

SENATE, No. 154

STATE OF NEW JERSEY

216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

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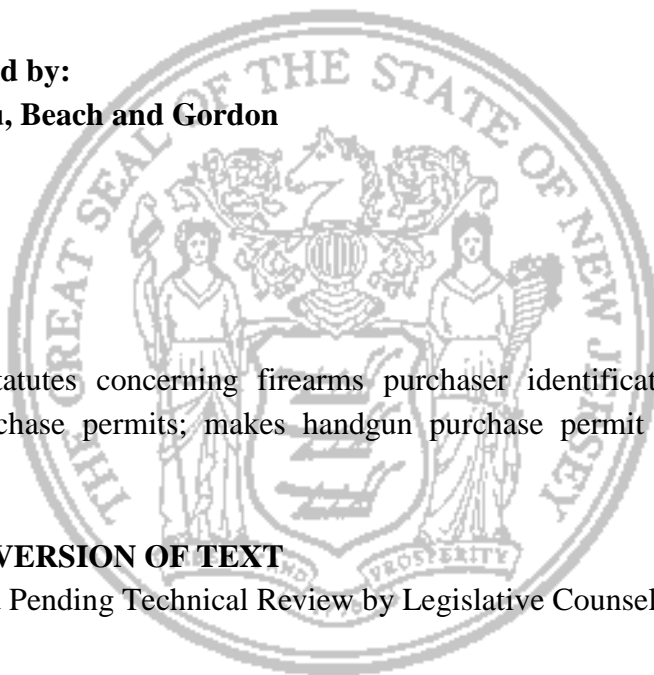
Senators Pou, Beach and Gordon

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) a. As used in P.L. , c. (C.) (pending
8 before the Legislature as this bill), “firearms purchaser identifier”
9 shall mean either:

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

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

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

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

36
37 2. (New section) Sections 3 through 6 of P.L. , c. (C.)
38 (pending before the Legislature as this bill) shall apply if the
39 Attorney General shall determine to utilize a driver’s license,
40 provisional driver’s license, or State issued identification card to
41 serve as the firearms purchaser identifier for this State.

42
43 3. (New section) a. Beginning on the first day of the 25th
44 month following the effective date of P.L. , c. (C.)
45 (pending before the Legislature as this bill), every firearms

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.

1 purchaser identification card issued to a resident of this State and
2 every permit to purchase a handgun shall be affirmed as embedded
3 information on that resident's driver's license issued pursuant to
4 R.S.39:3-10.

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

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

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

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

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

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

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

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

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

1 handgun:

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

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

10

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

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

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

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

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

47 e. (1) A firearms purchaser identification card shall remain
48 valid, and the affirmation of that fact shall be embedded on a

1 holder's driver's license or identification card, and each
2 replacement or renewal thereof, until that person becomes
3 disqualified under the provisions of N.J.S.2C:58-3.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 7. (New section) Sections 8 through 10 of P.L. ,
19 c. (C.) (pending before the Legislature as this bill) shall
20 apply if the Attorney General shall determine to utilize a secure
21 firearms purchaser identification card displaying a digitalized color
22 picture of the holder to serve as the firearms purchaser identifier for
23 this State.
24

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

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

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

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

1 d. Nothing in this section shall be construed to invalidate a
2 firearms purchaser identification card issued prior to the effective
3 date of P.L. , c. (C.) (pending before the Legislature as
4 this bill) unless that firearms purchaser identification is expired and
5 void pursuant to section 10 of P.L. , c. (C.) (pending before
6 the Legislature as this bill) and the card holder has not obtained a
7 firearms purchaser identification card that displays a digitalized
8 color picture of the applicant, or that the card holder has otherwise
9 become subject to any of the disabilities set forth in subsection c. of
10 N.J.S.2C:58-3.

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

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

17 (2) can effectuate the purposes of P.L.2009, c.104, concerning
18 restrictions on the number of handguns a person may purchase
19 within any 30-day period.
20

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

35 b. Whenever an applicant who has been issued a firearms
36 purchaser identifier that displays a digitalized color picture of the
37 applicant subsequently has reconstructive or cosmetic surgery
38 which significantly alters the applicant's facial features, that
39 applicant shall notify the chief law enforcement officer of the
40 municipality wherein the applicant resides, or the superintendent if
41 the applicant's municipality of residence has no chief law
42 enforcement officer, who may require that the picture of the
43 applicant be updated.
44

45 10. (New section) a. The superintendent shall implement a
46 phase-in program that provides for the issuance of firearms
47 purchaser identifiers that display a digitalized color picture to
48 applicants who have obtained a firearms purchaser identification

1 card prior to the effective date of P.L. , c. (C.) (pending
2 before the Legislature as this bill) which does not meet the
3 requirements set forth pursuant to P.L. , c. (C.) (pending
4 before the Legislature as this bill). Under the phase-in program,
5 any firearms purchaser identification card issued prior to the
6 effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill) shall be set to expire on a date fixed by the
8 superintendent. Prior to the expiration date fixed by the
9 superintendent, each card holder, and each applicant who wishes to
10 have information embedded indicating that he is qualified and
11 eligible to purchase or receive a handgun, shall be required to
12 submit to a criminal history background check in accordance with
13 subsection a. of section 9 of P.L. , c. (C.) (pending before
14 the Legislature as this bill) and obtain a firearms purchaser
15 identifier that displays a digitalized color picture of the card holder
16 and is embedded with the appropriate information.

17 b. The superintendent shall implement a procedure to notify the
18 holders of a firearms purchaser identification card issued prior to
19 the effective date of P.L. , c. (C.) (pending before the
20 Legislature as this bill) of the date that the card is set to expire as
21 well as the manner and location at which the card holder may obtain
22 a firearms purchaser identifier that displays a digitalized color
23 picture of the card holder and is appropriately embedded.

