

SENATE, No. 2190

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Authorizes issuance of a handgun purchaser identification card.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning handgun purchaser identification cards,
2 supplementing chapter 58 of Title 2C of the New Jersey Statutes,
3 and amending N.J.S.2C:58-2 and N.J.S.2C:58-3.

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 superintendent shall establish a
9 handgun purchaser identification card. The card shall be available
10 to persons of good character and good repute in the community in
11 which they live and who are not subject to any of the disabilities set
12 forth in subsection c. of N.J.S.2C:58-3.

13 In a manner and form prescribed by the superintendent, a person
14 seeking a handgun purchaser identification card shall apply to the
15 chief law enforcement officer of the municipality in which he
16 resides or, if that municipality has not established a full-time police
17 department or force pursuant to N.J.S.40A:14-118, the
18 superintendent. The application shall be forwarded to the proper
19 issuing authority, together with a fee of \$25. The issuing authority
20 shall investigate the applicant, as provided in subsection e. of
21 N.J.S.2C:58-3, to determine whether the applicant is subject to any
22 of the disabilities set forth in subsection c. of N.J.S.2C:58-3.

23 If, after investigation, the issuing authority determines that the
24 applicant is qualified, the chief law enforcement officer of the
25 municipality or the superintendent, as the case may be, shall issue a
26 handgun purchaser identification card to that person.

27 Any person aggrieved by the denial of a handgun purchaser
28 identification card may request a hearing in the Superior Court of
29 the county in which he resides if he is a resident of New Jersey or in
30 the Superior Court of the county in which his application was filed
31 if he is a nonresident. The request for a hearing shall be made in
32 writing within 30 days of the denial of the application for the
33 handgun purchaser identification card. The applicant shall serve a
34 copy of his request for a hearing upon the chief law enforcement
35 officer of the municipality in which he resides, if he is a resident of
36 New Jersey, and upon the superintendent in all cases. The hearing
37 shall be held and a record made thereof within 30 days of the
38 receipt of the application for such hearing by the judge of the
39 Superior Court. No formal pleading and no filing fee shall be
40 required as a preliminary to such hearing. Appeals from the results
41 of such hearing shall be in accordance with law.

42 b. A handgun purchaser identification card shall be valid for
43 five years. The card shall expire on the last day of the 60th calendar
44 month following the calendar month in which it was issued.

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.

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1 To facilitate a balance in the administrative processing and
2 issuing of handgun purchaser identification cards, the
3 superintendent may issue an initial handgun purchaser identification
4 card which expires on a date fixed by him, provided that the card
5 shall not expire on a date less than two years or more than six years
6 from the date of issuance. The fee for an initial card having an
7 expiration date of other than 60 months shall be fixed
8 proportionally by the superintendent.

9 c. Each initial, renewal, and duplicate handgun purchaser
10 identification card shall display a digitized color photograph of the
11 cardholder and such other information as the superintendent shall
12 prescribe.

13 The superintendent shall provide for the use of a process or
14 processes in the construction, manufacture or preparation of
15 handgun purchaser identification cards that prevent, to the greatest
16 extent possible, the alteration, duplication, counterfeiting,
17 photographing, forging or other modification of the card and
18 prevent the alternation or replacement of the digitized color
19 photograph on the card.

20 The digitized color photograph displayed on an individual's
21 handgun purchaser identification card shall be obtained in a manner
22 and at a location prescribed by the superintendent.

23 d. A handgun purchaser identification card shall authorize and
24 permit the sale, transfer, assignment, exchange and delivery of a
25 handgun between its holder and a retail dealer licensed under the
26 provisions of N.J.S.2C:58-2.

27 Each licensed retail dealer selling, transferring, assigning,
28 exchanging or delivering a handgun to the holder of a handgun
29 purchaser identification card shall be subject to the applicable
30 provisions of N.J.S.2C:58-2 concerning the recording and
31 registering of all such sales, transfers, assignments, exchanges and
32 deliveries and shall properly maintain and report all such sales,
33 transfers, assignments, exchanges and deliveries to the Division of
34 State Police in a manner and form prescribed by the superintendent.
35 As otherwise provided by law, each licensed retail dealer shall also
36 make those records and registry information available for inspection
37 by law enforcement.

