

[First Reprint]

**ASSEMBLY, No. 4218**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED FEBRUARY 23, 2015

**Sponsored by:**

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**Co-Sponsored by:**

**Assemblymen Singleton, Garcia, Diegnan, Caputo, Assemblywoman Muoio, Assemblyman Johnson, Assemblywomen Caride, Jasey, Assemblymen Eustace, Wilson and Assemblywoman Jimenez**

**SYNOPSIS**

Revises certain laws concerning domestic violence and firearms.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on June 1, 2015, with amendments.

(Sponsorship Updated As Of: 6/5/2015)

1 AN ACT concerning domestic violence and firearms and amending  
2 and supplementing 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. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to  
8 read as follows:

9 5. a. When a person claims to be a victim of domestic  
10 violence, and where a law enforcement officer responding to the  
11 incident finds probable cause to believe that domestic violence has  
12 occurred, the law enforcement officer shall arrest the person who is  
13 alleged to be the person who subjected the victim to domestic  
14 violence and shall sign a criminal complaint if:

15 (1) The victim exhibits signs of injury caused by an act of  
16 domestic violence;

17 (2) A warrant is in effect;

18 (3) There is probable cause to believe that the person has  
19 violated N.J.S.2C:29-9, and there is probable cause to believe that  
20 the person has been served with the order alleged to have been  
21 violated. If the victim does not have a copy of a purported order,  
22 the officer may verify the existence of an order with the appropriate  
23 law enforcement agency; or

24 (4) There is probable cause to believe that a weapon as defined  
25 in N.J.S.2C:39-1 has been involved in the commission of an act of  
26 domestic violence.

27 b. A law enforcement officer may arrest a person; or may sign  
28 a criminal complaint against that person, or may do both, where  
29 there is probable cause to believe that an act of domestic violence  
30 has been committed, but where none of the conditions in subsection  
31 a. of this section applies.

32 c. (1) As used in this section, the word "exhibits" is to be  
33 liberally construed to mean any indication that a victim has suffered  
34 bodily injury, which shall include physical pain or any impairment  
35 of physical condition. Where the victim exhibits no visible sign of  
36 injury, but states that an injury has occurred, the officer should  
37 consider other relevant factors in determining whether there is  
38 probable cause to make an arrest.

39 (2) In determining which party in a domestic violence incident  
40 is the victim where both parties exhibit signs of injury, the officer  
41 should consider the comparative extent of the injuries, the history of  
42 domestic violence between the parties, if any, and any other  
43 relevant factors.

**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:**

**<sup>1</sup>Assembly ALP committee amendments adopted June 1, 2015.**

1 (3) No victim shall be denied relief or arrested or charged under  
2 this act with an offense because the victim used reasonable force in  
3 self defense against domestic violence by an attacker.

4 d. (1) In addition to a law enforcement officer's authority to  
5 seize any weapon that is contraband, evidence or an instrumentality  
6 of crime, a law enforcement officer who has probable cause to  
7 believe that an act of domestic violence has been committed shall:

8 (a) question persons present to determine whether there are  
9 weapons on the premises; and

10 (b) upon observing or learning that a weapon is present on the  
11 premises, seize any weapon that the officer reasonably believes  
12 would expose the victim to a risk of serious bodily injury. If a law  
13 enforcement officer seizes any firearm pursuant to this paragraph,  
14 the officer shall also seize any **[firearm]** firearms purchaser  
15 identification card or permit to purchase a handgun issued to the  
16 person accused of the act of domestic violence.

17 (2) A law enforcement officer shall deliver all weapons,  
18 firearms purchaser identification cards and permits to purchase a  
19 handgun seized pursuant to this section to the county prosecutor and  
20 shall append an inventory of all seized items to the domestic  
21 violence report.

22 (3) Weapons seized in accordance with the "Prevention of  
23 Domestic Violence Act of 1991", P.L.1991,c.261(C.2C:25-17 et  
24 seq.) shall be returned to the owner except upon order of the  
25 Superior Court. The prosecutor who has possession of the seized  
26 weapons may, upon notice to the owner, petition a judge of the  
27 Family Part of the Superior Court, Chancery Division, within 45  
28 days of seizure, to obtain title to the seized weapons, or to revoke  
29 any and all permits, licenses and other authorizations for the use,  
30 possession, or ownership of such weapons pursuant to the law  
31 governing such use, possession, or ownership, or may object to the  
32 return of the weapons on such grounds as are provided for the initial  
33 rejection or later revocation of the authorizations, or on the grounds  
34 that the owner is unfit or that the owner poses a threat to the public  
35 in general or a person or persons in particular.

36 A hearing shall be held and a record made thereof within 45 days  
37 of the notice provided above. No formal pleading and no filing fee  
38 shall be required as a preliminary to such hearing. The hearing  
39 shall be summary in nature. Appeals from the results of the hearing  
40 shall be to the Superior Court, Appellate Division, in accordance  
41 with the law.

42 If the prosecutor does not institute an action within 45 days of  
43 seizure, the seized weapons shall be returned to the owner. Before  
44 the weapons are returned, the prosecutor shall inform the victim of  
45 domestic violence of the availability of restraining orders in  
46 accordance with the "Prevention of Domestic Violence Act of  
47 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and the authority of a  
48 private citizen to 'apply to the court to' seek revocation of 'a] the

1 accused person's<sup>1</sup> firearms purchaser identification card or permit  
2 to purchase a handgun pursuant to subsection f. of N.J.S.2C:58-3.

