

ASSEMBLY, No. 128

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Establishes the “Firearm Automated Licensing System”; provides for an additional assessment fee for retail dealer licenses, handgun purchaser permits and firearm purchaser identification cards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/25/2008)

1 AN ACT concerning firearms licensing, amending N.J.S.2C:58-2,
2 N.J.S.2C:58-3 and N.J.S.2C:58-4 and supplementing chapter 58
3 of Title 2C of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. The Legislature finds and declares that it is
9 vital to the safety of our families and children and within the public
10 interest to improve the efficiency and effectiveness of sharing
11 information between local and State governments concerning the
12 issuance of handgun permits and firearms purchaser identification
13 cards and the revocation of these permits and identification cards.

14 b. In order to accomplish this objective, the Legislature finds that
15 funds should be provided:

16 (1) To design and develop an electronic firearms purchaser
17 identification card with a photo and electronic information transfer
18 capability;

19 (2) To establish, equip, operate and maintain an automated
20 standardized Statewide computer system which shall contain any
21 information obtained by the State Police with regard to any
22 applications for permits to purchase handguns and firearms
23 purchaser identification cards and any information concerning any
24 revocation of these permits and identification cards; and

25 (3) To ensure the smooth exchange of automated information
26 among the State Police, law enforcement agencies, the courts and
27 local government entities.
28

29 2. (New section) There is created in the Department of Law and
30 Public Safety a nonlapsing revolving fund to be known as the
31 "Firearm Automated Licensing Fund." All moneys collected
32 pursuant to P.L. , c. (C.)(pending before the Legislature as
33 this bill) shall be forwarded to the Department of Law and Public
34 Safety and deposited in the "Firearm Automated Licensing Fund."
35 The fund shall be administered by the Attorney General and shall be
36 used exclusively for the purposes of establishing and maintaining an
37 automated standardized Statewide computer system to be known as
38 the "Firearm Automated Licensing System" established pursuant to
39 P.L. , c. (C.)(pending before the Legislature as this bill).
40

41 3. (New section) a. The Attorney General, in consultation with
42 the Superintendent of State Police, shall establish and maintain an
43 automated standardized Statewide computer system, to be known as
44 the "Firearm Automated Licensing System," which shall contain
45 any information obtained by the State Police with regard to any

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 applications for permits to purchase handguns and firearms
2 purchaser identification cards and any information concerning any
3 revocation of these permits and identification cards.

4 b. The chief of police, the court or the county prosecutor shall
5 notify the Superintendent of State Police when a permit to purchase
6 a handgun or a firearms purchaser identification card has been
7 revoked. Upon receipt of information concerning the revocation, the
8 Superintendent shall incorporate this information into the "Firearm
9 Automated Licensing System" established pursuant to
10 P.L. , c. (C.) (pending before the Legislature as this bill).

11
12 4. (New section) The Attorney General, in consultation with the
13 Superintendent of State Police, shall develop a uniform handgun
14 purchaser permit card and a uniform firearms purchaser
15 identification card. The information on the card shall include a
16 digitized color photograph of the applicant, the applicant's name
17 and address, and such other information and encrypted data as the
18 Attorney General shall deem appropriate and necessary.

19 The Superintendent of the State Police shall incorporate all the
20 information on the handgun purchaser permit card and the firearms
21 purchaser identification card into the "Firearm Automated
22 Licensing System" established pursuant to P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 5. (New section) The Superintendent of State Police shall
26 incorporate into the "Firearm Automated Licensing System"
27 established pursuant to P.L. , c. (C.) (pending before the
28 Legislature as this bill) any information pertaining to revocation of
29 a handgun purchase permit or a firearms purchaser identification
30 card.

31
32 6. (New section) The Attorney General, in consultation with the
33 Superintendent of State Police and the Administrative Office of the
34 Courts, shall, pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules, regulations, and
36 guidelines, as appropriate, to effectuate the purposes of
37 P.L. , c. (C.) (pending before the Legislature as this bill).

38
39 7. N.J.S.2C:58-2 is amended to read as follows:

40 2C:58-2 a. Licensing of retail dealers and their employees. No
41 retail dealer of firearms nor any employee of a retail dealer shall
42 sell or expose for sale, or possess with the intent of selling, any
43 firearm unless licensed to do so as hereinafter provided. The
44 superintendent shall prescribe standards and qualifications for retail
45 dealers of firearms and their employees for the protection of the
46 public safety, health and welfare.

