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SYNOPSIS
Revises certain laws concerning domestic violence and firearms.

CURRENT VERSION OF TEXT
As reported by the Assembly Appropriations Committee on June 15, 2015, with amendments.

(Sponsorship Updated As Of: 12/18/2015)
AN ACT concerning domestic violence and firearms and amending
and supplementing various parts of the statutory law.

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

1. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to
read as follows:

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

(1) The victim exhibits signs of injury caused by an act of
domestic violence;
(2) A warrant is in effect;
(3) There is probable cause to believe that the person has
violated N.J.S.2C:29-9, and there is probable cause to believe that
the person has been served with the order alleged to have been
violated. If the victim does not have a copy of a purported order,
the officer may verify the existence of an order with the appropriate
law enforcement agency; or
(4) There is probable cause to believe that a weapon as defined
in N.J.S.2C:39-1 has been involved in the commission of an act of
domestic violence.

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

c. (1) As used in this section, the word "exhibits" is to be
liberally construed to mean any indication that a victim has suffered
bodily injury, which shall include physical pain or any impairment
of physical condition. Where the victim exhibits no visible sign of
injury, but states that an injury has occurred, the officer should
consider other relevant factors in determining whether there is
probable cause to make an arrest.
(2) In determining which party in a domestic violence incident
is the victim where both parties exhibit signs of injury, the officer
should consider the comparative extent of the injuries, the history of
domestic violence between the parties, if any, and any other
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:
1Assembly ALP committee amendments adopted June 1, 2015.
2Assembly AAP committee amendments adopted June 15, 2015.
(3) No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker.

d. (1) In addition to a law enforcement officer's authority to seize any weapon that is contraband, evidence or an instrumentality of crime, a law enforcement officer who has probable cause to believe that an act of domestic violence has been committed shall:
   (a) question persons present to determine whether there are weapons on the premises; and
   (b) upon observing or learning that a weapon is present on the premises, seize any weapon that the officer reasonably believes would expose the victim to a risk of serious bodily injury. If a law enforcement officer seizes any firearm pursuant to this paragraph, the officer shall also seize any [firearm] firearms purchaser identification card or permit to purchase a handgun issued to the person accused of the act of domestic violence.

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

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

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

       If the prosecutor does not institute an action within 45 days of seizure, the seized weapons shall be returned to the owner. Before the weapons are returned, the prosecutor shall inform the victim of domestic violence of the availability of restraining orders in accordance with the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and the authority of a private citizen to apply to the court to seek revocation of the
accused person's firearms purchaser identification card or permit to purchase a handgun pursuant to subsection f. of N.J.S.2C:58-3.

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

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

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

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

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

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

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

(cf: P.L.2003, c.277, s.1)
2. Section 11 of P.L.1991, c.261 (C.C:25-27) is amended to read as follows:

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

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

c. (1) When a defendant is found guilty of a crime or offense involving domestic violence, the court shall inform the defendant that he is prohibited from purchasing, owning, possessing, or controlling a firearm pursuant to [N.J.S.2C:39-7] section 6 of P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3. The court shall order the defendant to arrange for the immediate surrender to a law enforcement officer of any firearm that has not already been seized or surrendered and any firearms purchaser identification card or permit to purchase a handgun possessed by the defendant to a law enforcement officer, or provided, however, that no later than five business days after the order is entered, the defendant may arrange to sell any surrendered firearm to a licensed retail dealer of firearms and surrender any card or permit possessed by the defendant to a law enforcement officer within 24 hours of service of the order who shall be authorized to take possession of that purchased firearm from the law enforcement agency to which it was
surrendered no later than 10 business days after the order is
entered. Any card or permit issued to the defendant shall be
deemed immediately revoked. The court shall notify the
superintendent of the conviction requiring the revocation of the card or
permit, and the superintendent shall notify the licensing authority
that issued the card or permit. A law enforcement officer or retail dealer of firearms agreeing to accept a surrendered firearm shall provide the defendant with a receipt
listing the date of surrender, the name of defendant, and items that
have been surrendered, including the serial number, manufacturer, and model of the surrendered firearm. The defendant shall provide a copy of this receipt to the court within 48 hours of service of the order, and shall attest that any firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the defendant currently does not possess any firearms. The defendant alternatively may attest that he did not own or possess a firearm at the time of the order and currently does not possess a firearm. If the court finds probable cause to believe that the defendant has failed to surrender any firearm, card or permit, the court may order a search for and removal of these items at any location where the judge has reasonable cause to believe these items are located. The judge shall state with specificity the reasons for and the scope of the search and seizure authorized by the order.

