

[First Reprint]

ASSEMBLY, No. 339

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

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District 32 (Bergen and Hudson)

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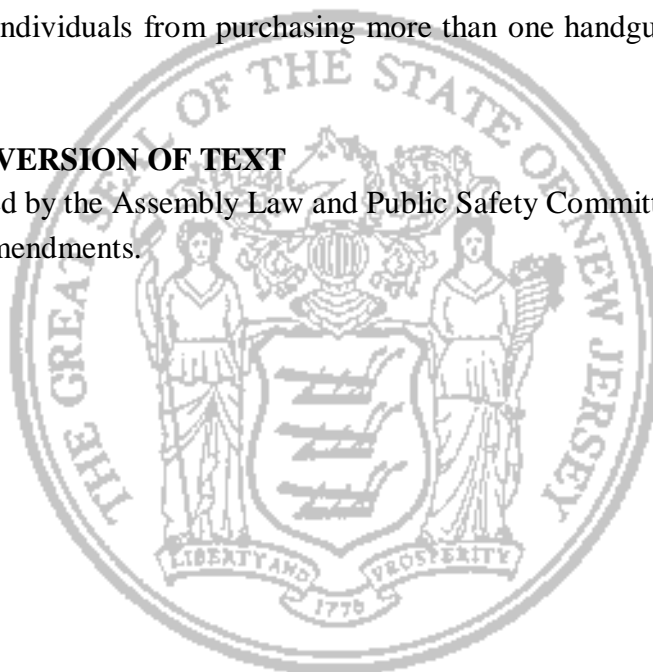
Assemblywomen Oliver, Vainieri Huttler, Assemblymen Johnson, Schaer, Gusciora, Assemblywoman Lampitt, Assemblymen Coutinho, Ramos, Senators Cunningham, Ruiz, Redd and Whelan

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on March 3, 2008, with amendments.



(Sponsorship Updated As Of: 2/24/2009)

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:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted March 3, 2008.

- 1 (1) The business shall be carried on only in the building or
2 buildings designated in the license, provided that repairs may be
3 made by the dealer or his employees outside of such premises.
- 4 (2) The license or a copy certified by the issuing authority shall
5 be displayed at all times in a conspicuous place on the business
6 premises where it can be easily read.
- 7 (3) No firearm or imitation thereof shall be placed in any
8 window or in any other part of the premises where it can be readily
9 seen from the outside.
- 10 (4) No rifle or shotgun, except antique rifles or shotguns, shall
11 be delivered to any person unless such person possesses and
12 exhibits a valid firearms purchaser identification card and furnishes
13 the seller, on the form prescribed by the superintendent, a
14 certification signed by him setting forth his name, permanent
15 address, firearms purchaser identification card number and such
16 other information as the superintendent may by rule or regulation
17 require. The certification shall be retained by the dealer and shall
18 be made available for inspection by any law enforcement officer at
19 any reasonable time.
- 20 (5) No handgun shall be delivered to any person unless:
- 21 (a) Such person possesses and exhibits a valid permit to
22 purchase a firearm and at least seven days have elapsed since the
23 date of application for the permit;
- 24 (b) The person is personally known to the seller or presents
25 evidence of his identity;
- 26 (c) The handgun is unloaded and securely wrapped;
- 27 (d) Except as otherwise provided in subparagraph (e) of this
28 paragraph, the handgun is accompanied by a trigger lock or a locked
29 case, gun box, container or other secure facility; provided, however,
30 this provision shall not apply to antique handguns. The exemption
31 afforded under this subparagraph for antique handguns shall be
32 narrowly construed, limited solely to the requirements set forth
33 herein and shall not be deemed to afford or authorize any other
34 exemption from the regulatory provisions governing firearms set
35 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
36 Statutes; and
- 37 (e) On and after the first day of the sixth month following the
38 date on which the list of personalized handguns is prepared and
39 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
40 the handgun is identified as a personalized handgun and included on
41 that list or is an antique handgun. The provisions of subparagraph
42 (d) of this section shall not apply to the delivery of a personalized
43 handgun.
- 44 (6) The dealer shall keep a true record of every handgun sold,
45 given or otherwise delivered or disposed of, in accordance with the
46 provisions of subsections b. through e. of this section and the record

1 shall note whether a trigger lock, locked case, gun box, container or
2 other secure facility was delivered along with the handgun.

