

SENATE, No. 3104

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Provides certain exemptions from law prohibiting purchase of more than one handgun in a 30-day period.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning handgun sales and purchases, amending
2 N.J.S.2C:58-2, N.J.S.2C:58-3 and N.J.S.2C:39-10 and
3 supplementing Title 2C of the New Jersey Statutes.

4

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

7

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

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

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

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

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

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 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.

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- 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
47 shall note whether a trigger lock, locked case, gun box, container or
48 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 within any 30-day period. This limitation shall not
3 apply 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 (d) any transaction where the person has purchased a handgun
14 from a licensed retail dealer and has returned that handgun to the
15 dealer in exchange for another handgun within 30 days of the
16 original transaction, provided the retail dealer reports the exchange
17 transaction to the superintendent; or

18 (e) any transaction where the superintendent issues an
19 exemption from the prohibition in this subsection pursuant to the
20 provisions of section 4 of P.L. , c. (C.) (pending before the
21 Legislature as this bill).

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

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

41 d. Signatures in register. The purchaser, lessee or transferee of
42 any handgun shall sign, and the dealer shall require him to sign his
43 name to the register, in triplicate, and the person making the sale,
44 lease or transfer shall affix his name, in triplicate, as a witness to
45 the signature. The signatures shall constitute a representation of the
46 accuracy of the information contained in the register.

47 e. Copies of register entries; delivery to chief of police or
48 county clerk. Within five days of the date of the sale, assignment or

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1 transfer, the dealer shall deliver or mail by certified mail, return
2 receipt requested, legible copies of the register forms to the office
3 of the chief of police of the municipality in which the purchaser
4 resides, or to the office of the captain of the precinct of the
5 municipality in which the purchaser resides, and to the
6 superintendent. If hand delivered a receipt shall be given to the
7 dealer therefor.

8 Where a sale, assignment or transfer is made to a purchaser who
9 resides in a municipality having no chief of police, the dealer shall,
10 within five days of the transaction, mail a duplicate copy of the
11 register sheet to the clerk of the county within which the purchaser
12 resides.

13 (cf: P.L.2009, c.104, s.1)

14

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

16 2C:58-3. a. Permit to purchase a handgun. No person shall
17 sell, give, transfer, assign or otherwise dispose of, nor receive,
18 purchase, or otherwise acquire a handgun unless the purchaser,
19 assignee, donee, receiver or holder is licensed as a dealer under this
20 chapter or has first secured a permit to purchase a handgun as
21 provided by this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 superintendent in all cases. The hearing shall be held and a record
2 made thereof within 30 days of the receipt of the application for
3 such hearing by the judge of the Superior Court. No formal
4 pleading and no filing fee shall be required as a preliminary to such
5 hearing. Appeals from the results of such hearing shall be in
6 accordance with law.

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

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

44 The chief police officer or the superintendent shall obtain the
45 fingerprints of the applicant and shall have them compared with any
46 and all records of fingerprints in the municipality and county in
47 which the applicant resides and also the records of the State Bureau
48 of Identification and the Federal Bureau of Investigation, provided

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

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

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

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

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

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

10 i. Restriction on number of firearms person may purchase.
11 Only one handgun shall be purchased or delivered on each permit
12 and no more than one handgun shall be purchased within any 30-
13 day period, but this limitation 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 (4) any transaction where the person has purchased a handgun
24 from a licensed retail dealer and has returned that handgun to the
25 dealer in exchange for another handgun within 30 days of the
26 original transaction, provided the retail dealer reports the exchange
27 transaction to the superintendent; or

28 (5) any transaction where the superintendent issues an
29 exemption from the prohibition in this subsection pursuant to the
30 provisions of section 4 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

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

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

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

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

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

15 (cf: P.L.2009, c.104, s.2)

16

17 3. N.J.S.2C:39-10 is amended as follows:

18 2C:39-10. Violation of the regulatory provisions relating to
19 firearms; false representation in applications

20 a. (1) Except as otherwise provided in paragraph (2) of this
21 subsection, any person who knowingly violates the regulatory
22 provisions relating to manufacturing or wholesaling of firearms
23 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
24 purchase certain firearms (section 2C:58-3), permits to carry certain
25 firearms (section 2C:58-4), licenses to procure machine guns or
26 assault firearms (section 2C:58-5), or incendiary or tracer
27 ammunition (section 2C:58-10), except acts which are punishable
28 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the
29 fourth degree.

30 (2) A licensed dealer who knowingly violates the provisions of
31 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
32 is a disorderly person.

33 b. Any person who knowingly violates the regulatory
34 provisions relating to notifying the authorities of possessing certain
35 items of explosives (section 2C:58-7), or of certain wounds (section
36 2C:58-8) is a disorderly person.

37 c. Any person who gives or causes to be given any false
38 information, or signs a fictitious name or address, in applying for a
39 firearms purchaser identification card, a permit to purchase a
40 handgun, a permit to carry a handgun, a permit to possess a machine
41 gun, a permit to possess an assault firearm, or in completing the
42 certificate or any other instrument required by law in purchasing or
43 otherwise acquiring delivery of any rifle, shotgun, handgun,
44 machine gun, or assault firearm or any other firearm, is guilty of a
45 crime of the third degree.