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

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

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

12. a. A victim may file a complaint alleging the commission of an act of domestic violence with the Family Part of the Chancery Division of the Superior Court in conformity with the Rules of Court. The court shall not dismiss any complaint or delay disposition of a case because the victim has left the residence to avoid further incidents of domestic violence. Filing a complaint pursuant to this section shall not prevent the filing of a criminal complaint for the same act.
On weekends, holidays and other times when the court is closed, a victim may file a complaint before a judge of the Family Part of the Chancery Division of the Superior Court or a municipal court judge who shall be assigned to accept complaints and issue emergency, ex parte relief in the form of temporary restraining orders pursuant to this act.

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

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

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

1(2) The plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts.

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

d. Summons and complaint forms shall be readily available at the clerk's office, at the municipal courts and at municipal and State police stations. The summons or complaint form shall designate space for the plaintiff to provide information concerning firearms to which the defendant has access, including the location of these firearms, if known.

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

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

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

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

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

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

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while
actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

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

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

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

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

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

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

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

r. The law enforcement officer who receives firearms that are surrendered or removes firearms in furtherance of an order issued pursuant to this section shall ensure that these firearms are properly stored for the duration of the order, and may charge the defendant for the reasonable costs of storing these firearms. If the order is dismissed, any card or permit surrendered by or removed from a defendant pursuant to this section shall be returned to the defendant when the order expires, unless the
defendant is subject to any of the disabilities set forth in subsection c. of N.J.S. 2C:58-3, and any firearm surrendered by or removed from a defendant pursuant to this section shall be returned to the defendant subject to the forfeiture procedure set forth in paragraph (3) of subsection d. of section 5 of P.L.1991, c.261 (C.2C:25-21). (cf: P.L.2011, c.213, s.3)