3 (7) A dealer shall not knowingly deliver more than one handgun
4 to any person ' [in a calendar month] within any 30-day period' .
5 This limitation shall not apply to:

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

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

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

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

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

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

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

1 superintendent. If hand delivered a receipt shall be given to the
2 dealer therefor.

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

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

9

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

11 2C:58-3. Purchase of Firearms.

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

18 b. Firearms purchaser identification card. No person shall sell,
19 give, transfer, assign or otherwise dispose of nor receive, purchase
20 or otherwise acquire an antique cannon or a rifle or shotgun, other
21 than an antique rifle or shotgun, unless the purchaser, assignee,
22 donee, receiver or holder is licensed as a dealer under this chapter
23 or possesses a valid firearms purchaser identification card, and first
24 exhibits said card to the seller, donor, transferor or assignor, and
25 unless the purchaser, assignee, donee, receiver or holder signs a
26 written certification, on a form prescribed by the superintendent,
27 which shall indicate that he presently complies with the
28 requirements of subsection c. of this section and shall contain his
29 name, address and firearms purchaser identification card number or
30 dealer's registration number. The said certification shall be retained
31 by the seller, as provided in ¹~~section 2C:58-2a.~~ paragraph (4) of
32 subsection a. of N.J.S.2C:58-2¹, or, in the case of a person who is
33 not a dealer, it may be filed with the chief of police of the
34 municipality in which he resides or with the superintendent.

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

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

46 (2) To any drug dependent person as defined in section 2 of
47 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a

1 mental disorder to a hospital, mental institution or sanitarium, or to
2 any person who is presently an habitual drunkard;

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

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

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

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

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

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

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

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

1 pleading and no filing fee shall be required as a preliminary to such
2 hearing. Appeals from the results of such hearing shall be in
3 accordance with law.

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

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

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

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

8 f. Granting of permit or identification card; fee; term; renewal;
9 revocation. The application for the permit to purchase a handgun
10 together with a fee of ~~【\$2.00】~~ \$2, or the application for the firearms
11 purchaser identification card together with a fee of ~~【\$5.00】~~ \$5,
12 shall be delivered or forwarded to the licensing authority who shall
13 investigate the same and, unless good cause for the denial thereof
14 appears, shall grant the permit or the identification card, or both, if
15 application has been made therefor, within 30 days from the date of
16 receipt of the application for residents of this State and within 45
17 days for nonresident applicants. A permit to purchase a handgun
18 shall be valid for a period of 90 days from the date of issuance and
19 may be renewed by the issuing authority for good cause for an
20 additional 90 days. A firearms purchaser identification card shall
21 be valid until such time as the holder becomes subject to any of the
22 disabilities set forth in subsection c. of this section, whereupon the
23 card shall be void and shall be returned within five days by the
24 holder to the superintendent, who shall then advise the licensing
25 authority. Failure of the holder to return the firearms purchaser
26 identification card to the superintendent within the said five days
27 shall be an offense under ¹~~【section 2C:39-10a】~~ subsection a. of
28 N.J.S.2C:39-10¹. Any firearms purchaser identification card may be
29 revoked by the Superior Court of the county wherein the card was
30 issued, after hearing upon notice, upon a finding that the holder
31 thereof no longer qualifies for the issuance of such permit. The
32 county prosecutor of any county, the chief police officer of any
33 municipality or any citizen may apply to such court at any time for
34 the revocation of such card.

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

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

43 h. Form of permit; quadruplicate; disposition of copies. The
44 permit shall be in the form prescribed by the superintendent and
45 shall be issued to the applicant in quadruplicate. Prior to the time
46 he receives the handgun from the seller, the applicant shall deliver
47 to the seller the permit in quadruplicate and the seller shall

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

9 i. Restriction on number of firearms person may purchase.
10 Only one handgun shall be purchased or delivered on each permit [,
11 but a] and no more than one handgun shall be purchased '[in]
12 within' any '[calendar month] 30-day period', but this limitation
13 shall not apply to:

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

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

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

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

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

44 k. Sawed-off shotguns. Nothing in this section shall be
45 construed to authorize the purchase or possession of any sawed-off
46 shotgun.

A339 [1R] QUIGLEY, VAS

10

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

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

9

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