3 After the hearing the court shall order the return of the firearms,  
4 weapons and any authorization papers relating to the seized  
5 weapons to the owner if the court determines the owner is not  
6 subject to any of the disabilities set forth in **[N.J.S.2C:58-3c.]**  
7 subsection c. of N.J.S.2C:58-3 and finds that the complaint has been  
8 dismissed at the request of the complainant and the prosecutor  
9 determines that there is insufficient probable cause to indict; or if  
10 the defendant is found not guilty of the charges; or if the court  
11 determines that the domestic violence situation no longer exists.  
12 Nothing in this act shall impair the right of the State to retain  
13 evidence pending a criminal prosecution. Nor shall any provision  
14 of this act be construed to limit the authority of the State or a law  
15 enforcement officer to seize, retain or forfeit property pursuant to  
16 chapter 64 of Title 2C of the New Jersey Statutes.

17 If, after the hearing, the court determines that the weapons are  
18 not to be returned to the owner, the court may:

19 (a) With respect to weapons other than firearms, order the  
20 prosecutor to dispose of the weapons if the owner does not arrange  
21 for the transfer or sale of the weapons to an appropriate person  
22 within 60 days; or

23 (b) Order the revocation of the owner's firearms purchaser  
24 identification card or any permit, license or authorization, in which  
25 case the court shall order the owner to surrender any firearm seized  
26 and all other firearms possessed to the prosecutor and shall order  
27 the prosecutor to dispose of the firearms if the owner does not  
28 arrange for the sale of the firearms to a registered dealer of the  
29 firearms within 60 days; or

30 (c) Order such other relief as it may deem appropriate. When  
31 the court orders the weapons forfeited to the State or the prosecutor  
32 is required to dispose of the weapons, the prosecutor shall dispose  
33 of the property as provided in N.J.S.2C:64-6.

34 (4) A civil suit may be brought to enjoin a wrongful failure to  
35 return a seized firearm where the prosecutor refuses to return the  
36 weapon after receiving a written request to do so and notice of the  
37 owner's intent to bring a civil action pursuant to this section.  
38 Failure of the prosecutor to comply with the provisions of this act  
39 shall entitle the prevailing party in the civil suit to reasonable costs,  
40 including attorney's fees, provided that the court finds that the  
41 prosecutor failed to act in good faith in retaining the seized weapon.

42 (5) No law enforcement officer or agency shall be held liable in  
43 any civil action brought by any person for failing to learn of, locate  
44 or seize a weapon pursuant to this act, or for returning a seized  
45 weapon to its owner.

46 (cf: P.L.2003, c.277, s.1)

1       2. Section 11 of P.L.1991, c.261 (C.C:25-27) is amended to  
2 read as follows:

3       11. a. When a defendant is found guilty of a crime or offense  
4 involving domestic violence and a condition of sentence restricts  
5 the defendant's ability to have contact with the victim, the victim's  
6 friends, co-workers, or relatives, or an animal owned, possessed,  
7 leased, kept, or held by either party or a minor child residing in the  
8 household, that condition shall be recorded in an order of the court  
9 and a written copy of that order shall be provided to the victim by  
10 the clerk of the court or other person designated by the court. In  
11 addition to restricting a defendant's ability to have contact with the  
12 victim, the victim's friends, co-workers, or relatives, or an animal  
13 owned, possessed, leased, kept, or held by either party or a minor  
14 child residing in the household, the court may require the defendant  
15 to receive professional counseling from either a private source or a  
16 source appointed by the court, and if the court so orders, the court  
17 shall require the defendant to provide documentation of attendance  
18 at the professional counseling. In any case where the court order  
19 contains a requirement that the defendant receive professional  
20 counseling, no application by the defendant to dissolve the  
21 restraining order shall be granted unless, in addition to any other  
22 provisions required by law or conditions ordered by the court, the  
23 defendant has completed all required attendance at such counseling.

24       b. In addition the court may enter an order directing the  
25 possession of an animal owned, possessed, leased, kept, or held by  
26 either party or a minor child residing in the household. Where a  
27 person has abused or threatened to abuse such animal, there shall be  
28 a presumption that possession of the animal shall be awarded to the  
29 non-abusive party.

30       c. (1) When a defendant is found guilty of a crime or offense  
31 involving domestic violence, the court shall inform the defendant  
32 that he is prohibited from purchasing, owning, possessing, or  
33 controlling a firearm pursuant to <sup>1</sup>[N.J.S.2C:39-7] section 6 of  
34 P.L.1979, c.179 (C.2C:39-7)<sup>1</sup> and from receiving or retaining a  
35 firearms purchaser identification card or permit to purchase a  
36 handgun pursuant to N.J.S.2C:58-3. The court shall order the  
37 defendant to <sup>1</sup>arrange for the immediate<sup>1</sup> surrender <sup>1</sup>to a law  
38 enforcement officer of<sup>1</sup> any firearm <sup>1</sup>that has not already been  
39 seized or surrendered<sup>1</sup> and any firearms purchaser identification  
40 card or permit to purchase a handgun possessed by the defendant  
41 <sup>1</sup>[to a law enforcement officer, or] provided, however, that no later  
42 than five business days after the order is entered, the defendant may  
43 arrange<sup>1</sup> to sell any <sup>1</sup>surrendered<sup>1</sup> firearm to a licensed retail dealer  
44 of firearms <sup>1</sup>[and surrender any card or permit possessed by the  
45 defendant to a law enforcement officer within 24 hours of service of  
46 the order] who shall be authorized to take possession of that  
47 purchased firearm from the law enforcement agency to which it was

