

ASSEMBLY, No. 339

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

**Assemblywomen Oliver, Vainieri Huttie, Assemblymen Johnson, Schaer,
Gusciora and Assemblywoman Lampitt**

SYNOPSIS

Prohibits individuals from purchasing more than one handgun in a calendar month.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning handgun sales and purchases and amending
2 N.J.S.2C:58-2 and N.J.S.2C:58-3.

3

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

6

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

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

15 Applications shall be made in the form prescribed by the
16 superintendent, accompanied by a fee of **[\$50.00]** \$50 payable to
17 the superintendent, and shall be made to a judge of the Superior
18 Court in the county where the applicant maintains his place of
19 business. The judge shall grant a license to an applicant if he finds
20 that the applicant meets the standards and qualifications established
21 by the superintendent and that the applicant can be permitted to
22 engage in business as a retail dealer of firearms or employee thereof
23 without any danger to the public safety, health and welfare. Each
24 license shall be valid for a period of three years from the date of
25 issuance, and shall authorize the holder to sell firearms at retail in a
26 specified municipality.

27 In addition, every retail dealer shall pay a fee of **[\$5.00]** \$5 for
28 each employee actively engaged in the sale or purchase of firearms.
29 The superintendent shall issue a license for each employee for
30 whom said fee has been paid, which license shall be valid for so
31 long as the employee remains in the employ of said retail dealer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (7) A dealer shall not knowingly deliver more than one handgun
2 to any person in a calendar month. This limitation shall not apply
3 to:

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

7 (b) a collector of handguns as curios or relics as defined in Title
8 18, United States Code, section 921 (a) (13) who has in his
9 possession a valid Collector of Curios and Relics License issued by
10 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
11 or

12 (c) transfers of handguns between licensed retail dealers.

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

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

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

38 e. Copies of register entries; delivery to chief of police or
39 county clerk. Within five days of the date of the sale, assignment or
40 transfer, the dealer shall deliver or mail by certified mail, return
41 receipt requested, legible copies of the register forms to the office
42 of the chief of police of the municipality in which the purchaser
43 resides, or to the office of the captain of the precinct of the
44 municipality in which the purchaser resides, and to the
45 superintendent. If hand delivered a receipt shall be given to the
46 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 (cf: P.L.2002, c.130, s.6)

7

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

9 2C:58-3. Purchase of Firearms.

10 a. Permit to purchase a handgun. No person shall sell, give,
11 transfer, assign or otherwise dispose of, nor receive, purchase, or
12 otherwise acquire a handgun unless the purchaser, assignee, donee,
13 receiver or holder is licensed as a dealer under this chapter or has
14 first secured a permit to purchase a handgun as provided by this
15 section.

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

32 c. Who may obtain. No person of good character and good
33 repute in the community in which he lives, and who is not subject to
34 any of the disabilities set forth in this section or other sections of
35 this chapter, shall be denied a permit to purchase a handgun or a
36 firearms purchaser identification card, except as hereinafter set
37 forth. No handgun purchase permit or firearms purchaser
38 identification card shall be issued:

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

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

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

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

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

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

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

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

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

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

1 hearing. Appeals from the results of such hearing shall be in
2 accordance with law.

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

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

40 The chief police officer or the superintendent shall obtain the
41 fingerprints of the applicant and shall have them compared with any
42 and all records of fingerprints in the municipality and county in
43 which the applicant resides and also the records of the State Bureau
44 of Identification and the Federal Bureau of Investigation, provided
45 that an applicant for a handgun purchase permit who possesses a
46 valid firearms purchaser identification card, or who has previously
47 obtained a handgun purchase permit from the same licensing

1 authority for which he was previously fingerprinted, and who
2 provides other reasonably satisfactory proof of his identity, need not
3 be fingerprinted again; however, the chief police officer or the
4 superintendent shall proceed to investigate the application to
5 determine whether or not the applicant has become subject to any of
6 the disabilities set forth in this chapter.

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

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

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

7 i. Restriction on number of firearms person may purchase.
8 Only one handgun shall be purchased or delivered on each permit [,
9 but a] and no more than one handgun shall be purchased in any
10 calendar month, but this limitation shall not apply to:

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

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

19 (3) transfers of handguns between licensed retail dealers.

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

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

41 k. Sawed-off shotguns. Nothing in this section shall be
42 construed to authorize the purchase or possession of any sawed-off
43 shotgun.

44 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
45 the sale or purchase of a visual distress signalling device approved
46 by the United States Coast Guard, solely for possession on a private
47 or commercial aircraft or any boat; provided, however, that no

1 person under the age of 18 years shall purchase nor shall any person
2 sell to a person under the age of 18 years such a visual distress
3 signalling device.

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

5

6 3. This act shall take effect on the first day of the fifth month
7 following enactment.

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9

10

STATEMENT

11

12

13 This bill regulates the sale and purchase of handguns by
14 prohibiting a person from purchasing more than one handgun in a
15 calendar month.

16 Under the provisions of the bill, the holder of a handgun
17 purchaser permit may buy only one gun in a calendar month. The
18 bill also prohibits licensed retail firearms dealers from knowingly
19 delivering more than one handgun to any particular person in a
20 calendar month.

21 A buyer or seller who violates the provisions of the bill would be
22 guilty of a crime of the fourth degree. Fourth degree crimes are
23 punishable by imprisonment of up to 18 months, a fine of up to
24 \$10,000, or both.

25 This limitation does not apply to law enforcement agencies and
26 officers purchasing handguns for use by officers in the actual
27 performance of their law enforcement duties.

28 Also exempt from the one-gun-a- month limitation are collectors
29 of firearms as curios or relics as defined in Title 18, United States
30 Code, section 921 (a) (13) who have in their possession a valid
31 Collector of Curios and Relics License issued by the Bureau of
32 Alcohol, Tobacco, Firearms and Explosives. The limitation also
33 does not apply to transfers of handguns between licensed retail
34 dealers.