

SENATE, No. 2786

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 9, 2015

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Revises certain laws concerning domestic violence and firearms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2015)

1 AN ACT concerning domestic violence and firearms and amending
2 and supplementing various parts of the statutory law.

3

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

6

7 1. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to
8 read as follows:

9 5. a. When a person claims to be a victim of domestic
10 violence, and where a law enforcement officer responding to the
11 incident finds probable cause to believe that domestic violence has
12 occurred, the law enforcement officer shall arrest the person who is
13 alleged to be the person who subjected the victim to domestic
14 violence and shall sign a criminal complaint if:

15 (1) The victim exhibits signs of injury caused by an act of
16 domestic violence;

17 (2) A warrant is in effect;

18 (3) There is probable cause to believe that the person has
19 violated N.J.S.2C:29-9, and there is probable cause to believe that
20 the person has been served with the order alleged to have been
21 violated. If the victim does not have a copy of a purported order,
22 the officer may verify the existence of an order with the appropriate
23 law enforcement agency; or

24 (4) There is probable cause to believe that a weapon as defined
25 in N.J.S.2C:39-1 has been involved in the commission of an act of
26 domestic violence.

27 b. A law enforcement officer may arrest a person; or may sign
28 a criminal complaint against that person, or may do both, where
29 there is probable cause to believe that an act of domestic violence
30 has been committed, but where none of the conditions in subsection
31 a. of this section applies.

32 c. (1) As used in this section, the word "exhibits" is to be
33 liberally construed to mean any indication that a victim has suffered
34 bodily injury, which shall include physical pain or any impairment
35 of physical condition. Where the victim exhibits no visible sign of
36 injury, but states that an injury has occurred, the officer should
37 consider other relevant factors in determining whether there is
38 probable cause to make an arrest.

39 (2) In determining which party in a domestic violence incident
40 is the victim where both parties exhibit signs of injury, the officer
41 should consider the comparative extent of the injuries, the history of
42 domestic violence between the parties, if any, and any other
43 relevant factors.

44 (3) No victim shall be denied relief or arrested or charged under
45 this act with an offense because the victim used reasonable force in
46 self defense against domestic violence by an attacker.

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 d. (1) In addition to a law enforcement officer's authority to
2 seize any weapon that is contraband, evidence or an instrumentality
3 of crime, a law enforcement officer who has probable cause to
4 believe that an act of domestic violence has been committed shall:

5 (a) question persons present to determine whether there are
6 weapons on the premises; and

7 (b) upon observing or learning that a weapon is present on the
8 premises, seize any weapon that the officer reasonably believes
9 would expose the victim to a risk of serious bodily injury. If a law
10 enforcement officer seizes any firearm pursuant to this paragraph,
11 the officer shall also seize any **[firearm]** firearms purchaser
12 identification card or permit to purchase a handgun issued to the
13 person accused of the act of domestic violence.

14 (2) A law enforcement officer shall deliver all weapons,
15 firearms purchaser identification cards and permits to purchase a
16 handgun seized pursuant to this section to the county prosecutor and
17 shall append an inventory of all seized items to the domestic
18 violence report.

19 (3) Weapons seized in accordance with the "Prevention of
20 Domestic Violence Act of 1991", P.L.1991,c.261(C.2C:25-17 et
21 seq.) shall be returned to the owner except upon order of the
22 Superior Court. The prosecutor who has possession of the seized
23 weapons may, upon notice to the owner, petition a judge of the
24 Family Part of the Superior Court, Chancery Division, within 45
25 days of seizure, to obtain title to the seized weapons, or to revoke
26 any and all permits, licenses and other authorizations for the use,
27 possession, or ownership of such weapons pursuant to the law
28 governing such use, possession, or ownership, or may object to the
29 return of the weapons on such grounds as are provided for the initial
30 rejection or later revocation of the authorizations, or on the grounds
31 that the owner is unfit or that the owner poses a threat to the public
32 in general or a person or persons in particular.

33 A hearing shall be held and a record made thereof within 45 days
34 of the notice provided above. No formal pleading and no filing fee
35 shall be required as a preliminary to such hearing. The hearing
36 shall be summary in nature. Appeals from the results of the hearing
37 shall be to the Superior Court, Appellate Division, in accordance
38 with the law.

39 If the prosecutor does not institute an action within 45 days of
40 seizure, the seized weapons shall be returned to the owner. Before
41 the weapons are returned, the prosecutor shall inform the victim of
42 domestic violence of the availability of restraining orders in
43 accordance with the "Prevention of Domestic Violence Act of
44 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and the authority of a
45 private citizen to seek revocation of a firearms purchaser
46 identification card or permit to purchase a handgun pursuant to
47 subsection f. of N.J.S.2C:58-3.

1 After the hearing the court shall order the return of the firearms,
2 weapons and any authorization papers relating to the seized
3 weapons to the owner if the court determines the owner is not
4 subject to any of the disabilities set forth in **[N.J.S.2C:58-3c.]**
5 subsection c. of N.J.S.2C:58-3 and finds that the complaint has been
6 dismissed at the request of the complainant and the prosecutor
7 determines that there is insufficient probable cause to indict; or if
8 the defendant is found not guilty of the charges; or if the court
9 determines that the domestic violence situation no longer exists.
10 Nothing in this act shall impair the right of the State to retain
11 evidence pending a criminal prosecution. Nor shall any provision
12 of this act be construed to limit the authority of the State or a law
13 enforcement officer to seize, retain or forfeit property pursuant to
14 chapter 64 of Title 2C of the New Jersey Statutes.