1 surrendered no later than 10 business days after the order is  
2 entered<sup>1</sup> . Any card or permit issued to the defendant shall be  
3 deemed immediately revoked. The court shall <sup>1</sup>【notify the  
4 superintendent of】 establish a process for notifying the appropriate  
5 authorities of the conviction requiring<sup>1</sup> the revocation of the card or  
6 permit <sup>1</sup>【and the superintendent shall notify the licensing authority  
7 that issued the card or permit】<sup>1</sup> . A law enforcement officer <sup>1</sup>【or  
8 retail dealer of firearms agreeing to accept】 accepting<sup>1</sup> a  
9 surrendered firearm shall provide the defendant with a receipt  
10 listing the date of surrender, the name of defendant, and items that  
11 have been surrendered, including the serial number, manufacturer,  
12 and model of the surrendered firearm. The defendant shall provide  
13 a copy of this receipt to the <sup>1</sup>【court】 prosecutor<sup>1</sup> within 48 hours of  
14 service of the order, and shall attest <sup>1</sup>under penalty<sup>1</sup> that any  
15 firearms owned or possessed at the time of the order have been  
16 transferred in accordance with this section and that the defendant  
17 currently does not possess any firearms. The defendant  
18 alternatively may attest <sup>1</sup>under penalty<sup>1</sup> that he did not own or  
19 possess a firearm at the time of the order and currently does not  
20 possess a firearm. If the court <sup>1</sup>【has】 , upon motion of the  
21 prosecutor, finds<sup>1</sup> probable cause <sup>1</sup>【to believe】 that<sup>1</sup> the defendant  
22 has failed to surrender any firearm, card or permit, the court may  
23 order a search for and removal of these items at any location where  
24 the judge has reasonable cause to believe these items are located.  
25 The judge shall state with specificity the reasons for and the scope  
26 of the search and seizure authorized by the order.

27 (2) A law enforcement officer who receives a firearm that is  
28 surrendered <sup>1</sup>, but not purchased and taken possession of by a  
29 licensed retail dealer of firearms within 10 business days of when  
30 the order is entered as set forth in paragraph (1) of this subsection<sup>1</sup>  
31 may dispose of the surrendered firearm in accordance with the  
32 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed  
33 retail dealer from a defendant shall become part of the inventory of  
34 the dealer.

35 (cf: P.L.2011, c.213, s.2)

36

37 3. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to  
38 read as follows:

39 12. a. A victim may file a complaint alleging the commission of  
40 an act of domestic violence with the Family Part of the Chancery  
41 Division of the Superior Court in conformity with the Rules of  
42 Court. The court shall not dismiss any complaint or delay  
43 disposition of a case because the victim has left the residence to  
44 avoid further incidents of domestic violence. Filing a complaint  
45 pursuant to this section shall not prevent the filing of a criminal  
46 complaint for the same act.

1 On weekends, holidays and other times when the court is closed,  
2 a victim may file a complaint before a judge of the Family Part of  
3 the Chancery Division of the Superior Court or a municipal court  
4 judge who shall be assigned to accept complaints and issue  
5 emergency, ex parte relief in the form of temporary restraining  
6 orders pursuant to this act.

7 A plaintiff may apply for relief under this section in a court  
8 having jurisdiction over the place where the alleged act of domestic  
9 violence occurred, where the defendant resides, or where the  
10 plaintiff resides or is sheltered, and the court shall follow the same  
11 procedures applicable to other emergency applications. Criminal  
12 complaints filed pursuant to this act shall be investigated and  
13 prosecuted in the jurisdiction where the offense is alleged to have  
14 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9  
15 shall be prosecuted in the county where the contempt is alleged to  
16 have been committed and a copy of the contempt complaint shall be  
17 forwarded to the court that issued the order alleged to have been  
18 violated.

19 b. The court shall waive any requirement that the petitioner's  
20 place of residence appear on the complaint.

21 c. <sup>1</sup>(1)<sup>1</sup> The clerk of the court, or other person designated by the  
22 court, shall assist the parties in completing any forms necessary for  
23 the filing of a summons, complaint, answer or other pleading.

24 <sup>1</sup>(2) The plaintiff shall provide information concerning firearms  
25 to which the defendant has access, including the location of these  
26 firearms, if known, on a form to be prescribed by the  
27 Administrative Director of the Courts.

28 (3) Information provided by the plaintiff concerning firearms to  
29 which the defendant has access shall be kept confidential and shall  
30 not be disseminated or disclosed, provided that nothing in this  
31 subsection shall prohibit dissemination or disclosure of this  
32 information in a manner consistent with and in furtherance of the  
33 purpose for which the information was provided.<sup>1</sup>

34 d. Summons and complaint forms shall be readily available at  
35 the clerk's office, at the municipal courts and at municipal and State  
36 police stations. <sup>1</sup>[The summons or complaint form shall designate  
37 space for the plaintiff to provide information concerning firearms to  
38 which the defendant has access, including the location of these  
39 firearms, if known.]<sup>1</sup>

40 e. As soon as the domestic violence complaint is filed, both the  
41 victim and the abuser shall be advised of any programs or services  
42 available for advice and counseling.