38 e. Except as otherwise prescribed in subsection i. of
39 N.J.S.2C:58-3, there shall be no limit on the number of handguns a
40 handgun purchaser identification cardholder may purchase from a
41 retail dealer licensed pursuant to N.J.S.2C:58-2.

42 f. A handgun purchaser identification card shall not authorize
43 or permit the sale, transfer, assignment, exchange or delivery of a
44 handgun between its holder and any person who is not a retail
45 dealer licensed under the provisions of N.J.S.2C:58-2. No such
46 sale, transfer, assignment, exchange or delivery of a handgun shall
47 be lawful unless the purchaser, transferee, assignee, or recipient of

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1 that handgun has first secured a permit to purchase a handgun
2 pursuant to N.J.S.2C:58-3.

3

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

5 2C:58-2. a. Licensing of retail dealers and their employees. No
6 retail dealer of firearms nor any employee of a retail dealer shall
7 sell or expose for sale, or possess with the intent of selling, any
8 firearm unless licensed to do so as hereinafter provided. The
9 superintendent shall prescribe standards and qualifications for retail
10 dealers of firearms and their employees for the protection of the
11 public safety, health and welfare.

12 Applications shall be made in the form prescribed by the
13 superintendent, accompanied by a fee of \$50 payable to the
14 superintendent, and shall be made to a judge of the Superior Court
15 in the county where the applicant maintains his place of business.
16 The judge shall grant a license to an applicant if he finds that the
17 applicant meets the standards and qualifications established by the
18 superintendent and that the applicant can be permitted to engage in
19 business as a retail dealer of firearms or employee thereof without
20 any danger to the public safety, health and welfare. Each license
21 shall be valid for a period of three years from the date of issuance,
22 and shall authorize the holder to sell firearms at retail in a specified
23 municipality.

24 In addition, every retail dealer shall pay a fee of \$5 for each
25 employee actively engaged in the sale or purchase of firearms. The
26 superintendent shall issue a license for each employee for whom
27 said fee has been paid, which license shall be valid for so long as
28 the employee remains in the employ of said retail dealer.

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

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

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

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

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

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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 or the person possesses and
15 exhibits a valid handgun purchaser identification card issued
16 pursuant to section 1 of P.L. , c. (C.)(pending before the
17 Legislature as this bill);

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

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

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

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

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

43 (7) A dealer shall not knowingly deliver more than one handgun
44 to any person within any 30-day period. This limitation shall not
45 apply to:

46 (a) a federal, State, or local law enforcement officer or agency
47 purchasing handguns for use by officers in the actual performance
48 of their law enforcement duties;

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1 (b) a collector of handguns as curios or relics as defined in Title
2 18, United States Code, section 921 (a) (13) who has in his
3 possession a valid Collector of Curios and Relics License issued by
4 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

5 (c) transfers of handguns among licensed retail dealers,
6 registered wholesale dealers and registered manufacturers;

7 (d) any transaction where the person has purchased a handgun
8 from a licensed retail dealer and has returned that handgun to the
9 dealer in exchange for another handgun within 30 days of the
10 original transaction, provided the retail dealer reports the exchange
11 transaction to the superintendent; or

12 (e) any transaction where the superintendent issues an
13 exemption from the prohibition in this subsection pursuant to the
14 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

15 b. Records. Every person engaged in the retail business of
16 selling, leasing or otherwise transferring a handgun, as a retail
17 dealer or otherwise, shall keep a register in which shall be entered
18 the time of the sale, lease or other transfer, the date thereof, the
19 name, age, date of birth, complexion, occupation, residence and a
20 physical description including distinguishing physical
21 characteristics, if any, of the purchaser, lessee or transferee, the
22 name and permanent home address of the person making the sale,
23 lease or transfer, the place of the transaction, and the make, model,
24 manufacturer's number, caliber and other marks of identification on
25 such handgun and such other information as the superintendent
26 shall deem necessary for the proper enforcement of this chapter.
27 The register shall be retained by the dealer and shall be made
28 available at all reasonable hours for inspection by any law
29 enforcement officer.