24 c. The phase-in program shall begin on the first day of the
25 seventh month following the effective date of P.L. , c. (C.)
26 (pending before the Legislature as this bill), and shall be completed
27 no later than the first day of the 24th month following the effective
28 date of P.L. , c. (C.) (pending before the Legislature as this
29 bill).

30 d. A firearms purchaser identifier that displays a digitalized
31 color picture of the card holder and issued pursuant to P.L. ,
32 c. (C.) (pending before the Legislature as this bill), shall be
33 valid for a period of four years, unless the holder shall otherwise
34 become subject to any of the disabilities set forth in subsection c. of
35 N.J.S.2C:58-3. A firearms purchaser identifier issued pursuant to
36 this section shall expire on the last day of the 48th calendar month
37 following the calendar month in which it was issued, at which time
38 the firearms purchaser identifier may be renewed in the same
39 manner and under the same conditions that applied to original
40 applications required under P.L. , c. (C.) (pending before
41 the Legislature as this bill) and N.J.S.2C:58-3.

42

43 11. (New section) The superintendent shall develop and
44 implement a public education program to notify the holders of
45 firearms purchaser identification cards and permits to purchase a
46 handgun, and prospective applicants for such cards or permits, of
47 the provisions of P.L. , c. (C.) (pending before the
48 Legislature as this bill).

1 12. (New section) a. Not later than the first day of the 25th
2 month following the effective date of P.L. , c. (C.)
3 (pending before the Legislature as this bill), the Attorney General
4 shall develop and implement a system that allows a retail dealer of
5 firearms to instantly determine, through the use of the information
6 embedded in a prospective firearms purchaser's firearms purchaser
7 identifier, whether that purchaser is qualified and eligible to
8 purchase a firearm.

9 b. On and after the first day of the 73rd month following the
10 effective date of P.L. , c. (C.) (pending before the
11 Legislature as this bill), and except as otherwise provided in
12 paragraph (4) of subsection f. of section 4 of P.L. , c. (C.)
13 (pending before the Legislature as this bill) concerning the issuance
14 of initial firearms purchaser identification cards and, if appropriate,
15 permits to purchase a handgun in certain cases, as herein provided,
16 no retail dealer of firearms or agent or employee of a retail dealer of
17 firearms shall sell, transfer, or assign any firearm to a resident of
18 this State whose firearms purchaser identifier is not embedded with
19 the information required under the provisions of P.L. ,
20 c. (C.) (pending before the Legislature as this bill) and that
21 dealer or agent utilizes the system established pursuant to
22 subsection a. of this section to ensure that the purchaser is qualified
23 and eligible to purchase or receive the firearm. The system shall
24 affirm that the purchaser is qualified and eligible to purchase or
25 receive the firearm by authorizing the dealer or agent to proceed
26 with the sale or transfer. If the system affirms that the purchaser is
27 not qualified and eligible to purchase or receive the firearm, it shall
28 notify the dealer or agent that the purchase or transfer of the firearm
29 is denied. If the system is unable to instantly affirm whether a sale
30 or transfer may proceed or shall be denied, it shall notify the dealer
31 or agent to put a hold on the sale or transfer pending further review
32 and investigation. The State shall give priority status to all such
33 reviews and investigations so that a final determination on the
34 pending sale or transfer shall be rendered in a timely fashion.

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

43 c. Between the first day of the 25th month and the first day of
44 the 73rd month following the effective date of P.L. , c. (C.)
45 (pending before the Legislature as this bill), the superintendent shall
46 test and evaluate the system developed by the Attorney General to
47 facilitate firearms sales, transfers, and assignments by instantly

1 determining whether a prospective purchaser or assignee is
2 qualified and eligible to purchase or receive a firearm. The
3 superintendent shall select, and over time expand, the number of the
4 retail licensees to participate in the test.

5 If, after 36 months of testing, the superintendent determines that
6 the system is seriously flawed and is incapable of reliably
7 facilitating lawful firearms sales, transfers, and assignments, the
8 superintendent shall so report to the Governor and the Legislature
9 recommending that the provisions of section 10 of P.L. ,
10 c. (C.) (pending before the Legislature of this bill) and
11 subsection b. of this section be postponed until such time as the
12 Attorney General and the superintendent shall determine that the
13 system is fully operational and capable of reliably facilitating
14 lawful firearms sales, transfers, and assignments for the residents of
15 this State.

16

17 13. (New section) a. On and after the effective date of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), an
19 applicant shall not be issued his initial permit to purchase a
20 handgun or his first firearms purchaser identification card unless the
21 applicant presents evidence of successfully completing a firearms
22 safety class or course of a type approved by the superintendent or
23 has received such training through law enforcement or military
24 service. Acceptable evidence of successfully completing a firearms
25 safety class or course shall include, but not be limited to, a
26 certificate indicating satisfactory completion of a National Rifle
27 Association firearms course, a certificate that the applicant is a
28 certified National Rifle Association Firearms Instructor, a copy of a
29 firearms or hunting license or permit from any other jurisdiction
30 that requires the holder to successfully complete an equivalent
31 firearms safety class or course, or any other such documentation,
32 certificate, or certification that the superintendent deems equivalent.

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

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

40 In developing that curriculum, the superintendent shall consult
41 with a firearms safety panel which shall consist of four members.
42 Two of the members shall be appointed by the Senate President;
43 one shall represent organizations, associations, or clubs promoting
44 hunting, shooting sports or competitions and one of whom shall
45 represent organizations, associations, or other entities advocating
46 gun violence prevention. Two of the members shall be appointed
47 by the Speaker of the General Assembly; one shall represent

1 organizations, associations, or clubs promoting hunting, shooting
2 sports or competitions and one shall represent organizations,
3 associations, or other entities advocating gun violence prevention.
4 The superintendent shall serve as chair of the panel. The panel
5 shall meet at those times and in those places as the chair shall
6 determine.

7 The curriculum shall include, but not be limited to, classes
8 relating to responsible firearms ownership, safe storage, restricting
9 access to firearms by unsupervised minors, and any other matters
10 relating to protecting the safety and well being of New Jersey's
11 families and children.