15 If, after the hearing, the court determines that the weapons are
16 not to be returned to the owner, the court may:

17 (a) With respect to weapons other than firearms, order the
18 prosecutor to dispose of the weapons if the owner does not arrange
19 for the transfer or sale of the weapons to an appropriate person
20 within 60 days; or

21 (b) Order the revocation of the owner's firearms purchaser
22 identification card or any permit, license or authorization, in which
23 case the court shall order the owner to surrender any firearm seized
24 and all other firearms possessed to the prosecutor and shall order
25 the prosecutor to dispose of the firearms if the owner does not
26 arrange for the sale of the firearms to a registered dealer of the
27 firearms within 60 days; or

28 (c) Order such other relief as it may deem appropriate. When
29 the court orders the weapons forfeited to the State or the prosecutor
30 is required to dispose of the weapons, the prosecutor shall dispose
31 of the property as provided in N.J.S.2C:64-6.

32 (4) A civil suit may be brought to enjoin a wrongful failure to
33 return a seized firearm where the prosecutor refuses to return the
34 weapon after receiving a written request to do so and notice of the
35 owner's intent to bring a civil action pursuant to this section.
36 Failure of the prosecutor to comply with the provisions of this act
37 shall entitle the prevailing party in the civil suit to reasonable costs,
38 including attorney's fees, provided that the court finds that the
39 prosecutor failed to act in good faith in retaining the seized weapon.

40 (5) No law enforcement officer or agency shall be held liable in
41 any civil action brought by any person for failing to learn of, locate
42 or seize a weapon pursuant to this act, or for returning a seized
43 weapon to its owner.

44 (cf: P.L.2003, c.277, s.1)

45

46 2. Section 11 of P.L.1991, c.261 (C.C:25-27) is amended to
47 read as follows:

1 11. a. When a defendant is found guilty of a crime or offense
2 involving domestic violence and a condition of sentence restricts
3 the defendant's ability to have contact with the victim, the victim's
4 friends, co-workers, or relatives, or an animal owned, possessed,
5 leased, kept, or held by either party or a minor child residing in the
6 household, that condition shall be recorded in an order of the court
7 and a written copy of that order shall be provided to the victim by
8 the clerk of the court or other person designated by the court. In
9 addition to restricting a defendant's ability to have contact with the
10 victim, the victim's friends, co-workers, or relatives, or an animal
11 owned, possessed, leased, kept, or held by either party or a minor
12 child residing in the household, the court may require the defendant
13 to receive professional counseling from either a private source or a
14 source appointed by the court, and if the court so orders, the court
15 shall require the defendant to provide documentation of attendance
16 at the professional counseling. In any case where the court order
17 contains a requirement that the defendant receive professional
18 counseling, no application by the defendant to dissolve the
19 restraining order shall be granted unless, in addition to any other
20 provisions required by law or conditions ordered by the court, the
21 defendant has completed all required attendance at such counseling.

22 b. In addition the court may enter an order directing the
23 possession of an animal owned, possessed, leased, kept, or held by
24 either party or a minor child residing in the household. Where a
25 person has abused or threatened to abuse such animal, there shall be
26 a presumption that possession of the animal shall be awarded to the
27 non-abusive party.

28 c. (1) When a defendant is found guilty of a crime or offense
29 involving domestic violence, the court shall inform the defendant
30 that he is prohibited from purchasing, owning, possessing, or
31 controlling a firearm pursuant to N.J.S.2C:39-7 and from receiving
32 or retaining a firearms purchaser identification card or permit to
33 purchase a handgun pursuant to N.J.S.2C:58-3. The court shall
34 order the defendant to surrender any firearm and any firearms
35 purchaser identification card or permit to purchase a handgun
36 possessed by the defendant to a law enforcement officer, or to sell
37 any firearm to a licensed retail dealer of firearms and surrender any
38 card or permit possessed by the defendant to a law enforcement
39 officer within 24 hours of service of the order. Any card or permit
40 issued to the defendant shall be deemed immediately revoked. The
41 court shall notify the superintendent of the revocation of the card or
42 permit and the superintendent shall notify the licensing authority
43 that issued the card or permit. A law enforcement officer or retail
44 dealer of firearms agreeing to accept a surrendered firearm shall
45 provide the defendant with a receipt listing the date of surrender,
46 the name of defendant, and items that have been surrendered,
47 including the serial number, manufacturer, and model of the
48 surrendered firearm. The defendant shall provide a copy of this

1 receipt to the court within 48 hours of service of the order, and shall
2 attest that any firearms owned or possessed at the time of the order
3 have been transferred in accordance with this section and that the
4 defendant currently does not possess any firearms. The defendant
5 alternatively may attest that he did not own or possess a firearm at
6 the time of the order and currently does not possess a firearm. If the
7 court has probable cause to believe the defendant has failed to
8 surrender any firearm, card or permit, the court may order a search
9 for and removal of these items at any location where the judge has
10 reasonable cause to believe these items are located. The judge shall
11 state with specificity the reasons for and the scope of the search and
12 seizure authorized by the order.