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

34 d. Signatures in register. The purchaser, lessee or transferee of
35 any handgun shall sign, and the dealer shall require him to sign his
36 name to the register, in triplicate, and the person making the sale,
37 lease or transfer shall affix his name, in triplicate, as a witness to
38 the signature. The signatures shall constitute a representation of the
39 accuracy of the information contained in the register.

40 e. Copies of register entries; delivery to chief of police or
41 county clerk. Within five days of the date of the sale, assignment or
42 transfer, the dealer shall deliver or mail by certified mail, return
43 receipt requested, legible copies of the register forms to the office
44 of the chief of police of the municipality in which the purchaser
45 resides, or to the office of the captain of the precinct of the
46 municipality in which the purchaser resides, and to the
47 superintendent. If hand delivered a receipt shall be given to the
48 dealer therefor.

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1 Where a sale, assignment or transfer is made to a purchaser who
2 resides in a municipality having no chief of police, the dealer shall,
3 within five days of the transaction, mail a duplicate copy of the
4 register sheet to the clerk of the county within which the purchaser
5 resides.

6 f. In a manner and form, and at such times, as the
7 superintendent shall provide, a licensed dealer shall report each
8 sale, assignment or transfer of a handgun to the holder of a valid
9 handgun purchaser identification card issued pursuant to section 1
10 of P.L. , c. (C.)(pending before the Legislature as this bill).
11 (cf: P.L. 2009, c.186, s.1)

12
13 3. N.J.S.2C:58-3 is amended to read as follows:

14 2C:58-3. a. Permit to purchase a handgun. **[No]** Except as
15 otherwise provided in section 1 of P.L. , c. (C.)(pending
16 before the Legislature as this bill), no person shall sell, give,
17 transfer, assign or otherwise dispose of, nor receive, purchase, or
18 otherwise acquire a handgun unless the purchaser, assignee, donee,
19 receiver or holder is licensed as a dealer under this chapter or has
20 first secured a permit to purchase a handgun as provided by this
21 section.

22 b. Firearms purchaser identification card. No person shall sell,
23 give, transfer, assign or otherwise dispose of nor receive, purchase
24 or otherwise acquire an antique cannon or a rifle or shotgun, other
25 than an antique rifle or shotgun, unless the purchaser, assignee,
26 donee, receiver or holder is licensed as a dealer under this chapter
27 or possesses a valid firearms purchaser identification card, and first
28 exhibits said card to the seller, donor, transferor or assignor, and
29 unless the purchaser, assignee, donee, receiver or holder signs a
30 written certification, on a form prescribed by the superintendent,
31 which shall indicate that he presently complies with the
32 requirements of subsection c. of this section and shall contain his
33 name, address and firearms purchaser identification card number or
34 dealer's registration number. The said certification shall be retained
35 by the seller, as provided in paragraph (4) of subsection a. of
36 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
37 be filed with the chief of police of the municipality in which he
38 resides or with the superintendent.

39 c. Who may obtain. No person of good character and good
40 repute in the community in which he lives, and who is not subject to
41 any of the disabilities set forth in this section or other sections of
42 this chapter, shall be denied a permit to purchase a handgun, a
43 handgun purchaser identification card, or a firearms purchaser
44 identification card, except as hereinafter set forth. No handgun
45 purchase permit, handgun purchaser identification card, or firearms
46 purchaser identification card shall be issued:

47 (1) To any person who has been convicted of any crime, or a
48 disorderly persons offense involving an act of domestic violence as

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1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of such offense;

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

7 (3) To any person who suffers from a physical defect or disease
8 which would make it unsafe for him to handle firearms, to any
9 person who has ever been confined for a mental disorder, or to any
10 alcoholic unless any of the foregoing persons produces a certificate
11 of a medical doctor or psychiatrist licensed in New Jersey, or other
12 satisfactory proof, that he is no longer suffering from that particular
13 disability in such a manner that would interfere with or handicap
14 him in the handling of firearms; to any person who knowingly
15 falsifies any information on the application form for a handgun
16 purchase permit or firearms purchaser identification card;