12 The basic curriculum shall be adopted within 60 days of the
13 appointment of the panel's members. Should the panel fail to adopt
14 the basic curriculum within that timeframe, the superintendent shall
15 act independently in prescribing the provisions of the basic
16 curriculum.

17 b. The superintendent shall prescribe the form or certificate an
18 applicant shall receive, evidencing the successful completion of the
19 firearms safety course required under this section and the manner in
20 which that form or certificate shall be presented in order to qualify
21 for a permit to purchase a handgun, a firearms purchaser
22 identification card, or the embedding of information affirming that a
23 person is the holder of such a card or permit in his firearms
24 purchaser identifier.

25 The form or certificate issued pursuant to this subsection shall be
26 valid, and shall be used, for each renewal of the holder's firearms
27 purchaser identifier and for any application for a firearms purchaser
28 identification card or permit to purchase a handgun. An applicant
29 who has successfully completed a firearms safety class or course
30 pursuant to this subsection shall not be required to repeat that class
31 or course as part of any application for any renewal of a firearms
32 purchaser identifier, firearms purchaser identification card, or
33 permit to purchase a handgun.

34

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

36 2C:39-10. Violation of the regulatory provisions relating to
37 firearms; false representation in applications.

38 a. (1) Except as otherwise provided in paragraph (2) of this
39 subsection, any person who knowingly violates the regulatory
40 provisions relating to manufacturing or wholesaling of firearms
41 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
42 purchase certain firearms (section 2C:58-3), permits to carry certain
43 firearms (section 2C:58-4), licenses to procure machine guns or
44 assault firearms (section 2C:58-5), or incendiary or tracer
45 ammunition (section 2C:58-10), except acts which are punishable
46 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the
47 fourth degree.

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

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

8 c. (1) Any person who gives or causes to be given any false
9 information, or signs a fictitious name or address, in applying for a
10 firearms purchaser identification card, a permit to purchase a
11 handgun, a permit to carry a handgun, a permit to possess a machine
12 gun, a permit to possess an assault firearm, or in completing the
13 certificate or any other instrument required by law in purchasing or
14 otherwise acquiring delivery of any rifle, shotgun, handgun,
15 machine gun, or assault firearm or any other firearm, is guilty of a
16 crime of the third degree.

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

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

28 e. Any person who knowingly sells, gives, transfers, assigns or
29 otherwise disposes of a firearm to a person who is under the age of
30 18 years, except as permitted in section 14 of P.L.1979, c.179
31 (C.2C:58-6.1), is guilty of a crime of the third degree.
32 Notwithstanding any other provision of law to the contrary, the
33 sentence imposed for a conviction under this subsection shall
34 include a mandatory minimum three-year term of imprisonment,
35 during which the defendant shall be ineligible for parole.

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

43 g. Any person who knowingly gives or causes to be given any
44 false information or knowingly engages in any other fraudulent
45 conduct in applying for an exemption to purchase more than one
46 handgun in a 30-day period in violation of the provisions of section
47 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the

1 third degree. The presumption of nonimprisonment set forth in
2 N.J.S.2C:44-1 shall not apply to persons convicted under the
3 provisions of this subsection.

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

5
6 15. (New section) a. As used in this section, “rifle ammunition”
7 means ammunition specifically designed to be used in a rifle.
8 “Shotgun ammunition” means ammunition specifically designed to
9 be used in a shotgun. Blank ammunition, air gun pellets, flare gun
10 ammunition, nail gun ammunition, paint ball ammunition, or any
11 non-fixed ammunition shall not be construed to be rifle ammunition
12 or shotgun ammunition for the purposes of this section.

13 b. (1) No person shall sell, give, transfer, assign or otherwise
14 dispose of, receive, purchase, or otherwise acquire rifle ammunition
15 or shotgun ammunition unless the purchaser, assignee, donee,
16 receiver, or holder is licensed as a manufacturer, wholesaler, or
17 dealer under this chapter or is the holder of and possesses a valid
18 firearms purchaser identification card, a valid copy of a permit to
19 purchase a handgun, a valid permit to carry a handgun, a valid New
20 Jersey hunting license, or a valid New Jersey firearms purchaser
21 identifier card embedded with information affirming that the holder
22 is qualified and eligible to purchase and receive a firearm and first
23 exhibits such card, permit, or identifier to the seller, donor,
24 transferor or assignor.

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

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

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

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

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

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

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

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

1. a. As used in this **[act]** section, "handgun ammunition" means ammunition specifically designed to be used only in a handgun. "Handgun ammunition" shall not include blank ammunition, air gun pellets, flare gun ammunition, nail gun ammunition, paint ball ammunition, or any non-fixed ammunition.

b. No person shall sell, give, transfer, assign or otherwise dispose of, or receive, purchase, or otherwise acquire handgun ammunition unless the purchaser, assignee, donee, receiver or holder is licensed as a manufacturer, wholesaler, or dealer under this chapter or is the holder of and possesses a valid firearms purchaser identification card **[,]** and a valid copy of a permit to purchase a handgun **[,]** or a valid permit to carry a handgun, or a valid New Jersey firearms purchaser identifier card embedded with information affirming that the person is qualified and eligible to

1 purchase and receive a handgun issued in accordance with P.L. ,
2 c. (C.) (pending before the Legislature as this bill) and first
3 exhibits such card **or**, permit, or identifier to the seller, donor,
4 transferor or assignor.

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

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

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

36 d. The provisions of this section shall not apply to a collector
37 of firearms or ammunition as curios or relics who purchases,
38 receives, acquires, possesses, or transfers handgun ammunition
39 which is recognized as being historical in nature or of historical
40 significance.

41 e. A person who violates this section shall be guilty of a crime
42 of the fourth degree, except that nothing contained herein shall be
43 construed to prohibit the sale, transfer, assignment or disposition of
44 handgun ammunition to or the purchase, receipt or acceptance of
45 ammunition by a law enforcement agency or law enforcement
46 official for law enforcement purposes.