43 f. A plaintiff may seek emergency, ex parte relief in the nature  
44 of a temporary restraining order. A municipal court judge or a  
45 judge of the Family Part of the Chancery Division of the Superior  
46 Court may enter an ex parte order when necessary to protect the  
47 life, health or well-being of a victim on whose behalf the relief is  
48 sought.

1 g. If it appears that the plaintiff is in danger of domestic  
2 violence, the judge shall, upon consideration of the plaintiff's  
3 domestic violence complaint, order emergency ex parte relief, in the  
4 nature of a temporary restraining order. A decision shall be made  
5 by the judge regarding the emergency relief forthwith.

6 h. A judge may issue a temporary restraining order upon sworn  
7 testimony or complaint of an applicant who is not physically  
8 present, pursuant to court rules, or by a person who represents a  
9 person who is physically or mentally incapable of filing personally.  
10 A temporary restraining order may be issued if the judge is satisfied  
11 that exigent circumstances exist sufficient to excuse the failure of  
12 the applicant to appear personally and that sufficient grounds for  
13 granting the application have been shown.

14 i. An order for emergency, ex parte relief shall be granted  
15 upon good cause shown and shall remain in effect until a judge of  
16 the Family Part issues a further order. Any temporary order  
17 hereunder is immediately appealable for a plenary hearing de novo  
18 not on the record before any judge of the Family Part of the county  
19 in which the plaintiff resides or is sheltered if that judge issued the  
20 temporary order or has access to the reasons for the issuance of the  
21 temporary order and sets forth in the record the reasons for the  
22 modification or dissolution. The denial of a temporary restraining  
23 order by a municipal court judge and subsequent administrative  
24 dismissal of the complaint shall not bar the victim from refileing a  
25 complaint in the Family Part based on the same incident and  
26 receiving an emergency, ex parte hearing de novo not on the record  
27 before a Family Part judge, and every denial of relief by a  
28 municipal court judge shall so state.

29 j. Emergency relief may include forbidding the defendant from  
30 returning to the scene of the domestic violence, forbidding the  
31 defendant from possessing any firearm or other weapon enumerated  
32 in subsection r. of N.J.S.2C:39-1, ordering the search for and  
33 seizure of **[any such]** <sup>1</sup>**[the]** any firearm or other<sup>1</sup> weapon at any  
34 location where the judge has reasonable cause to believe the  
35 weapon is located and the seizure of any firearms purchaser  
36 identification card or permit to purchase a handgun issued to the  
37 defendant and any other appropriate relief. Other appropriate relief  
38 may include but is not limited to an order directing the possession  
39 of any animal owned, possessed, leased, kept, or held by either  
40 party or a minor child residing in the household and providing that  
41 the animal shall not be disposed of prior to entry of a final order  
42 pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29).

43 The judge shall state with specificity the reasons for and scope of  
44 any search and seizure authorized by the order. The provisions of  
45 this subsection prohibiting a defendant from possessing a firearm or  
46 other weapon shall not apply to any law enforcement officer while  
47 actually on duty, or to any member of the Armed Forces of the



1 United States or member of the National Guard while actually on  
2 duty or traveling to or from an authorized place of duty.

3 k. The judge may permit the defendant to return to the scene of  
4 the domestic violence to pick up personal belongings and effects  
5 but shall, in the order granting relief, restrict the time and duration  
6 of such permission and provide for police supervision of such visit.

7 l. An order granting emergency relief, together with the  
8 complaint or complaints, shall immediately be forwarded to the  
9 appropriate law enforcement agency for service on the defendant,  
10 and to the police of the municipality in which the plaintiff resides or  
11 is sheltered, and shall immediately be served upon the defendant by  
12 the police, except that an order issued during regular court hours  
13 may be forwarded to the sheriff for immediate service upon the  
14 defendant in accordance with the Rules of Court. If personal  
15 service cannot be effected upon the defendant, the court may order  
16 other appropriate substituted service. At no time shall the plaintiff  
17 be asked or required to serve any order on the defendant.

18 m. (Deleted by amendment, P.L.1994, c.94.)

19 n. Notice of temporary restraining orders issued pursuant to  
20 this section shall be sent by the clerk of the court or other person  
21 designated by the court to the appropriate chiefs of police, members  
22 of the State Police and any other appropriate law enforcement  
23 agency or court.

24 o. (Deleted by amendment, P.L.1994, c.94.)

25 p. Any temporary or final restraining order issued pursuant to  
26 this act shall be in effect throughout the State, and shall be enforced  
27 by all law enforcement officers.

28 q. Prior to the issuance of any temporary or final restraining  
29 order issued pursuant to this section, the court shall order that a  
30 search be made of the domestic violence central registry with regard  
31 to the defendant's record, and 'ensure that the appropriate law  
32 enforcement agency has conducted' a reasonable search 'be  
33 made]' of any available records of firearm ownership, including  
34 records of a firearms purchaser identification card, permit to  
35 purchase a handgun, and handguns sold when these records have  
36 been made available under subsection m. of N.J.S.2C:58-3. The  
37 search for records of firearm ownership shall not delay issuance of  
38 the restraining order.

