

[Second Reprint]
ASSEMBLY, No. 4218

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 23, 2015

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA
District 4 (Camden and Gloucester)
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblyman JOSEPH A. LAGANA
District 38 (Bergen and Passaic)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator NIA H. GILL
District 34 (Essex and Passaic)
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Singleton, Garcia, Diegnan, Caputo, Assemblywoman Muoio, Assemblyman Johnson, Assemblywomen Caride, Jasey, Assemblymen Eustace, Wilson, Assemblywoman Jimenez, Assemblymen Giblin, McKeon, Senators Beach, Cunningham, Greenstein, Ruiz, Assemblywoman Tucker, Assemblymen Gusciora and Coughlin

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)

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:

¹Assembly ALP committee amendments adopted June 1, 2015.

²Assembly AAP committee amendments adopted June 15, 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 ¹apply to the court to¹ seek revocation of ¹[a] the

1 accused person's¹ 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)

47

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 ¹[N.J.S.2C:39-7] section 6 of
34 P.L.1979, c.179 (C.2C:39-7)¹ 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 ¹arrange for the immediate¹ surrender ¹to a law
38 enforcement officer of¹ any firearm ¹that has not already been
39 seized or surrendered¹ and any firearms purchaser identification
40 card or permit to purchase a handgun possessed by the defendant
41 ¹[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 arrange¹ to sell any ¹surrendered¹ firearm to a licensed retail dealer
44 of firearms ¹[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 entered¹ . Any card or permit issued to the defendant shall be
3 deemed immediately revoked. The court shall ¹【notify the
4 superintendent of】 establish a process for notifying the appropriate
5 authorities of the conviction requiring¹ the revocation of the card or
6 permit ¹【and the superintendent shall notify the licensing authority
7 that issued the card or permit】¹ . A law enforcement officer ¹【or
8 retail dealer of firearms agreeing to accept】 accepting¹ 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 ¹【court】 prosecutor¹ within 48 hours of
14 service of the order, and shall attest ¹under penalty¹ 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 ¹under penalty¹ 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 ¹【has】 , upon motion of the
21 prosecutor, finds¹ probable cause ¹【to believe】 that¹ 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 ¹, 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 subsection¹
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. ¹(1)¹ 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 ¹(2) The plaintiff ²[shall] may² provide information concerning
25 firearms to which the defendant has access, including the location
26 of these 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.¹

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. ¹[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.]¹

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

1 life, health or well-being of a victim on whose behalf the relief is
2 sought.

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

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

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

31 j. Emergency relief may include forbidding the defendant from
32 returning to the scene of the domestic violence, forbidding the
33 defendant from possessing any firearm or other weapon enumerated
34 in subsection r. of N.J.S.2C:39-1, ordering the search for and
35 seizure of **[any such]** ¹**[the]** any firearm or other¹ weapon at any
36 location where the judge has reasonable cause to believe the
37 weapon is located and the seizure of any firearms purchaser
38 identification card or permit to purchase a handgun issued to the
39 defendant and any other appropriate relief. Other appropriate relief
40 may include but is not limited to an order directing the possession
41 of any animal owned, possessed, leased, kept, or held by either
42 party or a minor child residing in the household and providing that
43 the animal shall not be disposed of prior to entry of a final order
44 pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29).

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

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

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

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

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

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

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

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

29 q. Prior to the issuance of any temporary or final restraining
30 order issued pursuant to this section, the court shall order that a
31 search be made of the domestic violence central registry with regard
32 to the defendant's record, and ²**[¹ensure that] require² the**
33 appropriate law enforcement agency ²**[has conducted¹] to conduct²**
34 a reasonable search ¹**[be made]¹ of any available records of firearm**
35 ownership, including records of a firearms purchaser identification
36 card, permit to purchase a handgun, and handguns sold when these
37 records have been made available under subsection m. of
38 N.J.S.2C:58-3. The search for records of firearm ownership shall
39 not delay issuance of the restraining order.

40 r. The law enforcement officer who receives firearms that are
41 surrendered or removes firearms in furtherance of an order issued
42 pursuant to this section shall ensure that these firearms are properly
43 stored for the duration of the order, and may charge the defendant
44 for the reasonable costs of storing these firearms. ¹**[Any firearm,]**
45 If the order is dismissed, any¹ card ¹**[,]¹ or permit surrendered by**
46 or removed from a defendant pursuant to this section shall be
47 returned to the defendant ¹**[when the order expires,]¹ unless the**

1 defendant is subject to any of the disabilities set forth in subsection
2 c. of N.J.S. 2C:58-3¹, and any firearm surrendered by or removed
3 from a defendant pursuant to this section shall be returned to the
4 defendant subject to the forfeiture procedure set forth in paragraph
5 (3) of subsection d. of section 5 of P.L.1991, c.261 (C.2C:25-21)¹.
6 (cf: P.L.2011, c.213, s.3)