1 Applications shall be made in the form prescribed by the
2 superintendent, accompanied by a fee of ~~【\$50.00】~~ \$50 payable to
3 the superintendent, and shall be made to a judge of the Superior
4 Court in the county where the applicant maintains his place of
5 business. The applicant shall pay an additional assessment fee of
6 \$10 which shall be forwarded to the Department of Law and Public
7 Safety for deposit into the "Firearm Automated Licensing Fund"
8 established pursuant to P.L. , c. (C.)(pending before the
9 Legislature as this bill). The judge shall grant a license to an
10 applicant if he finds that the applicant meets the standards and
11 qualifications established by the superintendent and that the
12 applicant can be permitted to engage in business as a retail dealer of
13 firearms or employee thereof without any danger to the public
14 safety, health and welfare. Each license shall be valid for a period
15 of three years from the date of issuance, and shall authorize the
16 holder to sell firearms at retail in a specified municipality.

17 In addition, every retail dealer shall pay a fee of ~~【\$5.00】~~ \$5 for
18 each employee actively engaged in the sale or purchase of firearms.
19 Every retail dealer shall pay an additional assessment fee of \$5 for
20 each employee actively engaged in the sale or purchase of firearms
21 which shall be forwarded to the Department of Law and Public
22 Safety for deposit into the "Firearm Automated Licensing Fund"
23 established pursuant to P.L. , c. (C.)(pending before the
24 Legislature as this bill). The superintendent shall issue a license for
25 each employee for whom said fee has been paid, which license shall
26 be valid for so long as the employee remains in the employ of said
27 retail dealer.

28 No license shall be granted to any retail dealer under the age of
29 21 years or to any employee of a retail dealer under the age of 18 or
30 to any person who could not qualify to obtain a permit to purchase a
31 handgun or a firearms purchaser identification card, or to any
32 corporation, partnership or other business organization in which the
33 actual or equitable controlling interest is held or possessed by such
34 an ineligible person.

35 All licenses shall be granted subject to the following conditions,
36 for breach of any of which the license shall be subject to revocation
37 on the application of any law enforcement officer and after notice
38 and hearing by the issuing court:

39 (1) The business shall be carried on only in the building or
40 buildings designated in the license, provided that repairs may be
41 made by the dealer or his employees outside of such premises.

42 (2) The license or a copy certified by the issuing authority shall
43 be displayed at all times in a conspicuous place on the business
44 premises where it can be easily read.

45 (3) No firearm or imitation thereof shall be placed in any
46 window or in any other part of the premises where it can be readily
47 seen from the outside.

1 (4) No rifle or shotgun, except antique rifles or shotguns, shall
2 be delivered to any person unless such person possesses and
3 exhibits a valid firearms purchaser identification card and furnishes
4 the seller, on the form prescribed by the superintendent, a
5 certification signed by him setting forth his name, permanent
6 address, firearms purchaser identification card number and such
7 other information as the superintendent may by rule or regulation
8 require. The certification shall be retained by the dealer and shall
9 be made available for inspection by any law enforcement officer at
10 any reasonable time.

11 (5) No handgun shall be delivered to any person unless:

12 (a) Such person possesses and exhibits a valid permit to
13 purchase a firearm and at least seven days have elapsed since the
14 date of application for the permit;

15 (b) The person is personally known to the seller or presents
16 evidence of his identity;

17 (c) The handgun is unloaded and securely wrapped;

18 (d) Except as otherwise provided in subparagraph (e) of this
19 paragraph, the handgun is accompanied by a trigger lock or a locked
20 case, gun box, container or other secure facility; provided, however,
21 this provision shall not apply to antique handguns. The exemption
22 afforded under this subparagraph for antique handguns shall be
23 narrowly construed, limited solely to the requirements set forth
24 herein and shall not be deemed to afford or authorize any other
25 exemption from the regulatory provisions governing firearms set
26 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
27 Statutes; and

28 (e) On and after the first day of the sixth month following the
29 date on which the list of personalized handguns is prepared and
30 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
31 the handgun is identified as a personalized handgun and included on
32 that list or is an antique handgun. The provisions of subparagraph
33 (d) of this section shall not apply to the delivery of a personalized
34 handgun.