39 r. The law enforcement officer who receives firearms that are  
40 surrendered or removes firearms in furtherance of an order issued  
41 pursuant to this section shall ensure that these firearms are properly  
42 stored for the duration of the order, and may charge the defendant  
43 for the reasonable costs of storing these firearms. 'Any firearm,]  
44 If the order is dismissed, any' card '[, ]' or permit surrendered by  
45 or removed from a defendant pursuant to this section shall be  
46 returned to the defendant 'when the order expires,]' unless the  
47 defendant is subject to any of the disabilities set forth in subsection

1 c. of N.J.S. 2C:58-3<sup>1</sup>, and any firearm surrendered by or removed  
2 from a defendant pursuant to this section shall be returned to the  
3 defendant subject to the forfeiture procedure set forth in paragraph  
4 (3) of subsection d. of section 5 of P.L.1991, c.261 (C.2C:25-21)<sup>1</sup>.  
5 (cf: P.L.2011, c.213, s.3)

6  
7 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
8 read as follows:

9 13. a. A hearing shall be held in the Family Part of the  
10 Chancery Division of the Superior Court within 10 days of the  
11 filing of a complaint pursuant to section 12 of P.L.1991,  
12 c.261 (C.2C:25-28) in the county where the ex parte restraints were  
13 ordered, unless good cause is shown for the hearing to be held  
14 elsewhere. A copy of the complaint shall be served on the  
15 defendant in conformity with the Rules of Court. If a criminal  
16 complaint arising out of the same incident which is the subject  
17 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et  
18 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,  
19 testimony given by the plaintiff or defendant in the domestic  
20 violence matter shall not be used in the simultaneous or subsequent  
21 criminal proceeding against the defendant, other than domestic  
22 violence contempt matters and where it would otherwise be  
23 admissible hearsay under the rules of evidence that govern where a  
24 party is unavailable. At the hearing the standard for proving the  
25 allegations in the complaint shall be by a preponderance of the  
26 evidence. The court shall consider but not be limited to the  
27 following factors:

28 (1) The previous history of domestic violence between the  
29 plaintiff and defendant, including threats, harassment and physical  
30 abuse;

31 (2) The existence of immediate danger to person or property;

32 (3) The financial circumstances of the plaintiff and defendant;

33 (4) The best interests of the victim and any child;

34 (5) In determining custody and parenting time the protection of  
35 the victim's safety; and

36 (6) The existence of a verifiable order of protection from  
37 another jurisdiction.

38 An order issued under this act shall only restrain or provide  
39 damages payable from a person against whom a complaint has been  
40 filed under this act and only after a finding or an admission is made  
41 that an act of domestic violence was committed by that person. The  
42 issue of whether or not a violation of this act occurred, including an  
43 act of contempt under this act, shall not be subject to mediation or  
44 negotiation in any form. In addition, where a temporary or final  
45 order has been issued pursuant to this act, no party shall be ordered  
46 to participate in mediation on the issue of custody or parenting time.

47 b. In proceedings in which complaints for restraining orders  
48 have been filed, the court shall grant any relief necessary to prevent

1 further abuse. In addition to any other provisions, any restraining  
2 order issued by the court shall bar the defendant from purchasing,  
3 owning, possessing or controlling a firearm and from receiving or  
4 retaining a firearms purchaser identification card or permit to  
5 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in  
6 which the restraining order is in effect or two years, whichever is  
7 greater, [except that this provision] , and shall order the defendant  
8 to 'arrange for the immediate' surrender 'to a law enforcement  
9 officer of' any firearm 'that has not already been seized or  
10 surrendered' and any firearms purchaser identification card or  
11 permit to purchase a handgun possessed by the defendant 'to a law  
12 enforcement officer or] provided, however, that no later than five  
13 business days after the order is entered, the defendant may arrange  
14 to sell any surrendered firearm' to a retail dealer of firearms  
15 '[within 24 hours of service of the order] who shall be authorized  
16 to take possession of that purchased firearm from the law  
17 enforcement agency to which it was surrendered no later than 10  
18 business days after the order is entered' . Any card or permit issued  
19 to the defendant shall be deemed immediately suspended. The  
20 court shall '[notify the superintendent of] establish a process for  
21 notifying the appropriate authorities of the restraining order  
22 requiring' the suspension of the card or permit '[and the  
23 superintendent shall notify the licensing authority that issued the  
24 card or permit]' . The law enforcement officer '[or retail dealer of  
25 firearms agreeing to accept] accepting' surrendered firearms shall  
26 provide the defendant with a receipt listing the date of surrender,  
27 the name of defendant, items that have been surrendered, including  
28 the serial number, manufacturer, and model of all surrendered  
29 firearms. The defendant shall provide a copy of this receipt to the  
30 court within 48 hours of service of the order and shall attest 'under  
31 penalty' that any firearms owned or possessed at the time of the  
32 order have been transferred in accordance with this section and that  
33 the defendant does not currently possess any firearms. A defendant  
34 alternatively may attest 'under penalty' that he did not own or  
35 possess a firearm at the time of the order and currently does not  
36 possess a firearm. If the court '[has] , upon motion of the  
37 prosecutor, finds' probable cause '[to believe] that' the defendant  
38 has failed to surrender any firearm, card or permit, the court may  
39 order a search for and removal of these items at any location where  
40 the judge has reasonable cause to believe these items are located.  
41 The judge shall state with specificity the reasons for and the scope  
42 of the search and seizure authorized by the order. The provisions of  
43 this subsection requiring the surrender or removal of a firearm,  
44 card, or permit shall not apply to any law enforcement officer while  
45 actually on duty, or to any member of the Armed Forces of the  
46 United States or member of the National Guard while actually on

1 duty or traveling to or from an authorized place of duty. At the  
2 hearing the judge of the Family Part of the Chancery Division of the  
3 Superior Court may issue an order granting any or all of the  
4 following relief:

5 (1) An order restraining the defendant from subjecting the  
6 victim to domestic violence, as defined in this act.