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

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

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

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

- (1) aggravated assault pursuant to N.J.S.2C:12-1;
- (2) arson pursuant to N.J.S.2C:17-1;
- (3) burglary pursuant to N.J.S.2C:18-2;
- (4) escape pursuant to N.J.S.2C:29-5;
- (5) extortion pursuant to N.J.S.2C:20-5;
- (6) murder pursuant to N.J.S.2C:11-3;
- (7) aggravated manslaughter or manslaughter pursuant to N.J.S.2C:11-4;
- (8) kidnapping pursuant to N.J.S.2C:13-1;
- (9) robbery pursuant to N.J.S.2C:15-1;
- (10) aggravated sexual assault pursuant to N.J.S.2C:14-2;
- (11) sexual assault pursuant to N.J.S.2C:14-2;
- (12) bias intimidation pursuant to N.J.S.2C:16-1;
- (13) endangering the welfare of a child pursuant to N.J.S.2C:24-4;
- (14) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- (15) a crime involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1;
- (16) leader of a narcotics trafficking network pursuant to N.J.S.2C:35-3;
- (17) maintaining or operating a controlled dangerous substance production facility pursuant to N.J.S.2C:35-4;
- (18) manufacturing, distributing or dispensing controlled dangerous substances pursuant to N.J.S.2C:35-5;
- (19) employing a juvenile in a drug distribution scheme pursuant to N.J.S.2C:35-6;
- (20) distributing or dispensing on or near school property pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);

- 1 (21) distributing imitation controlled dangerous substances
- 2 pursuant to N.J.S.2C:35-11;
- 3 (22) possession of prohibited weapons and devices pursuant to
- 4 N.J.S.2C:39-3;
- 5 (23) possession of weapons for unlawful purposes pursuant to
- 6 N.J.S.2C:39-4;
- 7 (24) manufacture, transport, disposition or defacement of
- 8 weapons and dangerous instruments and appliances pursuant to
- 9 N.J.S.2C:39-9;
- 10 (25) disarming a law enforcement officer pursuant to subsection
- 11 b. of section 1 of P.L. 1996, c.14 (C.2C:12-11);
- 12 (26) carjacking pursuant to section 1 of P.L.1993, c.221
- 13 (C.2C:15-2);
- 14 (27) human trafficking pursuant to section 1 of P.L.2005, c.77
- 15 (C.2C:13-8);
- 16 (28) racketeering pursuant to N.J.S.2C:41-1 et seq.;
- 17 (29) producing or possessing chemical weapons, biological
- 18 agents or nuclear or radiological devices pursuant to section 3 of
- 19 P.L.2002, c.26 (C.2C:38-3); or
- 20 (30) terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-
- 21 2).
- 22 b. The provisions of this section shall not apply to a person
- 23 convicted of an offense enumerated in paragraphs (22) or (23) of
- 24 subsection a. of this section involving any firearm which is in the
- 25 nature of an air gun, spring gun or pistol or other weapon of a
- 26 similar nature in which the propelling force is a spring, elastic band,
- 27 carbon dioxide, compressed or other gas or vapor, air or compressed
- 28 air, or is ignited by compressed air, and ejecting a bullet or missile
- 29 smaller than three-eighths of an inch in diameter, with sufficient
- 30 force to injure a person.
- 31 c. Notwithstanding the provisions of this section, a person who
- 32 has been convicted of an offense enumerated in subsection a. of this
- 33 section who receives an acquittal on appeal, an expungement, a
- 34 pardon, or any other reversal of the conviction may purchase, own,
- 35 possess, or control ammunition without a judicial proceeding being
- 36 required.
- 37
- 38 18. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to
- 39 read as follows:
- 40 1. a. A person who knows or reasonably should know that a
- 41 minor is likely to gain access to a loaded firearm at a premises
- 42 under the person's control commits a disorderly persons offense if a
- 43 minor gains access to the firearm, unless the person:
- 44 (1) Stores the firearm in a securely locked box or container;
- 45 (2) Stores the firearm in a location which a reasonable person
- 46 would believe to be secure; or
- 47 (3) Secures the firearm with a trigger lock.
- 48 b. This section shall not apply:

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

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

5 c. As used in **[this act]** P.L.1991, c.397 (C.2C:58-15 et seq.),
6 "minor" means a person under the age of 16.

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

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

10

11 19. (New section) a. A law enforcement officer, who has seized
12 any firearm or other weapon, or firearms purchaser identification
13 card, valid permit to purchase a handgun, or New Jersey firearms
14 purchaser identifier embedded with information affirming that the
15 person is qualified and eligible to purchase and receive a firearm
16 pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-
17 27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-
18 27.15), shall deliver the seized weapon, firearms purchaser
19 identification card, and permit to purchase a handgun, or embedded
20 New Jersey firearms purchaser identifier to the county prosecutor,
21 who shall prepare a report that identifies the name and address of
22 the owner of the weapon, card, permit, or license and provide an
23 inventory of the seized items.

24 b. Upon an administrative or court order for the discharge of a
25 person from whom a firearm or other weapon, firearms purchaser
26 identification card, valid permit to purchase a handgun, or New
27 Jersey firearms purchaser identifier has been seized or disabled
28 pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-
29 27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-
30 27.15), the court or treatment team authorizing discharge of the
31 person shall give written notice of the discharge to the appropriate
32 county prosecutor.

33 c. The seized weapons shall be returned to the owner except
34 upon order of the Superior Court. The prosecutor who has
35 possession of the seized weapons may, upon notice to the owner,
36 petition a judge of the Superior Court, within 45 days of the owner's
37 discharge, to obtain title to the seized weapons, or to revoke or
38 disable any and all valid cards, permits, identifiers, and other
39 authorizations for the use, possession, or ownership of such
40 weapons pursuant to the law governing such use, possession, or
41 ownership, or may object to the return of the weapons on such
42 grounds as are provided for the initial rejection or later revocation
43 of the authorizations, or on the grounds that the owner is unfit, or
44 that the owner poses a threat to the public in general, or a person or
45 persons in particular.

