

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE, Nos. 2723, 657, 2456, 2465,
2474, 2476, 2525 and 2659**

STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED MAY 9, 2013

Sponsored by:

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Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

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Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators Pou, Beach, Gordon and 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 ²**[firearm]** firearms² 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 ²**[Section]** section²) 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.)
44 (pending before the Legislature as this bill), every firearms
45 purchaser identification card issued to a resident of this State and

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:

¹ Senate floor amendments adopted May 13, 2013.

² Assembly ABU committee amendments adopted June 17, 2013.

³ Assembly floor amendments adopted June 20, 2013.

1 every permit to purchase a handgun shall be affirmed as embedded
2 information on that resident's driver's license issued pursuant to
3 R.S.39:3-10.

4 A resident 18 years of age or older who has been issued a
5 firearms purchaser identification card and who is the holder of a
6 probationary driver's license issued pursuant to section 4 of
7 P.L.1950, c.127 (C.39:3-13.4) shall have the issuance of that card
8 affirmed as embedded information on that probationary driver's
9 license^{2,2}.

10 A resident who has been issued a firearms purchaser
11 identification card or a permit to purchase a handgun, but who is
12 not the holder of a New Jersey driver's license or a ²**[provisional]**
13 probationary² license shall have the issuance of that card or permit
14 affirmed as information embedded on that resident's identification
15 card issued pursuant to the "Identification Cards for Nondrivers'
16 Act," P.L.1980, c.47 (C.39:3-29.2 et seq.).

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

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

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

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

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

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

45 d. The superintendent shall ensure that a driver's license or
46 identification card embedded with information affirming the holder
47 is qualified and eligible to purchase and receive a rifle, shotgun, or
48 handgun:

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

5 (2) can effectuate the purposes of paragraph (7) of subsection a.
6 of N.J.S.2C:58-2 and subsection i. of ²[N.J.S.2C:58-3]
7 N.J.S.2C:58-3², concerning restrictions on the number of handguns
8 a person may purchase within any 30-day period.

9
10 4. (New section) a. Unless the holder shall otherwise become
11 subject to any of the disabilities set forth in subsection c. of
12 N.J.S.2C:58-3, a firearms purchaser identification card issued prior
13 to the effective date of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall remain valid until the first renewal of
15 the holder's driver's license or identification card occurring after
16 the first day of the 25th month following the effective date of
17 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

46 e. (1) A firearms purchaser identification card shall remain
47 valid, and the affirmation of that fact shall be embedded on a
48 holder's driver's license or identification card, and each

1 replacement or renewal thereof, until that person becomes
2 disqualified under the provisions of N.J.S.2C:58-3.

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

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

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

18 f. Nothing in this section shall be construed to alter in any
19 manner:

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

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

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

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

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

41

42 5. (New section) Beginning on the first day of the 73rd month
43 following the effective date of P.L. , c. (C.) (pending before
44 the Legislature as this bill), no retail dealer shall sell, assign, or
45 transfer any rifle, shotgun, or handgun to a resident of this State
46 who does not present at the time of the sale, assignment, or transfer,
47 a valid New Jersey driver's license or identification card that is
48 embedded with information affirming that the holder of that driver's

1 license or identification card is qualified and eligible to purchase or
2 receive such a rifle, shotgun, or handgun.

3

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

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

16

17 7. (New section) Sections 8 through 10 of this act ²**[apply]**²
18 shall apply if the Attorney General shall determine to utilize a
19 secure firearms purchaser identification card displaying a
20 digitalized color picture of the holder to serve as the firearms
21 purchaser identifier for this State.

22

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

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

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

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

46 d. Nothing in this section shall be construed to invalidate a
47 firearms purchaser identification card issued prior to the effective
48 date of P.L. , c. (C.) (pending before the Legislature as

1 this bill) unless that firearms purchaser identification is expired and
2 void pursuant to section 10 of P.L. , c. (C.) (pending before
3 the Legislature as this bill) and the card holder has not obtained a
4 firearms purchaser identification card that displays a digitalized
5 color picture of the applicant²**[.]**², or that the card holder has
6 otherwise become subject to any of the disabilities set forth in
7 subsection c. of N.J.S.2C:58-3.

8 e. The superintendent shall ensure that a firearms purchaser
9 identifier:

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

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

17
18 9. (New section) a. When a person applies for a firearms
19 purchaser identification card, or renews a firearms purchaser
20 identification card, or a permit to purchase a handgun pursuant to
21 N.J.S.2C:58-3 and section 10 of P.L. , c. (C.) (pending
22 before the Legislature as this bill), the chief law enforcement officer
23 of the municipality wherein the applicant resides, or the
24 superintendent if the applicant's municipality of residence has no
25 chief law enforcement officer, shall conduct a criminal history
26 record background check to determine if the applicant is subject to
27 any of the disabilities set forth in N.J.S.2C:58-3 and issue ²**[the]**² a
28 firearms purchaser identifier embedded with information indicating
29 the holder is qualified and eligible to purchase and receive a rifle,
30 shotgun, or handgun, as the case may be, if the applicant so
31 qualifies.