13 (2) A law enforcement officer who receives a firearm that is
14 surrendered may dispose of the surrendered firearm in accordance
15 with the provisions of N.J.S.2C:64-6. A firearm purchased by a
16 licensed retail dealer from a defendant shall become part of the
17 inventory of the dealer.

18 (cf: P.L.2011, c.213, s.2)

19

20 3. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
21 read as follows:

22 12. a. A victim may file a complaint alleging the commission of
23 an act of domestic violence with the Family Part of the Chancery
24 Division of the Superior Court in conformity with the Rules of
25 Court. The court shall not dismiss any complaint or delay
26 disposition of a case because the victim has left the residence to
27 avoid further incidents of domestic violence. Filing a complaint
28 pursuant to this section shall not prevent the filing of a criminal
29 complaint for the same act.

30 On weekends, holidays and other times when the court is closed,
31 a victim may file a complaint before a judge of the Family Part of
32 the Chancery Division of the Superior Court or a municipal court
33 judge who shall be assigned to accept complaints and issue
34 emergency, ex parte relief in the form of temporary restraining
35 orders pursuant to this act.

36 A plaintiff may apply for relief under this section in a court
37 having jurisdiction over the place where the alleged act of domestic
38 violence occurred, where the defendant resides, or where the
39 plaintiff resides or is sheltered, and the court shall follow the same
40 procedures applicable to other emergency applications. Criminal
41 complaints filed pursuant to this act shall be investigated and
42 prosecuted in the jurisdiction where the offense is alleged to have
43 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
44 shall be prosecuted in the county where the contempt is alleged to
45 have been committed and a copy of the contempt complaint shall be
46 forwarded to the court that issued the order alleged to have been
47 violated.

- 1 b. The court shall waive any requirement that the petitioner's
2 place of residence appear on the complaint.
- 3 c. The clerk of the court, or other person designated by the
4 court, shall assist the parties in completing any forms necessary for
5 the filing of a summons, complaint, answer or other pleading.
- 6 d. Summons and complaint forms shall be readily available at
7 the clerk's office, at the municipal courts and at municipal and State
8 police stations. The summons or complaint form shall designate
9 space for the plaintiff to provide information concerning firearms to
10 which the defendant has access, including the location of these
11 firearms, if known.
- 12 e. As soon as the domestic violence complaint is filed, both the
13 victim and the abuser shall be advised of any programs or services
14 available for advice and counseling.
- 15 f. A plaintiff may seek emergency, ex parte relief in the nature
16 of a temporary restraining order. A municipal court judge or a
17 judge of the Family Part of the Chancery Division of the Superior
18 Court may enter an ex parte order when necessary to protect the
19 life, health or well-being of a victim on whose behalf the relief is
20 sought.
- 21 g. If it appears that the plaintiff is in danger of domestic
22 violence, the judge shall, upon consideration of the plaintiff's
23 domestic violence complaint, order emergency ex parte relief, in the
24 nature of a temporary restraining order. A decision shall be made
25 by the judge regarding the emergency relief forthwith.
- 26 h. A judge may issue a temporary restraining order upon sworn
27 testimony or complaint of an applicant who is not physically
28 present, pursuant to court rules, or by a person who represents a
29 person who is physically or mentally incapable of filing personally.
30 A temporary restraining order may be issued if the judge is satisfied
31 that exigent circumstances exist sufficient to excuse the failure of
32 the applicant to appear personally and that sufficient grounds for
33 granting the application have been shown.
- 34 i. An order for emergency, ex parte relief shall be granted
35 upon good cause shown and shall remain in effect until a judge of
36 the Family Part issues a further order. Any temporary order
37 hereunder is immediately appealable for a plenary hearing de novo
38 not on the record before any judge of the Family Part of the county
39 in which the plaintiff resides or is sheltered if that judge issued the
40 temporary order or has access to the reasons for the issuance of the
41 temporary order and sets forth in the record the reasons for the
42 modification or dissolution. The denial of a temporary restraining
43 order by a municipal court judge and subsequent administrative
44 dismissal of the complaint shall not bar the victim from refileing a
45 complaint in the Family Part based on the same incident and
46 receiving an emergency, ex parte hearing de novo not on the record
47 before a Family Part judge, and every denial of relief by a
48 municipal court judge shall so state.

1 j. Emergency relief may include forbidding the defendant from
2 returning to the scene of the domestic violence, forbidding the
3 defendant from possessing any firearm or other weapon enumerated
4 in subsection r. of N.J.S.2C:39-1, ordering the search for and
5 seizure of **【any such】** the weapon at any location where the judge
6 has reasonable cause to believe the weapon is located and the
7 seizure of any firearms purchaser identification card or permit to
8 purchase a handgun issued to the defendant and any other
9 appropriate relief. Other appropriate relief may include but is not
10 limited to an order directing the possession of any animal owned,
11 possessed, leased, kept, or held by either party or a minor child
12 residing in the household and providing that the animal shall not be
13 disposed of prior to entry of a final order pursuant to section 13 of
14 P.L.1991, c.261 (C.2C:25-29).

15 The judge shall state with specificity the reasons for and scope of
16 any search and seizure authorized by the order. The provisions of
17 this subsection prohibiting a defendant from possessing a firearm or
18 other weapon shall not apply to any law enforcement officer while
19 actually on duty, or to any member of the Armed Forces of the
20 United States or member of the National Guard while actually on
21 duty or traveling to or from an authorized place of duty.