46 d. A hearing shall be held and a record made thereof within 45
47 days of the notice provided for in subsection c. of this section. No

1 formal pleading and no filing fee shall be required as a preliminary
2 to such hearing. The hearing shall be summary in nature. Appeals
3 from the results of the hearing shall be to the Superior Court,
4 Appellate Division, in accordance with the law.

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

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

17 Nothing in P.L. , c. (C.) (pending before the Legislature
18 as this bill) shall be construed to limit the authority of the State or a
19 law enforcement officer to seize, retain, or forfeit property pursuant
20 to chapter 64 of Title 2C of the New Jersey Statutes.

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

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

27 (b) order the revocation of the owner's firearms purchaser
28 identification card and any valid permit to purchase a handgun, or
29 the operational disabling of any embedded firearms purchaser
30 identifier, in which case the court shall order the owner to surrender
31 any firearm seized and all other firearms possessed to the
32 prosecutor and shall order the prosecutor to dispose of the firearms
33 if the owner does not arrange for the sale of the firearms to a
34 registered dealer of the firearms within 60 days; or

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

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

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

8
9 20. N.J.S.2C:58-2 is amended to read as follows:

10 2C:58-2. a. Licensing of retail dealers and their employees. No
11 retail dealer of firearms nor any employee of a retail dealer shall
12 sell or expose for sale, or possess with the intent of selling, any
13 firearm unless licensed to do so as hereinafter provided. The
14 superintendent shall prescribe standards and qualifications for retail
15 dealers of firearms and their employees for the protection of the
16 public safety, health and welfare.

17 Applications shall be made in the form prescribed by the
18 superintendent, accompanied by a fee of \$50 payable to the
19 superintendent, and shall be made to a judge of the Superior Court
20 in the county where the applicant maintains his place of business.
21 The judge shall grant a license to an applicant if he finds that the
22 applicant meets the standards and qualifications established by the
23 superintendent and that the applicant can be permitted to engage in
24 business as a retail dealer of firearms or employee thereof without
25 any danger to the public safety, health and welfare. Each license
26 shall be valid for a period of three years from the date of issuance,
27 and shall authorize the holder to sell firearms at retail in a specified
28 municipality.

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

34 No license shall be granted to any retail dealer under the age of
35 21 years or to any employee of a retail dealer under the age of 18 or
36 to any person who could not qualify to obtain a permit to purchase a
37 handgun **【or】**, a firearms purchaser identification card, or a firearms
38 purchaser identifier or to any corporation, partnership or other
39 business organization in which the actual or equitable controlling
40 interest is held or possessed by such an ineligible person.

41 All licenses shall be granted subject to the following conditions,
42 for breach of any of which the license shall be subject to revocation
43 on the application of any law enforcement officer and after notice
44 and hearing by the issuing court:

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

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

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

7 (4) No rifle or shotgun, except antique rifles or shotguns, shall
8 be delivered to any person unless such person possesses and
9 exhibits a valid firearms purchaser identification card or a valid
10 New Jersey firearms purchaser identifier embedded with
11 information that the holder is qualified and eligible to receive a rifle
12 or shotgun and furnishes the seller, on the form prescribed by the
13 superintendent, a certification signed by him setting forth his name,
14 permanent address, firearms purchaser identification card number
15 and such other information as the superintendent may by rule or
16 regulation require. The certification shall be retained by the dealer
17 and shall be made available for inspection by any law enforcement
18 officer at any reasonable time.

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

20 (a) Such person possesses and exhibits a firearms purchaser
21 identification card and a valid permit to purchase a firearm or a
22 valid New Jersey firearms purchaser identifier embedded with
23 information that the holder is qualified and eligible to receive a
24 handgun and at least seven days have elapsed since the **【**date of
25 application for the permit**】** calendar date of the sale;

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

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

29 (d) Except as otherwise provided in subparagraph (e) of this
30 paragraph, the handgun is accompanied by a trigger lock or a locked
31 case, gun box, container or other secure facility; provided, however,
32 this provision shall not apply to antique handguns. The exemption
33 afforded under this subparagraph for antique handguns shall be
34 narrowly construed, limited solely to the requirements set forth
35 herein and shall not be deemed to afford or authorize any other
36 exemption from the regulatory provisions governing firearms set
37 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
38 Statutes; and

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

46 (6) The dealer shall keep a true record of every handgun sold,
47 given or otherwise delivered or disposed of, in accordance with the

1 provisions of subsections b. through e. of this section and the record
2 shall note whether a trigger lock, locked case, gun box, container or
3 other secure facility was delivered along with the handgun.

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

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

10 (b) a collector of handguns as curios or relics as defined in Title
11 18, United States Code, section 921 (a) (13) who has in his
12 possession a valid Collector of Curios and Relics License issued by
13 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

16 (d) any transaction where the person has purchased a handgun
17 from a licensed retail dealer and has returned that handgun to the
18 dealer in exchange for another handgun within 30 days of the
19 original transaction, provided the retail dealer reports the exchange
20 transaction to the superintendent; or

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

24 b. Records. Every person engaged in the retail business of
25 selling, leasing or otherwise transferring a handgun, as a retail
26 dealer or otherwise, shall keep a register in which shall be entered
27 the time of the sale, lease or other transfer, the date thereof, the
28 name, age, date of birth, complexion, occupation, residence and a
29 physical description including distinguishing physical
30 characteristics, if any, of the purchaser, lessee or transferee, the
31 name and permanent home address of the person making the sale,
32 lease or transfer, the place of the transaction, and the make, model,
33 manufacturer's number, caliber and other marks of identification on
34 such handgun and such other information as the superintendent
35 shall deem necessary for the proper enforcement of this chapter.
36 The register shall be retained by the dealer and shall be made
37 available at all reasonable hours for inspection by any law
38 enforcement officer.