17 (4) To any person under the age of 18 years for a firearms
18 purchaser identification card and to any person under the age of 21
19 years for a handgun purchaser identification card or a permit to
20 purchase a handgun;

21 (5) To any person where the issuance would not be in the
22 interest of the public health, safety or welfare;

23 (6) To any person who is subject to a restraining order issued
24 pursuant to the "Prevention of Domestic Violence Act of 1991,"
25 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
26 possessing any firearm;

27 (7) To any person who as a juvenile was adjudicated delinquent
28 for an offense which, if committed by an adult, would constitute a
29 crime and the offense involved the unlawful use or possession of a
30 weapon, explosive or destructive device or is enumerated in
31 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

32 (8) To any person whose firearm is seized pursuant to the
33 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
34 (C.2C:25-17 et seq.) and whose firearm has not been returned.

35 d. Issuance. The chief of police of an organized full-time
36 police department of the municipality where the applicant resides or
37 the superintendent, in all other cases, shall upon application, issue
38 to any person qualified under the provisions of subsection c. of this
39 section a permit to purchase a handgun, a handgun purchaser
40 identification card, or a firearms purchaser identification card.

41 Any person aggrieved by the denial of a permit to purchase a
42 handgun, a handgun purchaser identification card, or a firearms
43 purchaser identification card may request a hearing in the Superior
44 Court of the county in which he resides if he is a resident of New
45 Jersey or in the Superior Court of the county in which his
46 application was filed if he is a nonresident. The request for a
47 hearing shall be made in writing within 30 days of the denial of the
48 application for a permit or identification card. The applicant shall

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1 serve a copy of his request for a hearing upon the chief of police of
2 the municipality in which he resides, if he is a resident of New
3 Jersey, and upon the superintendent in all cases. The hearing shall
4 be held and a record made thereof within 30 days of the receipt of
5 the application for such hearing by the judge of the Superior Court.
6 No formal pleading and no filing fee shall be required as a
7 preliminary to such hearing. Appeals from the results of such
8 hearing shall be in accordance with law.

9 e. Applications. Applications for permits to purchase a
10 handgun, handgun purchaser identification cards, and **[for]**
11 firearms purchaser identification cards shall be in the form
12 prescribed by the superintendent and shall set forth the name,
13 residence, place of business, age, date of birth, occupation, sex and
14 physical description, including distinguishing physical
15 characteristics, if any, of the applicant, and shall state whether the
16 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
17 drug dependent person as defined in section 2 of P.L.1970, c.226
18 (C.24:21-2), whether he has ever been confined or committed to a
19 mental institution or hospital for treatment or observation of a
20 mental or psychiatric condition on a temporary, interim or
21 permanent basis, giving the name and location of the institution or
22 hospital and the dates of such confinement or commitment, whether
23 he has been attended, treated or observed by any doctor or
24 psychiatrist or at any hospital or mental institution on an inpatient
25 or outpatient basis for any mental or psychiatric condition, giving
26 the name and location of the doctor, psychiatrist, hospital or
27 institution and the dates of such occurrence, whether he presently or
28 ever has been a member of any organization which advocates or
29 approves the commission of acts of force and violence to overthrow
30 the Government of the United States or of this State, or which seeks
31 to deny others their rights under the Constitution of either the
32 United States or the State of New Jersey, whether he has ever been
33 convicted of a crime or disorderly persons offense, whether the
34 person is subject to a restraining order issued pursuant to the
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
36 (C.2C:25-17 et seq.) prohibiting the person from possessing any
37 firearm, and such other information as the superintendent shall
38 deem necessary for the proper enforcement of this chapter. For the
39 purpose of complying with this subsection, the applicant shall
40 waive any statutory or other right of confidentiality relating to
41 institutional confinement. The application shall be signed by the
42 applicant and shall contain as references the names and addresses of
43 two reputable citizens personally acquainted with him.