7 (2) An order granting exclusive possession to the plaintiff of the  
8 residence or household regardless of whether the residence or  
9 household is jointly or solely owned by the parties or jointly or  
10 solely leased by the parties. This order shall not in any manner  
11 affect title or interest to any real property held by either party or  
12 both jointly. If it is not possible for the victim to remain in the  
13 residence, the court may order the defendant to pay the victim's rent  
14 at a residence other than the one previously shared by the parties if  
15 the defendant is found to have a duty to support the victim and the  
16 victim requires alternative housing.

17 (3) An order providing for parenting time. The order shall  
18 protect the safety and well-being of the plaintiff and minor children  
19 and shall specify the place and frequency of parenting time.  
20 Parenting time arrangements shall not compromise any other  
21 remedy provided by the court by requiring or encouraging contact  
22 between the plaintiff and defendant. Orders for parenting time may  
23 include a designation of a place of parenting time away from the  
24 plaintiff, the participation of a third party, or supervised parenting  
25 time.

26 (a) The court shall consider a request by a custodial parent who  
27 has been subjected to domestic violence by a person with parenting  
28 time rights to a child in the parent's custody for an investigation or  
29 evaluation by the appropriate agency to assess the risk of harm to  
30 the child prior to the entry of a parenting time order. Any denial of  
31 such a request must be on the record and shall only be made if the  
32 judge finds the request to be arbitrary or capricious.

33 (b) The court shall consider suspension of the parenting time  
34 order and hold an emergency hearing upon an application made by  
35 the plaintiff certifying under oath that the defendant's access to the  
36 child pursuant to the parenting time order has threatened the safety  
37 and well-being of the child.

38 (4) An order requiring the defendant to pay to the victim  
39 monetary compensation for losses suffered as a direct result of the  
40 act of domestic violence. The order may require the defendant to  
41 pay the victim directly, to reimburse the Victims of Crime  
42 Compensation Office for any and all compensation paid by the  
43 Victims of Crime Compensation Office directly to or on behalf of  
44 the victim, and may require that the defendant reimburse any parties  
45 that may have compensated the victim, as the court may determine.  
46 Compensatory losses shall include, but not be limited to, loss of  
47 earnings or other support, including child or spousal support, out-  
48 of-pocket losses for injuries sustained, cost of repair or replacement

1 of real or personal property damaged or destroyed or taken by the  
2 defendant, cost of counseling for the victim, moving or other travel  
3 expenses, reasonable attorney's fees, court costs, and compensation  
4 for pain and suffering. Where appropriate, punitive damages may be  
5 awarded in addition to compensatory damages.

6 (5) An order requiring the defendant to receive professional  
7 domestic violence counseling from either a private source or a  
8 source appointed by the court and, in that event, requiring the  
9 defendant to provide the court at specified intervals with  
10 documentation of attendance at the professional counseling. The  
11 court may order the defendant to pay for the professional  
12 counseling. No application by the defendant to dissolve a final  
13 order which contains a requirement for attendance at professional  
14 counseling pursuant to this paragraph shall be granted by the court  
15 unless, in addition to any other provisions required by law or  
16 conditions ordered by the court, the defendant has completed all  
17 required attendance at such counseling.

18 (6) An order restraining the defendant from entering the  
19 residence, property, school, or place of employment of the victim or  
20 of other family or household members of the victim and requiring  
21 the defendant to stay away from any specified place that is named  
22 in the order and is frequented regularly by the victim or other  
23 family or household members.

24 (7) An order restraining the defendant from making contact with  
25 the plaintiff or others, including an order forbidding the defendant  
26 from personally or through an agent initiating any communication  
27 likely to cause annoyance or alarm including, but not limited to,  
28 personal, written, or telephone contact with the victim or other  
29 family members, or their employers, employees, or fellow workers,  
30 or others with whom communication would be likely to cause  
31 annoyance or alarm to the victim.

32 (8) An order requiring that the defendant make or continue to  
33 make rent or mortgage payments on the residence occupied by the  
34 victim if the defendant is found to have a duty to support the victim  
35 or other dependent household members; provided that this issue has  
36 not been resolved or is not being litigated between the parties in  
37 another action.

38 (9) An order granting either party temporary possession of  
39 specified personal property, such as an automobile, checkbook,  
40 documentation of health insurance, an identification document, a  
41 key, and other personal effects.

42 (10) An order awarding emergency monetary relief, including  
43 emergency support for minor children, to the victim and other  
44 dependents, if any. An ongoing obligation of support shall be  
45 determined at a later date pursuant to applicable law.

46 (11) An order awarding temporary custody of a minor child.  
47 The court shall presume that the best interests of the child are  
48 served by an award of custody to the non-abusive parent.

1 (12) An order requiring that a law enforcement officer  
2 accompany either party to the residence or any shared business  
3 premises to supervise the removal of personal belongings in order  
4 to ensure the personal safety of the plaintiff when a restraining  
5 order has been issued. This order shall be restricted in duration.

6 (13) (Deleted by amendment, P.L.1995, c.242).

7 (14) An order granting any other appropriate relief for the  
8 plaintiff and dependent children, provided that the plaintiff consents  
9 to such relief, including relief requested by the plaintiff at the final  
10 hearing, whether or not the plaintiff requested such relief at the time  
11 of the granting of the initial emergency order.