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

41
42 10. (New section) a. The superintendent shall implement a
43 phase-in program that provides for the issuance of firearms
44 purchaser identifiers that display a digitalized color picture to
45 applicants who have obtained a firearms purchaser identification
46 card prior to the effective date of this act which does not meet the
47 requirements set forth pursuant to this act. Under the phase-in
48 program, any firearms purchaser identification card issued prior to

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

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

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

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

31
32 11. (New section) The superintendent shall develop and
33 implement a public education program to notify the holders of
34 firearms purchaser identification cards and permits to purchase a
35 handgun, and prospective applicants for such cards or permits, of
36 the provisions of this act.

37
38 12. (New section) a. Not later than the first day of the 25th
39 month following the effective date of this act, the Attorney General
40 shall develop and implement a system that allows a retail dealer of
41 firearms to instantly determine, through the use of the information
42 embedded in a prospective firearms purchaser's firearms purchaser
43 identifier, whether that purchaser is qualified and eligible to
44 purchase a firearm.

45 b. On and after the first day of the 73rd month following the
46 effective date of P.L. , c. (C.) (pending before the
47 Legislature as this bill), and except as otherwise provided in
48 paragraph (4) of subsection f. of section 4 of this act concerning the

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

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

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

38 If, after 36 months of testing, the superintendent determines that
39 the system is seriously flawed and is incapable of reliably
40 facilitating lawful firearms sales, transfers, and assignments, the
41 superintendent shall so report to the Governor and the Legislature
42 recommending that the provisions of section ²[4] 10² of P.L. ,
43 c. (C.) (pending before the Legislature of this bill) and
44 subsection b. of this section be postponed until such time as the
45 Attorney General and the superintendent shall determine that the
46 system is fully operational and capable of reliably facilitating
47 lawful firearms sales, transfers, and assignments for the residents of
48 this State.

1 13. (New section) a. On and after the effective date of P.L. ,
2 c. (C.) (pending before the Legislature as this bill), an
3 applicant shall not be issued his initial permit to purchase a
4 handgun or his first firearms purchaser identification card unless the
5 applicant presents evidence of successfully completing a firearms
6 safety class or course of a type approved by the superintendent or
7 has received such training through law enforcement or military
8 service. Acceptable evidence of successfully completing a firearms
9 safety class or course shall include, but not be limited to, a
10 certificate indicating satisfactory completion of ²**[an NRA]** a
11 National Rifle Association² firearms course, a certificate that the
12 applicant is a certified ²**[NRA]** National Rifle Association²
13 Firearms Instructor, a copy of a firearms or hunting license or
14 permit from any other jurisdiction that requires the holder to
15 successfully complete an equivalent firearms safety class or course,
16 or any other such documentation, certificate, or certification that the
17 superintendent deems equivalent.

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

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

25 In developing that curriculum, the superintendent shall consult
26 with a firearms safety panel which shall consist of four members.
27 Two of the members shall be appointed by the Senate President;
28 one shall represent organizations, associations, or clubs promoting
29 hunting, shooting sports or competitions and one of whom shall
30 represent organizations, associations, or other entities advocating
31 gun violence prevention. Two of the members shall be appointed
32 by the Speaker of the General Assembly; one shall represent
33 organizations, associations, or clubs promoting hunting, shooting
34 sports or competitions and one shall represent ²**[organization]**
35 organizations², associations²,² or other entities advocating gun
36 violence prevention. The superintendent shall serve as chair of the
37 panel. The panel shall meet at those times and in those places as
38 the chair shall determine.

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

44 The basic curriculum shall be adopted within 60 days of the
45 appointment of the panel's members. Should the panel fail to adopt
46 the basic curriculum within that timeframe, the superintendent shall

1 act independently in prescribing the provisions of the basic
2 curriculum.

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

11 The form or certificate issued pursuant to this subsection shall be
12 valid, and shall ²be² used, for each renewal of the holder's firearms
13 purchaser identifier and for any application for a firearms purchaser
14 identification card or permit to purchase a handgun. An applicant
15 who has successfully completed a firearms safety class or course
16 pursuant to this subsection shall not be required to repeat that class
17 or course as part of any application for any renewal of a firearms
18 purchaser identifier, firearms purchaser identification card, or
19 permit to purchase a handgun.

20

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

22 2C:39-10. Violation of the regulatory provisions relating to
23 firearms; false representation in applications.

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

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

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

41 c. (1) Any person who gives or causes to be given any false
42 information, or signs a fictitious name or address, in applying for a
43 firearms purchaser identification card, a permit to purchase a
44 handgun, a permit to carry a handgun, a permit to possess a machine
45 gun, a permit to possess an assault firearm, or in completing the
46 certificate or any other instrument required by law in purchasing or
47 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 Internet¹
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 ²~~fore~~ for² 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 a valid copy of a permit to
29 purchase a handgun **[.]** or a valid permit to carry a handgun, or
30 a 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 ¹Internet¹
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

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

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

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

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

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

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

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

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

43

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

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

1 P.L.2002, c.26 (C.2C:38-3); or

2 (30) terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-
3 2).