35 (6) The dealer shall keep a true record of every handgun sold,
36 given or otherwise delivered or disposed of, in accordance with the
37 provisions of subsections b. through e. of this section and the record
38 shall note whether a trigger lock, locked case, gun box, container or
39 other secure facility was delivered along with the handgun.

40 b. Records. Every person engaged in the retail business of
41 selling, leasing or otherwise transferring a handgun, as a retail
42 dealer or otherwise, shall keep a register in which shall be entered
43 the time of the sale, lease or other transfer, the date thereof, the
44 name, age, date of birth, complexion, occupation, residence and a
45 physical description including distinguishing physical
46 characteristics, if any, of the purchaser, lessee or transferee, the
47 name and permanent home address of the person making the sale,

1 lease or transfer, the place of the transaction, and the make, model,
2 manufacturer's number, caliber and other marks of identification on
3 such handgun and such other information as the superintendent
4 shall deem necessary for the proper enforcement of this chapter.
5 The register shall be retained by the dealer and shall be made
6 available at all reasonable hours for inspection by any law
7 enforcement officer.

8 c. Forms of register. The superintendent shall prepare the form
9 of the register as described in subsection b. of this section and
10 furnish the same in triplicate to each person licensed to be engaged
11 in the business of selling, leasing or otherwise transferring firearms.

12 d. Signatures in register. The purchaser, lessee or transferee of
13 any handgun shall sign, and the dealer shall require him to sign his
14 name to the register, in triplicate, and the person making the sale,
15 lease or transfer shall affix his name, in triplicate, as a witness to
16 the signature. The signatures shall constitute a representation of the
17 accuracy of the information contained in the register.

18 e. Copies of register entries; delivery to chief of police or
19 county clerk. Within five days of the date of the sale, assignment or
20 transfer, the dealer shall deliver or mail by certified mail, return
21 receipt requested, legible copies of the register forms to the office
22 of the chief of police of the municipality in which the purchaser
23 resides, or to the office of the captain of the precinct of the
24 municipality in which the purchaser resides, and to the
25 superintendent. If hand delivered a receipt shall be given to the
26 dealer therefor.

27 Where a sale, assignment or transfer is made to a purchaser who
28 resides in a municipality having no chief of police, the dealer shall,
29 within five days of the transaction, mail a duplicate copy of the
30 register sheet to the clerk of the county within which the purchaser
31 resides.

32 f. System entry. The superintendent shall incorporate all
33 information provided on the register form into the "Firearm
34 Automated Licensing System" established pursuant to
35 P.L. , c. (C.)(pending before the Legislature as this bill).

36 g. Verification. No person engaged in the retail business of
37 selling, leasing or otherwise transferring a firearm, as a retail dealer
38 or employee of a retail dealer or otherwise, shall deliver to any
39 person a firearm unless he has used the "Firearm Automated
40 Licensing System" established pursuant to P.L. , c. (C.)
41 (pending before the Legislature as this bill) to verify that the
42 purchaser has a valid firearms purchaser identification card or a
43 valid permit to purchase a handgun.

44 (cf: P.L.2002, c.130, s.6)

45

46 8. N.J.S.2C:58-3 is amended to read as follows:

1 a. Permit to purchase a handgun. No person shall sell, give,
2 transfer, assign or otherwise dispose of, nor receive, purchase, or
3 otherwise acquire a handgun unless the purchaser, assignee, donee,
4 receiver or holder is licensed as a dealer under this chapter or has
5 first secured a permit to purchase a handgun as provided by this
6 section.

7 b. Firearms purchaser identification card. No person shall sell,
8 give, transfer, assign or otherwise dispose of nor receive, purchase
9 or otherwise acquire an antique cannon or a rifle or shotgun, other
10 than an antique rifle or shotgun, unless the purchaser, assignee,
11 donee, receiver or holder is licensed as a dealer under this chapter
12 or possesses a valid firearms purchaser identification card, and first
13 exhibits said card to the seller, donor, transferor or assignor, and
14 unless the purchaser, assignee, donee, receiver or holder signs a
15 written certification, on a form prescribed by the superintendent,
16 which shall indicate that he presently complies with the
17 requirements of subsection c. of this section and shall contain his
18 name, address and firearms purchaser identification card number or
19 dealer's registration number. The said certification shall be retained
20 by the seller, as provided in section 2C:58-2a., or, in the case of a
21 person who is not a dealer, it may be filed with the chief of police
22 of the municipality in which he resides or with the superintendent.