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

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

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

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

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

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

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

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

An order issued under this act shall only restrain or provide damages payable from a person against whom a complaint has been filed under this act and only after a finding or an admission is made that an act of domestic violence was committed by that person. The issue of whether or not a violation of this act occurred, including an act of contempt under this act, shall not be subject to mediation or negotiation in any form. In addition, where a temporary or final order has been issued pursuant to this act, no party shall be ordered to participate in mediation on the issue of custody or parenting time.
b. In proceedings in which complaints for restraining orders
have been filed, the court shall grant any relief necessary to prevent
further abuse. In addition to any other provisions, any restraining
order issued by the court shall bar the defendant from purchasing,
owning, possessing or controlling a firearm and from receiving or
retaining a firearms purchaser identification card or permit to
purchase a handgun pursuant to N.J.S. 2C:58-3 during the period in
which the restraining order is in effect or two years, whichever is
greater, except that this provision, and shall order the defendant
to ‘arrange for the immediate’ surrender ‘to a law enforcement
officer of’ any firearm ‘that has not already been seized or
surrendered’ and any firearms purchaser identification card or
permit to purchase a handgun possessed by the defendant ‘to a law
enforcement officer or’ provided, however, that no later than five
business days after the order is entered, the defendant may arrange
to sell any surrendered firearm to a retail dealer of firearms
’within 24 hours of service of the order’ who shall be authorized
to take possession of that purchased firearm from the law
enforcement agency to which it was surrendered no later than 10
business days after the order is entered. Any card or permit issued
to the defendant shall be deemed immediately suspended. The
court shall ‘notify the superintendent of’ establish a process for
notifying the appropriate authorities of the restraining order
requiring the suspension of the card or permit ‘and the
superintendent shall notify the licensing authority that issued the
card or permit’ ‘or retail dealer of firearms agreeing to accept’ accepting surrendered firearms shall
provide the defendant with a receipt listing the date of surrender,
the name of the defendant, items that have been surrendered,
including the serial number, manufacturer, and model of all
surrendered firearms. The defendant shall provide a copy of this
receipt to the court within 48 hours of service of the order and shall
attest ‘under penalty’ that any firearms owned or possessed at the
time of the order have been transferred in accordance with this
section and that the defendant does not currently possess any
firearms. A defendant alternatively may attest ‘under penalty’ that
he did not own or possess a firearm at the time of the order and
currently does not possess a firearm. If the court ‘has’ upon
motion of the prosecutor, finds probable cause ‘to believe’ that
the defendant has failed to surrender any firearm, card or permit,
the court may order a search for and removal of these items at any
location where the judge has reasonable cause to believe these items
are located. The judge shall state with specificity the reasons for
and the scope of the search and seizure authorized by the order. The
provisions of this subsection requiring the surrender or removal of a
firearm, card, or permit shall not apply to any law enforcement
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officer while actually on duty, or to any member of the Armed
Forces of the United States or member of the National Guard while
actually on duty or traveling to or from an authorized place of duty.
At the hearing the judge of the Family Part of the Chancery
Division of the Superior Court may issue an order granting any or
all of the following relief:
(1) An order restraining the defendant from subjecting the
victim to domestic violence, as defined in this act.
(2) An order granting exclusive possession to the plaintiff of the
residence or household regardless of whether the residence or
household is jointly or solely owned by the parties or jointly or
solely leased by the parties. This order shall not in any manner
affect title or interest to any real property held by either party or
both jointly. If it is not possible for the victim to remain in the
residence, the court may order the defendant to pay the victim's rent
at a residence other than the one previously shared by the parties if
the defendant is found to have a duty to support the victim and the
victim requires alternative housing.
(3) An order providing for parenting time. The order shall
protect the safety and well-being of the plaintiff and minor children
and shall specify the place and frequency of parenting time.
Parenting time arrangements shall not compromise any other
remedy provided by the court by requiring or encouraging contact
between the plaintiff and defendant. Orders for parenting time may
include a designation of a place of parenting time away from the
plaintiff, the participation of a third party, or supervised parenting
time.
(a) The court shall consider a request by a custodial parent who
has been subjected to domestic violence by a person with parenting
time rights to a child in the parent's custody for an investigation or
evaluation by the appropriate agency to assess the risk of harm to
the child prior to the entry of a parenting time order. Any denial of
such a request must be on the record and shall only be made if the
judge finds the request to be arbitrary or capricious.
(b) The court shall consider suspension of the parenting time
order and hold an emergency hearing upon an application made by
the plaintiff certifying under oath that the defendant's access to the
child pursuant to the parenting time order has threatened the safety
and well-being of the child.
(4) An order requiring the defendant to pay to the victim
monetary compensation for losses suffered as a direct result of the
act of domestic violence. The order may require the defendant to
pay the victim directly, to reimburse the Victims of Crime
Compensation Office for any and all compensation paid by the
Victims of Crime Compensation Office directly to or on behalf of
the victim, and may require that the defendant reimburse any parties
that may have compensated the victim, as the court may determine.
Compensatory losses shall include, but not be limited to, loss of
earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.

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

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

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

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

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

(10) An order awarding emergency monetary relief, including emergency support for minor children, to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.
(11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.