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

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

19

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

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

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

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

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

30 b. This section shall not apply:

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

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

35 c. As used in this act, "minor" means a person under the age of
36 16.

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

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

40

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

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

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

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

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

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

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

46 Nothing in this act shall be construed to limit the authority of the
47 State or a law enforcement officer to seize, retain, or forfeit

1 property pursuant to chapter 64 of Title 2C of the New Jersey
2 Statutes.

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

5 (a) ²**[With]** with² respect to weapons other than firearms, order
6 the prosecutor to dispose of the weapons if the owner does not
7 arrange for the transfer or sale of the weapons to an appropriate
8 person within 60 days; or

9 (b) ²**[Order]** order² the revocation of the owner's firearms
10 purchaser identification card and any valid permit to purchase a
11 handgun, or the operational disabling of any embedded firearms
12 purchaser identifier, in which case the court shall order the owner to
13 surrender any firearm seized and all other firearms possessed to the
14 prosecutor and shall order the prosecutor to dispose of the firearms
15 if the owner does not arrange for the sale of the firearms to a
16 registered dealer of the firearms within 60 days; or

17 (c) ²**[Order]** order² such other relief as it may deem
18 appropriate. When the court orders the weapons forfeited to the
19 State or the prosecutor is required to dispose of the weapons, the
20 prosecutor shall dispose of the property as provided in N.J.S.2C:64-
21 6.

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

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

38
39 20. N.J.S.2C:58-2 is amended to read as follows:

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

1 Applications shall be made in the form prescribed by the
2 superintendent, accompanied by a fee of \$50 payable to the
3 superintendent, and shall be made to a judge of the Superior Court
4 in the county where the applicant maintains his place of business.
5 The judge shall grant a license to an applicant if he finds that the
6 applicant meets the standards and qualifications established by the
7 superintendent and that the applicant can be permitted to engage in
8 business as a retail dealer of firearms or employee thereof without
9 any danger to the public safety, health and welfare. Each license
10 shall be valid for a period of three years from the date of issuance,
11 and shall authorize the holder to sell firearms at retail in a specified
12 municipality.

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

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

25 All licenses shall be granted subject to the following conditions,
26 for breach of any of which the license shall be subject to revocation
27 on the application of any law enforcement officer and after notice
28 and hearing by the issuing court:

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

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

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

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

1 and shall be made available for inspection by any law enforcement
2 officer at any reasonable time.

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

4 (a) Such person possesses and exhibits a firearms purchaser
5 identification card and a valid permit to purchase a handgun (PPH)
6 or a valid New Jersey firearms purchaser identifier embedded with
7 information that the holder is qualified and eligible to receive a
8 handgun and at least seven days have elapsed since the **【**date of
9 application for the permit**】** calendar date of the sale;

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

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

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

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

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

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

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

41 (b) a collector of handguns as curios or relics as defined in Title
42 18, United States Code, section 921 (a) (13) who has in his
43 possession a valid Collector of Curios and Relics License issued by
44 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

- 1 (d) any transaction where the person has purchased a handgun
2 from a licensed retail dealer and has returned that handgun to the
3 dealer in exchange for another handgun within 30 days of the
4 original transaction, provided the retail dealer reports the exchange
5 transaction to the superintendent; or
- 6 (e) any transaction where the superintendent issues an
7 exemption from the prohibition in this subsection pursuant to the
8 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 9 b. Records. Every person engaged in the retail business of
10 selling, leasing or otherwise transferring a handgun, as a retail
11 dealer or otherwise, shall keep a register in which shall be entered
12 the time of the sale, lease or other transfer, the date thereof, the
13 name, age, date of birth, complexion, occupation, residence and a
14 physical description including distinguishing physical
15 characteristics, if any, of the purchaser, lessee or transferee, the
16 name and permanent home address of the person making the sale,
17 lease or transfer, the place of the transaction, and the make, model,
18 manufacturer's number, caliber and other marks of identification on
19 such handgun and such other information as the superintendent
20 shall deem necessary for the proper enforcement of this chapter.
21 The register shall be retained by the dealer and shall be made
22 available at all reasonable hours for inspection by any law
23 enforcement officer.
- 24 c. Forms of register. The superintendent shall prepare the form
25 of the register as described in subsection b. of this section and
26 furnish the same in triplicate to each person licensed to be engaged
27 in the business of selling, leasing or otherwise transferring firearms.
- 28 d. Signatures in register. The purchaser, lessee or transferee of
29 any handgun shall sign, and the dealer shall require him to sign his
30 name to the register, in triplicate, and the person making the sale,
31 lease or transfer shall affix his name, in triplicate, as a witness to
32 the signature. The signatures shall constitute a representation of the
33 accuracy of the information contained in the register.
- 34 e. Copies of register entries; delivery to chief of police or
35 county clerk. Within five days of the date of the sale, assignment or
36 transfer, the dealer shall deliver or mail by certified mail, return
37 receipt requested, legible copies of the register forms to the office
38 of the chief of police of the municipality in which the purchaser
39 resides, or to the office of the captain of the precinct of the
40 municipality in which the purchaser resides, and to the
41 superintendent. If hand delivered a receipt shall be given to the
42 dealer therefor.
- 43 Where a sale, assignment or transfer is made to a purchaser who
44 resides in a municipality having no chief of police, the dealer shall,
45 within five days of the transaction, mail a duplicate copy of the
46 register sheet to the clerk of the county within which the purchaser
47 resides.
- 48 (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 ²(NICS)² 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 ²[National Instant Criminal Background
38 Check] NICS check² of the person acquiring the canon, rifle or
39 shotgun. In addition:

40 (a) the licensee shall submit to the Superintendent of State
41 Police, on a form approved by the superintendent, 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;

1 (c) in addition to any fee the person receiving the rifle, shotgun,
2 or antique cannon is required to pay for a NICS check, a licensee
3 may charge a fee of up to \$15 for a transaction conducted pursuant
4 to this subsection; and

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

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

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

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

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

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

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

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

46 (7) To any person who as a juvenile was adjudicated delinquent
47 for an offense which, if committed by an adult, would constitute a
48 crime and the offense involved the unlawful use or possession of a

1 weapon, explosive or destructive device or is enumerated in
2 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

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

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

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

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

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

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

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

35 ³When conducting an investigation to determine whether an
36 applicant is qualified and eligible to be issued a firearms purchaser
37 identification card, a permit to purchase a handgun, or a firearms
38 purchaser identifier, the issuing authority shall access the Civil
39 Commitment Automatic Tracking System.]³

40 f. Granting of permit or identification card; fee; term; renewal;
41 revocation. The application for the permit to purchase a handgun,
42 or for a New Jersey firearms purchaser identifier embedded with
43 such information, together with a fee of \$2, or the application for
44 the firearms purchaser identification card, or a firearms purchaser
45 identifier embedded with such information, together with a fee of
46 \$5, shall be delivered or forwarded to the licensing authority who
47 shall investigate the same and, unless good cause for the denial

1 thereof appears, shall grant the permit or the identification card, or
2 both, if application has been made therefor, within 30 days from the
3 date of receipt of the application for residents of this State and
4 within 45 days for nonresident applicants. A permit to purchase a
5 handgun shall be valid for a period of 90 days from the date of
6 issuance and may be renewed by the issuing authority for good
7 cause for an additional 90 days. A permit to purchase a handgun
8 issued for the purposes of P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall be valid until the holder's firearms
10 purchaser identifier expires, or until such time as the holder
11 becomes subject to any of the disabilities set forth in subsection c.
12 of this section and at that time be operationally disabled. A
13 firearms purchaser identification card shall be valid until such time
14 as the holder becomes subject to any of the disabilities set forth in
15 subsection c. of this section, whereupon the card shall be void and
16 shall be returned within five days by the holder to the
17 superintendent, who shall then advise the licensing authority. In the
18 case of a firearms purchaser identifier embedded pursuant to
19 P.L. , c. (C,) (pending before the Legislature as this bill),
20 the information affirming the holder is qualified and eligible to
21 purchase and receive a rifle or shotgun shall be valid and shall be
22 embedded in each replacement or renewal of that person's license
23 or card, until such time as the holder becomes subject to any of the
24 disabilities set forth in subsection c. of this section and at that time
25 shall be operationally disabled. Failure of the holder to return the
26 firearms purchaser identification card to the superintendent within
27 the said five days shall be an offense under subsection a. of
28 N.J.S.2C:39-10. Any firearms purchaser identification card or
29 affirmation embedded in a firearms purchaser identifier may be
30 revoked or operationally disabled by the Superior Court of the
31 county wherein the card was issued, after hearing upon notice, upon
32 a finding that the holder thereof no longer qualifies for the issuance
33 of such permit or for such an affirmation. The county prosecutor of
34 any county, the chief police officer of any municipality or any
35 citizen may apply to such court at any time for the revocation of
36 such card or the operational disabling of any such affirmation. In
37 any case where a person has been convicted of a crime, the court,
38 upon motion of the county prosecutor, shall determine whether the
39 person possesses a firearms purchaser identification card, a valid
40 permit to purchase a handgun, or holds a New Jersey firearms
41 purchaser identifier embedded with information affirming the
42 holder's qualification and eligibility to purchase or receive a rifle,
43 shotgun, or handgun. Upon determining that the convicted person
44 possesses such a card, permit, or identifier, the court at sentencing
45 either shall revoke the card or permit, or in the case of an embedded
46 firearms purchaser identifier, shall direct the superintendent to
47 operationally disable the license or card, after notice and a hearing.

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

5 A person shall apply for a duplicate firearms purchaser
6 identification card in the case of a change of residence. The
7 application, in a form prescribed by the superintendent, shall be
8 submitted to the chief of police of the municipality in which he
9 resides or with the superintendent, as the case may be. A driver's
10 license or a State-issued non-driver identification card, which
11 includes a photograph of the holder, shall be used to provide proof
12 of the change of address. The person shall certify that he is not
13 subject to any of the disabilities set forth in this section or other
14 sections of this chapter. The duplicate card shall be issued without
15 a criminal history ²[records] record background² check or mental
16 health records check first being conducted if the applicant is a full-
17 time member of a municipal, county, State or federal law
18 enforcement agency.