23 c. Who may obtain. No person of good character and good
24 repute in the community in which he lives, and who is not subject to
25 any of the disabilities set forth in this section or other sections of
26 this chapter, shall be denied a permit to purchase a handgun or a
27 firearms purchaser identification card, except as hereinafter set
28 forth. No handgun purchase permit or firearms purchaser
29 identification card shall be issued:

30 (1) To any person who has been convicted of any crime, or a
31 disorderly persons offense involving an act of domestic violence as
32 defined in section 3 of P.L.1991,c.261(C.2C:25-19), whether or not
33 armed with or possessing a weapon at the time of such offense;

34 (2) To any drug dependent person as defined in section 2 of
35 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
36 mental disorder to a hospital, mental institution or sanitarium, or to
37 any person who is presently an habitual drunkard;

38 (3) To any person who suffers from a physical defect or disease
39 which would make it unsafe for him to handle firearms, to any
40 person who has ever been confined for a mental disorder, or to any
41 alcoholic unless any of the foregoing persons produces a certificate
42 of a medical doctor or psychiatrist licensed in New Jersey, or other
43 satisfactory proof, that he is no longer suffering from that particular
44 disability in such a manner that would interfere with or handicap
45 him in the handling of firearms; to any person who knowingly
46 falsifies any information on the application form for a handgun
47 purchase permit or firearms purchaser identification card;

- 1 (4) To any person under the age of 18 years for a firearms
2 purchaser identification card and to any person under the age of 21
3 years for a permit to purchase a handgun;
- 4 (5) To any person where the issuance would not be in the
5 interest of the public health, safety or welfare;
- 6 (6) To any person who is subject to a restraining order issued
7 pursuant to the "Prevention of Domestic Violence Act of 1991,"
8 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
9 possessing any firearm;
- 10 (7) To any person who as a juvenile was adjudicated delinquent
11 for an offense which, if committed by an adult, would constitute a
12 crime and the offense involved the unlawful use or possession of a
13 weapon, explosive or destructive device or is enumerated in
14 subsection d. of section 2 of P.L.1997, c.117 (C:2C:43-7.2); or
- 15 (8) To any person whose firearm is seized pursuant to the
16 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
17 (C.2C:25-17 et seq.) and whose firearm has not been returned.
- 18 d. Issuance. The chief of police of an organized full-time
19 police department of the municipality where the applicant resides or
20 the superintendent, in all other cases, shall upon application and
21 verification with the "Firearm Automated Licensing System"
22 established pursuant to P.L. , c. (C.) (pending before the
23 Legislature as this bill), issue to any person qualified under the
24 provisions of subsection c. of this section a permit to purchase a
25 handgun or a firearms purchaser identification card.
- 26 Any person aggrieved by the denial of a permit or identification
27 card may request a hearing in the Superior Court of the county in
28 which he resides if he is a resident of New Jersey or in the Superior
29 Court of the county in which his application was filed if he is a
30 nonresident. The request for a hearing shall be made in writing
31 within 30 days of the denial of the application for a permit or
32 identification card. The applicant shall serve a copy of his request
33 for a hearing upon the chief of police of the municipality in which
34 he resides, if he is a resident of New Jersey, and upon the
35 superintendent in all cases. The hearing shall be held and a record
36 made thereof within 30 days of the receipt of the application for
37 such hearing by the judge of the Superior Court. No formal
38 pleading and no filing fee shall be required as a preliminary to such
39 hearing. Appeals from the results of such hearing shall be in
40 accordance with law.
- 41 e. Applications. Applications for permits to purchase a
42 handgun and for firearms purchaser identification cards shall be in
43 the form prescribed by the superintendent and shall set forth the
44 name, residence, place of business, age, date of birth, occupation,
45 sex and physical description, including distinguishing physical
46 characteristics, if any, of the applicant, and shall state whether the
47 applicant is a citizen, whether he is an alcoholic, habitual drunkard,