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


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

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

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

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

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

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

c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.
d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order is the same judge who entered the order, or has available a complete record of the hearing or hearings on which the order was based.

e. Prior to the issuance of any order pursuant to this section, the court shall order that a search be made of the domestic violence central registry, and require the appropriate law enforcement agency to conduct a reasonable search of any available records of firearm ownership, including records of firearms purchaser identification cards, permits to purchase handguns, and handguns sold when such records have been made available under subsection m. of N.J.S.2C:58-3. The search for records of firearm ownership shall not delay issuance of the restraining order.

f. The law enforcement officer who receives a firearm that is surrendered or removes a firearm in furtherance of an order issued pursuant to this section shall ensure that the firearm is properly stored for the duration of the firearm prohibition under subsection b. of this section and may charge the defendant for the reasonable costs of storing the firearm. If the firearm prohibition under subsection b. is terminated, any card or permit surrendered by or removed from a defendant pursuant to this section shall be returned to the defendant when the firearm prohibition under subsection b. of this section expires, unless the defendant is subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and any firearm surrendered by or removed from a defendant pursuant to this section shall be returned to the defendant subject to the forfeiture procedure set forth in paragraph (3) of subsection d. of section 5 of P.L.1991, c.261 (C.2C:25-21)

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

5. (New section) A law enforcement officer or prosecutor who takes possession of firearms in furtherance of an order issued pursuant to sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28 and C.2C:25-29), or when a firearms purchaser identification card or permit to purchase a handgun is revoked under section 11 of P.L.1991, c.261 (C.2C:25-27) or subsection f. of N.J.S.2C:58-3 in whole or in part because of the holder’s involvement in domestic violence, shall prepare an inventory of all firearms, cards, and permits removed from the defendant. The prosecutor or law enforcement officer shall compare this inventory with available records of firearm ownership, including information provided by the plaintiff or witnesses, and records of cards, permits, and handguns sold to the extent such records have been made available.
under subsection m. of N.J.S.2C:58-3. If there are discrepancies between these records, the prosecutor or law enforcement officer shall take appropriate action to ensure that the defendant does not have access to a firearm, including but not limited to, informing the court that issued the order, seeking a search warrant, or initiating contempt proceedings pursuant to section 15 of P.L.1991, c.261 (C.2C:25-31), if appropriate. If a retail dealer of firearms takes possession of firearms in furtherance of an order issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29), the court that issued the order shall ensure that an inventory is prepared as described in this section and shall take appropriate action to ensure the defendant no longer has access to firearms.

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

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

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

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

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or possessing a weapon at the time of such offense;
(2) To any drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

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

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

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

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

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

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

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

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

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

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

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

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

Prior to issuing As part of the investigation of an applicant for a firearms purchaser identification card or permit to purchase a handgun pursuant to this section, the chief police officer or the superintendent also shall search the domestic violence central registry with regard to the applicant's record.

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

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

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

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

i. Restriction on number of firearms person may purchase.
Only one handgun shall be purchased or delivered on each permit
and no more than one handgun shall be purchased within any 30-
day period, but this limitation shall not apply to:
(1) a federal, State or local law enforcement officer or agency
purchasing handguns for use by officers in the actual performance
of their law enforcement duties;
(2) a collector of handguns as curios or relics as defined in Title
18, United States Code, section 921 (a) (13) who has in his
possession a valid Collector of Curios and Relics License issued by
the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
(3) transfers of handguns among licensed retail dealers,
registered wholesale dealers and registered manufacturers;
(4) transfers of handguns from any person to a licensed retail
dealer or a registered wholesale dealer or registered manufacturer;
(5) any transaction where the person has purchased a handgun
from a licensed retail dealer and has returned that handgun to the
dealer in exchange for another handgun within 30 days of the
original transaction, provided the retail dealer reports the exchange
to the superintendent; or
(6) any transaction where the superintendent issues an
exemption from the prohibition in this subsection pursuant to the

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

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

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

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

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

m. Law enforcement records of firearms purchaser identification cards and permits to purchase handguns issued or revoked under this section, or suspended or revoked under the "Prevention of Domestic Violence Act of 1991," (C.2C:25-17 et seq.) and records of handgun sales that the superintendent receives under subsection h. of this section shall be made available to the court, prosecutors and law enforcement agencies for the purposes of enforcing the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.).

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