7

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

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

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

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

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

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

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

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

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

1 b. In proceedings in which complaints for restraining orders
2 have been filed, the court shall grant any relief necessary to prevent
3 further abuse. In addition to any other provisions, any restraining
4 order issued by the court shall bar the defendant from purchasing,
5 owning, possessing or controlling a firearm and from receiving or
6 retaining a firearms purchaser identification card or permit to
7 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
8 which the restraining order is in effect or two years, whichever is
9 greater, **[except that this provision]**, and shall order the defendant
10 to ¹arrange for the immediate¹ surrender ¹to a law enforcement
11 officer of¹ any firearm ¹that has not already been seized or
12 surrendered¹ and any firearms purchaser identification card or
13 permit to purchase a handgun possessed by the defendant ¹[to a law
14 enforcement officer or] provided, however, that no later than five
15 business days after the order is entered, the defendant may arrange
16 to sell any surrendered firearm¹ to a retail dealer of firearms
17 ¹**[within 24 hours of service of the order]** who shall be authorized
18 to take possession of that purchased firearm from the law
19 enforcement agency to which it was surrendered no later than 10
20 business days after the order is entered¹. Any card or permit issued
21 to the defendant shall be deemed immediately suspended. The
22 court shall ¹**[notify the superintendent of]** establish a process for
23 notifying the appropriate authorities of the restraining order
24 requiring¹ the suspension of the card or permit ¹**[and the**
25 **superintendent shall notify the licensing authority that issued the**
26 **card or permit]**¹. The law enforcement officer ¹**[or retail dealer of**
27 **firearms agreeing to accept]** accepting¹ surrendered firearms shall
28 provide the defendant with a receipt listing the date of surrender,
29 the name of ²the² defendant, items that have been surrendered,
30 including the serial number, manufacturer, and model of all
31 surrendered firearms. The defendant shall provide a copy of this
32 receipt to the court within 48 hours of service of the order and shall
33 attest ¹under penalty¹ that any firearms owned or possessed at the
34 time of the order have been transferred in accordance with this
35 section and that the defendant does not currently possess any
36 firearms. A defendant alternatively may attest ¹under penalty¹ that
37 he did not own or possess a firearm at the time of the order and
38 currently does not possess a firearm. If the court ¹**[has]**, upon
39 motion of the prosecutor, finds¹ probable cause ¹**[to believe]** that¹
40 the defendant has failed to surrender any firearm, card or permit,
41 the court may order a search for and removal of these items at any
42 location where the judge has reasonable cause to believe these items
43 are located. The judge shall state with specificity the reasons for
44 and the scope of the search and seizure authorized by the order. The
45 provisions of this subsection requiring the surrender or removal of a
46 firearm, card, or permit shall not apply to any law enforcement

1 officer while actually on duty, or to any member of the Armed
2 Forces of the United States or member of the National Guard while
3 actually on duty or traveling to or from an authorized place of duty.
4 At the hearing the judge of the Family Part of the Chancery
5 Division of the Superior Court may issue an order granting any or
6 all of the following relief:

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

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

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

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

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

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

1 earnings or other support, including child or spousal support, out-
2 of-pocket losses for injuries sustained, cost of repair or replacement
3 of real or personal property damaged or destroyed or taken by the
4 defendant, cost of counseling for the victim, moving or other travel
5 expenses, reasonable attorney's fees, court costs, and compensation
6 for pain and suffering. Where appropriate, punitive damages may be
7 awarded in addition to compensatory damages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 d. Upon good cause shown, any final order may be dissolved or
2 modified upon application to the Family Part of the Chancery
3 Division of the Superior Court, but only if the judge who dissolves
4 or modifies the order is the same judge who entered the order, or
5 has available a complete record of the hearing or hearings on which
6 the order was based.

7 e. Prior to the issuance of any order pursuant to this section,
8 the court shall order that a search be made of the domestic violence
9 central registry, and ²~~['ensure that']~~ ²require² the appropriate law
10 enforcement agency ²~~['has conducted']~~ ²to conduct² a reasonable
11 search ¹~~['be made']~~ ¹of any available records of firearm ownership,
12 including records of firearms purchaser identification cards, permits
13 to purchase handguns, and handguns sold when such records have
14 been made available under subsection m. of N.J.S.2C:58-3. The
15 search for records of firearm ownership shall not delay issuance of
16 the restraining order.