46 d. Any person who gives or causes to be given any false
47 information in registering an assault firearm pursuant to section 11
48 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault

1 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
2 c.32 (C.2C:58-13) commits a crime of the fourth degree.

3 e. Any person who knowingly sells, gives, transfers, assigns or
4 otherwise disposes of a firearm to a person who is under the age of
5 18 years, except as permitted in section 14 of P.L.1979, c.179
6 (C.2C:58-6.1), is guilty of a crime of the third degree.
7 Notwithstanding any other provision of law to the contrary, the
8 sentence imposed for a conviction under this subsection shall
9 include a mandatory minimum three-year term of imprisonment,
10 during which the defendant shall be ineligible for parole.

11 f. Unless the recipient is authorized to possess the handgun in
12 connection with the performance of official duties under the
13 provisions of N.J.S.2C:39-6, any person who knowingly sells,
14 gives, transfers, assigns or otherwise disposes of a handgun to a
15 person who is under the age of 21 years, except as permitted in
16 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
17 the third degree.

18 g. Any person who knowingly gives or causes to be given any
19 false information or knowingly engages in any other fraudulent
20 conduct in applying for an exemption to purchase more than one
21 handgun in a 30-day period in violation of the provisions of section
22 4 of P.L. , c. (pending before the Legislature as this bill) shall
23 be guilty of a crime of the third degree. The presumption of
24 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
25 persons convicted under the provisions of this section.

26 (cf: P.L.2000, c.145, s.2)

27

28 4. (New section) a. The superintendent may grant an exemption
29 from the restriction on the purchase of handguns set forth in
30 subsection i. of N.J.S.2C:58-3 if the applicant demonstrates to the
31 satisfaction of the superintendent that the applicant's request meets
32 one of the following conditions:

33 (1) The application is to purchase multiple handguns from a
34 person who obtained the handguns through inheritance or intestacy;

35 (2) The applicant is a collector of handguns and has a legitimate
36 need or justification to purchase or otherwise receive multiple
37 handguns in the same transaction or within a 30-day period in
38 furtherance of the applicant's collecting activities. As used in this
39 paragraph, "legitimate need or justification" shall include, but not
40 be limited to, situations where there is a reasonable likelihood that
41 the additional handguns sought to be purchased would not be
42 readily available after the 30-day period, that it would not be
43 feasible or practical to purchase the handguns separately, or that
44 prohibiting the purchase of more than one handgun within a 30-day
45 period would have a materially adverse impact on the applicant's
46 ability to enhance his collection; or

47 (3) The applicant participates in lawfully sanctioned handgun
48 shooting competitions and has a legitimate need or justification to

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1 purchase or otherwise receive multiple handguns in a single
2 transaction or within a 30-day period, and the legitimate need is
3 related to the applicant's competitive shooting activities, including
4 use in or training for lawfully sanctioned competitions.

5 b. The applicant shall certify, on a form prescribed by the
6 superintendent, the specific exemption sought and the particular
7 handguns to be purchased. This form shall be submitted to the
8 superintendent at the same time as the permit to purchase a
9 handgun, along with any pertinent documentation supporting the
10 need for an exemption. The superintendent shall consider the
11 veracity, accuracy, and completeness of the information provided in
12 determining whether the applicant meets the requirements for an
13 exemption pursuant to this section. In considering an exemption
14 sought under paragraph (3) of subsection a. of this section, the
15 superintendent shall not consider the merit or validity of the
16 applicant's collecting activities.

17 The superintendent shall not grant an exemption if he finds a
18 reasonable likelihood that the public safety would be endangered by
19 granting the exemption, including but not limited to instances where
20 the applicant may be purchasing a handgun to give, sell or distribute
21 to a person who would not qualify to purchase or otherwise acquire
22 a handgun under the provisions of this chapter.

23 The exemptions set forth in this section shall not be construed
24 and are not intended to authorize multiple handgun purchases where
25 the sole justification set forth by the applicant is that the seller
26 offers a discount for the purchase of more than one handgun.

27 c. Any person aggrieved by the denial of a request for an
28 exemption pursuant to this paragraph may request a hearing in the
29 Superior Court. The request for a hearing shall be made within 30
30 days of the denial of the application for an exemption. The
31 applicant shall serve a copy of his request for a hearing upon the
32 superintendent. The hearing shall be held and a record made
33 thereof within 30 days of the receipt for the application for such a
34 hearing by the judge of the Superior Court. The judge shall grant
35 the request for the exemption if the judge finds that the denial of the
36 applicant's request was an abuse of discretion, arbitrary or
37 capricious, or a misapplication of the requirements for an
38 exemption as a matter of law.