1 drug dependent person as defined in section 2 of P.L.1970, c.226
2 (C.24:21-2), whether he has ever been confined or committed to a
3 mental institution or hospital for treatment or observation of a
4 mental or psychiatric condition on a temporary, interim or
5 permanent basis, giving the name and location of the institution or
6 hospital and the dates of such confinement or commitment, whether
7 he has been attended, treated or observed by any doctor or
8 psychiatrist or at any hospital or mental institution on an inpatient
9 or outpatient basis for any mental or psychiatric condition, giving
10 the name and location of the doctor, psychiatrist, hospital or
11 institution and the dates of such occurrence, whether he presently or
12 ever has been a member of any organization which advocates or
13 approves the commission of acts of force and violence to overthrow
14 the Government of the United States or of this State, or which seeks
15 to deny others their rights under the Constitution of either the
16 United States or the State of New Jersey, whether he has ever been
17 convicted of a crime or disorderly persons offense, whether the
18 person is subject to a restraining order issued pursuant to the
19 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
20 (C.2C:25-17 et. seq.) prohibiting the person from possessing any
21 firearm, and such other information as the superintendent shall
22 deem necessary for the proper enforcement of this chapter. For the
23 purpose of complying with this subsection, the applicant shall
24 waive any statutory or other right of confidentiality relating to
25 institutional confinement. The application shall be signed by the
26 applicant and shall contain as references the names and addresses of
27 two reputable citizens personally acquainted with him.

28 Application blanks shall be obtainable from the superintendent,
29 from any other officer authorized to grant such permit or
30 identification card, and from licensed retail dealers.

31 The chief police officer or the superintendent shall obtain the
32 fingerprints of the applicant and shall have them compared with any
33 and all records of fingerprints in the municipality and county in
34 which the applicant resides and also the records of the State Bureau
35 of Identification and the Federal Bureau of Investigation, provided
36 that an applicant for a handgun purchase permit who possesses a
37 valid firearms purchaser identification card, or who has previously
38 obtained a handgun purchase permit from the same licensing
39 authority for which he was previously fingerprinted, and who
40 provides other reasonably satisfactory proof of his identity, need not
41 be fingerprinted again; however, the chief police officer or the
42 superintendent shall proceed to investigate the application to
43 determine whether or not the applicant has become subject to any of
44 the disabilities set forth in this chapter.

45 The chief police officer or the superintendent shall verify the
46 applicant's status with the "Firearm Automated Licensing System"

1 established pursuant to P.L. , c. (C.)(pending before the
2 Legislature as this bill).

3 f. Granting of permit or identification card; fee; term; renewal;
4 revocation. The application for the permit to purchase a handgun
5 together with a fee of ~~[\$2.00]~~ \$2, or the application for the firearms
6 purchaser identification card together with a fee of ~~[\$5.00]~~ \$5,
7 shall be delivered or forwarded to the licensing authority who shall
8 investigate the same and, unless good cause for the denial thereof
9 appears, shall grant the permit or the identification card, or both, if
10 application has been made therefor, within 30 days from the date of
11 receipt of the application for residents of this State and within 45
12 days for nonresident applicants. Each applicant for a permit to
13 purchase a handgun and each applicant for a firearms purchaser
14 identification card shall pay an additional assessment fee of \$5 for
15 a permit to purchase a handgun and an additional assessment fee of
16 \$5 for a firearms purchaser identification card. The additional
17 assessment fee shall be forwarded to the Department of Law and
18 Public Safety for deposit into the "Firearm Automated Licensing
19 Fund" established pursuant to P.L. , c. (C.)(now pending before
20 the Legislature as this bill). A permit to purchase a handgun shall
21 be valid for a period of 90 days from the date of issuance and may
22 be renewed by the issuing authority for good cause for an additional
23 90 days. A firearms purchaser identification card shall be valid
24 until such time as the holder becomes subject to any of the
25 disabilities set forth in subsection c. of this section, whereupon the
26 card shall be void and shall be returned within five days by the
27 holder to the superintendent, who shall then advise the licensing
28 authority. Failure of the holder to return the firearms purchaser
29 identification card to the superintendent within the said five days
30 shall be an offense under section 2C:39-10a. Any firearms
31 purchaser identification card may be revoked by the Superior Court
32 of the county wherein the card was issued, after hearing upon
33 notice, upon a finding that the holder thereof no longer qualifies for
34 the issuance of such permit. The county prosecutor of any county,
35 the chief police officer of any municipality or any citizen may apply
36 to such court at any time for the revocation of such card.

37 There shall be no conditions or requirements added to the form
38 or content of the application, or required by the licensing authority
39 for the issuance of a permit or identification card, other than those
40 that are specifically set forth in this chapter.

