

[Second Reprint]

ASSEMBLY, No. 4182

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 6, 2013

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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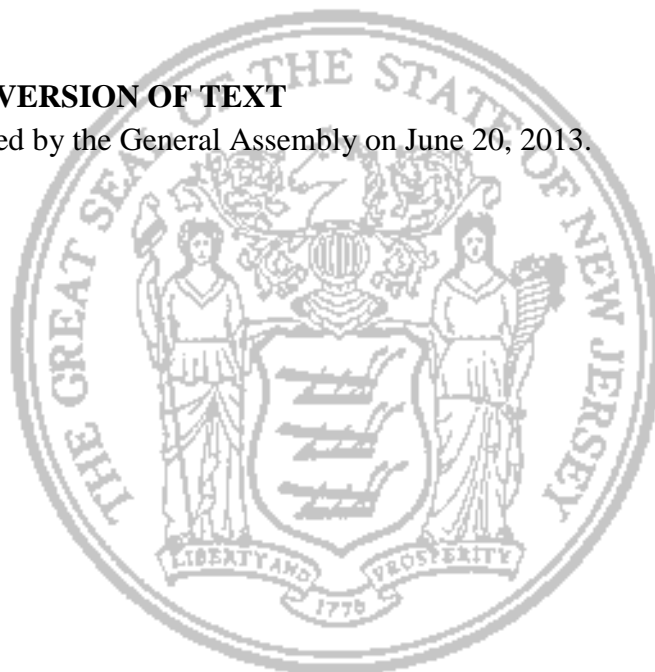
Assemblyman Conaway

SYNOPSIS

Revises statutes concerning firearms purchaser identification cards and handgun purchase permits; makes handgun purchase permit valid for four years.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 20, 2013.



(Sponsorship Updated As Of: 6/25/2013)

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

3

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

6

7 1. (New section) a. As used in this act, “firearms purchaser
8 identifier” shall mean either:

9 (1) A driver’s license issued to a resident of this State pursuant
10 to R.S.39:3-10, a probationary driver’s license issued to a resident
11 of this State pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4),
12 or, in the case of a person who is not the holder of such a driver’s
13 license or probationary driver’s license, an identification card
14 issued to a resident of this State pursuant to the “Identification
15 Cards for Nondrivers’ Act,” P.L.1980, c.347 (C.39:3-29.2 et seq.)
16 embedded with information affirming that the holder is qualified
17 and eligible to purchase a rifle, shotgun, or handgun; or

18 (2) A secure firearms purchaser identification card displaying a
19 digitalized color picture of the holder. The card shall be of a form
20 and design, and display such information as the superintendent shall
21 deem appropriate, and shall be embedded with information
22 affirming that the holder is qualified and eligible to purchase a rifle,
23 shotgun, or handgun.

24 b. On or before the first day of the seven month following
25 enactment, the Attorney General, after consultation with the
26 superintendent, shall determine which documentation, be it the
27 licenses and cards set forth in paragraph (1) of subsection a. of this
28 section, or the card set forth in paragraph (2) of subsection a. of this
29 section, shall serve as the ¹**firearm** firearms¹ purchaser identifier
30 for this State.

31 c. Upon making that determination, the Attorney General shall
32 so notify the Governor and the Legislature and, as hereinafter
33 provided, shall proceed to effectuate the operational implementation
34 of that determination.

35

36 2. (New ¹**Section** section¹) Sections 3 through 6 of this act
37 shall apply if the Attorney General shall determine to utilize a
38 driver’s license, provisional driver’s license, or State issued
39 identification card to serve as the firearms purchaser identifier for
40 this State.

41

42 3. (New section) a. Beginning on the first day of the 25th
43 month following the effective date of P.L. , c. (C.)

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 ABU committee amendments adopted June 17, 2013.

²Assembly floor amendments adopted June 20, 2013.

1 (pending before the Legislature as this bill), every firearms
2 purchaser identification card issued to a resident of this State and
3 every permit to purchase a handgun shall be affirmed as embedded
4 information on that resident's driver's license issued pursuant to
5 R.S.39:3-10.

6 A resident 18 years of age or older who has been issued a
7 firearms purchaser identification card and who is the holder of a
8 probationary driver's license issued pursuant to section 4 of
9 P.L.1950, c.127 (C.39:3-13.4) shall have the issuance of that card
10 affirmed as embedded information on that probationary driver's
11 license¹.

12 A resident who has been issued a firearms purchaser
13 identification card or a permit to purchase a handgun, but who is
14 not the holder of a New Jersey driver's license or a **1** **provisional**
15 probationary¹ license shall have the issuance of that card or permit
16 affirmed as information embedded on that resident's identification
17 card issued pursuant to the "Identification Cards for Nondrivers'
18 Act," P.L.1980, c.47 (C.39:3-29.2 et seq.).

19 b. The embedded information shall include such data as the
20 superintendent and State law require.

21 The Chief Administrator of the New Jersey Motor Vehicle
22 Commission shall provide for the use of a process or processes in
23 the construction, preparation, and placement of the embedded
24 information to prevent, to the greatest extent possible, the
25 alteration, counterfeiting, forging, or other modification of the
26 information so embedded in the cardholder or permit holder's
27 driver's license or identification card.

28 The chief administrator shall provide that a driver's license or
29 identification card containing embedded information concerning
30 whether the person is a holder of a firearms purchaser identification
31 card or a permit to purchase a handgun, to the greatest extent
32 possible, shall be indistinguishable from a driver's license or
33 identification card that does not contain such embedded
34 information.

35 c. The superintendent and the chief administrator shall ensure
36 that the firearms database and the motor vehicle and driving records
37 databases are distinct and separate entities, and that they are housed
38 separately, the firearm records database by the superintendent and
39 the motor vehicle and driving records by the chief administrator.

40 The superintendent and the chief administrator, after
41 consultation, shall adopt protocols governing the access procedures
42 and guidelines for these databases by law enforcement.

43 Non-law enforcement entities entitled or otherwise lawfully
44 afforded access to motor vehicle and driving records shall not be
45 authorized or permitted access to the firearms database, or to any
46 information therein.

47 d. The superintendent shall ensure that a driver's license or
48 identification card embedded with information affirming the holder

1 is qualified and eligible to purchase and receive a rifle, shotgun, or
2 handgun:

3 (1) can be and is rendered operationally disabled for the
4 purposes of purchasing or receiving a firearm if the holder becomes
5 subject to any of the disabilities set forth in subsection c.
6 N.J.S.2C:58-3; and

7 (2) can effectuate the purposes of paragraph (7) of subsection a.
8 of N.J.S.2C:58-2 and subsection i. of ¹~~N.J.S. 2C:58-3~~
9 N.J.S.2C:58-3¹, concerning restrictions on the number of handguns
10 a person may purchase within any 30-day period.

11

12 4. (New section) a. Unless the holder shall otherwise become
13 subject to any of the disabilities set forth in subsection c. of
14 N.J.S.2C:58-3, a firearms purchaser identification card issued prior
15 to the effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill) shall remain valid until the first renewal of
17 the holder's driver's license or identification card occurring after
18 the first day of the 25th month following the effective date of
19 P.L. , c. (C.) (pending before the Legislature as this bill).

20 b. As part of the application for a renewal of a resident's
21 driver's license or identification card after that date, applicants shall
22 be notified that they may request to have information affirming that
23 they are the holder of a firearms purchaser identification card, a
24 permit to purchase a handgun, or both, embedded in their driver's
25 license or identification card, as the case may be.

26 c. The application to have that information embedded shall
27 provide that the issuing authority for the applicant's firearms
28 purchaser identification card or permit to purchase a handgun, be it
29 the chief law enforcement officer of the municipality wherein the
30 applicant resides or the superintendent, as the case may be, shall
31 conduct a criminal history background check and such other
32 investigations as are required under the provisions of N.J.S.2C:58-3
33 to ensure that the applicant is not disqualified from having an
34 affirmation of his being the holder of a firearms purchaser
35 identification card, a permit to purchase a handgun, or both
36 embedded in his driver's license or identification card. Any
37 applicant aggrieved by a denial may request a hearing in the
38 Superior Court of the county in which he resides, as provided in
39 subsection d. of N.J.S.2C:58-3.

40 d. The issuing authority shall notify the chief administrator, in
41 a manner and form prescribed by the superintendent, whether the
42 applicant is qualified for a firearms purchaser identification card, a
43 permit to purchase a handgun, or both.

44 Upon receipt of a notice that the applicant is qualified, the chief
45 administrator shall issue that person a driver's license or
46 identification card with the appropriate information embedded
47 therein.

48 e. (1) A firearms purchaser identification card shall remain

1 valid, and the affirmation of that fact shall be embedded on a
2 holder's driver's license or identification card, and each
3 replacement or renewal thereof, until that person becomes
4 disqualified under the provisions of N.J.S.2C:58-3.

5 (2) An embedded permit to purchase a handgun shall remain
6 valid until the holder's driver's license or identification card, as the
7 case may be, expires. At that time, the holder may apply to the
8 issuing authority for a renewal. The issuing authority shall
9 investigate to determine whether the applicant is still qualified for a
10 permit to purchase a handgun. The investigation shall include a
11 criminal background check and other investigations required under
12 N.J.S.2C:58-3, or any portion of those requirements.

13 The issuing authority shall notify the chief administrator whether
14 an applicant is eligible to have an affirmation that he is the holder
15 of a permit to purchase a handgun embedded in his new driver's
16 license or identification card.

17 The chief administrator shall issue driver's licenses and
18 identification cards in accordance with the determinations of the
19 applicant's issuing authority.

20 f. Nothing in this section shall be construed to alter in any
21 manner:

22 (1) the regulatory provisions of N.J.S.2C:58-3 governing the
23 qualifications or eligibility for the issuance of a firearms purchaser
24 identification card or permit to purchase a handgun;

25 (2) the purposes of paragraph (7) of subsection a. of
26 N.J.S.2C:58-2 and subsection i. of N.J.S. 2C:58-3, concerning
27 restrictions on the number of handguns a person may purchase
28 within any 30 day period;

29 (3) the issuance of firearms purchaser identification cards or
30 permits to purchase a handgun to non-residents of this State;

31 (4) the initial issuance of firearms purchaser identification cards
32 and any permits to purchase a handgun to residents seeking to
33 purchase a rifle, shotgun, or handgun, as the case may be, but who
34 at the time of their application for a firearms purchaser
35 identification card or permit to purchase a handgun are the holder of
36 a valid driver's license or identification card that is not embedded
37 with information affirming that they are qualified and eligible to
38 purchase a rifle, shotgun, or handgun. Such paper cards and
39 permits shall be issued and shall be valid only until the holder's
40 driver's license or identification card is first subject to renewal; or

41 (5) any of the reporting and record keeping requirements
42 imposed on retail dealers pursuant to N.J.S.2C:58-2.

43
44 5. (New section) Beginning on the first day of the 73rd month
45 following the effective date of P.L. , c. (C.) (pending before
46 the Legislature as this bill), no retail dealer shall sell, assign, or
47 transfer any rifle, shotgun, or handgun to a resident of this State
48 who does not present at the time of the sale, assignment, or transfer,

1 a valid New Jersey driver's license or identification card that is
2 embedded with information affirming that the holder of that driver's
3 license or identification card is qualified and eligible to purchase or
4 receive such a rifle, shotgun, or handgun.

5
6 6. (New section) The suspension or revocation of a driver's
7 license embedded with information affirming that the holder is
8 qualified and eligible to purchase or receive a firearm may not
9 result in the forfeiture of that licensee's right to purchase or receive
10 a firearm during the period of that license suspension or revocation,
11 if, upon appeal and review, the superintendent finds that the offense
12 leading to the suspension would not disqualify the holder from
13 purchasing or receiving a firearm.

14 The superintendent shall adopt regulations to effectuate the
15 purposes of this section. Those regulations may provide the
16 issuance of a temporary firearms purchaser identification card or
17 permit to purchase a handgun.

