

OCTOBER 27, 1950.

MR. ANDREW J. REID,  
*Civilian Intelligence Officer,*  
*Security & Intelligence Division,*  
Fort Monmouth, New Jersey.

## FORMAL OPINION—1950. No. 68.

DEAR MR. REID:

Receipt is acknowledged of your letter of October 17th in which you inform me that at Fort Monmouth civilian armed guards have been employed for the express purpose of guarding Federal property. I note you desire to be advised as to whether or not these guards may bear arms in the State of New Jersey on property other than military reservations and if so, is there any statute exempting them from the obtaining of permits to carry weapons. There is no such statute.

Permission to carry revolvers, pistols and other firearms in this State has been long the subject of legislative consideration and our present statute (R. S. 2:176-44, P. L. 1939, Chapter 321, p. 790) provides: that the applicant must in the first instance apply either to the chief police official of the municipality or to the sheriff of the county wherein he resides; that if such application be approved by the chief police official or the sheriff the same shall then be presented to the judge of the county in which the applicant resides, who, after investigation, which shall include the name and address of the manufacturer of such revolver, pistol or other firearm, and any and all of the manufacturer's identification numbers, letters and marks; a complete description of the kind and type of revolver, pistol or other firearm which the applicant intends to carry, together with the fingerprints of the applicant and the comparison of the same with any and all records of fingerprints in the municipality and county in which the applicant is resident and also the records of the supervisor of the State Bureau of Identification of this State and the national bureau in the Department of Justice in Washington, and the judge being satisfied of the sufficiency of the application and the need of such person to carry a revolver, pistol or other firearm shall issue a permit therefor.

The promiscuous carrying of weapons, both concealed and unconcealed, is a perplexing present-day problem confronting law enforcement officials. Nearly every major crime committed in this country is the result of using a gun.

Many states in the Union have enacted forward-looking legislation designed to make the possession and use of guns subject to the most rigid inspection and supervision. In New Jersey, one of the most densely populated states, the question has long been studied and has resulted in the enactment of the present licensing statute.

Unless specifically exempted by our statute, the fact that one is a Federal employee, whether he be a civilian armed guard or other enforcement officer, gives him no extra-territorial status nor does it exempt him from complying with the licensing statute above cited.

The protection of our citizens from the hazards and perils of unlicensed armed persons is the paramount concern of our State and if armed civilian guards are

required to bear arms on property in this State other than that of a military reservation full compliance with the above cited statute is an essential requisite.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: JOSEPH LANIGAN,  
*Deputy Attorney General.*

JL:rk

---

OCTOBER 30, 1950.

COL. CHARLES H. SCHOEFFEL, *Supt.*,  
*Division of State Police,*  
*Department of Law and Public Safety,*  
State House,  
Trenton 7, New Jersey.

FORMAL OPINION—1950. No. 69.

DEAR COLONEL SCHOEFFEL:

You desire to be advised concerning the correct procedure to be followed in the matter of the apprehension, arrest and arraignment of an individual resident in New Jersey whose extradition is sought to another jurisdiction.

You advise that at least one municipal magistrate seems to have the impression that he cannot effect the arrest of such individual before issuance of the Governor's warrant following requisition by the demanding State.

It is our opinion and we advise you that this is an improper interpretation of the law and that, on the contrary, provision is made in our Uniform Extradition Act for the arrest of the accused before issuance of the Governor's warrant and even before requisition by the demanding jurisdiction.

It appears advisable to review the law on the subject matter to dispel any doubts that have arisen with respect thereto and further to the end that New Jersey may at all times fully co-operate with other states which seek to utilize the process of extradition.

R. S. 2:185-21 provides:

(a) that any credible person in this State may file complaint with any judge or magistrate that the accused has committed crime in another jurisdiction or has been convicted and has escaped or broken the terms of his bail, probation or parole.

(b) that complaint may be made before any judge or magistrate in this State on the affidavit of a credible person in another state that a crime has been committed in that jurisdiction and that the accused has fled from justice or, having been convicted, has escaped or broken the terms of his bail, probation and parole and is believed to be in New Jersey.

The judge or magistrate shall thereupon issue a warrant directing the apprehension of the person named and cause him to be brought before the court or any other court