41 g. Disposition of fees. All fees for permits shall be paid to the
42 State Treasury if the permit is issued by the superintendent, to the
43 municipality if issued by the chief of police, and to the county
44 treasurer if issued by the judge of the Superior Court.

45 h. Form of permit; quadruplicate; disposition of copies. The
46 permit shall be in the form prescribed by the superintendent and
47 shall be issued to the applicant in quadruplicate. Prior to the time

1 he receives the handgun from the seller, the applicant shall deliver
2 to the seller the permit in quadruplicate and the seller shall
3 complete all of the information required on the form. Within five
4 days of the date of the sale, the seller shall forward the original
5 copy to the superintendent and the second copy to the chief of
6 police of the municipality in which the purchaser resides, except
7 that in a municipality having no chief of police, such copy shall be
8 forwarded to the superintendent. The third copy shall then be
9 returned to the purchaser with the pistol or revolver and the fourth
10 copy shall be kept by the seller as a permanent record.

11 i. Restriction on number of firearms person may purchase.
12 Only one handgun shall be purchased or delivered on each permit,
13 but a person shall not be restricted as to the number of rifles or
14 shotguns he may purchase, provided he possesses a valid firearms
15 purchaser identification card and provided further that he signs the
16 certification required in subsection b. of this section for each
17 transaction.

18 j. Firearms passing to heirs or legatees. Notwithstanding any
19 other provision of this section concerning the transfer, receipt or
20 acquisition of a firearm, a permit to purchase or a firearms
21 purchaser identification card shall not be required for the passing of
22 a firearm upon the death of an owner thereof to his heir or legatee,
23 whether the same be by testamentary bequest or by the laws of
24 intestacy. The person who shall so receive, or acquire said firearm
25 shall, however, be subject to all other provisions of this chapter. If
26 the heir or legatee of such firearm does not qualify to possess or
27 carry it, he may retain ownership of the firearm for the purpose of
28 sale for a period not exceeding 180 days, or for such further limited
29 period as may be approved by the chief law enforcement officer of
30 the municipality in which the heir or legatee resides or the
31 superintendent, provided that such firearm is in the custody of the
32 chief law enforcement officer of the municipality or the
33 superintendent during such period.

34 k. Sawed-off shotguns. Nothing in this section shall be
35 construed to authorize the purchase or possession of any sawed-off
36 shotgun.

37 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
38 the sale or purchase of a visual distress signalling device approved
39 by the United States Coast Guard, solely for possession on a private
40 or commercial aircraft or any boat; provided, however, that no
41 person under the age of 18 years shall purchase nor shall any person
42 sell to a person under the age of 18 years such a visual distress
43 signalling device.

44 (cf: P.L.2003, c.277, s.4)

45

46 9. N.J.S.2C:58-4 is amended to read as follows:

1 a. Scope and duration of authority. Any person who holds a
2 valid permit to carry a handgun issued pursuant to this section shall
3 be authorized to carry a handgun in all parts of this State, except as
4 prohibited by section 2C:39-5e. One permit shall be sufficient for
5 all handguns owned by the holder thereof, but the permit shall apply
6 only to a handgun carried by the actual and legal holder of the
7 permit.

8 All permits to carry handguns shall expire 2 years from the date
9 of issuance or, in the case of an employee of an armored car
10 company, upon termination of his employment by the company
11 occurring prior thereto whichever is earlier in time, and they may
12 thereafter be renewed every 2 years in the same manner and subject
13 to the same conditions as in the case of original applications.

14 b. Application forms. All applications for permits to carry
15 handguns, and all applications for renewal of such permits, shall be
16 made on the forms prescribed by the superintendent. Each
17 application shall set forth the full name, date of birth, sex,
18 residence, occupation, place of business or employment, and
19 physical description of the applicant, and such other information as
20 the superintendent may prescribe for the determination of the
21 applicant's eligibility for a permit and for the proper enforcement of
22 this chapter. The application shall be signed by the applicant under
23 oath, and shall be indorsed by three reputable persons who have
24 known the applicant for at least 3 years preceding the date of
25 application, and who shall certify thereon that the applicant is a
26 person of good moral character and behavior.