22 k. The judge may permit the defendant to return to the scene of
23 the domestic violence to pick up personal belongings and effects
24 but shall, in the order granting relief, restrict the time and duration
25 of such permission and provide for police supervision of such visit.

26 l. An order granting emergency relief, together with the
27 complaint or complaints, shall immediately be forwarded to the
28 appropriate law enforcement agency for service on the defendant,
29 and to the police of the municipality in which the plaintiff resides or
30 is sheltered, and shall immediately be served upon the defendant by
31 the police, except that an order issued during regular court hours
32 may be forwarded to the sheriff for immediate service upon the
33 defendant in accordance with the Rules of Court. If personal
34 service cannot be effected upon the defendant, the court may order
35 other appropriate substituted service. At no time shall the plaintiff
36 be asked or required to serve any order on the defendant.

37 m. (Deleted by amendment, P.L.1994, c.94.)

38 n. Notice of temporary restraining orders issued pursuant to
39 this section shall be sent by the clerk of the court or other person
40 designated by the court to the appropriate chiefs of police, members
41 of the State Police and any other appropriate law enforcement
42 agency or court.

43 o. (Deleted by amendment, P.L.1994, c.94.)

44 p. Any temporary or final restraining order issued pursuant to
45 this act shall be in effect throughout the State, and shall be enforced
46 by all law enforcement officers.

47 q. Prior to the issuance of any temporary or final restraining
48 order issued pursuant to this section, the court shall order that a

1 search be made of the domestic violence central registry with regard
2 to the defendant's record, and a reasonable search be made of any
3 available records of firearm ownership, including records of a
4 firearms purchaser identification card, permit to purchase a
5 handgun, and handguns sold when these records have been made
6 available under subsection m. of N.J.S.2C:58-3. The search for
7 records of firearm ownership shall not delay issuance of the
8 restraining order.

9 r. The law enforcement officer who receives firearms that are
10 surrendered or removes firearms in furtherance of an order issued
11 pursuant to this section shall ensure that these firearms are properly
12 stored for the duration of the order, and may charge the defendant
13 for the reasonable costs of storing these firearms. Any firearm, card,
14 or permit surrendered by or removed from a defendant pursuant to
15 this section shall be returned to the defendant when the order
16 expires, unless the defendant is subject to any of the disabilities set
17 forth in subsection c. of N.J.S. 2C:58-3.

18 (cf: P.L.2011, c.213, s.3)

19

20 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
21 read as follows:

22 13. a. A hearing shall be held in the Family Part of the
23 Chancery Division of the Superior Court within 10 days of the
24 filing of a complaint pursuant to section 12 of P.L.1991,
25 c.261 (C.2C:25-28) in the county where the ex parte restraints were
26 ordered, unless good cause is shown for the hearing to be held
27 elsewhere. A copy of the complaint shall be served on the
28 defendant in conformity with the Rules of Court. If a criminal
29 complaint arising out of the same incident which is the subject
30 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
31 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,
32 testimony given by the plaintiff or defendant in the domestic
33 violence matter shall not be used in the simultaneous or subsequent
34 criminal proceeding against the defendant, other than domestic
35 violence contempt matters and where it would otherwise be
36 admissible hearsay under the rules of evidence that govern where a
37 party is unavailable. At the hearing the standard for proving the
38 allegations in the complaint shall be by a preponderance of the
39 evidence. The court shall consider but not be limited to the
40 following factors:

41 (1) The previous history of domestic violence between the
42 plaintiff and defendant, including threats, harassment and physical
43 abuse;

44 (2) The existence of immediate danger to person or property;

45 (3) The financial circumstances of the plaintiff and defendant;

46 (4) The best interests of the victim and any child;

47 (5) In determining custody and parenting time the protection of
48 the victim's safety; and

1 (6) The existence of a verifiable order of protection from
2 another jurisdiction.

3 An order issued under this act shall only restrain or provide
4 damages payable from a person against whom a complaint has been
5 filed under this act and only after a finding or an admission is made
6 that an act of domestic violence was committed by that person. The
7 issue of whether or not a violation of this act occurred, including an
8 act of contempt under this act, shall not be subject to mediation or
9 negotiation in any form. In addition, where a temporary or final
10 order has been issued pursuant to this act, no party shall be ordered
11 to participate in mediation on the issue of custody or parenting time.

12 b. In proceedings in which complaints for restraining orders
13 have been filed, the court shall grant any relief necessary to prevent
14 further abuse. In addition to any other provisions, any restraining
15 order issued by the court shall bar the defendant from purchasing,
16 owning, possessing or controlling a firearm and from receiving or
17 retaining a firearms purchaser identification card or permit to
18 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
19 which the restraining order is in effect or two years, whichever is
20 greater, **[except that this provision]** , and shall order the defendant
21 to surrender any firearm and any firearms purchaser identification
22 card or permit to purchase a handgun possessed by the defendant to
23 a law enforcement officer or to a retail dealer of firearms within 24
24 hours of service of the order. Any card or permit issued to the
25 defendant shall be deemed immediately suspended. The court shall
26 notify the superintendent of the suspension of the card or permit
27 and the superintendent shall notify the licensing authority that
28 issued the card or permit. The law enforcement officer or retail
29 dealer of firearms agreeing to accept surrendered firearms shall
30 provide the defendant with a receipt listing the date of surrender,
31 the name of defendant, items that have been surrendered, including
32 the serial number, manufacturer, and model of all surrendered
33 firearms. The defendant shall provide a copy of this receipt to the
34 court within 48 hours of service of the order and shall attest that any
35 firearms owned or possessed at the time of the order have been
36 transferred in accordance with this section and that the defendant
37 does not currently possess any firearms. A defendant alternatively
38 may attest that he did not own or possess a firearm at the time of the
39 order and currently does not possess a firearm. If the court has
40 probable cause to believe the defendant has failed to surrender any
41 firearm, card or permit, the court may order a search for and
42 removal of these items at any location where the judge has
43 reasonable cause to believe these items are located. The judge shall
44 state with specificity the reasons for and the scope of the search and
45 seizure authorized by the order. The provisions of this subsection
46 requiring the surrender or removal of a firearm, card, or permit shall
47 not apply to any law enforcement officer while actually on duty, or
48 to any member of the Armed Forces of the United States or member