18
19 7. (New section) Sections 8 through 10 of this act **'[apply]'**
20 shall apply if the Attorney General shall determine to utilize a
21 secure firearms purchaser identification card displaying a
22 digitalized color picture of the holder to serve as the firearms
23 purchaser identifier for this State.

24
25 8. (New section) a. In addition to the requirements for the
26 form and content of a firearms purchaser identification card issued
27 pursuant to N.J.S.2C:58-3, after the effective date of this act each
28 newly issued or renewed firearms purchaser identification card shall
29 display a digitalized color picture of the card holder.

30 b. The superintendent shall provide for the use of a process or
31 processes in the construction, manufacture or preparation of
32 firearms purchaser identification cards which display a digitalized
33 color picture of the card holder that prevent, to the greatest extent
34 possible, the alteration, duplication, counterfeiting, photographing,
35 forging or other modification of the card and prevent the
36 superimposition of a picture other than the authorized original on
37 the card.

38 The digitalized color picture displayed on a person's firearms
39 purchaser identification card shall be obtained in a manner and at a
40 location prescribed by the superintendent.

41 c. The card shall be embedded with information indicating
42 whether the holder is qualified and eligible to purchase and receive
43 a rifle and shotgun, and upon application and approval by the
44 issuing authority, information indicating whether the holder is
45 qualified and eligible to purchase and receive a handgun. The
46 application shall be in a manner and form prescribed by the
47 superintendent.

48 d. Nothing in this section shall be construed to invalidate a

1 firearms purchaser identification card issued prior to the effective
2 date of P.L. , c. (C.) (pending before the Legislature as
3 this bill) unless that firearms purchaser identification is expired and
4 void pursuant to section 10 of P.L. , c. (C.) (pending before
5 the Legislature as this bill) and the card holder has not obtained a
6 firearms purchaser identification card that displays a digitalized
7 color picture of the applicant¹**['.]**¹, or that the card holder has
8 otherwise become subject to any of the disabilities set forth in
9 subsection c. of N.J.S.2C:58-3.

10 e. The superintendent shall ensure that a firearms purchaser
11 identifier:

12 (1) can be, and is rendered operationally disabled for the
13 purposes of purchasing or receiving a firearm if the holder becomes
14 subject to any of the disabilities set forth in subsection c. of
15 N.J.S.2C:58-3; and

16 (2) can effectuate the purposes of P.L.2009, c.104, concerning
17 restrictions on the number of handguns a person may purchase
18 within any 30-day period.

19
20 9. (New section) a. When a person applies for a firearms
21 purchaser identification card, or renews a firearms purchaser
22 identification card, or a permit to purchase a handgun pursuant to
23 N.J.S.2C:58-3 and section 10 of P.L. , c. (C.) (pending
24 before the Legislature as this bill), the chief law enforcement officer
25 of the municipality wherein the applicant resides, or the
26 superintendent if the applicant's municipality of residence has no
27 chief law enforcement officer, shall conduct a criminal history
28 record background check to determine if the applicant is subject to
29 any of the disabilities set forth in N.J.S.2C:58-3 and issue ¹**['the.]**¹ a
30 firearms purchaser identifier embedded with information indicating
31 the holder is qualified and eligible to purchase and receive a rifle,
32 shotgun, or handgun, as the case may be, if the applicant so
33 qualifies.

34 b. Whenever an applicant who has been issued a firearms
35 purchaser identifier that displays a digitalized color picture of the
36 applicant subsequently has reconstructive or cosmetic surgery
37 which significantly alters the applicant's facial features, that
38 applicant shall notify the chief law enforcement officer of the
39 municipality wherein the applicant resides, or the superintendent if
40 the applicant's municipality of residence has no chief law
41 enforcement officer, who may require that the picture of the
42 applicant be updated.

43
44 10. (New section) a. The superintendent shall implement a
45 phase-in program that provides for the issuance of firearms
46 purchaser identifiers that display a digitalized color picture to
47 applicants who have obtained a firearms purchaser identification
48 card prior to the effective date of this act which does not meet the

1 requirements set forth pursuant to this act. Under the phase-in
2 program, any firearms purchaser identification card issued prior to
3 the effective date of this act shall be set to expire on a date fixed by
4 the superintendent. Prior to the expiration date fixed by the
5 superintendent, each card holder, and each applicant who wishes to
6 have information embedded indicating that he is qualified and
7 eligible to purchase or receive a handgun, shall be required to
8 submit to a criminal history background check in accordance with
9 subsection a. of section 9 of P.L. , c. (C.) (pending before
10 the Legislature as this bill) and obtain a firearms purchaser
11 identifier that displays a digitalized color picture of the card holder
12 and is embedded with the appropriate information.

13 b. The superintendent shall implement a procedure to notify the
14 holders of a firearms purchaser identification card issued prior to
15 the effective date of this act of the date that the card is set to expire
16 as well as the manner and location at which the card holder may
17 obtain a firearms purchaser identifier that displays a digitalized
18 color picture of the card holder and is appropriately embedded.

19 c. The phase-in program shall begin on the first day of the
20 seventh month following the effective date of this act, and shall be
21 completed no later than the first day of the 24th month following
22 the effective date of this act.

23 d. A firearms purchaser identifier that displays a digitalized
24 color picture of the card holder and issued pursuant to this act, shall
25 be valid for a period of four years, unless the holder shall otherwise
26 become subject to any of the disabilities set forth in subsection c. of
27 N.J.S.2C:58-3. A firearms purchaser identifier issued pursuant to
28 this section shall expire on the last day of the 48th calendar month
29 following the calendar month in which it was issued, at which time
30 the firearms purchaser identifier may be renewed in the same
31 manner and under the same conditions that applied to original
32 applications required under this act and N.J.S.2C:58-3.

33

34 11. (New section) The superintendent shall develop and
35 implement a public education program to notify the holders of
36 firearms purchaser identification cards and permits to purchase a
37 handgun, and prospective applicants for such cards or permits, of
38 the provisions of this act.

39

40 12. (New section) a. Not later than the first day of the 25th
41 month following the effective date of this act, the Attorney General
42 shall develop and implement a system that allows a retail dealer of
43 firearms to instantly determine, through the use of the information
44 embedded in a prospective firearms purchaser's firearms purchaser
45 identifier, whether that purchaser is qualified and eligible to
46 purchase a firearm.

47 b. On and after the first day of the 73rd month following the
48 effective date of P.L. , c. (C.) (pending before the

1 Legislature as this bill), and except as otherwise provided in
2 paragraph (4) of subsection f. of section 4 of this act concerning the
3 issuance of initial firearms purchaser identification cards and, if
4 appropriate, permits to purchase a handgun in certain cases, as
5 herein provided, no retail dealer of firearms or agent or employee of
6 a retail dealer of firearms shall sell, transfer, or assign any firearm
7 to a resident of this State whose firearms purchaser identifier is not
8 embedded with the information required under the provisions of this
9 act and that dealer or agent utilizes the system established pursuant
10 to subsection a. of this section to ensure that the purchaser is
11 qualified and eligible to purchase or receive the firearm. The
12 system shall affirm that the purchaser is qualified and eligible to
13 purchase or receive the firearm by authorizing the dealer or agent to
14 proceed with the sale or transfer. If the system affirms that the
15 purchaser is not qualified and eligible to purchase or receive the
16 firearm, it shall notify the dealer or agent that the purchase or
17 transfer of the firearm is denied. If the system is unable to instantly
18 affirm whether a sale or transfer may proceed or shall be denied, it
19 shall notify the dealer or agent to put a hold on the sale or transfer
20 pending further review and investigation. The State shall give
21 priority status to all such reviews and investigations so that a final
22 determination on the pending sale or transfer shall be rendered in a
23 timely fashion.

24 The system also shall be of a design and with a capacity to
25 facilitate the record keeping and reporting information a dealer is
26 required to perform concerning firearms transactions under
27 N.J.S.2C:58-2 and to ensure that the purchaser or transferee is in
28 compliance with the provisions of paragraph (7) of subsection a. of
29 N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning
30 limitations on the number of handguns that may be lawfully
31 purchased within a 30 day period.

32 c. Between the first day of the 25th month and the first day of
33 the 73rd month following the effective date of this act, the
34 superintendent shall test and evaluate the system developed by the
35 Attorney General to facilitate firearms sales, transfers, and
36 assignments by instantly determining whether a prospective
37 purchaser or assignee is qualified and eligible to purchase or receive
38 a firearm. The superintendent shall select, and over time expand,
39 the number of the retail licensees to participate in the test.

40 If, after 36 months of testing, the superintendent determines that
41 the system is seriously flawed and is incapable of reliably
42 facilitating lawful firearms sales, transfers, and assignments, the
43 superintendent shall so report to the Governor and the Legislature
44 recommending that the provisions of section ¹~~4~~ 10¹ of P.L. ,
45 c. (C.) (pending before the Legislature of this bill) and
46 subsection b. of this section be postponed until such time as the
47 Attorney General and the superintendent shall determine that the
48 system is fully operational and capable of reliably facilitating

1 lawful firearms sales, transfers, and assignments for the residents of
2 this State.

3
4 13. (New section) a. On and after the effective date of P.L. ,
5 c. (C.) (pending before the Legislature as this bill), an
6 applicant shall not be issued his initial permit to purchase a
7 handgun or his first firearms purchaser identification card unless the
8 applicant presents evidence of successfully completing a firearms
9 safety class or course of a type approved by the superintendent or
10 has received such training through law enforcement or military
11 service. Acceptable evidence of successfully completing a firearms
12 safety class or course shall include, but not be limited to, a
13 certificate indicating satisfactory completion of ¹**[an NRA]** a
14 National Rifle Association¹ firearms course, a certificate that the
15 applicant is a certified ¹**[NRA]** National Rifle Association¹
16 Firearms Instructor, a copy of a firearms or hunting license or
17 permit from any other jurisdiction that requires the holder to
18 successfully complete an equivalent firearms safety class or course,
19 or any other such documentation, certificate, or certification that the
20 superintendent deems equivalent.

21 The course or class, which shall be not more than four hours in
22 total, may be offered by the National Rifle Association, a State or
23 local law enforcement agency, junior college, college, university,
24 firearms training school, or any other entity approved by the
25 superintendent.

26 The superintendent shall prescribe the basic curriculum for the
27 firearms safety class or course required under this section.

28 In developing that curriculum, the superintendent shall consult
29 with a firearms safety panel which shall consist of four members.
30 Two of the members shall be appointed by the Senate President;
31 one shall represent organizations, associations, or clubs promoting
32 hunting, shooting sports or competitions and one of whom shall
33 represent organizations, associations, or other entities advocating
34 gun violence prevention. Two of the members shall be appointed
35 by the Speaker of the General Assembly; one shall represent
36 organizations, associations, or clubs promoting hunting, shooting
37 sports or competitions and one shall represent ¹**[organization]**
38 organizations¹, associations^{1,1} or other entities advocating gun
39 violence prevention. The superintendent shall serve as chair of the
40 panel. The panel shall meet at those times and in those places as
41 the chair shall determine.

42 The curriculum shall include, but not be limited to, classes
43 relating to responsible firearms ownership, safe storage, restricting
44 access to firearms by unsupervised minors, and any other matters
45 relating to protecting the safety and well being of New Jersey's
46 families and children.

47 The basic curriculum shall be adopted within 60 days of the
48 appointment of the panel's members. Should the panel fail to adopt

1 the basic curriculum within that timeframe, the superintendent shall
2 act independently in prescribing the provisions of the basic
3 curriculum.

4 b. The superintendent shall prescribe the form or certificate an
5 applicant shall receive, evidencing the successful completion of the
6 firearms safety course required under this section and the manner in
7 which that form or certificate shall be presented in order to qualify
8 for a permit to purchase a handgun, a firearms purchaser
9 identification card, or the embedding of information affirming that a
10 person is the holder of such a card or permit in his firearms
11 purchaser identifier.

