

due upon the exercise of the option would not become a debt or liability of the State until the year that the option was exercised. The question whether there is or may be an available appropriation authorizing payment of the option premium may be deferred until the election to exercise the option is made.

For the reasons advanced, it is our opinion that the proposed agreement would be valid under the Constitution and statutes of this State.

Very truly yours,

DAVID D. FURMAN

Attorney General

By: MARTIN L. GREENBERG

Deputy Attorney General

MARCH 20, 1959

COL. JOSEPH D. RUTTER, *Superintendent*
Division of State Police
 State Police Headquarters
 West Trenton, New Jersey

FORMAL OPINION 1959—No. 3

DEAR COLONEL RUTTER:

We have been asked whether bank guards employed to protect the transportation of securities and money and to perform other similar functions require permits to carry firearms.

In Formal Opinion 1956—No. 17 we advised you that even a member of an organized police department must secure a permit to *purchase* a pistol or revolver. N.J.S. 2A:151-32. However, our law has a clear distinction between the requirement of a permit to purchase a pistol and the requirement of a permit to carry a pistol. N.J.S. 2A:151-32, *supra*, requires every person without exception to obtain a permit before purchasing a pistol or revolver. N.J.S. 2A:151-41 makes it a crime to carry a pistol, revolver or other firearm in any automobile or other vehicle or concealed on the person without first having obtained a permit pursuant to N.J.S. 2A:151-44. However, N.J.S. 2A:151-43 expressly exempts certain described persons from the reach of N.J.S. 2A:151-41. Subsection (k) extends this exemption to "any guard in the employ of any * * * banking * * * institution of this State * * *."

The provisions of N.J.S. 2A:151-47 do not alter the result. This section provides for the issuance of permits to carry firearms to banking institutions in blank to be used by "messenger, clerks or other employees or agents * * * while engaged in the performance of their respective duties." The distinction between messengers and clerks on the one hand and guards on the other is clear. N.J.S. 2A:151-47 implies that messengers, clerks and similar employees are not within the exception for guards provided by N.J.S. 2A:151-43(k) and would otherwise be within the reach of N.J.S. 2A:151-41.

In conclusion, it is our opinion that bank guards do not require permits to carry firearms even though they would require permits to purchase them.

Very truly yours,

DAVID D. FURMAN

Attorney General

By: WILLIAM L. BOYAN

Deputy Attorney General