1 of the National Guard while actually on duty or traveling to or from
2 an authorized place of duty. At the hearing the judge of the Family
3 Part of the Chancery Division of the Superior Court may issue an
4 order granting any or all of the following relief:

5 (1) An order restraining the defendant from subjecting the
6 victim to domestic violence, as defined in this act.

7 (2) An order granting exclusive possession to the plaintiff of the
8 residence or household regardless of whether the residence or
9 household is jointly or solely owned by the parties or jointly or
10 solely leased by the parties. This order shall not in any manner
11 affect title or interest to any real property held by either party or
12 both jointly. If it is not possible for the victim to remain in the
13 residence, the court may order the defendant to pay the victim's rent
14 at a residence other than the one previously shared by the parties if
15 the defendant is found to have a duty to support the victim and the
16 victim requires alternative housing.

17 (3) An order providing for parenting time. The order shall
18 protect the safety and well-being of the plaintiff and minor children
19 and shall specify the place and frequency of parenting time.
20 Parenting time arrangements shall not compromise any other
21 remedy provided by the court by requiring or encouraging contact
22 between the plaintiff and defendant. Orders for parenting time may
23 include a designation of a place of parenting time away from the
24 plaintiff, the participation of a third party, or supervised parenting
25 time.

26 (a) The court shall consider a request by a custodial parent who
27 has been subjected to domestic violence by a person with parenting
28 time rights to a child in the parent's custody for an investigation or
29 evaluation by the appropriate agency to assess the risk of harm to
30 the child prior to the entry of a parenting time order. Any denial of
31 such a request must be on the record and shall only be made if the
32 judge finds the request to be arbitrary or capricious.

33 (b) The court shall consider suspension of the parenting time
34 order and hold an emergency hearing upon an application made by
35 the plaintiff certifying under oath that the defendant's access to the
36 child pursuant to the parenting time order has threatened the safety
37 and well-being of the child.

38 (4) An order requiring the defendant to pay to the victim
39 monetary compensation for losses suffered as a direct result of the
40 act of domestic violence. The order may require the defendant to
41 pay the victim directly, to reimburse the Victims of Crime
42 Compensation Office for any and all compensation paid by the
43 Victims of Crime Compensation Office directly to or on behalf of
44 the victim, and may require that the defendant reimburse any parties
45 that may have compensated the victim, as the court may determine.
46 Compensatory losses shall include, but not be limited to, loss of
47 earnings or other support, including child or spousal support, out-
48 of-pocket losses for injuries sustained, cost of repair or replacement

1 of real or personal property damaged or destroyed or taken by the
2 defendant, cost of counseling for the victim, moving or other travel
3 expenses, reasonable attorney's fees, court costs, and compensation
4 for pain and suffering. Where appropriate, punitive damages may be
5 awarded in addition to compensatory damages.

6 (5) An order requiring the defendant to receive professional
7 domestic violence counseling from either a private source or a
8 source appointed by the court and, in that event, requiring the
9 defendant to provide the court at specified intervals with
10 documentation of attendance at the professional counseling. The
11 court may order the defendant to pay for the professional
12 counseling. No application by the defendant to dissolve a final
13 order which contains a requirement for attendance at professional
14 counseling pursuant to this paragraph shall be granted by the court
15 unless, in addition to any other provisions required by law or
16 conditions ordered by the court, the defendant has completed all
17 required attendance at such counseling.

18 (6) An order restraining the defendant from entering the
19 residence, property, school, or place of employment of the victim or
20 of other family or household members of the victim and requiring
21 the defendant to stay away from any specified place that is named
22 in the order and is frequented regularly by the victim or other
23 family or household members.

24 (7) An order restraining the defendant from making contact with
25 the plaintiff or others, including an order forbidding the defendant
26 from personally or through an agent initiating any communication
27 likely to cause annoyance or alarm including, but not limited to,
28 personal, written, or telephone contact with the victim or other
29 family members, or their employers, employees, or fellow workers,
30 or others with whom communication would be likely to cause
31 annoyance or alarm to the victim.

32 (8) An order requiring that the defendant make or continue to
33 make rent or mortgage payments on the residence occupied by the
34 victim if the defendant is found to have a duty to support the victim
35 or other dependent household members; provided that this issue has
36 not been resolved or is not being litigated between the parties in
37 another action.

38 (9) An order granting either party temporary possession of
39 specified personal property, such as an automobile, checkbook,
40 documentation of health insurance, an identification document, a
41 key, and other personal effects.