12 The form or certificate issued pursuant to this subsection shall be
13 valid, and shall ¹be¹ used, for each renewal of the holder's firearms
14 purchaser identifier and for any application for a firearms purchaser
15 identification card or permit to purchase a handgun. An applicant
16 who has successfully completed a firearms safety class or course
17 pursuant to this subsection shall not be required to repeat that class
18 or course as part of any application for any renewal of a firearms
19 purchaser identifier, firearms purchaser identification card, or
20 permit to purchase a handgun.

21

22 14. N.J.S.2C:39-10 is amended to read as follows:

23 2C:39-10. Violation of the regulatory provisions relating to
24 firearms; false representation in applications.

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

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

38 b. Any person who knowingly violates the regulatory
39 provisions relating to notifying the authorities of possessing certain
40 items of explosives (section 2C:58-7), or of certain wounds (section
41 2C:58-8) is a disorderly person.

42 c. (1) Any person who gives or causes to be given any false
43 information, or signs a fictitious name or address, in applying for a
44 firearms purchaser identification card, a permit to purchase a
45 handgun, a permit to carry a handgun, a permit to possess a machine
46 gun, a permit to possess an assault firearm, or in completing the
47 certificate or any other instrument required by law in purchasing or
48 otherwise acquiring delivery of any rifle, shotgun, handgun,

1 machine gun, or assault firearm or any other firearm, is guilty of a
2 crime of the third degree.

3 (2) Any person who gives or causes to be given any false
4 information on the form or certificate an applicant receives
5 evidencing that person's successful completion of the firearms
6 safety course required pursuant to section 13 of P.L. , c. (C.)
7 (pending before the Legislature as this bill) is guilty of a crime of
8 the third degree.

9 d. Any person who gives or causes to be given any false
10 information in registering an assault firearm pursuant to section 11
11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
12 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
13 c.32 (C.2C:58-13) commits a crime of the fourth degree.

14 e. Any person who knowingly sells, gives, transfers, assigns or
15 otherwise disposes of a firearm to a person who is under the age of
16 18 years, except as permitted in section 14 of P.L.1979, c.179
17 (C.2C:58-6.1), is guilty of a crime of the third degree.
18 Notwithstanding any other provision of law to the contrary, the
19 sentence imposed for a conviction under this subsection shall
20 include a mandatory minimum three-year term of imprisonment,
21 during which the defendant shall be ineligible for parole.

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

29 g. Any person who knowingly gives or causes to be given any
30 false information or knowingly engages in any other fraudulent
31 conduct in applying for an exemption to purchase more than one
32 handgun in a 30-day period in violation of the provisions of section
33 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
34 third degree. The presumption of nonimprisonment set forth in
35 N.J.S.2C:44-1 shall not apply to persons convicted under the
36 provisions of this subsection.

37 (cf: P.L.2009, c.186, s.3)

38

39 15. (New section) a. As used in this section, "rifle ammunition"
40 means ammunition specifically designed to be used in a rifle.
41 "Shotgun ammunition" means ammunition specifically designed to
42 be used in a shotgun. Blank ammunition, air gun pellets, flare gun
43 ammunition, nail gun ammunition, paint ball ammunition, or any
44 non-fixed ammunition shall not be construed to be rifle ammunition
45 or shotgun ammunition for the purposes of this section.

46 b. (1) No person shall sell, give, transfer, assign or otherwise
47 dispose of, receive, purchase, or otherwise acquire rifle ammunition
48 or shotgun ammunition unless the purchaser, assignee, donee,

1 receiver, or holder is licensed as a manufacturer, wholesaler, or
2 dealer under this chapter or is the holder of and possesses a valid
3 firearms purchaser identification card, a valid copy of a permit to
4 purchase a handgun, a valid permit to carry a handgun, a valid New
5 Jersey hunting license, or a valid New Jersey firearms purchaser
6 identifier card embedded with information affirming that the holder
7 is qualified and eligible to purchase and receive a firearm and first
8 exhibits such card, permit, or identifier to the seller, donor,
9 transferor or assignor.

10 (2) On or before the first day of the tenth month following
11 enactment, the superintendent shall develop a program for the
12 electronic reporting by dealers, on a real-time basis, of all ¹Internet¹
13 rifle and shotgun ammunition sales and transfers, and information
14 relating to each such sale and transfer. The reported information
15 shall include the name, age, address, type of firearms identifier
16 exhibited or possessed by the purchaser or transferee, the caliber
17 and numerical amount of ammunition sold or transferred in the
18 transaction, the date of the transaction, and such other information
19 as the superintendent shall deem necessary for the proper
20 enforcement of this section. The superintendent shall establish an
21 electronic data base containing all such reported information, which
22 shall be available to all law enforcement officers on a real-time
23 basis. The superintendent shall establish security procedures to
24 protect the confidentiality of the information contained in this data
25 base, which shall preclude access to the information to any person
26 not lawfully entitled to it. For the purposes of P.L.1963, c.73
27 (C.47:1A-1 et seq.), the information contained in the data base
28 established pursuant to this subsection shall not be deemed a
29 government record.

30 c. (1) No person shall sell, give, transfer, assign or otherwise
31 dispose of rifle ammunition or shotgun ammunition to a person who
32 is under 18 years of age.

33 (2) No rifle ammunition or shotgun ammunition shall be shipped
34 to an address other than that appearing on the purchaser or
35 transferee's valid firearms purchaser identification card, valid copy
36 of a permit to purchase a handgun, valid permit to carry a handgun,
37 valid New Jersey hunting license, or valid New Jersey firearms
38 purchaser identifier embedded with information affirming that the
39 person is qualified and eligible to purchase and receive a firearm
40 that was exhibited to consummate the sale or transfer.

41 d. The provisions of this section shall not apply to a collector
42 of firearms or ammunition as curios or relics who purchases,
43 receives, acquires, possesses, or transfers rifle ammunition or
44 shotgun ammunition which is recognized as being historical in
45 nature or of historical significance.

46 e. A person who violates this section shall be guilty of a crime
47 of the fourth degree, except that nothing contained herein shall be
48 construed to prohibit the sale, transfer, assignment or disposition of

1 rifle ammunition or shotgun ammunition to, or the purchase, receipt
2 or acceptance of ammunition by, a law enforcement agency or law
3 enforcement official for law enforcement purposes.

4 f. Nothing in this section shall be construed to prohibit the
5 transfer of ammunition for use in a lawfully transferred firearm in
6 accordance with the provisions of section 1 of P.L.1992, c.74
7 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2), or section
8 14 of P.L.1979, c.179 (C.2C:58-6.1).

9 g. Nothing in this section shall be construed to prohibit the sale
10 of a de minimis amount of rifle ammunition or shotgun ammunition
11 at a firearms range operated by a licensed dealer; a law enforcement
12 agency; a legally recognized military organization; or a rifle or
13 pistol club which has filed a copy of its charter with the
14 superintendent ¹~~fore~~ for¹ immediate use at that range.

15

16 16. Section 1 of P.L.2007, c.318 (C.2C:58-3.3) is amended to
17 read as follows:

18 1. a. As used in this act, "handgun ammunition" means
19 ammunition specifically designed to be used only in a handgun.
20 "Handgun ammunition" shall not include blank ammunition, air gun
21 pellets, flare gun ammunition, nail gun ammunition, paint ball
22 ammunition, or any non-fixed ammunition.

23 b. No person shall sell, give, transfer, assign or otherwise
24 dispose of, or receive, purchase, or otherwise acquire handgun
25 ammunition unless the purchaser, assignee, donee, receiver or
26 holder is licensed as a manufacturer, wholesaler, or dealer under
27 this chapter or is the holder of and possesses a valid firearms
28 purchaser identification card ~~[,] and~~ and a valid copy of a permit to
29 purchase a handgun ~~[,] or~~ or a valid permit to carry a handgun, or a
30 valid New Jersey firearms purchaser identifier card embedded with
31 information affirming that the person is qualified and eligible to
32 purchase and receive a handgun issued in accordance with P.L. ,
33 c. (C.) (pending before the Legislature as this bill) and first
34 exhibits such card [or], permit, or identifier to the seller, donor,
35 transferor or assignor.

36 On or before the first day of the tenth month following the
37 enactment of P.L. , c. (C.) (pending before the Legislature
38 as this bill), the superintendent shall develop a program for the
39 electronic reporting by dealers, on a real-time basis, of all Internet
40 handgun ammunition sales and transfers, and information relating to
41 each such sale and transfer. The reported information shall include
42 the name, age, address, type of firearms identifier exhibited or
43 possessed by the purchaser or transferee, the caliber and numerical
44 amount of ammunition sold or transferred in the transaction, the
45 date of the transaction, and such other information as the
46 superintendent shall deem necessary for the proper enforcement of
47 this section. The superintendent shall establish an electronic data
48 base containing all such reported information, which shall be

1 available to all law enforcement officers on a real-time basis. The
2 superintendent shall establish security procedures to protect the
3 confidentiality of the information contained in this data base, which
4 shall preclude access to the information to any person not lawfully
5 entitled to it. For the purposes of P.L.1963, c.73 (C.47:1A-1 et
6 seq.), the information contained in the data base established
7 pursuant to this subsection shall not be deemed a government
8 record.

9 c. (1) No person shall sell, give, transfer, assign or otherwise
10 dispose of handgun ammunition to a person who is under 21 years
11 of age.

12 (2) No handgun ammunition shall be shipped to an address other
13 than that appearing on the purchaser or transferee's valid firearms
14 purchaser identification card, valid copy of a permit to purchase a
15 handgun, valid permit to carry a handgun, or valid New Jersey
16 firearms purchaser identifier embedded with information affirming
17 that the person is qualified and eligible to purchase and receive a
18 handgun that was exhibited to consummate the sale or transfer.

19 d. The provisions of this section shall not apply to a collector
20 of firearms or ammunition as curios or relics who purchases,
21 receives, acquires, possesses, or transfers handgun ammunition
22 which is recognized as being historical in nature or of historical
23 significance.

24 e. A person who violates this section shall be guilty of a crime
25 of the fourth degree, except that nothing contained herein shall be
26 construed to prohibit the sale, transfer, assignment or disposition of
27 handgun ammunition to or the purchase, receipt or acceptance of
28 ammunition by a law enforcement agency or law enforcement
29 official for law enforcement purposes.

30 f. Nothing in this section shall be construed to prohibit the
31 transfer of ammunition for use in a lawfully transferred firearm in
32 accordance with the provisions of section 1 of P.L.1992, c.74
33 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (C.2C:58-3.2) or
34 section 14 of P.L.1979, c.179 (C.2C:58-6.1).

35 g. Nothing in this section shall be construed to prohibit the sale
36 of a de minimis amount of handgun ammunition at a firearms range
37 operated by a licensed dealer; a law enforcement agency; a legally
38 recognized military organization; or a rifle or pistol club which has
39 filed a copy of its charter with the superintendent for immediate use
40 at that range.