27 c. Investigation and approval. Each application shall in the first
28 instance be submitted to the chief police officer of the municipality
29 in which the applicant resides, or to the superintendent, (1) if the
30 applicant is an employee of an armored car company, or (2) if there
31 is no chief police officer in the municipality where the applicant
32 resides, or (3) if the applicant does not reside in this State. The
33 chief police officer, or the superintendent, as the case may be, shall
34 cause the fingerprints of the applicant to be taken and compared
35 with any and all records maintained by the municipality, the county
36 in which it is located, the State Bureau of Identification and the
37 Federal Bureau of Identification. He shall also determine and
38 record a complete description of each handgun the applicant intends
39 to carry.

40 The chief police officer, or the superintendent, as the case may
41 be, shall verify the applicant's status with the "Firearm Automated
42 Licensing System" established pursuant to P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44 No application shall be approved by the chief police officer or
45 the superintendent unless the applicant demonstrates that he is not
46 subject to any of the disabilities set forth in 2C:58-3c., that he is
47 thoroughly familiar with the safe handling and use of handguns,

1 **[and]** that his application has been verified with the “Firearm
2 Automated Licensing System” established pursuant to
3 P.L. , c. (C.)(pending before the Legislature as this bill) and
4 that he has a justifiable need to carry a handgun. If the application
5 is not approved by the chief police officer or the superintendent
6 within 60 days of filing, it shall be deemed to have been approved,
7 unless the applicant agrees to an extension of time in writing.

8 d. Issuance by Superior Court; fee. If the application has been
9 approved by the chief police officer or the superintendent, as the
10 case may be, the applicant shall forthwith present it to the Superior
11 Court of the county in which the applicant resides, or to the
12 Superior Court in any county where he intends to carry a handgun,
13 in the case of a nonresident or employee of an armored car
14 company. The court shall issue the permit to the applicant if, but
15 only if, it is satisfied that the applicant is a person of good character
16 who is not subject to any of the disabilities set forth in section
17 2C:58-3c., that he is thoroughly familiar with the safe handling and
18 use of handguns, and that he has a justifiable need to carry a
19 handgun. The court may at its discretion issue a limited-type permit
20 which would restrict the applicant as to the types of handguns he
21 may carry and restrict where and for what purposes such handguns
22 may be carried. At the time of issuance, the applicant shall pay to
23 the county clerk of the county where the permit was issued a permit
24 fee of \$20. The applicant shall pay an additional assessment fee of
25 \$10 which shall be forwarded to the Department of Law and Public
26 Safety for deposit into the “Firearm Automated Licensing Fund”
27 established pursuant to P.L. , c. (C.)(pending before the
28 Legislature as this bill).

29 e. Appeals from denial of applications. Any person aggrieved
30 by the denial by the chief police officer or the superintendent of
31 approval for a permit to carry a handgun may request a hearing in
32 the Superior Court of the county in which he resides or in any
33 county in which he intends to carry a handgun, in the case of a
34 nonresident, by filing a written request for such a hearing within 30
35 days of the denial. Copies of the request shall be served upon the
36 superintendent, the county prosecutor and the chief police officer of
37 the municipality where the applicant resides, if he is a resident of
38 this State. The hearing shall be held within 30 days of the filing of
39 the request, and no formal pleading or filing fee shall be required.
40 Appeals from the determination at such a hearing shall be in
41 accordance with law and the rules governing the courts of this State.

42 If the superintendent or chief police officer approves an
43 application and the Superior Court denies the application and
44 refuses to issue a permit, the applicant may appeal such denial in
45 accordance with law and the rules governing the courts of this State.

46 f. Revocation of permits. Any permit issued under this section
47 shall be void at such time as the holder thereof becomes subject to

1 any of the disabilities set forth in section 2C:58-3c., and the holder
2 of such a void permit shall immediately surrender the permit to the
3 superintendent who shall give notice to the licensing authority.

4 Any permit may be revoked by the Superior Court, after hearing
5 upon notice to the holder, if the court finds that the holder is no
6 longer qualified for the issuance of such a permit. The county
7 prosecutor of any county, the chief police officer of any
8 municipality, the superintendent or any citizen may apply to the
9 court at any time for the revocation of any permit issued pursuant to
10 this section.

11 (cf: P.L.1981, c.135, s.1)

12

13 10. This act shall take effect on the 90th day after enactment,
14 except for section 6 which shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill would authorize the Attorney General, in consultation
20 with the Superintendent of State Police, to establish the "Firearm
21 Automated Licensing System," an automated standardized
22 Statewide computer system which would contain information
23 obtained by the State Police with regard to retail dealer licensing
24 and applications for permits to purchase handguns and firearms
25 purchaser identification card. This new automated system would
26 also contain information concerning the revocations of handgun
27 permits and firearms purchaser identification cards.