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

43 d. Signatures in register. The purchaser, lessee or transferee of
44 any handgun shall sign, and the dealer shall require him to sign his
45 name to the register, in triplicate, and the person making the sale,
46 lease or transfer shall affix his name, in triplicate, as a witness to

1 the signature. The signatures shall constitute a representation of the
2 accuracy of the information contained in the register.

3 e. Copies of register entries; delivery to chief of police or
4 county clerk. Within five days of the date of the sale, assignment or
5 transfer, the dealer shall deliver or mail by certified mail, return
6 receipt requested, legible copies of the register forms to the office
7 of the chief of police of the municipality in which the purchaser
8 resides, or to the office of the captain of the precinct of the
9 municipality in which the purchaser resides, and to the
10 superintendent. If hand delivered a receipt shall be given to the
11 dealer therefor.

12 Where a sale, assignment or transfer is made to a purchaser who
13 resides in a municipality having no chief of police, the dealer shall,
14 within five days of the transaction, mail a duplicate copy of the
15 register sheet to the clerk of the county within which the purchaser
16 resides.

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

18
19 21. N.J.S.2C:58-3 is amended to read as follows:

20 2C:58-3. a. (1) Permit to purchase a handgun. No person shall
21 sell, give, transfer, assign or otherwise dispose of, nor receive,
22 purchase, or otherwise acquire a handgun unless the purchaser,
23 assignee, donee, receiver or holder is licensed as a dealer under this
24 chapter or has first secured a firearms purchaser identification card
25 and a permit to purchase a handgun as provided by this section or
26 possesses a valid New Jersey firearms purchaser identifier
27 embedded with information affirming that the holder is qualified
28 and eligible to purchase a handgun.

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

35 (a) between members of an immediate family as defined in
36 subsection m. of this section, including a temporary transfer
37 between a member of the military being deployed and a family
38 member;

39 (b) between law enforcement officers;

40 (c) between collectors of firearms or ammunition as curios or
41 relics as defined in Title 18, United States Code, section 921 (a)
42 (13) who have in their possession a valid Collector of Curios and
43 Relics License issued by the Bureau of Alcohol, Tobacco, Firearms
44 and Explosives; or

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

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

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

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

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

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

17 b. Firearms purchaser identification card.

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

38 (2) A person shall sell, give, transfer, assign, or otherwise
39 dispose of, or receive, purchase or otherwise acquire an antique
40 cannon or a rifle or shotgun pursuant to the provisions of this
41 subsection only if the transaction is conducted by or through a retail
42 dealer licensed under State law or a Federal Firearms Licensee.

43 The provisions of this paragraph shall not apply if the transaction is:

44 (a) between members of an immediate family as defined in
45 subsection m. of this section, including a temporary transfer
46 between a member of the military being deployed and a family
47 member;

- 1 (b) between law enforcement officers;
2 (c) between collectors of firearms or ammunition as curios or
3 relics as defined in Title 18, United States Code, section 921 (a)
4 (13) who have in their possession a valid Collector of Curios and
5 Relics License issued by the Bureau of Alcohol, Tobacco, Firearms
6 and Explosives; or
7 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
8 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).
9 (3) Before a transaction under this subsection is conducted, the
10 licensee shall complete a NICS check of the person acquiring the
11 canon, rifle or shotgun. In addition:
12 (a) the licensee shall submit to the Superintendent of State
13 Police, on a form approved by the superintendent, information
14 identifying and confirming the background check;
15 (b) every licensee shall maintain a record of transactions
16 conducted pursuant to this section which shall be maintained at the
17 address set forth on the licensee's license for inspection by a law
18 enforcement officer during reasonable hours;
19 (c) in addition to any fee the person receiving the rifle, shotgun,
20 or antique cannon is required to pay for a NICS check, a licensee
21 may charge a fee of up to \$15 for a transaction conducted pursuant
22 to this subsection; and
23 (d) any record produced pursuant to this subsection shall not be
24 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
25 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
26 c. Who may obtain. No person of good character and good
27 repute in the community in which he lives, and who is not subject to
28 any of the disabilities set forth in this section or other sections of
29 this chapter, shall be denied a permit to purchase a handgun or a
30 firearms purchaser identification card, except as hereinafter set
31 forth. No handgun purchase or firearms purchaser identification
32 card shall be issued, and no New Jersey firearms purchaser
33 identifier shall be embedded with information affirming that the
34 holder is qualified and eligible to purchase and receive such
35 firearms pursuant to P.L. , c. (C.) (pending before the
36 Legislature as this bill):
37 (1) To any person who has been convicted of any crime, or a
38 disorderly persons offense involving an act of domestic violence as
39 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
40 not armed with or possessing a weapon at the time of such offense;
41 (2) To any drug dependent person as defined in section 2 of
42 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
43 mental disorder to a hospital, mental institution or sanitarium, or to
44 any person who is presently an habitual drunkard;
45 (3) To any person who suffers from a physical defect or disease
46 which would make it unsafe for him to handle firearms, to any
47 person who has ever been confined for a mental disorder, or to any

1 alcoholic unless any of the foregoing persons produces a certificate
2 of a medical doctor or psychiatrist licensed in New Jersey, or other
3 satisfactory proof, that he is no longer suffering from that particular
4 disability in such a manner that would interfere with or handicap
5 him in the handling of firearms; to any person who knowingly
6 falsifies any information on the application form for a handgun
7 purchase permit or firearms purchaser identification card;

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

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

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

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

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

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

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

46 e. Applications. Applications for permits to purchase a
47 handgun and for firearms purchaser identification cards or for New

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

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

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

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

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

1 any county, the chief police officer of any municipality or any
2 citizen may apply to such court at any time for the revocation of
3 such card or the operational disabling of any such affirmation. In
4 any case where a person has been convicted of a crime, the court,
5 upon motion of the county prosecutor, shall determine whether the
6 person possesses a firearms purchaser identification card, a valid
7 permit to purchase a handgun, or holds a New Jersey firearms
8 purchaser identifier embedded with information affirming the
9 holder's qualification and eligibility to purchase or receive a rifle,
10 shotgun, or handgun. Upon determining that the convicted person
11 possesses such a card, permit, or identifier, the court at sentencing
12 either shall revoke the card or permit, or in the case of an embedded
13 firearms purchaser identifier, shall direct the superintendent to
14 operationally disable the license or card, after notice and a hearing.