41 (cf: P.L.2007, c.318, s.1)

42
43 17. (New section) a. A person who has been convicted of any of
44 the following crimes or a substantially similar offense in any other
45 jurisdiction who subsequently purchases, owns, possesses or
46 controls firearms ammunition is guilty of a crime of the fourth
47 degree:

48 (1) aggravated assault pursuant to N.J.S.2C:12-1;

- 1 (2) arson pursuant to N.J.S.2C:17-1;
- 2 (3) burglary pursuant to N.J.S.2C:18-2;
- 3 (4) escape pursuant to N.J.S.2C:29-5;
- 4 (5) extortion pursuant to N.J.S.2C:20-5;
- 5 (6) murder pursuant to N.J.S.2C:11-3;
- 6 (7) aggravated manslaughter or manslaughter pursuant to
- 7 N.J.S.2C:11-4;
- 8 (8) kidnapping pursuant to N.J.S.2C:13-1;
- 9 (9) robbery pursuant to N.J.S.2C:15-1;
- 10 (10) aggravated sexual assault pursuant to N.J.S.2C:14-2;
- 11 (11) sexual assault pursuant to N.J.S.2C:14-2;
- 12 (12) bias intimidation pursuant to N.J.S.2C:16-1;
- 13 (13) endangering the welfare of a child pursuant to N.J.S.2C:24-
- 14 4;
- 15 (14) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- 16 (15) a crime involving domestic violence as defined in section 3
- 17 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or
- 18 having in his possession a weapon enumerated in subsection r. of
- 19 N.J.S.2C:39-1;
- 20 (16) leader of a narcotics trafficking network pursuant to
- 21 N.J.S.2C:35-3;
- 22 (17) maintaining or operating a controlled dangerous substance
- 23 production facility pursuant to N.J.S.2C:35-4;
- 24 (18) manufacturing, distributing or dispensing controlled
- 25 dangerous substances pursuant to N.J.S.2C:35-5;
- 26 (19) employing a juvenile in a drug distribution scheme pursuant
- 27 to N.J.S.2C:35-6;
- 28 (20) distributing or dispensing on or near school property
- 29 pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);
- 30 (21) distributing imitation controlled dangerous substances
- 31 pursuant to N.J.S.2C:35-11;
- 32 (22) possession of prohibited weapons and devices pursuant to
- 33 N.J.S.2C:39-3;
- 34 (23) possession of weapons for unlawful purposes pursuant to
- 35 N.J.S.2C:39-4;
- 36 (24) manufacture, transport, disposition or defacement of
- 37 weapons and dangerous instruments and appliances pursuant to
- 38 N.J.S.2C:39-9;
- 39 (25) disarming a law enforcement officer pursuant to subsection
- 40 b. of section 1 of P.L. 1996, c.14 (C.2C:12-11);
- 41 (26) carjacking pursuant to section 1 of P.L.1993, c.221
- 42 (C.2C:15-2);
- 43 (27) human trafficking pursuant to section 1 of P.L.2005, c.77
- 44 (C.2C:13-8);
- 45 (28) racketeering pursuant to N.J.S.2C:41-1 et seq.;
- 46 (29) producing or possessing chemical weapons, biological
- 47 agents or nuclear or radiological devices pursuant to section 3 of
- 48 P.L.2002, c.26 (C.2C:38-3); or

1 (30) terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-
2 2).

3 b. The provisions of this section shall not apply to a person
4 convicted of an offense enumerated in paragraphs (22) or (23) of
5 subsection a. of this section involving any firearm which is in the
6 nature of an air gun, spring gun or pistol or other weapon of a
7 similar nature in which the propelling force is a spring, elastic band,
8 carbon dioxide, compressed or other gas or vapor, air or compressed
9 air, or is ignited by compressed air, and ejecting a bullet or missile
10 smaller than three-eighths of an inch in diameter, with sufficient
11 force to injure a person.

12 c. Notwithstanding the provisions of this section, a person who
13 has been convicted of an offense enumerated in subsection a. of this
14 section who receives an acquittal on appeal, an expungement, a
15 pardon, or any other reversal of the conviction may purchase, own,
16 possess, or control ammunition without a judicial proceeding being
17 required.

18

19 18. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to
20 read as follows:

21 1. a. A person who knows or reasonably should know that a
22 minor is likely to gain access to a loaded firearm at a premises
23 under the person's control commits a disorderly persons offense if a
24 minor gains access to the firearm, unless the person:

25 (1) Stores the firearm in a securely locked box or container;

26 (2) Stores the firearm in a location which a reasonable person
27 would believe to be secure; or

28 (3) Secures the firearm with a trigger lock.

29 b. This section shall not apply:

30 (1) To activities authorized by section 14 of P.L.1979, c.179,
31 (C.2C:58-6.1), concerning the lawful use of a firearm by a minor; or

32 (2) Under circumstances where a minor obtained a firearm as a
33 result of an unlawful entry by any person.

34 c. As used in this act, "minor" means a person under the age of
35 16.

36 d. A person is guilty of a crime of the fourth degree if a
37 violation of this section results in bodily injury or death.

38 (cf: P.L.1991, c.397, s.1)

39

40 19. (New section) a. A law enforcement officer, who has seized
41 any firearm or other weapon, or firearms purchaser identification
42 card, valid permit to purchase a handgun, or New Jersey firearms
43 purchaser identifier embedded with information affirming that the
44 person is qualified and eligible to purchase and receive a firearm
45 pursuant to section subsection g. of section 10 of P.L.1987, c.116
46 (C.30:4-27.10) or subsection a. of section 15 of P.L.1987, c.116
47 (C.30:4-27.15), shall deliver the seized weapon, firearms purchaser
48 identification card, and permit to purchase a handgun, or embedded

1 New Jersey firearms purchaser identifier to the county prosecutor,
2 who shall prepare a report that identifies the name and address of
3 the owner of the weapon, card, permit, or license and provide an
4 inventory of the seized items.

5 b. Upon an administrative or court order for the discharge of a
6 person from whom a firearm or other weapon, firearms purchaser
7 identification card, valid permit to purchase a handgun, or New
8 Jersey firearms purchaser identifier has been seized or disabled
9 pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-
10 27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-
11 27.15), the court or treatment team authorizing discharge of the
12 person shall give written notice of the discharge to the appropriate
13 county prosecutor.

14 c. The seized weapons shall be returned to the owner except
15 upon order of the Superior Court. The prosecutor who has
16 possession of the seized weapons may, upon notice to the owner,
17 petition a judge of the Superior Court, within 45 days of the owner's
18 discharge, to obtain title to the seized weapons, or to revoke or
19 disable any and all valid cards, permits, identifiers, and other
20 authorizations for the use, possession, or ownership of such
21 weapons pursuant to the law governing such use, possession, or
22 ownership, or may object to the return of the weapons on such
23 grounds as are provided for the initial rejection or later revocation
24 of the authorizations, or on the grounds that the owner is unfit, or
25 that the owner poses a threat to the public in general, or a person or
26 persons in particular.

27 d. A hearing shall be held and a record made thereof within 45
28 days of the notice provided for in subsection c. of this section. No
29 formal pleading and no filing fee shall be required as a preliminary
30 to such hearing. The hearing shall be summary in nature. Appeals
31 from the results of the hearing shall be to the Superior Court,
32 Appellate Division, in accordance with the law.

33 e. If the prosecutor does not institute an action within 45 days
34 of the owner's discharge, a seized weapon, card, permit, or
35 identifier shall be returned to the owner or in the case of a disabled
36 New Jersey firearms purchaser identifier, enabled.

37 f. (1) If, after the hearing, the court determines that the
38 possession of any weapons or authorizations to purchase them does
39 not pose a threat to the owner's own safety or the safety of others, or
40 that the owner is not subject to any of the disabilities set forth in
41 subsection c. of N.J.S.2C:58-3, the court shall order the return of
42 the weapons, firearms, and any permits, cards, or identifiers related
43 thereto to the owner or the enabling of those identifiers, as
44 appropriate.

45 Nothing in this act shall be construed to limit the authority of the
46 State or a law enforcement officer to seize, retain, or forfeit
47 property pursuant to chapter 64 of Title 2C of the New Jersey
48 Statutes.

1 (2) If, after the hearing, the court determines that the weapons
2 are not to be returned to the owner, the court may:

3 (a) ~~1~~ **With** with¹ respect to weapons other than firearms, order
4 the prosecutor to dispose of the weapons if the owner does not
5 arrange for the transfer or sale of the weapons to an appropriate
6 person within 60 days; or

7 (b) ~~1~~ **Order** order¹ the revocation of the owner's firearms
8 purchaser identification card and any valid permit to purchase a
9 handgun, or the operational disabling of any embedded firearms
10 purchaser identifier, in which case the court shall order the owner to
11 surrender any firearm seized and all other firearms possessed to the
12 prosecutor and shall order the prosecutor to dispose of the firearms
13 if the owner does not arrange for the sale of the firearms to a
14 registered dealer of the firearms within 60 days; or

15 (c) ~~1~~ **Order** order¹ such other relief as it may deem
16 appropriate. When the court orders the weapons forfeited to the
17 State or the prosecutor is required to dispose of the weapons, the
18 prosecutor shall dispose of the property as provided in N.J.S.2C:64-
19 6.

20 g. A civil suit may be brought to enjoin a wrongful failure to
21 return a seized firearm where the prosecutor refuses to return the
22 weapon after receiving a written request to do so and notice of the
23 owner's intent to bring a civil action pursuant to this section.
24 Failure of the prosecutor to comply with the provisions of this
25 section shall entitle the prevailing party in the civil suit to
26 reasonable costs, including attorney's fees, provided that the court
27 finds that the prosecutor failed to act in good faith in retaining the
28 seized weapon.

29 h. A law enforcement officer or agency shall not be held liable
30 in any civil action brought by any person for failing to learn of,
31 locate, or seize a weapon, firearms purchaser identification card,
32 valid permit to purchase a handgun, or embedded New Jersey
33 firearms purchaser identifier issued pursuant to P.L. , c. (C.)
34 (pending before the Legislature as this bill), or for returning a
35 seized weapon, card, permit, or identifier to its owner.

36
37 20. N.J.S.2C:58-2 is amended to read as follows:

38 2C:58-2. a. Licensing of retail dealers and their employees. No
39 retail dealer of firearms nor any employee of a retail dealer shall
40 sell or expose for sale, or possess with the intent of selling, any
41 firearm unless licensed to do so as hereinafter provided. The
42 superintendent shall prescribe standards and qualifications for retail
43 dealers of firearms and their employees for the protection of the
44 public safety, health and welfare.

45 Applications shall be made in the form prescribed by the
46 superintendent, accompanied by a fee of \$50 payable to the
47 superintendent, and shall be made to a judge of the Superior Court
48 in the county where the applicant maintains his place of business.

1 The judge shall grant a license to an applicant if he finds that the
2 applicant meets the standards and qualifications established by the
3 superintendent and that the applicant can be permitted to engage in
4 business as a retail dealer of firearms or employee thereof without
5 any danger to the public safety, health and welfare. Each license
6 shall be valid for a period of three years from the date of issuance,
7 and shall authorize the holder to sell firearms at retail in a specified
8 municipality.

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

14 No license shall be granted to any retail dealer under the age of
15 21 years or to any employee of a retail dealer under the age of 18 or
16 to any person who could not qualify to obtain a permit to purchase a
17 handgun ~~or~~, a firearms purchaser identification card, or a firearms
18 purchaser identifier or to any corporation, partnership or other
19 business organization in which the actual or equitable controlling
20 interest is held or possessed by such an ineligible person.

21 All licenses shall be granted subject to the following conditions,
22 for breach of any of which the license shall be subject to revocation
23 on the application of any law enforcement officer and after notice
24 and hearing by the issuing court:

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

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

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

34 (4) No rifle or shotgun, except antique rifles or shotguns, shall
35 be delivered to any person unless such person possesses and
36 exhibits a valid firearms purchaser identification card or a valid
37 New Jersey firearms purchaser identifier embedded with
38 information that the holder is qualified and eligible to receive a rifle
39 or shotgun and furnishes the seller, on the form prescribed by the
40 superintendent, a certification signed by him setting forth his name,
41 permanent address, firearms purchaser identification card number
42 and such other information as the superintendent may by rule or
43 regulation require. The certification shall be retained by the dealer
44 and shall be made available for inspection by any law enforcement
45 officer at any reasonable time.

