201-547-5310

FAX 201-547-5196

**INFORMATION**  
**FIREARMS PERMIT RECIPIENTS**

The following information is intended to provide guidance upon commonly asked questions regarding firearms. The firearms Licensing Unit staff cannot provide legal advice. Firearms owners are obligated to acquaint themselves with and comply with all federal, state and local laws governing the possession and use of firearms.

1. Any firearm must be considered a dangerous weapon and that it can kill or maim, even if you "know" that it is unloaded, consider it loaded. Most accidents happen with "unloaded" weapons. You will be held totally liable for any accident.
2. It is illegal to leave any firearm within access of a minor. Remember the curiosity of a child when you store your weapon. All firearms must be stored in a lock case. A trigger lock is now required for every weapon even while stored in the lock case.
3. A Firearms Identification Card is not a Carry Permit. Your firearm may not be carried for self protection on your person or in a vehicle.
4. You may not loan to another person, give to another person, or leave your firearm for "safe keeping" with another person. You will be held totally responsible for any use or misuse of the firearm.
5. If any firearm you own or possess is lost or stolen, it must be reported immediately to the local police department where the loss or theft occurred. The loss or theft of the firearm must also be reported to the police department where the weapon is registered.
6. You may not sell or otherwise transfer possession on any firearm unless the purchaser or receiver possesses a valid N.J. Firearms Identification Card (for long guns) or a valid N.J. Permit to Purchase a Handgun. The Jersey City Police must be notified of any sale.
7. All firearms being transported must be unloaded, with a trigger lock, in a closed and fastened case or gunbox or a securely wrapped and tied package locked in the trunk of the vehicle in which it is being transported. The course of travel should be as direct as possible to the destination. Any deviation can be no more than reasonable under the circumstances. You should have your Firearms Identification Card and proof of ownership with you.
8. If you change your address, change your name, or if your Firearms Identification Card is lost, stolen or mutilated you have to report this to the Department where the card was issued and/or to the local police department where you have moved.

**A copy of this information sheet will be made part of your registration file.**

\_\_\_\_\_  
I acknowledge that I have read and understand the above.

\_\_\_\_\_  
Date

City of Jersey City  
**POLICE DEPARTMENT**  
 Firearms Licensing Unit

Phone: 201-547-5310

FAX: 201-547-5196

**AUTHORIZATION WAIVER TO RELEASE INFORMATION**

To Whom It May Concern,

This is to certify that I \_\_\_\_\_ have applied for a Firearms Purchase License, Handgun Purchase Permit and / or a Firearms Carry Permit from the Jersey City Police department.

By use of this form, I hereby authorize the release of any and all information to the Jersey City Police Department that they may request. This release is directed to whoever they may deem it necessary to make such a request. Such information will include but not be limited to: police records, records of arrest, court records, motor vehicle records, military records, medical or psychological records, employment records, background investigative materials or reports and records considered confidential in nature that could have an effect on the issuing of a Firearms License.

By my endorsement on this form, I release all persons from any liability that could result from furnishing the requested information to the Jersey City Police Department.

Further, I authorize the Jersey City Police Department to photocopy or otherwise reproduce this original document and to let such photocopy or otherwise reproduce copy to act as an original instrument. The original of this document is to be retained in the files of the Jersey City Police Department.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
Print Street City State Zip

Date of Birth: \_\_\_\_\_ Social Security: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Jersey City Police Firearms Unit, 8 Erie Street, Jersey City N.J. 07302

SEAL