

ASSEMBLY, No. 4179

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

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Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

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District 28 (Essex)

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District 29 (Essex)

Assemblywoman BLONNIE R. WATSON

District 29 (Essex)

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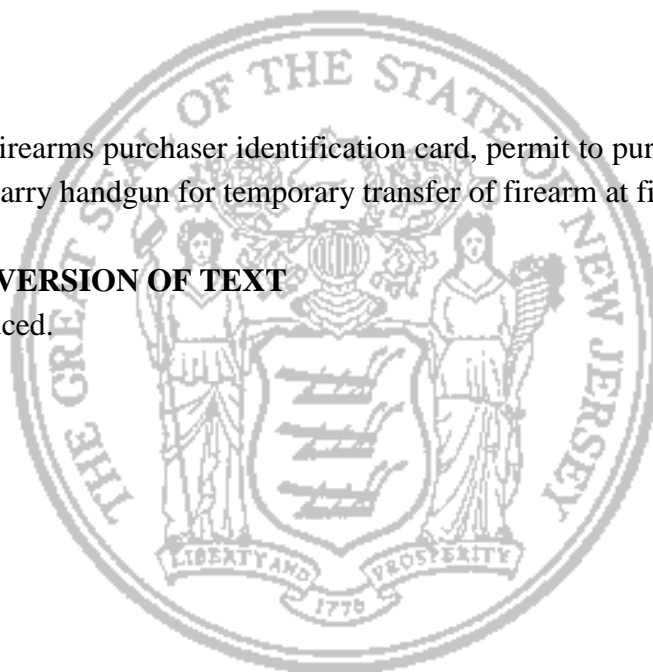
Assemblywoman Jasey, Assemblyman McKeon and Assemblywoman Jones

SYNOPSIS

Requires firearms purchaser identification card, permit to purchase handgun, or permit to carry handgun for temporary transfer of firearm at firing range.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning firearms and amending P.L.1992, c.74.

2

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

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6 1. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read
7 as follows:

8 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,
9 N.J.S.2C:58-2, N.J.S.2C:58-3, or any other statute to the contrary
10 concerning the transfer or disposition of firearms, the legal owner,
11 or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a
12 handgun, rifle, or shotgun to another person who is 18 years of age
13 or older **[, whether or not]** if both the person transferring the firearm
14 and the person receiving the firearm **[holds]** hold and exhibit to the
15 owner or operator of the firing range a firearms purchaser
16 identification card, a permit to purchase a handgun, or a permit to
17 carry a handgun. The person transferring the firearm and the person
18 receiving the firearm also shall provide proof of identity in the form
19 of a valid driver's license or other government-issued form of photo
20 identification. The person to whom a handgun, rifle, or shotgun is
21 temporarily transferred by the legal owner of the firearm or a
22 licensed dealer may receive, possess, carry, and use that handgun,
23 rifle, or shotgun, if the transfer is made upon a firing range operated
24 by a licensed dealer, by a law enforcement agency, a legally
25 recognized military organization, or a rifle or pistol club which has
26 filed a copy of its charter with the superintendent and annually
27 submits to the superintendent a list of its members and if the firearm
28 is received, possessed, carried, and used for the sole purpose of
29 target practice, trap or skeet shooting, or competition upon that
30 firing range or instruction and training at any location.

31 A transfer under this subsection shall be for not more than eight
32 consecutive hours in any 24-hour period and may be made for a set
33 fee or an hourly charge.

34 The firearm shall be handled and used by the person to whom it
35 is temporarily transferred only in the actual presence or under the
36 direct supervision of the legal owner of the firearm, the dealer who
37 transferred the firearm, or any other person competent to supervise
38 the handling and use of firearms and authorized to act for that
39 purpose by the legal owner or licensed dealer. The legal owner of
40 the firearm or the licensed dealer shall be on the premises or the
41 property of the firing range during the entire time that the firearm is
42 in the possession of the person to whom it is temporarily
43 transferred.

44 The term "legal owner" as used in this subsection means a
45 natural person and does not include an organization, commercial

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 enterprise, or a licensed manufacturer, wholesaler, or dealer of
2 firearms.

3 The provisions of this subsection shall not prohibit a minor from
4 possessing, carrying, firing, or using a firearm pursuant to the
5 provisions of paragraphs (1) through (4) of subsection b. of section
6 14 of P.L.1979, c.179 (C.2C:58-6.1).