19 g. Disposition of fees. All fees for permits shall be paid to the
20 State Treasury if the permit is issued by the superintendent, to the
21 municipality if issued by the chief of police, and to the county
22 treasurer if issued by the judge of the Superior Court.

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

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

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

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

5 (3) transfers of handguns among licensed retail dealers,
6 registered wholesale dealers and registered manufacturers ^{2,2};

7 (4) transfers of handguns from any person to a licensed retail
8 dealer or a registered wholesale dealer or registered
9 manufacturer **[.]**;

10 (5) any transaction where the person has purchased a handgun
11 from a licensed retail dealer and has returned that handgun to the
12 dealer in exchange for another handgun within 30 days of the
13 original transaction, provided the retail dealer reports the exchange
14 transaction to the superintendent; or

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

18 The provisions of this subsection shall not be construed to afford
19 or authorize any other exemption from the regulatory provisions
20 governing firearms set forth in chapter 39 and chapter 58 of Title
21 2C of the New Jersey Statutes;

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

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

1 k. Sawed-off shotguns. Nothing in this section shall be
2 construed to authorize the purchase or possession of any sawed-off
3 shotgun.

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

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

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

18

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

20 2C:58-4. Permits to carry handguns

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

28 All permits to carry handguns shall expire **[2]** two years from
29 the date of issuance or, in the case of an employee of an armored
30 car company, upon termination of his employment by the company
31 occurring prior thereto whichever is earlier in time, and they may
32 thereafter be renewed every **[2]** two years in the same manner and
33 subject to the same conditions as in the case of original
34 applications.

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

1 c. Investigation and approval. Each application shall in the
2 first instance be submitted to the chief police officer of the
3 municipality in which the applicant resides, or to the
4 superintendent, (1) if the applicant is an employee of an armored
5 car company, or (2) if there is no chief police officer in the
6 municipality where the applicant resides, or (3) if the applicant does
7 not reside in this State. The chief police officer, or the
8 superintendent, as the case may be, shall cause the fingerprints of
9 the applicant to be taken and compared with any and all records
10 maintained by the municipality, the county in which it is located,
11 the State Bureau of Identification and the Federal Bureau of
12 Identification. He shall also determine and record a complete
13 description of each handgun the applicant intends to carry.

14 No application shall be approved by the chief police officer or
15 the superintendent unless the applicant demonstrates that he is not
16 subject to any of the disabilities set forth in **【2C:58-3c.】** subsection
17 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
18 handling and use of handguns, and that he has a justifiable need to
19 carry a handgun. If the application is not approved by the chief
20 police officer or the superintendent within 60 days of filing, it shall
21 be deemed to have been approved, unless the applicant agrees to an
22 extension of time in writing.

23 d. Issuance by Superior Court; fee. If the application has been
24 approved by the chief police officer or the superintendent, as the
25 case may be, the applicant shall forthwith present it to the Superior
26 Court of the county in which the applicant resides, or to the
27 Superior Court in any county where he intends to carry a handgun,
28 in the case of a nonresident or employee of an armored car
29 company. The court shall issue the permit to the applicant if, but
30 only if, it is satisfied that the applicant is a person of good character
31 who is not subject to any of the disabilities set forth in **【section**
32 **2C:58-3c.】** subsection c. of N.J.S.2C:58-3, that he is thoroughly
33 familiar with the safe handling and use of handguns, and that he has
34 a justifiable need to carry a handgun. The court may at its
35 discretion issue a limited-type permit which would restrict the
36 applicant as to the types of handguns he may carry and where and
37 for what purposes such handguns may be carried. At the time of
38 issuance, the applicant shall pay to the county clerk of the county
39 where the permit was issued a permit fee of **【\$20.00】** \$20.

40 e. Appeals from denial of applications. Any person aggrieved
41 by the denial by the chief police officer or the superintendent of
42 approval for a permit to carry a handgun may request a hearing in
43 the Superior Court of the county in which he resides or in any
44 county in which he intends to carry a handgun, in the case of a
45 nonresident, by filing a written request for such a hearing within 30
46 days of the denial. Copies of the request shall be served upon the
47 superintendent, the county prosecutor and the chief police officer of

1 the municipality where the applicant resides, if he is a resident of
2 this State. The hearing shall be held within 30 days of the filing of
3 the request, and no formal pleading or filing fee shall be required.
4 Appeals from the determination at such a hearing shall be in
5 accordance with law and the rules governing the courts of this State.
6 If the superintendent or chief police officer approves an
7 application and the Superior Court denies the application and
8 refuses to issue a permit, the applicant may appeal such denial in
9 accordance with law and the rules governing the courts of this State.