28 With regard to revocations, the bill would require the chief of
29 police, the court or the county prosecutor to notify the
30 Superintendent of State Police when a permit to purchase a handgun
31 or a firearms purchaser identification card has been revoked. Upon
32 receipt of this information, the Superintendent would incorporate
33 this information into the system.

34 In addition, the bill would require the Attorney General to design
35 and develop an electronic firearms purchaser identification card
36 with a photo and electronic information transfer capability. The
37 Superintendent would incorporate all the information on the
38 handgun purchaser permit card and the firearms purchaser
39 identification card into the new system. It is the intent of the
40 sponsor that establishing such a system would ensure the smooth
41 exchange of automated information among the State Police, law
42 enforcement agencies, the courts and local government entities.

43 The "Firearm Automated Licensing System" would be funded by
44 an additional assessment which would be imposed on licensed retail
45 dealers, handgun permit applicants and firearms purchaser
46 identification card applicants. Under the provisions of the bill, there
47 would be created in the Department of Law and Public Safety a

1 nonlapsing revolving fund to be known as the "Firearm Automated
2 Licensing Fund." All moneys collected as the result of the
3 additional assessment would be forwarded to the Department of
4 Law and Public Safety and deposited in the fund. The Attorney
5 General would administer the fund which would be used
6 exclusively for the purposes of establishing and maintaining the
7 "Firearm Automated Licensing System."

8 This bill amends various sections of chapter 58 of Title 2C of the
9 New Jersey Statutes to provide for an additional assessment fee for
10 retail dealer licenses, handgun permit applications and firearms
11 purchaser identification cards.

12 N.J.S.A.2C:58-2, concerning licensing of firearms retail dealers,
13 would be amended to provide an assessment fee of \$10 in addition
14 to the current application fee of \$50. In addition, the retailer would
15 also be required to pay an assessment fee of \$5 for each employee
16 actively engaged in the sale or purchase of firearms. This \$5
17 assessment is in addition to the \$5 employee fee now imposed on
18 retail dealers. N.J.S.A.2C:58-2 would also be amended to require
19 the superintendent to incorporate all information provided on the
20 retail dealer register form into the "Firearm Automated Licensing
21 System" established by this bill. Such information includes: time of
22 the sale, the name, age, date of birth, complexion, occupation,
23 residence and a physical description including distinguishing
24 physical characteristics, if any, of the purchaser, lessee or
25 transferee, the name and permanent home address of the person
26 making the sale, lease or transfer, the place of the transaction, and
27 the make, model, manufacturer's number, caliber and other marks of
28 identification on such handgun. In addition, the bill would require
29 retail dealers and their employees, prior to delivering the firearm, to
30 verify, by using the new automated system, that the purchaser has a
31 valid firearms purchaser identification card or a valid permit to
32 purchase a handgun.

33 N.J.S.A.2C:58-3 would be amended to provide for an assessment
34 fee of \$5 in addition to both the current application fee of \$2 for a
35 permit to purchase a handgun and the current application fee of \$5
36 for a firearms purchaser identification card.

37 In addition, the bill amends N.J.S.A.2C:58-4 to provide for an
38 additional assessment fee of \$10 for a permit to carry a handgun.
39 The current fee for a permit to carry a handgun of \$20 which is paid
40 to the county clerk would remain the same.

41 This bill would not increase the additional fee of \$30 which is
42 required for a State criminal history record background check
43 pursuant to N.J.S.A.53:1-20.6 since these moneys are statutorily
44 earmarked for deposit in the "Criminal History Record Information
45 Fund," pursuant to N.J.S.A.53:1-20.7 and are used for expenses in
46 processing background checks submitted in non-criminal matters
47 and for the purchase of State Police vehicles.

1 This bill would also require the chief of police or the
2 Superintendent to verify the status of the applicant in the new
3 automated system.

4 This bill provides for a delayed effective date of 90 days.
5 Section 6 of the bill which requires the Attorney General, in
6 consultation with the Superintendent of State Police and the
7 Administrative Office of the Courts, to promulgate guidelines to
8 effectuate the purposes of the bill would be effective immediately.

9 This bill is based on Recommendation No.11 of the report of The
10 New Jersey Domestic Violence Fatality and Near Fatality Review
11 Board issued June 2006.