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

47 (a) Such person possesses and exhibits a firearms purchaser
48 identification card and a valid permit to purchase a handgun (PPH)

1 or a valid New Jersey firearms purchaser identifier embedded with
2 information that the holder is qualified and eligible to receive a
3 handgun and at least seven days have elapsed since the **【**date of
4 application for the permit**】** calendar date of the sale;

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

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

8 (d) Except as otherwise provided in subparagraph (e) of this
9 paragraph, the handgun is accompanied by a trigger lock or a locked
10 case, gun box, container or other secure facility; provided, however,
11 this provision shall not apply to antique handguns. The exemption
12 afforded under this subparagraph for antique handguns shall be
13 narrowly construed, limited solely to the requirements set forth
14 herein and shall not be deemed to afford or authorize any other
15 exemption from the regulatory provisions governing firearms set
16 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
17 Statutes; and

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

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

30 (7) A dealer shall not knowingly deliver more than one handgun
31 to any person within any 30-day period. This limitation shall not
32 apply to:

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

36 (b) a collector of handguns as curios or relics as defined in Title
37 18, United States Code, section 921 (a) (13) who has in his
38 possession a valid Collector of Curios and Relics License issued by
39 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

40 (c) transfers of handguns among licensed retail dealers,
41 registered wholesale dealers and registered manufacturers;

42 (d) any transaction where the person has purchased a handgun
43 from a licensed retail dealer and has returned that handgun to the
44 dealer in exchange for another handgun within 30 days of the
45 original transaction, provided the retail dealer reports the exchange
46 transaction to the superintendent; or

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

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

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

23 d. Signatures in register. The purchaser, lessee or transferee of
24 any handgun shall sign, and the dealer shall require him to sign his
25 name to the register, in triplicate, and the person making the sale,
26 lease or transfer shall affix his name, in triplicate, as a witness to
27 the signature. The signatures shall constitute a representation of the
28 accuracy of the information contained in the register.

29 e. Copies of register entries; delivery to chief of police or
30 county clerk. Within five days of the date of the sale, assignment or
31 transfer, the dealer shall deliver or mail by certified mail, return
32 receipt requested, legible copies of the register forms to the office
33 of the chief of police of the municipality in which the purchaser
34 resides, or to the office of the captain of the precinct of the
35 municipality in which the purchaser resides, and to the
36 superintendent. If hand delivered a receipt shall be given to the
37 dealer therefor.

38 Where a sale, assignment or transfer is made to a purchaser who
39 resides in a municipality having no chief of police, the dealer shall,
40 within five days of the transaction, mail a duplicate copy of the
41 register sheet to the clerk of the county within which the purchaser
42 resides.

43 (cf: P.L.2009, c.186, s.1)

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

2 2C:58-3. a. (1) Permit to purchase a handgun. No person shall
3 sell, give, transfer, assign or otherwise dispose of, nor receive,
4 purchase, or otherwise acquire a handgun unless the purchaser,
5 assignee, donee, receiver or holder is licensed as a dealer under this
6 chapter or has first secured a firearms purchaser identification card
7 and a permit to purchase a handgun as provided by this section or
8 possesses a valid New Jersey firearms purchaser identifier
9 embedded with information affirming that the holder is qualified
10 and eligible to purchase a handgun.

11 (2) A person shall sell, give, transfer, assign, or otherwise
12 dispose of, or receive, purchase or otherwise acquire a handgun
13 pursuant to the provisions of this section only if the transaction is
14 conducted by or through a retail dealer licensed under State law or a
15 Federal Firearms Licensee. The provisions of this paragraph shall
16 not apply if the transaction is:

17 (a) between members of an immediate family as defined in
18 subsection m. of this section, including a temporary transfer
19 between a member of the military being deployed and a family
20 member;

21 (b) between law enforcement officers;

22 (c) between collectors of firearms or ammunition as curios or
23 relics as defined in Title 18, United States Code, section 921 (a)
24 (13) who have in their possession a valid Collector of Curios and
25 Relics License issued by the Bureau of Alcohol, Tobacco and
26 Firearms; or

27 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
28 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

29 (3) Before a transaction under this subsection is conducted, the
30 licensee shall complete a National Instant Criminal Background
31 Check ¹(NICS)¹ of the person acquiring the handgun. In addition:

32 (a) the licensee shall submit to the Superintendent of State
33 Police, on a form approved by the superintendent, information
34 identifying and confirming the background check;

35 (b) every licensee shall maintain a record of transactions
36 conducted pursuant to this subsection, which shall be maintained at
37 the address set forth on the licensee's license for inspection by a
38 law enforcement officer during reasonable hours;

39 (c) in addition to any fee the person receiving the handgun is
40 required to pay for a NICS check, a licensee may charge a fee of up
41 to \$15 for a transaction conducted pursuant to this subsection; and

42 (d) any record produced pursuant to this subsection shall not be
43 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
44 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

45 b. Firearms purchaser identification card.

46 (1) No person shall sell, give, transfer, assign or otherwise
47 dispose of nor receive, purchase or otherwise acquire an antique
48 cannon or a rifle or shotgun, other than an antique rifle or shotgun,

1 unless the purchaser, assignee, donee, receiver or holder is licensed
2 as a dealer under this chapter or possesses a valid firearms
3 purchaser identification card or a valid New Jersey firearms
4 purchaser identifier embedded with information affirming that the
5 holder is qualified and eligible to purchase, receive or otherwise
6 acquire a firearm, and first exhibits **[said]** that card or identifier to
7 the seller, donor, transferor or assignor, and unless the purchaser,
8 assignee, donee, receiver or holder signs a written certification, on a
9 form prescribed by the superintendent, which shall indicate that he
10 presently complies with the requirements of subsection c. of this
11 section and shall contain his name, address and firearms purchaser
12 identification card number **[or]**, dealer's registration number or
13 New Jersey firearms purchaser identifier number, if appropriate.
14 The said certification shall be retained by the seller, as provided in
15 paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a
16 person who is not a dealer, it may be filed with the chief of police
17 of the municipality in which he resides or with the superintendent.

18 (2) A person shall sell, give, transfer, assign, or otherwise
19 dispose of, or receive, purchase or otherwise acquire an antique
20 cannon or a rifle or shotgun pursuant to the provisions of this
21 subsection only if the transaction is conducted by or through a retail
22 dealer licensed under State law or a Federal Firearms Licensee.
23 The provisions of this paragraph shall not apply if the transaction is:

24 (a) between members of an immediate family as defined in
25 subsection m. of this section, including a temporary transfer
26 between a member of the military being deployed and a family
27 member;

28 (b) between law enforcement officers;

29 (c) between collectors of firearms or ammunition as curios or
30 relics as defined in Title 18, United States Code, section 921 (a)
31 (13) who have in their possession a valid Collector of Curios and
32 Relics License issued by the Bureau of Alcohol, Tobacco and
33 Firearms; or

34 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
35 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

36 (3) Before a transaction under this subsection is conducted, the
37 licensee shall complete a ¹**[National Instant Criminal Background**
38 Check¹ NICS check¹ of the person acquiring the canon, rifle or
39 shotgun. In addition:

40 (a) the licensee shall submit to the Superintendant of State
41 Police, on a form approved by the superintendant, information
42 identifying and confirming the background check;

43 (b) every licensee shall maintain a record of transactions
44 conducted pursuant to this section which shall be maintained at the
45 address set forth on the licensee's license for inspection by a law
46 enforcement officer during reasonable hours;

47 (c) in addition to any fee the person receiving the rifle, shotgun,
48 or antique cannon is required to pay for a NICS check, a licensee

1 may charge a fee of up to \$15 for a transaction conducted pursuant
2 to this subsection; and

3 (d) any record produced pursuant to this subsection shall not be
4 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
5 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

6 c. Who may obtain. No person of good character and good
7 repute in the community in which he lives, and who is not subject to
8 any of the disabilities set forth in this section or other sections of
9 this chapter, shall be denied a permit to purchase a handgun or a
10 firearms purchaser identification card, except as hereinafter set
11 forth. No handgun purchase or firearms purchaser identification
12 card shall be issued, and no New Jersey firearms purchaser
13 identifier shall be embedded with information affirming that the
14 holder is qualified and eligible to purchase and receive such
15 firearms pursuant to P.L. , c. (C.) (pending before the
16 Legislature as this bill):

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

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

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

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

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

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

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

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

4 d. Issuance. The chief of police of an organized full-time
5 police department of the municipality where the applicant resides or
6 the superintendent, in all other cases, shall upon application, issue
7 to any person qualified under the provisions of subsection c. of this
8 section a permit to purchase a handgun **[or]**, a firearms purchaser
9 identification card, or a firearms purchaser identifier.

10 Any person aggrieved by the denial of a permit **[or]**,
11 identification card, or identifier may request a hearing in the
12 Superior Court of the county in which he resides if he is a resident
13 of New Jersey or in the Superior Court of the county in which his
14 application was filed if he is a nonresident. The request for a
15 hearing shall be made in writing within 30 days of the denial of the
16 application for a permit or identification card. The applicant shall
17 serve a copy of his request for a hearing upon the chief of police of
18 the municipality in which he resides, if he is a resident of New
19 Jersey, and upon the superintendent in all cases. The hearing shall
20 be held and a record made thereof within 30 days of the receipt of
21 the application for such hearing by the judge of the Superior Court.
22 No formal pleading and no filing fee shall be required as a
23 preliminary to such hearing. Appeals from the results of such
24 hearing shall be in accordance with law.

25 e. Applications. Applications for permits to purchase a
26 handgun and for firearms purchaser identification cards or for New
27 Jersey firearms purchaser identifier embedded with information
28 affirming that the holder is qualified and eligible to purchase or
29 receive a rifle, shotgun, or handgun, as authorized under P.L. _____,
30 c. (C.) (pending before the Legislature as this bill), shall be in
31 the form prescribed by the superintendent and shall set forth the
32 name, residence, place of business, age, date of birth, occupation,
33 sex and physical description, including distinguishing physical
34 characteristics, if any, of the applicant, and shall state whether the
35 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
36 drug dependent person as defined in section 2 of P.L.1970, c.226
37 (C.24:21-2), whether he has ever been confined or committed to a
38 mental institution or hospital for treatment or observation of a
39 mental or psychiatric condition on a temporary, interim or
40 permanent basis, giving the name and location of the institution or
41 hospital and the dates of such confinement or commitment, whether
42 he has been attended, treated or observed by any doctor or
43 psychiatrist or at any hospital or mental institution on an inpatient
44 or outpatient basis for any mental or psychiatric condition, giving
45 the name and location of the doctor, psychiatrist, hospital or
46 institution and the dates of such occurrence, whether he presently or
47 ever has been a member of any organization which advocates or
48 approves the commission of acts of force and violence to overthrow

1 the Government of the United States or of this State, or which seeks
2 to deny others their rights under the Constitution of either the
3 United States or the State of New Jersey, whether he has ever been
4 convicted of a crime or disorderly persons offense, whether the
5 person is subject to a restraining order issued pursuant to the
6 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
7 (C.2C:25-17 et seq.) prohibiting the person from possessing any
8 firearm, and such other information as the superintendent shall
9 deem necessary for the proper enforcement of this chapter. For the
10 purpose of complying with this subsection, the applicant shall
11 waive any statutory or other right of confidentiality relating to
12 institutional confinement. The application shall be signed by the
13 applicant and shall contain as references the names and addresses of
14 two reputable citizens personally acquainted with him.

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

18 The chief police officer or the superintendent shall obtain the
19 fingerprints of the applicant and shall have them compared with any
20 and all records of fingerprints in the municipality and county in
21 which the applicant resides and also the records of the State Bureau
22 of Identification and the Federal Bureau of Investigation, provided
23 that an applicant for a handgun purchase permit who possesses a
24 valid firearms purchaser identification card, or who has previously
25 obtained a handgun purchase permit from the same licensing
26 authority for which he was previously fingerprinted, and who
27 provides other reasonably satisfactory proof of his identity, need not
28 be fingerprinted again; however, the chief police officer or the
29 superintendent shall proceed to investigate the application to
30 determine whether or not the applicant has become subject to any of
31 the disabilities set forth in this chapter.