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

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

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

29

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

32 5. The commissioner shall adopt rules and regulations pursuant
33 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
34 1 et seq.) regarding a screening service and its staff that effectuate
35 the following purposes and procedures:

36 a. A screening service shall serve as the facility in the public
37 mental health care treatment system wherein a person believed to be
38 in need of involuntary commitment to outpatient treatment, a short-
39 term care facility, psychiatric facility or special psychiatric hospital
40 undergoes an assessment to determine what mental health services
41 are appropriate for the person and where those services may be
42 most appropriately provided in the least restrictive environment.

43 The screening service may provide emergency and consensual
44 treatment to the person receiving the assessment and may transport
45 the person or detain the person up to 24 hours for the purposes of
46 providing the treatment and conducting the assessment.

47 b. When a person is assessed by a mental health screener and
48 involuntary commitment to treatment seems necessary, the screener

1 shall provide, on a screening document prescribed by the division,
2 information regarding the person's history and available alternative
3 facilities and services that are deemed inappropriate for the person.
4 When appropriate and available, and as permitted by law, the
5 screener shall make reasonable efforts to gather information from
6 the person's family or significant others for the purposes of
7 preparing the screening document. The screener shall also
8 ²[ascertain] ask² whether the person is an owner of a firearm or
9 other weapon enumerated in subsection r. of N.J.S.2C:39-1, and the
10 location of that firearm or weapon, and whether the person
11 possesses a firearms purchaser identification card, a valid permit to
12 purchase a handgun, or a firearms purchaser identifier embedded
13 with information affirming that the holder is qualified and eligible
14 to purchase a rifle, shotgun, or handgun and the location of any
15 such card, permit, or identifier. Any such information acquired by
16 the screener shall be included in the screening document. If a
17 psychiatrist, in consideration of this document and in conjunction
18 with the psychiatrist's own complete assessment, concludes that the
19 person is in need of commitment to treatment, the psychiatrist shall
20 complete the screening certificate. The screening certificate shall
21 be completed by a psychiatrist except in those circumstances where
22 the division's contract with the screening service provides that
23 another physician may complete the certificate. If a psychiatrist or
24 physician reasonably believes the person is an owner of a firearm or
25 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
26 possesses a firearms purchaser identification card, valid permit to
27 purchase a handgun, or a firearms purchaser identifier embedded
28 with information affirming that the holder is qualified and eligible
29 to purchase a rifle, shotgun, or handgun, that information, including
30 the reported location of any weapon, card, permit, or identifier shall
31 be included on the screening certificate.

32 Upon completion of the screening certificate, screening service
33 staff shall determine, in consultation with the psychiatrist or another
34 physician, as appropriate, the least restrictive environment for the
35 appropriate treatment to which the person shall be assigned or
36 admitted, taking into account the person's prior history of
37 hospitalization and treatment and the person's current mental health
38 condition. Screening service staff shall designate:

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

43 (2) outpatient treatment for the person when outpatient
44 treatment is deemed sufficient to render the person unlikely to be
45 dangerous to self, others or property within the reasonably
46 foreseeable future.

47 If the screening service staff determines that the person is in
48 need of involuntary commitment to outpatient treatment, the

1 screening service staff shall consult with an outpatient treatment
2 provider to arrange, if possible, for an appropriate interim plan of
3 outpatient treatment in accordance with section 9 of P.L.2009, c.112
4 (C.30:4-27.8a).

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

9 The person shall be admitted to the appropriate facility or
10 assigned to the appropriate outpatient treatment provider, as
11 appropriate for treatment, as soon as possible. Screening service
12 staff are authorized to coordinate initiation of outpatient treatment
13 or transport the person or arrange for transportation of the person to
14 the appropriate facility.

15 c. If the mental health screener determines that the person is
16 not in need of assignment or commitment to an outpatient treatment
17 provider, or admission or commitment to a short-term care facility,
18 psychiatric facility or special psychiatric hospital, the screener shall
19 refer the person to an appropriate community mental health or
20 social services agency or appropriate professional or inpatient care
21 in a psychiatric unit of a general hospital.

22 d. A mental health screener shall make a screening outreach
23 visit if the screener determines, based on clinically relevant
24 information provided by an individual with personal knowledge of
25 the person subject to screening, that the person may need
26 involuntary commitment to treatment and the person is unwilling or
27 unable to come to the screening service for an assessment.

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

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

33

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

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

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

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

5 c. A mental health screener completing a screening document
6 or a psychiatrist or physician completing a screening certificate or
7 clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.),
8 shall, with regard to whether a person is an owner of a firearm or
9 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
10 possesses a firearms purchaser identification card, valid permit to
11 purchase a handgun, or firearms purchaser identifier embedded with
12 information affirming that the holder is qualified and eligible to
13 purchase a rifle, shotgun or handgun, or the location of such
14 weapon, card, permit, or identifier, not be held liable in any civil
15 action brought by any person for failing to learn of a weapon or any
16 firearms purchaser identification card, valid permit to purchase a
17 handgun, or firearms purchaser identifier embedded with
18 information affirming the holder is qualified and eligible to
19 purchase a rifle, shotgun, or handgun, or of the location of any such
20 firearm, weapon, card, permit, or identifier.