44 Application blanks shall be obtainable from the superintendent,
45 from any other officer authorized to grant such permit or
46 identification **[card]** cards, and from licensed retail dealers.

47 The chief police officer or the superintendent shall obtain the
48 fingerprints of the applicant and shall have them compared with any

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1 and all records of fingerprints in the municipality and county in
2 which the applicant resides and also the records of the State Bureau
3 of Identification and the Federal Bureau of Investigation, provided
4 that an applicant for a handgun purchase permit who possesses a
5 valid firearms purchaser identification card, or who has previously
6 obtained a handgun purchase permit from the same licensing
7 authority for which he was previously fingerprinted, and who
8 provides other reasonably satisfactory proof of his identity, need not
9 be fingerprinted again; however, the chief police officer or the
10 superintendent shall proceed to investigate the application to
11 determine whether or not the applicant has become subject to any of
12 the disabilities set forth in this chapter.

13 f. Granting of permit or identification ~~card~~ cards; fee; term;
14 renewal; revocation. The application for the permit to purchase a
15 handgun together with a fee of \$2, the application for a handgun
16 purchaser identification card together with a fee of \$25, or the
17 application for the firearms purchaser identification card together
18 with a fee of \$5, shall be delivered or forwarded to the licensing
19 authority who shall investigate the same and, unless good cause for
20 the denial thereof appears, shall grant the appropriate permit,
21 handgun purchaser identification card, or ~~the~~ firearms purchaser
22 identification card, or ~~both~~ the proper combination thereof, if
23 application has been made therefor, within 30 days from the date of
24 receipt of the application for residents of this State and within 45
25 days for nonresident applicants. A permit to purchase a handgun
26 shall be valid for a period of 90 days from the date of issuance and
27 may be renewed by the issuing authority for good cause for an
28 additional 90 days. A firearms purchaser identification card shall
29 be valid until such time as the holder becomes subject to any of the
30 disabilities set forth in subsection c. of this section, whereupon the
31 card shall be void and shall be returned within five days by the
32 holder to the superintendent, who shall then advise the licensing
33 authority. Except as otherwise provided in section 1 of P.L. _____,
34 c. (C. _____) (pending before the Legislature as this bill), a
35 handgun purchaser identification card shall be valid for 60 months,
36 at which time it may be renewed, or until the holder becomes
37 subject to any of the disabilities set forth in subsection c. of this
38 section, whereupon the card shall be void and shall be returned
39 within five days by the holder to the superintendent, who shall then
40 advise the licensing authority. Failure of ~~the~~ a holder subject to
41 any of the disabilities set forth in subsection c. of this section to
42 return ~~the~~ a firearms purchaser identification card or a handgun
43 purchaser identification card to the superintendent within the said
44 five days shall be an offense under subsection a. of N.J.S.2C:39-10.
45 Any firearms purchaser identification card or any handgun
46 purchaser identification card may be revoked by the Superior Court
47 of the county wherein the card was issued, after hearing upon

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1 notice, upon a finding that the holder thereof no longer qualifies for
2 the issuance of such ~~【permit】~~ a card. The county prosecutor of any
3 county, the chief police officer of any municipality or any citizen
4 may apply to such court at any time for the revocation of such card.

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

9 g. Disposition of fees. All fees for permits shall be paid to the
10 State Treasury if the permit is issued by the superintendent, to the
11 municipality if issued by the chief of police, and to the county
12 treasurer if issued by the judge of the Superior Court.

13 h. Form of permit; quadruplicate; disposition of copies. The
14 permit shall be in the form prescribed by the superintendent and
15 shall be issued to the applicant in quadruplicate. Prior to the time
16 he receives the handgun from the seller, the applicant shall deliver
17 to the seller the permit in quadruplicate and the seller shall
18 complete all of the information required on the form. Within five
19 days of the date of the sale, the seller shall forward the original
20 copy to the superintendent and the second copy to the chief of
21 police of the municipality in which the purchaser resides, except
22 that in a municipality having no chief of police, such copy shall be
23 forwarded to the superintendent. The third copy shall then be
24 returned to the purchaser with the pistol or revolver and the fourth
25 copy shall be kept by the seller as a permanent record.