32 ²[When conducting an investigation to determine whether an
33 applicant is qualified and eligible to be issued a firearms purchaser
34 identification card, a permit to purchase a handgun, or a firearms
35 purchaser identifier, the issuing authority shall access the Civil
36 Commitment Automatic Tracking System.]²

37 f. Granting of permit or identification card; fee; term; renewal;
38 revocation. The application for the permit to purchase a handgun,
39 or for a New Jersey firearms purchaser identifier embedded with
40 such information, together with a fee of \$2, or the application for
41 the firearms purchaser identification card, or a firearms purchaser
42 identifier embedded with such information, together with a fee of
43 \$5, shall be delivered or forwarded to the licensing authority who
44 shall investigate the same and, unless good cause for the denial
45 thereof appears, shall grant the permit or the identification card, or
46 both, if application has been made therefor, within 30 days from the
47 date of receipt of the application for residents of this State and
48 within 45 days for nonresident applicants. A permit to purchase a

1 handgun shall be valid for a period of 90 days from the date of
2 issuance and may be renewed by the issuing authority for good
3 cause for an additional 90 days. A permit to purchase a handgun
4 issued for the purposes of P.L. , c. (C.) (pending before the
5 Legislature as this bill) shall be valid until the holder's firearms
6 purchaser identifier expires, or until such time as the holder
7 becomes subject to any of the disabilities set forth in subsection c.
8 of this section and at that time be operationally disabled. A
9 firearms purchaser identification card shall be valid until such time
10 as the holder becomes subject to any of the disabilities set forth in
11 subsection c. of this section, whereupon the card shall be void and
12 shall be returned within five days by the holder to the
13 superintendent, who shall then advise the licensing authority. In the
14 case of a firearms purchaser identifier embedded pursuant to
15 P.L. , c. (C,) (pending before the Legislature as this bill),
16 the information affirming the holder is qualified and eligible to
17 purchase and receive a rifle or shotgun shall be valid and shall be
18 embedded in each replacement or renewal of that person's license
19 or card, until such time as the holder becomes subject to any of the
20 disabilities set forth in subsection c. of this section and at that time
21 shall be operationally disabled. Failure of the holder to return the
22 firearms purchaser identification card to the superintendent within
23 the said five days shall be an offense under subsection a. of
24 N.J.S.2C:39-10. Any firearms purchaser identification card or
25 affirmation embedded in a firearms purchaser identifier may be
26 revoked or operationally disabled by the Superior Court of the
27 county wherein the card was issued, after hearing upon notice, upon
28 a finding that the holder thereof no longer qualifies for the issuance
29 of such permit or for such an affirmation. The county prosecutor of
30 any county, the chief police officer of any municipality or any
31 citizen may apply to such court at any time for the revocation of
32 such card or the operational disabling of any such affirmation. In
33 any case where a person has been convicted of a crime, the court,
34 upon motion of the county prosecutor, shall determine whether the
35 person possesses a firearms purchaser identification card, a valid
36 permit to purchase a handgun, or holds a New Jersey firearms
37 purchaser identifier embedded with information affirming the
38 holder's qualification and eligibility to purchase or receive a rifle,
39 shotgun, or handgun. Upon determining that the convicted person
40 possesses such a card, permit, or identifier, the court at sentencing
41 either shall revoke the card or permit, or in the case of an embedded
42 firearms purchaser identifier, shall direct the superintendent to
43 operationally disable the license or card, after notice and a hearing.

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

1 A person shall apply for a duplicate firearms purchaser
2 identification card in the case of a change of residence. The
3 application, in a form prescribed by the superintendent, shall be
4 submitted to the chief of police of the municipality in which he
5 resides or with the superintendent, as the case may be. A driver's
6 license or a State-issued non-driver identification card, which
7 includes a photograph of the holder, shall be used to provide proof
8 of the change of address. The person shall certify that he is not
9 subject to any of the disabilities set forth in this section or other
10 sections of this chapter. The duplicate card shall be issued without
11 a criminal history ¹~~records~~ record background¹ check or mental
12 health records check first being conducted if the applicant is a full-
13 time member of a municipal, county, State or federal law
14 enforcement agency.

15 g. Disposition of fees. All fees for permits shall be paid to the
16 State Treasury if the permit is issued by the superintendent, to the
17 municipality if issued by the chief of police, and to the county
18 treasurer if issued by the judge of the Superior Court.

19 h. Form of permit; quadruplicate; disposition of copies. **【The】**
20 In the case of a paper permit to purchase a handgun issued pursuant
21 to this section, the permit shall be in the form prescribed by the
22 superintendent and shall be issued to the applicant in quadruplicate.
23 Prior to the time he receives the handgun from the seller, the
24 applicant shall deliver to the seller the permit in quadruplicate and
25 the seller shall complete all of the information required on the form.
26 Within five days of the date of the sale, the seller shall forward the
27 original copy to the superintendent and the second copy to the chief
28 of police of the municipality in which the purchaser resides, except
29 that in a municipality having no chief of police, such copy shall be
30 forwarded to the superintendent. The third copy shall then be
31 returned to the purchaser with the pistol or revolver and the fourth
32 copy shall be kept by the seller as a permanent record.

33 i. Restriction on number of firearms person may purchase.
34 Only one handgun shall be purchased or delivered on each paper
35 permit **【and no】 issued pursuant to this section. No** more than one
36 handgun shall be purchased within any 30-day period, regardless of
37 whether the purchaser presents a paper permit or an embedded
38 firearms purchaser identifier to the seller or transferor, but this
39 limitation shall not apply to:

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

43 (2) a collector of handguns as curios or relics as defined in Title
44 18, United States Code, section 921 (a) (13) who has in his
45 possession a valid Collector of Curios and Relics License issued by
46 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

47 (3) transfers of handguns among licensed retail dealers,
48 registered wholesale dealers and registered manufacturers ¹;¹

1 (4) transfers of handguns from any person to a licensed retail
2 dealer or a registered wholesale dealer or registered
3 manufacturer~~].~~;

4 (5) any transaction where the person has purchased a handgun
5 from a licensed retail dealer and has returned that handgun to the
6 dealer in exchange for another handgun within 30 days of the
7 original transaction, provided the retail dealer reports the exchange
8 transaction to the superintendent; or

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

12 The provisions of this subsection shall not be construed to afford
13 or authorize any other exemption from the regulatory provisions
14 governing firearms set forth in chapter 39 and chapter 58 of Title
15 2C of the New Jersey Statutes;

16 A person shall not be restricted as to the number of rifles or
17 shotguns he may purchase, provided he possesses a valid firearms
18 purchaser identification card or a firearms purchaser identifier
19 embedded with information affirming that the holder is qualified
20 and eligible to purchase and possess a rifle or shotgun and provided
21 further that he signs the certification required in subsection b. of
22 this section for each transaction.

23 j. Firearms passing to heirs or legatees. Notwithstanding any
24 other provision of this section concerning the transfer, receipt or
25 acquisition of a firearm, a permit to purchase ~~or],~~ a firearms
26 purchaser identification card, or a firearms purchaser identifier
27 embedded with information affirming that the holder is qualified
28 and eligible to purchase a rifle, shotgun, or handgun shall not be
29 required for the passing of a firearm upon the death of an owner
30 thereof to his heir or legatee, whether the same be by testamentary
31 bequest or by the laws of intestacy. The person who shall so
32 receive, or acquire said firearm shall, however, be subject to all
33 other provisions of this chapter. If the heir or legatee of such
34 firearm does not qualify to possess or carry it, he may retain
35 ownership of the firearm for the purpose of sale for a period not
36 exceeding 180 days, or for such further limited period as may be
37 approved by the chief law enforcement officer of the municipality
38 in which the heir or legatee resides or the superintendent, provided
39 that such firearm is in the custody of the chief law enforcement
40 officer of the municipality or the 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
48 person under the age of 18 years shall purchase nor shall any person

1 sell to a person under the age of 18 years such a visual distress
2 signalling device.

3 m. For the purposes of this section, "immediate family" means a
4 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
5 (C.26:8A-3), partner in a civil union couple as defined in section 2
6 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
7 aunt, uncle, sibling, stepsibling, child, stepchild, and grandchild, as
8 related by blood or by law.

9 (cf: P.L.2009, c.186, s.2)

10

11 22. N.J.S.2C:58-4 is amended to read as follows:

12 2C:58-4. Permits to carry handguns

13 a. Scope and duration of authority. Any person who holds a
14 valid permit to carry a handgun issued pursuant to this section shall
15 be authorized to carry a handgun in all parts of this State, except as
16 prohibited by **[section 2C:39-5e]** subsection e. of N.J.S.2C:39-5.
17 One permit shall be sufficient for all handguns owned by the holder
18 thereof, but the permit shall apply only to a handgun carried by the
19 actual and legal holder of the permit.

20 All permits to carry handguns shall expire **[2]** two years from
21 the date of issuance or, in the case of an employee of an armored
22 car company, upon termination of his employment by the company
23 occurring prior thereto whichever is earlier in time, and they may
24 thereafter be renewed every **[2]** two years in the same manner and
25 subject to the same conditions as in the case of original
26 applications.

27 b. Application forms. All applications for permits to carry
28 handguns, and all applications for renewal of such permits, shall be
29 made on the forms prescribed by the superintendent. Each
30 application shall set forth the full name, date of birth, sex,
31 residence, occupation, place of business or employment, and
32 physical description of the applicant, and such other information as
33 the superintendent may prescribe for the determination of the
34 applicant's eligibility for a permit and for the proper enforcement of
35 this chapter. The application shall be signed by the applicant under
36 oath, and shall be indorsed by three reputable persons who have
37 known the applicant for at least **[3]** three years preceding the date
38 of application, and who shall certify thereon that the applicant is a
39 person of good moral character and behavior.

40 c. Investigation and approval. Each application shall in the
41 first instance be submitted to the chief police officer of the
42 municipality in which the applicant resides, or to the
43 superintendent, (1) if the applicant is an employee of an armored
44 car company, or (2) if there is no chief police officer in the
45 municipality where the applicant resides, or (3) if the applicant does
46 not reside in this State. The chief police officer, or the
47 superintendent, as the case may be, shall cause the fingerprints of
48 the applicant to be taken and compared with any and all records

1 maintained by the municipality, the county in which it is located,
2 the State Bureau of Identification and the Federal Bureau of
3 Identification. He shall also determine and record a complete
4 description of each handgun the applicant intends to carry.

5 No application shall be approved by the chief police officer or
6 the superintendent unless the applicant demonstrates that he is not
7 subject to any of the disabilities set forth in **[2C:58-3c.] subsection**
8 **c. of N.J.S.2C:58-3**, that he is thoroughly familiar with the safe
9 handling and use of handguns, and that he has a justifiable need to
10 carry a handgun. If the application is not approved by the chief
11 police officer or the superintendent within 60 days of filing, it shall
12 be deemed to have been approved, unless the applicant agrees to an
13 extension of time in writing.

14 d. Issuance by Superior Court; fee. If the application has been
15 approved by the chief police officer or the superintendent, as the
16 case may be, the applicant shall forthwith present it to the Superior
17 Court of the county in which the applicant resides, or to the
18 Superior Court in any county where he intends to carry a handgun,
19 in the case of a nonresident or employee of an armored car
20 company. The court shall issue the permit to the applicant if, but
21 only if, it is satisfied that the applicant is a person of good character
22 who is not subject to any of the disabilities set forth in **[section**
23 **2C:58-3c.] subsection c. of N.J.S.2C:58-3**, that he is thoroughly
24 familiar with the safe handling and use of handguns, and that he has
25 a justifiable need to carry a handgun. The court may at its
26 discretion issue a limited-type permit which would restrict the
27 applicant as to the types of handguns he may carry and where and
28 for what purposes such handguns may be carried. At the time of
29 issuance, the applicant shall pay to the county clerk of the county
30 where the permit was issued a permit fee of **[\$20.00] \$20**.