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

19 A person shall apply for a duplicate firearms purchaser
20 identification card in the case of a change of residence. The
21 application, in a form prescribed by the superintendent, shall be
22 submitted to the chief of police of the municipality in which he
23 resides or with the superintendent, as the case may be. A driver's
24 license or a State-issued non-driver identification card, which
25 includes a photograph of the holder, shall be used to provide proof
26 of the change of address. The person shall certify that he is not
27 subject to any of the disabilities set forth in this section or other
28 sections of this chapter. The duplicate card shall be issued without
29 a criminal history record background check or mental health records
30 check first being conducted if the applicant is a full-time member of
31 a municipal, county, State or federal law enforcement agency.

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

36 h. Form of permit; quadruplicate; disposition of copies. **【The】**
37 In the case of a paper permit to purchase a handgun issued pursuant
38 to this section, the permit shall be in the form prescribed by the
39 superintendent and shall be issued to the applicant in quadruplicate.
40 Prior to the time he receives the handgun from the seller, the
41 applicant shall deliver to the seller the permit in quadruplicate and
42 the seller shall complete all of the information required on the form.
43 Within five days of the date of the sale, the seller shall forward the
44 original copy to the superintendent and the second copy to the chief
45 of police of the municipality in which the purchaser resides, except
46 that in a municipality having no chief of police, such copy shall be
47 forwarded to the superintendent. The third copy shall then be

1 returned to the purchaser with the pistol or revolver and the fourth
2 copy shall be kept by the seller as a permanent record.

3 i. Restriction on number of firearms person may purchase.
4 Only one handgun shall be purchased or delivered on each paper
5 permit [and no] issued pursuant to this section. No more than one
6 handgun shall be purchased within any 30-day period, regardless of
7 whether the purchaser presents a paper permit or an embedded
8 firearms purchaser identifier to the seller or transferor, but this
9 limitation shall not apply to:

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

13 (2) a collector of handguns as curios or relics as defined in Title
14 18, United States Code, section 921 (a) (13) who has in his
15 possession a valid Collector of Curios and Relics License issued by
16 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

19 (4) transfers of handguns from any person to a licensed retail
20 dealer or a registered wholesale dealer or registered manufacturer
21 **[.]**;

22 (5) any transaction where the person has purchased a handgun
23 from a licensed retail dealer and has returned that handgun to the
24 dealer in exchange for another handgun within 30 days of the
25 original transaction, provided the retail dealer reports the exchange
26 transaction to the superintendent; or

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

30 The provisions of this subsection shall not be construed to afford
31 or authorize any other exemption from the regulatory provisions
32 governing firearms set forth in chapter 39 and chapter 58 of Title
33 2C of the New Jersey Statutes;

34 A person shall not be restricted as to the number of rifles or
35 shotguns he may purchase, provided he possesses a valid firearms
36 purchaser identification card or a firearms purchaser identifier
37 embedded with information affirming that the holder is qualified
38 and eligible to purchase and possess a rifle or shotgun and provided
39 further that he signs the certification required in subsection b. of
40 this section for each transaction.

41 j. Firearms passing to heirs or legatees. Notwithstanding any
42 other provision of this section concerning the transfer, receipt or
43 acquisition of a firearm, a permit to purchase **[or]**, a firearms
44 purchaser identification card, or a firearms purchaser identifier
45 embedded with information affirming that the holder is qualified
46 and eligible to purchase a rifle, shotgun, or handgun shall not be
47 required for the passing of a firearm upon the death of an owner

1 thereof to his heir or legatee, whether the same be by testamentary
2 bequest or by the laws of intestacy. The person who shall so
3 receive, or acquire said firearm shall, however, be subject to all
4 other provisions of this chapter. If the heir or legatee of such
5 firearm does not qualify to possess or carry it, he may retain
6 ownership of the firearm for the purpose of sale for a period not
7 exceeding 180 days, or for such further limited period as may be
8 approved by the chief law enforcement officer of the municipality
9 in which the heir or legatee resides or the superintendent, provided
10 that such firearm is in the custody of the chief law enforcement
11 officer of the municipality or the superintendent during such period.

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

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

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

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

29

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

31 2C:58-4. Permits to carry handguns

32 a. Scope and duration of authority. Any person who holds a
33 valid permit to carry a handgun issued pursuant to this section shall
34 be authorized to carry a handgun in all parts of this State, except as
35 prohibited by **section 2C:39-5e** subsection e. of N.J.S.2C:39-5.
36 One permit shall be sufficient for all handguns owned by the holder
37 thereof, but the permit shall apply only to a handgun carried by the
38 actual and legal holder of the permit.

39 All permits to carry handguns shall expire **[2]** two years from
40 the date of issuance or, in the case of an employee of an armored
41 car company, upon termination of his employment by the company
42 occurring prior thereto whichever is earlier in time, and they may
43 thereafter be renewed every **[2]** two years in the same manner and
44 subject to the same conditions as in the case of original
45 applications.

46 b. Application forms. All applications for permits to carry
47 handguns, and all applications for renewal of such permits, shall be

1 made on the forms prescribed by the superintendent. Each
2 application shall set forth the full name, date of birth, sex,
3 residence, occupation, place of business or employment, and
4 physical description of the applicant, and such other information as
5 the superintendent may prescribe for the determination of the
6 applicant's eligibility for a permit and for the proper enforcement of
7 this chapter. The application shall be signed by the applicant under
8 oath, and shall be indorsed by three reputable persons who have
9 known the applicant for at least **【3】** three years preceding the date
10 of application, and who shall certify thereon that the applicant is a
11 person of good moral character and behavior.