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

22

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

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

35 (2) A screening service or outpatient treatment provider shall
36 initiate court proceedings for commitment to outpatient treatment
37 by submitting to the court a clinical certificate completed by a
38 psychiatrist on the patient's treatment team and the screening
39 certificate which authorized assignment of the patient to outpatient
40 treatment with the outpatient treatment provider; provided,
41 however, that both certificates shall not be signed by the same
42 psychiatrist unless the psychiatrist has made a reasonable but
43 unsuccessful attempt to have another psychiatrist conduct the
44 evaluation and execute the certificate.

45 b. Court proceedings for the involuntary commitment to
46 treatment of any person not referred by a screening service may be
47 initiated by the submission to the court of two clinical certificates,
48 at least one of which is prepared by a psychiatrist. A psychiatrist or

1 physician shall ²ascertain² ask² whether the person is an owner of
2 a firearm or other weapon enumerated in subsection r. of
3 N.J.S.2C:39-1 or possesses a firearms purchaser identification card,
4 a valid permit to purchase a handgun, or a firearms purchaser
5 identifier embedded with information affirming the holder is
6 qualified and eligible to purchase a rifle, shotgun, or handgun, and
7 the location of any such firearm, weapon, card, permit, or identifier
8 and shall include that information on the clinical certificate.

9 The person shall not be involuntarily committed before the court
10 issues a temporary court order.

11 c. A court proceeding for involuntary commitment to treatment
12 of an inmate who is scheduled for release upon expiration of a
13 maximum term of incarceration shall be initiated by the Attorney
14 General or county prosecutor by submission to the court of two
15 clinical certificates, at least one of which is prepared by a
16 psychiatrist.

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

30 e. Any person who is a relative by blood or marriage of the
31 person being screened who executes a clinical certificate, or any
32 person who signs a clinical certificate for any purpose or motive
33 other than for purposes of care, treatment and confinement of a
34 person in need of involuntary commitment to treatment, shall be
35 guilty of a crime of the fourth degree.

36 f. Upon receiving these documents the court shall immediately
37 review them in order to determine whether there is probable cause
38 to believe that the person is in need of involuntary commitment to
39 treatment.

40 g. (1) If the court finds that there is probable cause to believe
41 that the person, other than a person whose commitment is sought
42 pursuant to subsection c. of this section, is in need of involuntary
43 commitment to treatment, it shall issue a temporary order
44 authorizing the assignment of the person to an outpatient treatment
45 provider or the admission to or retention of the person in the
46 custody of the facility, that is both appropriate to the person's
47 condition and is the least restrictive environment, pending a final
48 hearing.

1 (2) If the court finds that there is probable cause to believe that
2 a person is in need of involuntary commitment to treatment, the
3 court ²[shall] may² order a law enforcement officer to search for
4 ²[and seize]² any firearm or other weapon enumerated in
5 subsection r. of N.J.S.2C:39-1 or any firearms purchaser
6 identification card, ²[or]² valid permit to purchase a handgun, or
7 firearms purchaser identifier embedded with information affirming
8 that the holder is qualified and eligible to purchase a rifle, shotgun,
9 or handgun at any location where the court has reasonable cause to
10 believe any such firearm, weapon, card, permit, or identifier may be
11 located ²and seize that firearm, weapon, identification card, or
12 permit or, in the case of an embedded identifier, direct the
13 superintendent to operationally disable that identifier² .

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

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

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

41

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

44 15. a. If the court finds by clear and convincing evidence that
45 the patient needs continued involuntary commitment to treatment, it
46 ²[shall]²:

1 (1) ²shall² issue an order authorizing the involuntary
2 commitment of the patient and the assignment or admission of the
3 patient pursuant to section 17 of P.L.2009, c.112 (C.30:4-27.15a)
4 **【and shall】**;

5 (2) ²shall² schedule a subsequent court hearing in the event the
6 patient is not administratively discharged pursuant to section 17 of
7 P.L.1987, c.116 (C.30:4-27.17) prior thereto; and

8 (3) ²may² order a law enforcement officer to search for ²**【and**
9 **seize】**² any firearm or other weapon enumerated in subsection r. of
10 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
11 permit to purchase a handgun, or firearms purchaser identifier
12 embedded with information affirming that the holder is qualified
13 and eligible to purchase a rifle, shotgun, or handgun at any location
14 where the court has reasonable cause to believe any such firearm,
15 weapon, card, permit, or identifier may be located ²and seize that
16 firearm, weapon, identification card, or permit or, in the case of an
17 embedded identifier, direct the superintendant to operationally
18 disable that identifier² , unless ²**【such search and seizure】** ²this² has
19 already occurred pursuant to section 10 of P.L.1987, c.116 (C.30:4-
20 27.10).

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

30 c. (1) The court may discharge the patient subject to
31 conditions, if the court finds that the person does not need
32 involuntary or continued involuntary commitment to treatment and
33 the court finds:

34 (a) that the patient's history indicates a high risk of
35 rehospitalization because of the patient's failure to comply with
36 discharge plans; or

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

41 (2) Conditions imposed pursuant to this section shall include
42 those recommended by the facility and mental health agency and
43 developed with the participation of the patient. Conditions imposed
44 on the patient shall be specific and their duration shall not exceed
45 90 days unless the court determines, in a case in which the Attorney
46 General or a county prosecutor participated, that the conditions
47 should be imposed for a longer period. If the court imposes

1 conditions for a period exceeding six months, the court shall
2 provide for a review hearing on a date the court deems appropriate
3 but in no event later than six months from the date of the order.
4 The review hearing shall be conducted in the manner provided in
5 this section, and the court may impose any order authorized
6 pursuant to this section.