42 (10) An order awarding emergency monetary relief, including
43 emergency support for minor children, to the victim and other
44 dependents, if any. An ongoing obligation of support shall be
45 determined at a later date pursuant to applicable law.

46 (11) An order awarding temporary custody of a minor child.
47 The court shall presume that the best interests of the child are
48 served by an award of custody to the non-abusive parent.

1 (12) An order requiring that a law enforcement officer
2 accompany either party to the residence or any shared business
3 premises to supervise the removal of personal belongings in order
4 to ensure the personal safety of the plaintiff when a restraining
5 order has been issued. This order shall be restricted in duration.

6 (13) (Deleted by amendment, P.L.1995, c.242).

7 (14) An order granting any other appropriate relief for the
8 plaintiff and dependent children, provided that the plaintiff consents
9 to such relief, including relief requested by the plaintiff at the final
10 hearing, whether or not the plaintiff requested such relief at the time
11 of the granting of the initial emergency order.

12 (15) An order that requires that the defendant report to the
13 intake unit of the Family Part of the Chancery Division of the
14 Superior Court for monitoring of any other provision of the order.

15 (16) In addition to the order required by this subsection
16 prohibiting the defendant from possessing any firearm, the court
17 may also issue an order prohibiting the defendant from possessing
18 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
19 ordering the search for and seizure of any **【firearm or】** other
20 weapon at any location where the judge has reasonable cause to
21 believe the weapon is located. The judge shall state with specificity
22 the reasons for and scope of the search and seizure authorized by
23 the order.

24 (17) An order prohibiting the defendant from stalking or
25 following, or threatening to harm, to stalk or to follow, the
26 complainant or any other person named in the order in a manner
27 that, taken in the context of past actions of the defendant, would put
28 the complainant in reasonable fear that the defendant would cause
29 the death or injury of the complainant or any other person.
30 Behavior prohibited under this act includes, but is not limited to,
31 behavior prohibited under the provisions of P.L.1992,
32 c.209 (C.2C:12-10).

33 (18) An order requiring the defendant to undergo a psychiatric
34 evaluation.

35 (19) An order directing the possession of any animal owned,
36 possessed, leased, kept, or held by either party or a minor child
37 residing in the household. Where a person has abused or threatened
38 to abuse such animal, there shall be a presumption that possession
39 of the animal shall be awarded to the non-abusive party.

40 c. Notice of orders issued pursuant to this section shall be sent
41 by the clerk of the Family Part of the Chancery Division of the
42 Superior Court or other person designated by the court to the
43 appropriate chiefs of police, members of the State Police and any
44 other appropriate law enforcement agency.

45 d. Upon good cause shown, any final order may be dissolved or
46 modified upon application to the Family Part of the Chancery
47 Division of the Superior Court, but only if the judge who dissolves
48 or modifies the order is the same judge who entered the order, or

1 has available a complete record of the hearing or hearings on which
2 the order was based.

3 e. Prior to the issuance of any order pursuant to this section,
4 the court shall order that a search be made of the domestic violence
5 central registry , and a reasonable search be made of any available
6 records of firearm ownership, including records of firearms
7 purchaser identification cards, permits to purchase handguns, and
8 handguns sold when such records have been made available under
9 subsection m. of N.J.S.2C:58-3. The search for records of firearm
10 ownership shall not delay issuance of the restraining order.

11 f. The law enforcement officer who receives a firearm that is
12 surrendered or removes a firearm in furtherance of an order issued
13 pursuant to this section shall ensure that the firearm is properly
14 stored for the duration of the firearm prohibition under subsection
15 b. of this section and may charge the defendant for the reasonable
16 costs of storing the firearm. Any firearm, card, or permit
17 surrendered by or removed from a defendant pursuant to this section
18 shall be returned to the defendant when the firearm prohibition
19 under subsection b. of this section expires, unless the defendant is
20 subject to any of the disabilities set forth in subsection c. of
21 N.J.S.2C:58-3.

22 (cf: P.L.2011, c.213, s.4)

23

24 5. (New section) A law enforcement officer or prosecutor who
25 takes possession of firearms in furtherance of an order issued
26 pursuant to sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28 and
27 C.2C:25-29), or when a firearms purchaser identification card or
28 permit to purchase a handgun is revoked under section 11 of
29 P.L.1991, c.261 (C.2C:25-27) or subsection f. of N.J.S.2C:58-3 in
30 whole or in part because of the holder's involvement in domestic
31 violence, shall prepare an inventory of all firearms, cards, and
32 permits removed from the defendant. The prosecutor or law
33 enforcement officer shall compare this inventory with available
34 records of firearm ownership, including information provided by
35 the plaintiff or witnesses, and records of cards, permits, and
36 handguns sold to the extent such records have been made available
37 under subsection m. of N.J.S.2C:58-3. If there are discrepancies
38 between these records, the prosecutor or law enforcement officer
39 shall take appropriate action to ensure that the defendant does not
40 have access to a firearm, including but not limited to, informing the
41 court that issued the order, seeking a warrant, or initiating contempt
42 proceedings pursuant to section 15 of P.L.1991, c.261 (C.2C:25-
43 31), if appropriate. If a retail dealer of firearms takes possession of
44 firearms in furtherance of an order issued pursuant to section 13 of
45 P.L.1991, c.261 (C.2C:25-29), the court that issued the order shall
46 ensure that an inventory is prepared as described in this section and
47 shall take appropriate action to ensure the defendant no longer has
48 access to firearms.