31 e. Appeals from denial of applications. Any person aggrieved
32 by the denial by the chief police officer or the superintendent of
33 approval for a permit to carry a handgun may request a hearing in
34 the Superior Court of the county in which he resides or in any
35 county in which he intends to carry a handgun, in the case of a
36 nonresident, by filing a written request for such a hearing within 30
37 days of the denial. Copies of the request shall be served upon the
38 superintendent, the county prosecutor and the chief police officer of
39 the municipality where the applicant resides, if he is a resident of
40 this State. The hearing shall be held within 30 days of the filing of
41 the request, and no formal pleading or filing fee shall be required.
42 Appeals from the determination at such a hearing shall be in
43 accordance with law and the rules governing the courts of this State.

44 If the superintendent or chief police officer approves an
45 application and the Superior Court denies the application and
46 refuses to issue a permit, the applicant may appeal such denial in
47 accordance with law and the rules governing the courts of this State.

1 f. Revocation of permits. Any permit issued under this section
2 shall be void at such time as the holder thereof becomes subject to
3 any of the disabilities set forth in ~~section 2C:58-3c.~~ subsection c.
4 of N.J.S.2C:58-3, and the holder of such a void permit shall
5 immediately surrender the permit to the superintendent who shall
6 give notice to the licensing authority.

7 Any permit may be revoked by the Superior Court, after hearing
8 upon notice to the holder, if the court finds that the holder is no
9 longer qualified for the issuance of such a permit. The county
10 prosecutor of any county, the chief police officer of any
11 municipality, the superintendent or any citizen may apply to the
12 court at any time for the revocation of any permit issued pursuant to
13 this section. In any case where a person has been convicted of a
14 crime, the court, upon motion of the county prosecutor, shall
15 determine whether the person possesses a permit to carry a
16 handgun. Upon determining that the convicted person possesses
17 such a permit, the court shall revoke the permit at sentencing, after
18 notice and a hearing.

19 (cf: P.L.1981, c.135, s.1)

20
21 23. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to
22 read as follows:

23 5. The commissioner shall adopt rules and regulations pursuant
24 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
25 1 et seq.) regarding a screening service and its staff that effectuate
26 the following purposes and procedures:

27 a. A screening service shall serve as the facility in the public
28 mental health care treatment system wherein a person believed to be
29 in need of involuntary commitment to outpatient treatment, a short-
30 term care facility, psychiatric facility or special psychiatric hospital
31 undergoes an assessment to determine what mental health services
32 are appropriate for the person and where those services may be
33 most appropriately provided in the least restrictive environment.

34 The screening service may provide emergency and consensual
35 treatment to the person receiving the assessment and may transport
36 the person or detain the person up to 24 hours for the purposes of
37 providing the treatment and conducting the assessment.

38 b. When a person is assessed by a mental health screener and
39 involuntary commitment to treatment seems necessary, the screener
40 shall provide, on a screening document prescribed by the division,
41 information regarding the person's history and available alternative
42 facilities and services that are deemed inappropriate for the person.
43 When appropriate and available, and as permitted by law, the
44 screener shall make reasonable efforts to gather information from
45 the person's family or significant others for the purposes of
46 preparing the screening document. The screener shall also
47 '[ascertain] ask' whether the person is an owner of a firearm or
48 other weapon enumerated in subsection r. of N.J.S.2C:39-1, and the

1 location of that firearm or weapon, and whether the person
2 possesses a firearms purchaser identification card, a valid permit to
3 purchase a handgun, or a firearms purchaser identifier embedded
4 with information affirming that the holder is qualified and eligible
5 to purchase a rifle, shotgun, or handgun and the location of any
6 such card, permit, or identifier. Any such information acquired by
7 the screener shall be included in the screening document. If a
8 psychiatrist, in consideration of this document and in conjunction
9 with the psychiatrist's own complete assessment, concludes that the
10 person is in need of commitment to treatment, the psychiatrist shall
11 complete the screening certificate. The screening certificate shall
12 be completed by a psychiatrist except in those circumstances where
13 the division's contract with the screening service provides that
14 another physician may complete the certificate. If a psychiatrist or
15 physician reasonably believes the person is an owner of a firearm or
16 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
17 possesses a firearms purchaser identification card, valid permit to
18 purchase a handgun, or a firearms purchaser identifier embedded
19 with information affirming that the holder is qualified and eligible
20 to purchase a rifle, shotgun, or handgun, that information, including
21 the reported location of any weapon, card, permit, or identifier shall
22 be included on the screening certificate.

23 Upon completion of the screening certificate, screening service
24 staff shall determine, in consultation with the psychiatrist or another
25 physician, as appropriate, the least restrictive environment for the
26 appropriate treatment to which the person shall be assigned or
27 admitted, taking into account the person's prior history of
28 hospitalization and treatment and the person's current mental health
29 condition. Screening service staff shall designate:

30 (1) inpatient treatment for the person if he is immediately or
31 imminently dangerous or if outpatient treatment is deemed
32 inadequate to render the person unlikely to be dangerous to self,
33 others or property within the reasonably foreseeable future; and

34 (2) outpatient treatment for the person when outpatient
35 treatment is deemed sufficient to render the person unlikely to be
36 dangerous to self, others or property within the reasonably
37 foreseeable future.

38 If the screening service staff determines that the person is in
39 need of involuntary commitment to outpatient treatment, the
40 screening service staff shall consult with an outpatient treatment
41 provider to arrange, if possible, for an appropriate interim plan of
42 outpatient treatment in accordance with section 9 of P.L.2009, c.112
43 (C.30:4-27.8a).

44 If a person has been admitted three times or has been an inpatient
45 for 60 days at a short-term care facility during the preceding 12
46 months, consideration shall be given to not placing the person in a
47 short-term care facility.

1 The person shall be admitted to the appropriate facility or
2 assigned to the appropriate outpatient treatment provider, as
3 appropriate for treatment, as soon as possible. Screening service
4 staff are authorized to coordinate initiation of outpatient treatment
5 or transport the person or arrange for transportation of the person to
6 the appropriate facility.

7 c. If the mental health screener determines that the person is
8 not in need of assignment or commitment to an outpatient treatment
9 provider, or admission or commitment to a short-term care facility,
10 psychiatric facility or special psychiatric hospital, the screener shall
11 refer the person to an appropriate community mental health or
12 social services agency or appropriate professional or inpatient care
13 in a psychiatric unit of a general hospital.

14 d. A mental health screener shall make a screening outreach
15 visit if the screener determines, based on clinically relevant
16 information provided by an individual with personal knowledge of
17 the person subject to screening, that the person may need
18 involuntary commitment to treatment and the person is unwilling or
19 unable to come to the screening service for an assessment.

20 e. If the mental health screener pursuant to this assessment
21 determines that there is reasonable cause to believe that a person is
22 in need of involuntary commitment to treatment, the screener shall
23 so certify the need on a form prepared by the division.

24 (cf: P.L.2009, c.112, s.5)

25
26 24. Section 7 of P.L.1987, c.116 (C.30:4-27.7) is amended to
27 read as follows:

28 7. a. A law enforcement officer, screening service, outpatient
29 treatment provider or short-term care facility designated staff
30 person or their respective employers, acting in good faith pursuant
31 to P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009, c.112 who
32 takes reasonable steps to assess, take custody of, detain or transport
33 an individual for the purposes of mental health assessment or
34 treatment is immune from civil and criminal liability.

35 b. An emergency services or medical transport person or their
36 respective employers, acting in good faith pursuant to this act and
37 pursuant to the direction of a person designated in subsection a. of
38 this section, who takes reasonable steps to take custody of, detain or
39 transport an individual for the purpose of mental health assessment
40 or treatment is immune from civil and criminal liability.

41 For the purposes of this subsection, "emergency services or
42 medical transport person" means a member of a first aid,
43 ambulance, rescue squad or fire department, whether paid or
44 volunteer, auxiliary police officer or paramedic.

45 c. A mental health screener completing a screening document
46 or a psychiatrist or physician completing a screening certificate or
47 clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.),
48 shall, with regard to whether a person is an owner of a firearm or

1 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
2 possesses a firearms purchaser identification card, valid permit to
3 purchase a handgun, or firearms purchaser identifier embedded with
4 information affirming that the holder is qualified and eligible to
5 purchase a rifle, shotgun or handgun, or the location of such
6 weapon, card, permit, or identifier, not be held liable in any civil
7 action brought by any person for failing to learn of a weapon or any
8 firearms purchaser identification card, valid permit to purchase a
9 handgun, or firearms purchaser identifier embedded with
10 information affirming the holder is qualified and eligible to
11 purchase a rifle, shotgun, or handgun, or of the location of any such
12 firearm, weapon, card, permit, or identifier.

13 (cf: P.L.2009, c.112, s.7)

14

15 25. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to
16 read as follows:

17 10. a. (1) A short-term care or psychiatric facility or a special
18 psychiatric hospital shall initiate court proceedings for involuntary
19 commitment to inpatient or outpatient treatment by submitting to
20 the court a clinical certificate completed by a psychiatrist on the
21 patient's treatment team and the screening certificate which
22 authorized admission of the patient to the facility; provided,
23 however, that both certificates shall not be signed by the same
24 psychiatrist unless the psychiatrist has made a reasonable but
25 unsuccessful attempt to have another psychiatrist conduct the
26 evaluation and execute the certificate.

27 (2) A screening service or outpatient treatment provider shall
28 initiate court proceedings for commitment to outpatient treatment
29 by submitting to the court a clinical certificate completed by a
30 psychiatrist on the patient's treatment team and the screening
31 certificate which authorized assignment of the patient to outpatient
32 treatment with the outpatient treatment provider; provided,
33 however, that both certificates shall not be signed by the same
34 psychiatrist unless the psychiatrist has made a reasonable but
35 unsuccessful attempt to have another psychiatrist conduct the
36 evaluation and execute the certificate.

37 b. Court proceedings for the involuntary commitment to
38 treatment of any person not referred by a screening service may be
39 initiated by the submission to the court of two clinical certificates,
40 at least one of which is prepared by a psychiatrist. A psychiatrist or
41 physician shall ¹ascertain¹ ask¹ whether the person is an owner of
42 a firearm or other weapon enumerated in subsection r. of
43 N.J.S.2C:39-1 or possesses a firearms purchaser identification card,
44 a valid permit to purchase a handgun, or a firearms purchaser
45 identifier embedded with information affirming the holder is
46 qualified and eligible to purchase a rifle, shotgun, or handgun, and
47 the location of any such firearm, weapon, card, permit, or identifier
48 and shall include that information on the clinical certificate.

1 The person shall not be involuntarily committed before the court
2 issues a temporary court order.

3 c. A court proceeding for involuntary commitment to treatment
4 of an inmate who is scheduled for release upon expiration of a
5 maximum term of incarceration shall be initiated by the Attorney
6 General or county prosecutor by submission to the court of two
7 clinical certificates, at least one of which is prepared by a
8 psychiatrist.

9 d. The Attorney General, in exercise of the State's authority as
10 parens patriae, may initiate a court proceeding for the involuntary
11 commitment to treatment of any person in accordance with the
12 procedures set forth in subsection a. or b. of this section. When the
13 Attorney General determines that the public safety requires
14 initiation of a proceeding pursuant to subsection b. of this section,
15 the Attorney General may apply to the court for an order
16 compelling the psychiatric evaluation of the person. The court shall
17 grant the Attorney General's application if the court finds that there
18 is reasonable cause to believe that the person may be in need of
19 involuntary commitment to treatment. The Attorney General may
20 delegate the authority granted pursuant to this subsection, on a case
21 by case basis, to the county prosecutor.

22 e. Any person who is a relative by blood or marriage of the
23 person being screened who executes a clinical certificate, or any
24 person who signs a clinical certificate for any purpose or motive
25 other than for purposes of care, treatment and confinement of a
26 person in need of involuntary commitment to treatment, shall be
27 guilty of a crime of the fourth degree.

28 f. Upon receiving these documents the court shall immediately
29 review them in order to determine whether there is probable cause
30 to believe that the person is in need of involuntary commitment to
31 treatment.