39 d. Notwithstanding the provisions of the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
41 superintendent may adopt, immediately upon filing with the Office
42 of Administrative Law, such temporary regulations as the
43 superintendent deems necessary to implement the provisions of
44 P.L. , c. (C.) (pending before the Legislature as this bill).
45 The regulations so adopted shall be effective for a period not to
46 exceed 270 days from the date of the filing, but in no case shall
47 those regulations be in effect one year after the effective date of that
48 P.L. , c. (C.) (pending before the Legislature as this bill).

1 The regulations may thereafter be amended, adopted or readopted
2 by the superintendent as the superintendent deems necessary in
3 accordance with the requirements of the “Administrative Procedure
4 Act.”

5

6 5. This act shall take effect immediately; provided however, the
7 Superintendent of State Police may take any anticipatory
8 administrative action prior to the effective date necessary for its
9 timely implementation.

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STATEMENT

13

14 P.L.2009, c.104, commonly known as the one handgun per
15 month law, regulates the sale and purchase of handguns by
16 prohibiting a person from purchasing more than one handgun within
17 a 30-day period. The purpose of this bill is to provide exemptions
18 from this restriction for certain handgun transactions. The bill
19 implements recommendations of the initial report of the Governor’s
20 Firearms Advisory Task Force.

21 The bill provides limited exemptions for certain persons to
22 lawfully purchase more than one handgun within a 30-day period,
23 specifically persons who wish to purchase multiple handguns from
24 an estate or inheritance, collectors of firearms, and persons who use
25 firearms for competitive and recreational purposes.

26 Under the provisions of the bill, a person who seeks an
27 exemption would apply to the Superintendent of State Police. The
28 superintendent is authorized to approve the purchase of more than
29 one handgun within a 30-day period if the applicant demonstrates to
30 the superintendent’s satisfaction that the request meets the
31 requirements of one of the bill’s specified exemptions. The
32 superintendent may grant an exemption to an applicant who: (1)
33 wishes to purchase multiple handguns from a person who obtained
34 the handguns through inheritance or intestacy; (2) is a collector of
35 handguns and has a legitimate need or justification to purchase or
36 otherwise receive multiple handguns in the same transaction or
37 within a 30-day period in furtherance of the applicant’s collecting
38 activities; or (3) participates in lawfully sanctioned handgun
39 shooting competitions and has a legitimate need or justification to
40 obtain multiple handguns in a single transaction or within a 30-day
41 period, and the legitimate need is related to those competitive
42 shooting activities, including use in or training for lawfully
43 sanctioned competitions.

44 Regarding the exemption for collectors, the term “legitimate
45 need or justification” would include, but not be limited to,
46 situations where there is a reasonable likelihood that the additional
47 handguns to be purchased would not be readily available after the
48 30-day period, that it would not be feasible or practical to purchase

1 the handguns separately, or that the one handgun limitation would
2 have a materially adverse impact on the applicant's ability to
3 enhance his collection. The superintendent, however, is not to
4 consider the merit or validity of the applicant's collecting activities.

5 The bill requires the applicant to certify, on a form prescribed by
6 the superintendent, the specific exemption sought and the particular
7 handguns to be purchased. This form is to be submitted to the
8 superintendent at the same time as the permit to purchase a
9 handgun, along with any pertinent documentation as to the reason
10 the exemption is sought. The superintendent is required to consider
11 the veracity, accuracy, and completeness of the information
12 provided in determining whether the applicant meets the
13 requirements for an exemption.

14 The superintendent would not grant an exemption if he finds a
15 reasonable likelihood that the public safety would be endangered,
16 including but not limited to instances where the applicant may be
17 purchasing a handgun for a person who would not qualify to
18 purchase or otherwise lawfully acquire a handgun. This provision
19 is intended to prevent straw purchases.

20 The exemptions in the bill are not to be construed and are not
21 intended to authorize multiple handgun purchases where the sole
22 justification for seeking the exemption is that the seller offers a
23 discount for the purchase of more than one handgun.

24 The bill permits any person whose application for an exemption
25 is denied to request a hearing in the Superior Court. The request for
26 a hearing is to be made within 30 days of the denial of the
27 application, and the hearing is to be held within 30 days thereafter.
28 The judge is required to grant the request for the exemption if he or
29 she finds that the denial was an abuse of discretion, arbitrary or
30 capricious, or a misapplication of the requirements for an
31 exemption as a matter of law.

32 The bill also creates a new criminal offense for violations of its
33 provisions. The bill amends N.J.S.2C:39-10 to provide that it is a
34 crime of the third degree to seek to qualify for an exemption to the
35 one handgun law by knowingly making false statements or
36 engaging in any other fraudulent conduct in the application process.
37 In addition, the presumption of nonimprisonment for third degree
38 crimes would not apply to persons convicted of the new offense.
39 This provision is intended to deter persons including potential straw
40 purchasers who may attempt to misuse a lawful exemption.

41 Finally, under the bill's provisions certain exchanges of
42 handguns also would not be subject to the restriction in P.L.2009,
43 c.104. A person who has purchased a handgun from a licensed
44 retail dealer would be permitted to return that handgun to the dealer
45 in exchange for another handgun within 30 days of the original
46 purchase