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

2 2C:58-3. a. Permit to purchase a handgun. No person shall
3 sell, give, transfer, assign or otherwise dispose of, nor receive,
4 purchase, or otherwise acquire a handgun unless the purchaser,
5 assignee, donee, receiver or holder is licensed as a dealer under this
6 chapter or has first secured a permit to purchase a handgun as
7 provided by this section.

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

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

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

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

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

1 falsifies any information on the application form for a handgun
2 purchase permit or firearms purchaser identification card;

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

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

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

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

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

21 (9) To any person named on the consolidated Terrorist
22 Watchlist maintained by Terrorist Screening Center administered by
23 the Federal Bureau of Investigation.

24 d. Issuance. The chief of police of an organized full-time
25 police department of the municipality where the applicant resides or
26 the superintendent, in all other cases, shall upon application, issue
27 to any person qualified under the provisions of subsection c. of this
28 section a permit to purchase a handgun or a firearms purchaser
29 identification card.

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

45 e. Applications. Applications for permits to purchase a
46 handgun and for firearms purchaser identification cards shall be in
47 the form prescribed by the superintendent and shall set forth the
48 name, residence, place of business, age, date of birth, occupation,

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

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

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

1 Prior to issuing a firearms purchaser identification card or permit
2 to purchase a handgun pursuant to this section, the chief police
3 officer or the superintendent also shall search the domestic violence
4 central registry with regard to the applicant's record.

5 f. Granting of permit or identification card; fee; term; renewal;
6 revocation. The application for the permit to purchase a handgun
7 together with a fee of \$2, or the application for the firearms
8 purchaser identification card together with a fee of \$5, shall be
9 delivered or forwarded to the licensing authority who shall
10 investigate the same and, unless good cause for the denial thereof
11 appears, shall grant the permit or the identification card, or both, if
12 application has been made therefor, within 30 days from the date of
13 receipt of the application for residents of this State and within 45
14 days for nonresident applicants. A permit to purchase a handgun
15 shall be valid for a period of 90 days from the date of issuance and
16 may be renewed by the issuing authority for good cause for an
17 additional 90 days. A firearms purchaser identification card shall
18 be valid until such time as the holder becomes subject to any of the
19 disabilities set forth in subsection c. of this section, whereupon the
20 card shall be void and shall be returned within five days by the
21 holder to the superintendent, who shall then advise the licensing
22 authority. Failure of the holder to return the firearms purchaser
23 identification card to the superintendent within the said five days
24 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
25 firearms purchaser identification card or permit to purchase a
26 handgun may be revoked by the Superior Court of the county
27 wherein the card or permit was issued, after hearing upon notice,
28 upon a finding that the holder **【thereof】** of the card or permit no
29 longer qualifies for the issuance of **【such】** the card or permit. The
30 county prosecutor of any county, the chief police officer of any
31 municipality or any citizen may apply to **【such】** the court at any
32 time for the revocation of **【such】** a card or permit.

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

37 g. Disposition of fees. All fees for permits shall be paid to the
38 State Treasury if the permit is issued by the superintendent, to the
39 municipality if issued by the chief of police, and to the county
40 treasurer if issued by the judge of the Superior Court.

41 h. Form of permit; quadruplicate; disposition of copies. The
42 permit shall be in the form prescribed by the superintendent and
43 shall be issued to the applicant in quadruplicate. Prior to the time
44 he receives the handgun from the seller, the applicant shall deliver
45 to the seller the permit in quadruplicate and the seller shall
46 complete all of the information required on the form. Within five
47 days of the date of the sale, the seller shall forward the original
48 copy to the superintendent and the second copy to the chief of

1 police of the municipality in which the purchaser resides, except
2 that in a municipality having no chief of police, such copy shall be
3 forwarded to the superintendent. The third copy shall then be
4 returned to the purchaser with the pistol or revolver and the fourth
5 copy shall be kept by the seller as a permanent record.

6 i. Restriction on number of firearms person may purchase.
7 Only one handgun shall be purchased or delivered on each permit
8 and no more than one handgun shall be purchased within any 30-
9 day period, but this limitation shall not apply to:

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

13 (2) a collector of handguns as curios or relics as defined in Title
14 18, United States Code, section 921 (a) (13) who has in his
15 possession a valid Collector of Curios and Relics License issued by
16 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

17 (3) transfers of handguns among licensed retail dealers,
18 registered wholesale dealers and registered manufacturers;

19 (4) transfers of handguns from any person to a licensed retail
20 dealer or a registered wholesale dealer or registered manufacturer;

21 (5) any transaction where the person has purchased a handgun
22 from a licensed retail dealer and has returned that handgun to the
23 dealer in exchange for another handgun within 30 days of the
24 original transaction, provided the retail dealer reports the exchange
25 transaction to the superintendent; or

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

29 The provisions of this subsection shall not be construed to afford
30 or authorize any other exemption from the regulatory provisions
31 governing firearms set forth in chapter 39 and chapter 58 of Title
32 2C of the New Jersey Statutes;

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

38 j. Firearms passing to heirs or legatees. Notwithstanding any
39 other provision of this section concerning the transfer, receipt or
40 acquisition of a firearm, a permit to purchase or a firearms
41 purchaser identification card shall not be required for the passing of
42 a firearm upon the death of an owner thereof to his heir or legatee,
43 whether the same be by testamentary bequest or by the laws of
44 intestacy. The person who shall so receive, or acquire said firearm
45 shall, however, be subject to all other provisions of this chapter. If
46 the heir or legatee of such firearm does not qualify to possess or
47 carry it, he may retain ownership of the firearm for the purpose of
48 sale for a period not exceeding 180 days, or for such further limited

1 period as may be approved by the chief law enforcement officer of
2 the municipality in which the heir or legatee resides or the
3 superintendent, provided that such firearm is in the custody of the
4 chief law enforcement officer of the municipality or the
5 superintendent during such period.