17 f. The law enforcement officer who receives a firearm that is
18 surrendered or removes a firearm in furtherance of an order issued
19 pursuant to this section shall ensure that the firearm is properly
20 stored for the duration of the firearm prohibition under subsection
21 '[b.] b.' of this section and may charge the defendant for the
22 reasonable costs of storing the firearm. ¹~~['Any firearm,']~~ If the
23 firearm prohibition under subsection b. is terminated, any¹ card
24 '[.]' or permit surrendered by or removed from a defendant
25 pursuant to this section shall be returned to the defendant ¹~~['when~~
26 the firearm prohibition under subsection b. of this section expires,']¹
27 unless the defendant is subject to any of the disabilities set forth in
28 subsection c. of N.J.S.2C:58-3 ¹, and any firearm surrendered by or
29 removed from a defendant pursuant to this section shall be returned
30 to the defendant subject to the forfeiture procedure set forth in
31 paragraph (3) of subsection d. of section 5 of P.L.1991, c.261
32 (C.2C:25-21)¹.

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

34
35 5. (New section) A law enforcement officer or prosecutor who
36 takes possession of firearms in furtherance of an order issued
37 pursuant to sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28 and
38 C.2C:25-29), or when a firearms purchaser identification card or
39 permit to purchase a handgun is revoked under section 11 of
40 P.L.1991, c.261 (C.2C:25-27) or subsection f. of N.J.S.2C:58-3 in
41 whole or in part because of the holder's involvement in domestic
42 violence, shall prepare an inventory of all firearms, cards, and
43 permits removed from the defendant. The prosecutor or law
44 enforcement officer shall compare this inventory with available
45 records of firearm ownership, including information provided by
46 the plaintiff or witnesses, and records of cards, permits, and
47 handguns sold to the extent such records have been made available

1 under subsection m. of N.J.S.2C:58-3. If there are discrepancies
2 between these records, the prosecutor or law enforcement officer
3 shall take appropriate action to ensure that the defendant does not
4 have access to a firearm, including but not limited to, ¹informing
5 the court that issued the order, ¹ seeking a ¹search¹ warrant ¹[,]¹ or
6 initiating contempt proceedings pursuant to section 15 of P.L.1991,
7 c.261 (C.2C:25-31), if appropriate. If a retail dealer of firearms
8 takes possession of firearms in furtherance of an order issued
9 pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29), the ¹court
10 that issued the order ¹ prosecutor¹ shall ensure that an inventory is
11 prepared as described in this section and shall take appropriate
12 action to ensure the defendant no longer has access to firearms.

13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for a hearing upon the chief of police of the municipality in which
2 he resides, if he is a resident of New Jersey, and upon the
3 superintendent in all cases. The hearing shall be held and a record
4 made thereof within 30 days of the receipt of the application for
5 such hearing by the judge of the Superior Court. No formal
6 pleading and no filing fee shall be required as a preliminary to such
7 hearing. Appeals from the results of such hearing shall be in
8 accordance with law.

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

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

46 The chief police officer or the superintendent shall obtain the
47 fingerprints of the applicant and shall have them compared with any
48 and all records of fingerprints in the municipality and county in

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

12 ¹【Prior to issuing】 As part of the investigation of an applicant
13 for¹ a firearms purchaser identification card or permit to purchase a
14 handgun pursuant to this section, the chief police officer or the
15 superintendent also shall search the domestic violence central
16 registry with regard to the applicant's record.

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

45 There shall be no conditions or requirements added to the form
46 or content of the application, or required by the licensing authority

1 for the issuance of a permit or identification card, other than those
2 that are specifically set forth in this chapter.

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

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

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

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

27 (2) a collector of handguns as curios or relics as defined in Title
28 18, United States Code, section 921 (a) (13) who has in his
29 possession a valid Collector of Curios and Relics License issued by
30 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

43 The provisions of this subsection shall not be construed to afford
44 or authorize any other exemption from the regulatory provisions
45 governing firearms set forth in chapter 39 and chapter 58 of Title
46 2C of the New Jersey Statutes;

47 A person shall not be restricted as to the number of rifles or
48 shotguns he may purchase, provided he possesses a valid firearms

1 purchaser identification card and provided further that he signs the
2 certification required in subsection b. of this section for each
3 transaction.

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

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

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

30 m. Law enforcement records of firearms purchaser
31 identification cards and permits to purchase handguns issued or
32 revoked under this section, or suspended or revoked under the
33 "Prevention of Domestic Violence Act of 1991," (C.2C:25-17 et
34 seq.) and records of handgun sales that the superintendent receives
35 under subsection h. of this section shall be made available to ¹the
36 court,¹ prosecutors¹[,] and law enforcement agencies for the
37 purposes of enforcing the provisions of ¹the¹ "Prevention of
38 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
39 seq.).

40 (cf: P.L.2013, c.114, s.1)

41

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