12 (15) An order that requires that the defendant report to the  
13 intake unit of the Family Part of the Chancery Division of the  
14 Superior Court for monitoring of any other provision of the order.

15 (16) In addition to the order required by this subsection  
16 prohibiting the defendant from possessing any firearm, the court  
17 may also issue an order prohibiting the defendant from possessing  
18 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and  
19 ordering the search for and seizure of any **【firearm or】** other  
20 weapon at any location where the judge has reasonable cause to  
21 believe the weapon is located. The judge shall state with specificity  
22 the reasons for and scope of the search and seizure authorized by  
23 the order.

24 (17) An order prohibiting the defendant from stalking or  
25 following, or threatening to harm, to stalk or to follow, the  
26 complainant or any other person named in the order in a manner  
27 that, taken in the context of past actions of the defendant, would put  
28 the complainant in reasonable fear that the defendant would cause  
29 the death or injury of the complainant or any other person.  
30 Behavior prohibited under this act includes, but is not limited to,  
31 behavior prohibited under the provisions of P.L.1992,  
32 c.209 (C.2C:12-10).

33 (18) An order requiring the defendant to undergo a psychiatric  
34 evaluation.

35 (19) An order directing the possession of any animal owned,  
36 possessed, leased, kept, or held by either party or a minor child  
37 residing in the household. Where a person has abused or threatened  
38 to abuse such animal, there shall be a presumption that possession  
39 of the animal shall be awarded to the non-abusive party.

40 c. Notice of orders issued pursuant to this section shall be sent  
41 by the clerk of the Family Part of the Chancery Division of the  
42 Superior Court or other person designated by the court to the  
43 appropriate chiefs of police, members of the State Police and any  
44 other appropriate law enforcement agency.

45 d. Upon good cause shown, any final order may be dissolved or  
46 modified upon application to the Family Part of the Chancery  
47 Division of the Superior Court, but only if the judge who dissolves  
48 or modifies the order is the same judge who entered the order, or

1 has available a complete record of the hearing or hearings on which  
2 the order was based.

3 e. Prior to the issuance of any order pursuant to this section,  
4 the court shall order that a search be made of the domestic violence  
5 central registry , and <sup>1</sup>ensure that the appropriate law enforcement  
6 agency has conducted<sup>1</sup> a reasonable search <sup>1</sup>【be made】<sup>1</sup> of any  
7 available records of firearm ownership, including records of  
8 firearms purchaser identification cards, permits to purchase  
9 handguns, and handguns sold when such records have been made  
10 available under subsection m. of N.J.S.2C:58-3. The search for  
11 records of firearm ownership shall not delay issuance of the  
12 restraining order.

13 f. The law enforcement officer who receives a firearm that is  
14 surrendered or removes a firearm in furtherance of an order issued  
15 pursuant to this section shall ensure that the firearm is properly  
16 stored for the duration of the firearm prohibition under subsection  
17 <sup>1</sup>【b.】 b.<sup>1</sup> of this section and may charge the defendant for the  
18 reasonable costs of storing the firearm. <sup>1</sup>【Any firearm,】 If the  
19 firearm prohibition under subsection b. is terminated, any<sup>1</sup> card  
20 <sup>1</sup>【.】<sup>1</sup> or permit surrendered by or removed from a defendant  
21 pursuant to this section shall be returned to the defendant <sup>1</sup>【when  
22 the firearm prohibition under subsection b. of this section expires,】<sup>1</sup>  
23 unless the defendant is subject to any of the disabilities set forth in  
24 subsection c. of N.J.S.2C:58-3 <sup>1</sup>, and any firearm surrendered by or  
25 removed from a defendant pursuant to this section shall be returned  
26 to the defendant subject to the forfeiture procedure set forth in  
27 paragraph (3) of subsection d. of section 5 of P.L.1991, c.261  
28 (C.2C:25-21)<sup>1</sup>.

29 (cf: P.L.2011, c.213, s.4)

30

31 5. (New section) A law enforcement officer or prosecutor who  
32 takes possession of firearms in furtherance of an order issued  
33 pursuant to sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28 and  
34 C.2C:25-29), or when a firearms purchaser identification card or  
35 permit to purchase a handgun is revoked under section 11 of  
36 P.L.1991, c.261 (C.2C:25-27) or subsection f. of N.J.S.2C:58-3 in  
37 whole or in part because of the holder's involvement in domestic  
38 violence, shall prepare an inventory of all firearms, cards, and  
39 permits removed from the defendant. The prosecutor or law  
40 enforcement officer shall compare this inventory with available  
41 records of firearm ownership, including information provided by  
42 the plaintiff or witnesses, and records of cards, permits, and  
43 handguns sold to the extent such records have been made available  
44 under subsection m. of N.J.S.2C:58-3. If there are discrepancies  
45 between these records, the prosecutor or law enforcement officer  
46 shall take appropriate action to ensure that the defendant does not  
47 have access to a firearm, including but not limited to, <sup>1</sup>【informing

1 the court that issued the order,]<sup>1</sup> seeking a search<sup>1</sup> warrant <sup>1</sup>['**]**<sup>1</sup> or  
2 initiating contempt proceedings pursuant to section 15 of P.L.1991,  
3 c.261 (C.2C:25-31), if appropriate. If a retail dealer of firearms  
4 takes possession of firearms in furtherance of an order issued  
5 pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29), the <sup>1</sup>['**court**  
6 that issued the order]<sup>1</sup> prosecutor<sup>1</sup> shall ensure that an inventory is  
7 prepared as described in this section and shall take appropriate  
8 action to ensure the defendant no longer has access to firearms.

