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Commissioner

BULLETIN NO. 20-02

TO: ALL INSURERS AUTHORIZED, ADMITTED OR ELIGIBLE AND ALL INSURANCE PRODUCERS LICENSED IN THIS STATE

FROM: MARLENE CARIDE, COMMISSIONER

RE: FIREARM SELF-DEFENSE INSURANCE

On September 10, 2019, Governor Murphy issued Executive Order No. 83, addressing the gun violence crisis in New Jersey, and directing the Commissioner to take all appropriate action within her authority to prohibit and/or limit the sale, procurement, marketing or distribution of insurance products that may serve to encourage the improper use of firearms.

Firearm self-defense insurance policies typically advance defense costs to covered persons charged with a crime involving use of a firearm who allege they acted in self-defense. These policies may encourage reckless use of firearms by members of the public if firearm owners believe they will have no liability if they intentionally shoot a person and allege they acted in self-defense.

Moreover, it is well established that it is contrary to public policy to insure the intentional infliction of injury. Firearm self-defense insurance violates the public policy against insuring intentional injury in that the insurance generally pays defense costs without a judicial determination that the covered person acted in self-defense, without a reservation of rights, and without a provision for recoupment of defense costs in the event of conviction or guilty plea.

The Department will therefore not approve firearm self-defense insurance policies submitted by admitted carriers.

The Department recognizes that the public policy considerations counseling against approving such policies for members of the general public may be weighed differently in the context of active and retired law enforcement officers, who possess training, qualifications, and experience in firearm use which is not required of the general public. Specifically, the Department notes that Federal law authorizes qualified law enforcement officers and qualified retired law enforcement officers to carry concealed firearms, see 18 U.S.C. § 926B and 18 U.S.C. § 926C. The Department also notes that there are New Jersey laws regulating firearm use that exempt active and retired law enforcement officers from prohibitions or requirements that would otherwise apply.

See, e.g., N.J.S.A. 2C:39-6. Accordingly, subject to the insurance policy otherwise being compliant with New Jersey law, the Department will approve firearm self-defense insurance policies issued to individuals in New Jersey who meet the criteria for “qualified law enforcement officer” set forth in subsection (c) of 18 U.S.C. § 926B or individuals in New Jersey who meet the criteria of “qualified retired law enforcement officer” set forth in subsection (c) of 18 U.S.C. § 926C.

The Department will continue to monitor this situation and issue further communications by bulletin or on its website, www.dobi.nj.gov, as deemed appropriate.

3/9/20
Date


Marlene Caride
Commissioner

AR Firearm Self Defense Bulletin/Bulletins