26 i. Restriction on number of firearms person may purchase.
27 Only one handgun shall be purchased or delivered on each permit
28 and no more than one handgun shall be purchased within any 30-
29 day period, regardless of whether that firearm is purchased or
30 delivered to the holder of a permit to purchase a handgun or a
31 handgun purchaser identification card, but this limitation shall not
32 apply to:

33 (1) a federal, State or local law enforcement officer or agency
34 purchasing handguns for use by officers in the actual performance
35 of their law enforcement duties;

36 (2) a collector of handguns as curios or relics as defined in Title
37 18, United States Code, section 921 (a) (13) who has in his
38 possession a valid Collector of Curios and Relics License issued by
39 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

40 (3) transfers of handguns among licensed retail dealers,
41 registered wholesale dealers and registered manufacturers

42 (4) transfers of handguns from any person to a licensed retail
43 dealer or a registered wholesale dealer or registered manufacturer.

44 (5) any transaction where the person has purchased a handgun
45 from a licensed retail dealer and has returned that handgun to the
46 dealer in exchange for another handgun within 30 days of the
47 original transaction, provided the retail dealer reports the exchange
48 transaction to the superintendent; or

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1 (6) any transaction where the superintendent issues an
2 exemption from the prohibition in this subsection pursuant to the
3 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

4 The provisions of this subsection shall not be construed to afford
5 or authorize any other exemption from the regulatory provisions
6 governing firearms set forth in chapter 39 and chapter 58 of Title
7 2C of the New Jersey Statutes;

8 A person shall not be restricted as to the number of rifles or
9 shotguns he may purchase, provided he possesses a valid firearms
10 purchaser identification card and provided further that he signs the
11 certification required in subsection b. of this section for each
12 transaction.

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

29 k. Sawed-off shotguns. Nothing in this section shall be
30 construed to authorize the purchase or possession of any sawed-off
31 shotgun.

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

39 (cf: P.L. 2009, c.186, s.2)

40
41 4. This act shall take effect on the first day of the fourth month
42 following enactment, but the Superintendent of State Police may
43 take such anticipatory administrative action in advance thereof as
44 shall be necessary for the implementation of this act.

STATEMENT

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This bill directs the Superintendent of State Police to establish a handgun purchaser identification card. This card, which would be available to qualified applicants, would display a digitized color picture of the cardholder and be subject to renewal every five years. It would authorize and permit the sale, transfer, assignment, exchange, and delivery of handguns between cardholders and retail dealers who are licensed under the provisions of N.J.S.2C:58:2. The fee for these cards would be \$25.

The purpose of this bill is to streamline, without weakening, the regulatory oversight of handgun sales and transfers in New Jersey.

The current statutory framework requires a permitting process to effectuate each sale or transfer. This process is labor intensive, requiring an extensive investment of State Police manpower, and is very time consuming. It also is largely redundant, since the background checks the State Police are required to complete as part of each permit application are, under federal law, required to be performed by every licensed retail firearms retailer immediately prior to any transfer of the handgun. These National Instant Criminal Background System (NICS) checks are comprehensive assessments, drawing information from the National Crime Information Center and the Interstate Identification Index. They are also timelier, since they are conducted immediately prior to the handgun transfer, not weeks earlier as part of the current handgun permitting process.

The handgun purchaser identification cards authorized under this bill would be valid only in sales and exchanges between cardholders and licensed retail firearms dealers who are required to conduct NICS checks immediately prior to transferring a handgun. Private handgun sales, or sales where a licensed retail dealer is not involved and, therefore, no NICS check is required, would remain subject to the current permitting process and regulations.

To facilitate a balance in the administrative processing and issuing of handgun purchaser identification cards, the superintendent is authorized to issue an initial handgun purchaser identification card which expires on a date fixed by him, provided that the card shall not expire on a date less than two years or more than six years from the date of issuance. The fee for an initial card having an expiration date of other than 60 months shall be fixed proportionally by the superintendent.