6 k. Sawed-off shotguns. Nothing in this section shall be
7 construed to authorize the purchase or possession of any sawed-off
8 shotgun.

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

16 m. Law enforcement records of firearms purchaser identification
17 cards and permits to purchase handguns issued or revoked under
18 this section, or suspended or revoked under the "Prevention of
19 Domestic Violence Act of 1991," (C.2C:25-17 et seq.) and records
20 of handgun sales that the superintendent receives under subsection
21 h. of this section shall be made available to the court, prosecutors,
22 and law enforcement agencies for the purposes of enforcing the
23 provisions of "Prevention of Domestic Violence Act of 1991,"
24 P.L.1991, c.261 (C.2C:25-17 et seq.).

25
26 7. This act shall take effect on the first day of the fourth month
27 next following enactment.

28
29
30 STATEMENT

31
32 This bill enhances protections currently afforded victims of
33 domestic violence by requiring attackers to surrender their firearms
34 while a final domestic violence restraining order is in effect or
35 when they are convicted of a domestic violence crime or offense.
36 The bill also requires firearms purchaser identification cards and
37 permits to purchase handguns to be revoked if the holder of the card
38 or permit is convicted of a domestic violence crime or offense. The
39 bill further requires cross-referencing of records to assist in
40 determining whether the alleged attacker owns a firearm and in
41 removing those firearms.

42
43 Scene of Domestic Violence

44 Specifically, the bill revises the law governing seizure of
45 firearms at the scene of a domestic violence incident by requiring
46 the prosecutor to inform the victim of the availability of restraining
47 orders and the ability to seek revocation of the defendant's card or
48 permit before returning a firearm to a defendant.

1 Domestic Violence Offenders

2 The bill revises the law regarding domestic violence crimes and
3 offenses by:

- 4 • Requiring the sentencing court to inform defendants convicted of
5 a domestic violence crime or offense that they are prohibited from
6 possessing a firearm and order the defendant to surrender firearms,
7 firearms purchaser identification cards, and permits to purchase a
8 handgun to a law enforcement officer or a licensed retail dealer of
9 firearms within 24 hours. The defendant is required to provide the
10 court with a receipt evidencing the surrender.
- 11 • Requiring firearms purchaser identification cards and permits to
12 be revoked upon conviction and that the Superintendent of State
13 Police and the issuing licensing authority be notified of the
14 revocation.

15

16 Domestic Violence Restraining Orders

17 The bill revises the laws governing temporary and final
18 restraining orders issued pursuant to the provisions of the
19 “Prevention of Domestic Violence Act of 1991” by:

- 20 • Requiring the form for filing a domestic violence complaint to
21 designate space for the victim to provide information about the
22 defendant’s access to firearms.
- 23 • Requiring a final restraining order to prohibit the defendant from
24 possessing a firearm and requiring the defendant to immediately
25 surrender firearms, firearms purchaser identification cards, and
26 permits to purchase a handgun to the law enforcement officers
27 serving the order or a licensed retail dealer of firearms. The
28 defendant is required to provide the court with a receipt evidencing
29 the surrender.
- 30 • Requiring the law enforcement officer to properly store
31 surrendered or removed firearms and authorizing the officer to
32 charge the defendant a fee for storage.
- 33 • Requiring suspension of firearms purchaser identification cards
34 and permits to purchase handguns during the order and requiring the
35 court to notify the Superintendent of State Police and the issuing
36 licensing authority of the suspension.
- 37 • Requiring the court to make a reasonable search of records of
38 firearm ownership before issuing an order.
- 39 • Requiring surrendered or removed firearms, cards, or permits to
40 be returned to the defendant upon expiration of the order, unless the
41 defendant is subject to a disqualifying disability.

42

43 Firearms Licensing

44 Current law governing firearms licensing requirements is revised
45 by:

- 46 • Requiring law enforcement to search the State’s central registry
47 of domestic violence reports before issuing a firearm card or permit.

- 1 • Requiring records relating to issuance of firearms purchaser
2 identification cards and permits to purchase a handgun, as well as
3 firearms purchase records, to be made available to law enforcement
4 and the courts to enforce the State's domestic violence laws.
5 Current law requires these records to be sent to certain law
6 enforcement agencies, but does not specify how these records may
7 be used.
- 8 • Requiring a law enforcement officer or prosecutor in possession
9 of any firearms, cards, or permits surrendered or removed in whole
10 or in part because of domestic violence to prepare an inventory of
11 these items, cross-reference the inventory with records of firearm
12 ownership, and if there are discrepancies, take appropriate action to
13 ensure the defendant does not have access to a firearm.