7 b. Notwithstanding the provisions of N.J.S.2C:39-9,
8 N.J.S.2C:58-2, N.J.S.2C:58-3, or any other statute to the contrary
9 concerning the transfer and disposition of firearms, a legal owner of
10 a shotgun or a rifle may temporarily transfer that firearm to another
11 person who is 18 years of age or older, whether or not the person
12 receiving the firearm holds a firearms purchaser identification card.
13 The person to whom a shotgun or rifle is temporarily transferred by
14 the legal owner may receive, possess, carry, and use that shotgun or
15 rifle in the woods or fields or upon the waters of this State for the
16 purposes of hunting if the transfer is made in the woods or fields or
17 upon the waters of this State, the shotgun or rifle is legal and
18 appropriate for hunting and the person to whom the firearm is
19 temporarily transferred possesses a valid license to hunt with a
20 firearm, and a valid rifle permit if the firearm is a rifle, obtained in
21 accordance with the provisions of chapter 3 of Title 23 of the
22 Revised Statutes.

23 The transfer of a firearm under this subsection shall be for not
24 more than eight consecutive hours in any 24-hour period and no fee
25 shall be charged for the transfer.

26 The legal owner of the firearm which is temporarily transferred
27 shall remain in the actual presence or in the vicinity of the person to
28 whom it was transferred during the entire time that the firearm is in
29 that person's possession.

30 The term "legal owner" as used in this subsection means a
31 natural person and does not include an organization, commercial
32 enterprise, or a licensed manufacturer, wholesaler, or dealer of
33 firearms.

34 c. No firearm shall be temporarily transferred or received
35 under the provisions of subsections a. or b. of this section for the
36 purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

37 d. An owner or dealer shall not transfer a firearm to any person
38 pursuant to the provisions of this section if the owner or dealer
39 knows the person does not meet the qualifications set forth in
40 subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms
41 purchaser identification card or a handgun purchase permit. A
42 person shall not receive, possess, carry, or use a firearm pursuant to
43 the provisions of this section if the person knows he does not meet
44 the qualifications set forth in subsection c. of N.J.S.2C:58-3 for
45 obtaining or holding a firearms purchaser identification card or a
46 handgun purchase permit.

47 (cf: P.L.2000, c.145, s.4)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill requires a person to have a firearms purchaser
7 identification card, a permit to purchase a handgun, or a permit to
8 carry a handgun in order for a firearm to be temporarily transferred
9 to that person at a firing range.

10 Under current law, the legal owner or a licensed dealer of
11 firearms may temporarily transfer a firearm to another person at a
12 firing range whether or not that person has a firearms purchaser
13 identification card or a permit to carry a handgun. Under this bill, a
14 firearm could only be transferred to another person at a firing range
15 if both the person transferring the firearm and the person receiving
16 the firearm have and exhibit to the owner or operator of the firing
17 range a firearms purchaser identification card, a permit to purchase
18 a handgun, or a permit to carry a handgun. In addition, the bill
19 requires the person transferring the firearm and the person receiving
20 the firearm to provide proof of identity in the form of a valid
21 driver's license or other government-issued form of photo
22 identification.

23 The bill also provides that these provisions would not prohibit a
24 minor from possessing, carrying, firing, or using a firearm pursuant
25 to the following exceptions, as provided under current law: 1) in the
26 presence or under direct supervision of a parent or guardian who
27 holds a firearms purchaser identification card or a permit to carry a
28 handgun; 2) for the purpose of a military drill; 3) for the purpose of
29 target practice, instruction, and training at a firing range; or 4) for
30 the purpose of hunting provided he or she possesses a valid hunting
31 license and has completed a safety course.

32 According to the sponsor, this bill is in response to the recent
33 fatal shootings that have occurred at New Jersey firing ranges. The
34 intent of this bill is to prevent persons from gaining access to a
35 firearm, by either renting or borrowing one, at a firing range for the
36 purpose of taking his or her own life or injuring firing range
37 personnel or other patrons. These acts could result in emotional
38 trauma to witnesses or the loss of business for the owner of the
39 firing range. Requiring a person to have and exhibit a firearms
40 purchaser identification card, a permit to purchase a handgun, or a
41 permit to carry a handgun ensures that the person has undergone a
42 background check prior to the temporary transfer of a firearm.