32 g. (1) If the court finds that there is probable cause to believe
33 that the person, other than a person whose commitment is sought
34 pursuant to subsection c. of this section, is in need of involuntary
35 commitment to treatment, it shall issue a temporary order
36 authorizing the assignment of the person to an outpatient treatment
37 provider or the admission to or retention of the person in the
38 custody of the facility, that is both appropriate to the person's
39 condition and is the least restrictive environment, pending a final
40 hearing.

41 (2) If the court finds that there is probable cause to believe that
42 a person is in need of involuntary commitment to treatment, the
43 court ~~shall~~ may¹ order a law enforcement officer to search for
44 ~~and seize~~¹ any firearm or other weapon enumerated in
45 subsection r. of N.J.S.2C:39-1 or any firearms purchaser
46 identification card, ~~or~~¹ valid permit to purchase a handgun, or
47 firearms purchaser identifier embedded with information affirming
48 that the holder is qualified and eligible to purchase a rifle, shotgun,

1 or handgun at any location where the court has reasonable cause to
2 believe any such firearm, weapon, card, permit, or identifier may be
3 located ¹and seize that firearm, weapon, identification card, or
4 permit or, in the case of an embedded identifier, direct the
5 superintendent to operationally disable that identifier¹ .

6 h. If the court finds that there is probable cause to believe that
7 a person whose commitment is sought pursuant to subsection c. of
8 this section is in need of involuntary commitment to treatment, it
9 shall issue an order setting a date for a final hearing and authorizing
10 the Commissioner of the Department of Corrections to arrange for
11 temporary commitment pursuant to section 2 of P.L.1986, c.71
12 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other
13 facility designated for the criminally insane pending the final
14 hearing and prior to the expiration of the person's term. The order
15 shall specifically provide for transfer of custody to the Ann Klein
16 Forensic Center in Trenton or other facility designated for the
17 criminally insane if the person's maximum term will expire prior to
18 the final hearing.

19 i. In the case of a person committed to treatment at a short-
20 term care facility or special psychiatric hospital, after the facility's
21 treatment team conducts a mental and physical examination,
22 administers appropriate treatment and prepares a discharge
23 assessment, the facility may transfer the patient to a psychiatric
24 facility prior to the final hearing; provided that: (1) the patient, his
25 family and his attorney are given 24 hours' advance notice of the
26 pending transfer; and (2) the transfer is accomplished in a manner
27 which will give the receiving facility adequate time to examine the
28 patient, become familiar with his behavior and condition and
29 prepare for the hearing. In no event shall the transfer be made less
30 than five days prior to the date of the hearing unless an unexpected
31 transfer is dictated by a change in the person's clinical condition.

32 (cf: P.L.2009, c.112, s.11)

33

34 26. Section 15 of P.L.1987, c.116 (C.30:4-27.15) is amended to
35 read as follows:

36 15. a. If the court finds by clear and convincing evidence that
37 the patient needs continued involuntary commitment to treatment, it
38 ¹**shall**¹:

39 (1) ¹shall¹ issue an order authorizing the involuntary
40 commitment of the patient and the assignment or admission of the
41 patient pursuant to section 17 of P.L.2009, c.112 (C.30:4-27.15a)
42 **and shall**;

43 (2) ¹shall¹ schedule a subsequent court hearing in the event the
44 patient is not administratively discharged pursuant to section 17 of
45 P.L.1987, c.116 (C.30:4-27.17) prior thereto; and

46 (3) ¹may¹ order a law enforcement officer to search for ¹**and**
47 seize¹ any firearm or other weapon enumerated in subsection r. of

1 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
2 permit to purchase a handgun, or firearms purchaser identifier
3 embedded with information affirming that the holder is qualified
4 and eligible to purchase a rifle, shotgun, or handgun at any location
5 where the court has reasonable cause to believe any such firearm,
6 weapon, card, permit, or identifier may be located ¹and seize that
7 firearm, weapon, identification card, or permit or, in the case of an
8 embedded identifier, direct the superintendant to operationally
9 disable that identifier ¹, unless ¹【such search and seizure】 this ¹ has
10 already occurred pursuant to section 10 of P.L.1987, c.116 (C.30:4-
11 27.10).

12 b. If the court finds that the patient does not need continued
13 involuntary commitment to treatment, the court shall so order. A
14 patient who is serving a term of incarceration shall be returned to
15 the appropriate State, county or local authority to complete service
16 of the term of incarceration imposed until released in accordance
17 with law, and any other patient shall be discharged by the facility
18 within 48 hours of the court's verbal order or by the end of the next
19 working day, whichever is longer, with a discharge plan prepared
20 pursuant to section 18 of P.L.1987, c.116 (C.30:4-27.18).

21 c. (1) The court may discharge the patient subject to
22 conditions, if the court finds that the person does not need
23 involuntary or continued involuntary commitment to treatment and
24 the court finds:

25 (a) that the patient's history indicates a high risk of
26 rehospitalization because of the patient's failure to comply with
27 discharge plans; or

28 (b) that there is substantial likelihood that by reason of mental
29 illness the patient will be dangerous to himself, others or property if
30 the patient does not receive other appropriate and available services
31 that render involuntary commitment to treatment unnecessary.

32 (2) Conditions imposed pursuant to this section shall include
33 those recommended by the facility and mental health agency and
34 developed with the participation of the patient. Conditions imposed
35 on the patient shall be specific and their duration shall not exceed
36 90 days unless the court determines, in a case in which the Attorney
37 General or a county prosecutor participated, that the conditions
38 should be imposed for a longer period. If the court imposes
39 conditions for a period exceeding six months, the court shall
40 provide for a review hearing on a date the court deems appropriate
41 but in no event later than six months from the date of the order.
42 The review hearing shall be conducted in the manner provided in
43 this section, and the court may impose any order authorized
44 pursuant to this section.

45 (3) The designated mental health agency staff person shall
46 notify the court if the patient fails to meet the conditions of the
47 discharge plan, and the court shall issue an order directing that the
48 person be taken to a screening service for an assessment. The court

1 shall determine, in conjunction with the findings of a screening
2 service, if the patient needs to be rehospitalized and, if so, the
3 patient shall be returned to the facility. The court shall hold a
4 hearing within 20 days of the day the patient was returned to the
5 facility to determine if the order of conditional discharge should be
6 vacated.

7 d. Notwithstanding subsection a. of this section, or any
8 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
9 30:4-27.17 or 30:4-27.18), no person committed while serving a
10 term of incarceration shall be discharged by the court or
11 administratively discharged prior to the date on which the person's
12 maximum term would have expired had he not been committed. If
13 the person is no longer in need of involuntary commitment to
14 treatment, the person shall be returned to the appropriate State,
15 county or local authority to complete service of the term of
16 incarceration imposed until released in accordance with law, and
17 the person shall be given day for day credit for all time during
18 which the person was committed.

19 e. Notwithstanding subsection a. of this section, or any
20 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
21 30:4-27.17 or 30:4-27.18), no person committed pursuant to
22 N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of
23 insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental
24 competence to stand trial shall be discharged by the court or
25 administratively discharged unless the prosecuting attorney in the
26 case receives prior notice and an opportunity to be heard.

27 (cf: P.L.2009, c.112, s.16)

28

29 27. Section 2 of P.L.1999, c.255 (C.2C:58-17) is amended to
30 read as follows:

31 2. a. There is established a "KeepSafe" program to encourage
32 and stimulate the safe storage of firearms in the State of New Jersey
33 by providing instant rebates to firearms purchasers who purchase
34 trigger locking devices.

35 Under the program, a person who purchases a firearm from a
36 retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be
37 eligible for a \$5 instant rebate when a compatible trigger locking
38 device is purchased along with that firearm. The licensed retail
39 dealer shall deduct the rebate from the price of the compatible
40 locking device in order to reduce by \$5 the cost of the device for the
41 purchaser.

42 b. The Superintendent of State Police, in conjunction with the
43 Attorney General, shall adopt guidelines in accordance with the
44 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
45 seq.), to effectuate the purposes of this act.

46 In addition, the superintendent shall prepare and deliver to each
47 licensed retail firearms dealer in the State the forms necessary to
48 record and report participation in the program. The forms, which

1 shall set forth the name, address, telephone number, State tax
2 number and State license number of the retail firearms dealer, the
3 name of the firearms purchaser and his firearms purchaser
4 identification card number or permit to purchase a handgun number,
5 the make and model number of the compatible trigger locking
6 device purchased and the date of the sale, shall be in duplicate. One
7 copy shall be retained by the retail dealer for his records. The other
8 shall be submitted to the Attorney General for reimbursement. The
9 reimbursement copies shall be submitted monthly at a time
10 prescribed by the superintendent. The submitting retail dealer shall
11 be entitled to a reimbursement of \$5 for each trigger locking device
12 sold as part of the KeepSafe program. To help defray any
13 administrative costs, each participating retail dealer shall receive, in
14 addition to the reimbursement, \$0.50 for each valid reimbursement
15 copy submitted.

16 The superintendent also shall provide each licensed retail
17 firearms dealer with a sign to be prominently displayed at a
18 conspicuous place on the dealer's business premises where firearms
19 are offered for sale. In addition, the superintendent shall provide
20 signs to be placed in public buildings as determined appropriate by
21 the superintendent. As used in this section, "public building"
22 means any building, structure, facility or complex used by the
23 general public, including but not limited to, theaters, concert halls,
24 auditoriums, museums, schools, libraries, recreation facilities,
25 public transportation terminals and stations, factories, office
26 buildings, business establishments, passenger vehicle service
27 stations, shopping centers, hotels or motels and public eating places,
28 owned by any State, county or municipal government agency or
29 instrumentality or any private individual, partnership, association or
30 corporation.

31 The sign shall state substantially the following:

32 "KEEP NEW JERSEY FIREARMS SAFE.
33 TO ENCOURAGE NEW JERSEY GUN OWNERS TO
34 STORE THEIR FIREARMS SAFELY, THE STATE IS
35 OFFERING A \$5 INSTANT REBATE WHEN YOU
36 PURCHASE A COMPATIBLE TRIGGER LOCK ALONG
37 WITH YOUR FIREARM.
38 REMEMBER--THE USE OF A TRIGGER LOCK IS
39 ONLY ONE ASPECT OF RESPONSIBLE FIREARM
40 STORAGE. FIREARMS SHOULD BE STORED,
41 UNLOADED AND LOCKED IN A LOCATION THAT IS
42 BOTH SEPARATE FROM THEIR AMMUNITION
43 AND INACCESSIBLE TO CHILDREN.
44 NEW JERSEY'S FAMILIES AND CHILDREN ARE
45 PRECIOUS--KEEP THEM SAFE!!"

46 (cf: P.L.1999, c.255, s.2)

1 28. (New section) a. The Superintendent of State Police shall
2 promulgate guidelines to effectuate the purposes of this act. Those
3 guidelines shall include, but not be limited to, policies and
4 procedures governing the regular periodic review of the information
5 stored in the firearms database to ensure that the information is
6 current and accurate, policies and procedures governing the
7 disabling of embedded driver's licenses and identification cards
8 should their holders be determined to no longer be lawfully
9 qualified and eligible to purchase or receive a rifle, shotgun or
10 handgun, and such other matters as the superintendent **'[deem]**
11 deems¹ to be appropriate and necessary to effectuate the purposes
12 of this act.

13 b. The Commissioner of Human Services, in accordance with
14 the provisions of the "Administrative Procedure Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.), and after consultation with the
16 Superintendent of State Police, may adopt rules and regulations
17 necessary to effectuate the purposes of this act.

18 c. The Supreme Court of New Jersey may adopt court rules to
19 effectuate the purposes of this act.

20

21 29. This act shall take effect the first day of the seventh month
22 following enactment, but the Superintendent of State Police and the
23 Commissioner of Human Services may take such anticipatory
24 administrative action in advance as shall be necessary for the
25 implementation of the act.