7 (3) The designated mental health agency staff person shall
8 notify the court if the patient fails to meet the conditions of the
9 discharge plan, and the court shall issue an order directing that the
10 person be taken to a screening service for an assessment. The court
11 shall determine, in conjunction with the findings of a screening
12 service, if the patient needs to be rehospitalized and, if so, the
13 patient shall be returned to the facility. The court shall hold a
14 hearing within 20 days of the day the patient was returned to the
15 facility to determine if the order of conditional discharge should be
16 vacated.

17 d. Notwithstanding subsection a. of this section, or any
18 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
19 30:4-27.17 or 30:4-27.18), no person committed while serving a
20 term of incarceration shall be discharged by the court or
21 administratively discharged prior to the date on which the person's
22 maximum term would have expired had he not been committed. If
23 the person is no longer in need of involuntary commitment to
24 treatment, the person shall be returned to the appropriate State,
25 county or local authority to complete service of the term of
26 incarceration imposed until released in accordance with law, and
27 the person shall be given day for day credit for all time during
28 which the person was committed.

29 e. Notwithstanding subsection a. of this section, or any
30 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
31 30:4-27.17 or 30:4-27.18), no person committed pursuant to
32 N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of
33 insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental
34 competence to stand trial shall be discharged by the court or
35 administratively discharged unless the prosecuting attorney in the
36 case receives prior notice and an opportunity to be heard.

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

38

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

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

45 Under the program, a person who purchases a firearm from a
46 retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be
47 eligible for a \$5 instant rebate when a compatible trigger locking
48 device is purchased along with that firearm. The licensed retail

1 dealer shall deduct the rebate from the price of the compatible
2 locking device in order to reduce by \$5 the cost of the device for the
3 purchaser.

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

8 In addition, the superintendent shall prepare and deliver to each
9 licensed retail firearms dealer in the State the forms necessary to
10 record and report participation in the program. The forms, which
11 shall set forth the name, address, telephone number, State tax
12 number and State license number of the retail firearms dealer, the
13 name of the firearms purchaser and his firearms purchaser
14 identification card number or permit to purchase a handgun number,
15 the make and model number of the compatible trigger locking
16 device purchased and the date of the sale, shall be in duplicate. One
17 copy shall be retained by the retail dealer for his records. The other
18 shall be submitted to the Attorney General for reimbursement. The
19 reimbursement copies shall be submitted monthly at a time
20 prescribed by the superintendent. The submitting retail dealer shall
21 be entitled to a reimbursement of \$5 for each trigger locking device
22 sold as part of the KeepSafe program. To help defray any
23 administrative costs, each participating retail dealer shall receive, in
24 addition to the reimbursement, \$0.50 for each valid reimbursement
25 copy submitted.

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

41 The sign shall state substantially the following:

42 "KEEP NEW JERSEY FIREARMS SAFE.
43 TO ENCOURAGE NEW JERSEY GUN OWNERS TO
44 STORE THEIR FIREARMS SAFELY, THE STATE IS
45 OFFERING A \$5 INSTANT REBATE WHEN YOU
46 PURCHASE A COMPATIBLE TRIGGER LOCK ALONG
47 WITH YOUR FIREARM.
48 REMEMBER--THE USE OF A TRIGGER LOCK IS

1 ONLY ONE ASPECT OF RESPONSIBLE FIREARM
2 STORAGE. FIREARMS SHOULD BE STORED,
3 UNLOADED AND LOCKED IN A LOCATION THAT IS
4 BOTH SEPARATE FROM THEIR AMMUNITION
5 AND INACCESSIBLE TO CHILDREN.
6 NEW JERSEY'S FAMILIES AND CHILDREN ARE
7 PRECIOUS--KEEP THEM SAFE!!"

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

9
10 28. (New section) a. The Superintendent of State Police shall
11 promulgate guidelines to effectuate the purposes of this act. Those
12 guidelines shall include, but not be limited to, policies and
13 procedures governing the regular periodic review of the information
14 stored in the firearms database to ensure that the information is
15 current and accurate, policies and procedures governing the
16 disabling of embedded driver's licenses and identification cards
17 should their holders be determined to no longer be lawfully
18 qualified and eligible to purchase or receive a rifle, shotgun or
19 handgun, and such other matters as the superintendent ²**[deem]**
20 deems² to be appropriate and necessary to effectuate the purposes
21 of this act.

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

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

29
30 29. This act shall take effect the first day of the seventh month
31 following enactment, but the Superintendent of State Police and the
32 Commissioner of Human Services may take such anticipatory
33 administrative action in advance as shall be necessary for the
34 implementation of the act.