9  
10 6. N.J.S.2C:58-3 is amended to read as follows:

11 2C:58-3. a. Permit to purchase a handgun. No person shall  
12 sell, give, transfer, assign or otherwise dispose of, nor receive,  
13 purchase, or otherwise acquire a handgun unless the purchaser,  
14 assignee, donee, receiver or holder is licensed as a dealer under this  
15 chapter or has first secured a permit to purchase a handgun as  
16 provided by this section.

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

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

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

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



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

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

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

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

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

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

29 (9) To any person named on the consolidated Terrorist  
30 Watchlist maintained by Terrorist Screening Center administered by  
31 the Federal Bureau of Investigation.

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

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

1 such hearing by the judge of the Superior Court. No formal  
2 pleading and no filing fee shall be required as a preliminary to such  
3 hearing. Appeals from the results of such hearing shall be in  
4 accordance with law.

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

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

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

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

8 <sup>1</sup>【Prior to issuing】 As part of the investigation of an applicant  
9 for<sup>1</sup> a firearms purchaser identification card or permit to purchase a  
10 handgun pursuant to this section, the chief police officer or the  
11 superintendent also shall search the domestic violence central  
12 registry with regard to the applicant's record.

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

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

45 g. Disposition of fees. All fees for permits shall be paid to the  
46 State Treasury if the permit is issued by the superintendent, to the

1 municipality if issued by the chief of police, and to the county  
2 treasurer if issued by the judge of the Superior Court.

3 h. Form of permit; quadruplicate; disposition of copies. The  
4 permit shall be in the form prescribed by the superintendent and  
5 shall be issued to the applicant in quadruplicate. Prior to the time  
6 he receives the handgun from the seller, the applicant shall deliver  
7 to the seller the permit in quadruplicate and the seller shall  
8 complete all of the information required on the form. Within five  
9 days of the date of the sale, the seller shall forward the original  
10 copy to the superintendent and the second copy to the chief of  
11 police of the municipality in which the purchaser resides, except  
12 that in a municipality having no chief of police, such copy shall be  
13 forwarded to the superintendent. The third copy shall then be  
14 returned to the purchaser with the pistol or revolver and the fourth  
15 copy shall be kept by the seller as a permanent record.

16 i. Restriction on number of firearms person may purchase.  
17 Only one handgun shall be purchased or delivered on each permit  
18 and no more than one handgun shall be purchased within any 30-  
19 day period, but this limitation shall not apply to:

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

23 (2) a collector of handguns as curios or relics as defined in Title  
24 18, United States Code, section 921 (a) (13) who has in his  
25 possession a valid Collector of Curios and Relics License issued by  
26 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

27 (3) transfers of handguns among licensed retail dealers,  
28 registered wholesale dealers and registered manufacturers;

29 (4) transfers of handguns from any person to a licensed retail  
30 dealer or a registered wholesale dealer or registered manufacturer;

31 (5) any transaction where the person has purchased a handgun  
32 from a licensed retail dealer and has returned that handgun to the  
33 dealer in exchange for another handgun within 30 days of the  
34 original transaction, provided the retail dealer reports the exchange  
35 transaction to the superintendent; or

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

39 The provisions of this subsection shall not be construed to afford  
40 or authorize any other exemption from the regulatory provisions  
41 governing firearms set forth in chapter 39 and chapter 58 of Title  
42 2C of the New Jersey Statutes;

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

1 j. Firearms passing to heirs or legatees. Notwithstanding any  
2 other provision of this section concerning the transfer, receipt or  
3 acquisition of a firearm, a permit to purchase or a firearms  
4 purchaser identification card shall not be required for the passing of  
5 a firearm upon the death of an owner thereof to his heir or legatee,  
6 whether the same be by testamentary bequest or by the laws of  
7 intestacy. The person who shall so receive, or acquire said firearm  
8 shall, however, be subject to all other provisions of this chapter. If  
9 the heir or legatee of such firearm does not qualify to possess or  
10 carry it, he may retain ownership of the firearm for the purpose of  
11 sale for a period not exceeding 180 days, or for such further limited  
12 period as may be approved by the chief law enforcement officer of  
13 the municipality in which the heir or legatee resides or the  
14 superintendent, provided that such firearm is in the custody of the  
15 chief law enforcement officer of the municipality or the  
16 superintendent during such period.

17 k. Sawed-off shotguns. Nothing in this section shall be  
18 construed to authorize the purchase or possession of any sawed-off  
19 shotgun.

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

27 m. Law enforcement records of firearms purchaser  
28 identification cards and permits to purchase handguns issued or  
29 revoked under this section, or suspended or revoked under the  
30 "Prevention of Domestic Violence Act of 1991," (C.2C:25-17 et  
31 seq.) and records of handgun sales that the superintendent receives  
32 under subsection h. of this section shall be made available to <sup>1</sup> [the  
33 court,] <sup>1</sup> prosecutors <sup>1</sup> [,] <sup>1</sup> and law enforcement agencies for the  
34 purposes of enforcing the provisions of <sup>1</sup> the <sup>1</sup> "Prevention of  
35 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
36 seq.).

37  
38 7. This act shall take effect on the first day of the fourth month  
39 next following enactment.