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

25 No application shall be approved by the chief police officer or
26 the superintendent unless the applicant demonstrates that he is not
27 subject to any of the disabilities set forth in **【2C:58-3c.】** subsection
28 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
29 handling and use of handguns, and that he has a justifiable need to
30 carry a handgun. If the application is not approved by the chief
31 police officer or the superintendent within 60 days of filing, it shall
32 be deemed to have been approved, unless the applicant agrees to an
33 extension of time in writing.

34 d. Issuance by Superior Court; fee. If the application has been
35 approved by the chief police officer or the superintendent, as the
36 case may be, the applicant shall forthwith present it to the Superior
37 Court of the county in which the applicant resides, or to the
38 Superior Court in any county where he intends to carry a handgun,
39 in the case of a nonresident or employee of an armored car
40 company. The court shall issue the permit to the applicant if, but
41 only if, it is satisfied that the applicant is a person of good character
42 who is not subject to any of the disabilities set forth in **【section**
43 **2C:58-3c.】** subsection c. of N.J.S.2C:58-3, that he is thoroughly
44 familiar with the safe handling and use of handguns, and that he has
45 a justifiable need to carry a handgun. The court may at its
46 discretion issue a limited-type permit which would restrict the
47 applicant as to the types of handguns he may carry and where and

1 for what purposes such handguns may be carried. At the time of
2 issuance, the applicant shall pay to the county clerk of the county
3 where the permit was issued a permit fee of ~~["\$20.00"]~~ \$20.

4 e. Appeals from denial of applications. Any person aggrieved
5 by the denial by the chief police officer or the superintendent of
6 approval for a permit to carry a handgun may request a hearing in
7 the Superior Court of the county in which he resides or in any
8 county in which he intends to carry a handgun, in the case of a
9 nonresident, by filing a written request for such a hearing within 30
10 days of the denial. Copies of the request shall be served upon the
11 superintendent, the county prosecutor and the chief police officer of
12 the municipality where the applicant resides, if he is a resident of
13 this State. The hearing shall be held within 30 days of the filing of
14 the request, and no formal pleading or filing fee shall be required.
15 Appeals from the determination at such a hearing shall be in
16 accordance with law and the rules governing the courts of this State.

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

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

27 Any permit may be revoked by the Superior Court, after hearing
28 upon notice to the holder, if the court finds that the holder is no
29 longer qualified for the issuance of such a permit. The county
30 prosecutor of any county, the chief police officer of any
31 municipality, the superintendent or any citizen may apply to the
32 court at any time for the revocation of any permit issued pursuant to
33 this section. In any case where a person has been convicted of a
34 crime, the court, upon motion of the county prosecutor, shall
35 determine whether the person possesses a permit to carry a
36 handgun. Upon determining that the convicted person possesses
37 such a permit, the court shall revoke the permit at sentencing, after
38 notice and a hearing.

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

40
41 23. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to
42 read as follows:

43 5. The commissioner shall adopt rules and regulations pursuant
44 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
45 1 et seq.) regarding a screening service and its staff that effectuate
46 the following purposes and procedures:

1 a. A screening service shall serve as the facility in the public
2 mental health care treatment system wherein a person believed to be
3 in need of involuntary commitment to outpatient treatment, a short-
4 term care facility, psychiatric facility or special psychiatric hospital
5 undergoes an assessment to determine what mental health services
6 are appropriate for the person and where those services may be
7 most appropriately provided in the least restrictive environment.

8 The screening service may provide emergency and consensual
9 treatment to the person receiving the assessment and may transport
10 the person or detain the person up to 24 hours for the purposes of
11 providing the treatment and conducting the assessment.

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

45 Upon completion of the screening certificate, screening service
46 staff shall determine, in consultation with the psychiatrist or another
47 physician, as appropriate, the least restrictive environment for the

1 appropriate treatment to which the person shall be assigned or
2 admitted, taking into account the person's prior history of
3 hospitalization and treatment and the person's current mental health
4 condition. Screening service staff shall designate:

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

9 (2) outpatient treatment for the person when outpatient
10 treatment is deemed sufficient to render the person unlikely to be
11 dangerous to self, others or property within the reasonably
12 foreseeable future.

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

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

23 The person shall be admitted to the appropriate facility or
24 assigned to the appropriate outpatient treatment provider, as
25 appropriate for treatment, as soon as possible. Screening service
26 staff are authorized to coordinate initiation of outpatient treatment
27 or transport the person or arrange for transportation of the person to
28 the appropriate facility.

29 c. If the mental health screener determines that the person is
30 not in need of assignment or commitment to an outpatient treatment
31 provider, or admission or commitment to a short-term care facility,
32 psychiatric facility or special psychiatric hospital, the screener shall
33 refer the person to an appropriate community mental health or
34 social services agency or appropriate professional or inpatient care
35 in a psychiatric unit of a general hospital.

36 d. A mental health screener shall make a screening outreach
37 visit if the screener determines, based on clinically relevant
38 information provided by an individual with personal knowledge of
39 the person subject to screening, that the person may need
40 involuntary commitment to treatment and the person is unwilling or
41 unable to come to the screening service for an assessment.

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

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

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

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

10 b. An emergency services or medical transport person or their
11 respective employers, acting in good faith pursuant to **[this act]**
12 P.L.1987, c.116 (C.30:4-27.1 et seq.) and pursuant to the direction
13 of a person designated in subsection a. of this section, who takes
14 reasonable steps to take custody of, detain or transport an individual
15 for the purpose of mental health assessment or treatment is immune
16 from civil and criminal liability.

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

21 c. A mental health screener completing a screening document
22 or a psychiatrist or physician completing a screening certificate or
23 clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.),
24 shall, with regard to whether a person is an owner of a firearm or
25 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
26 possesses a firearms purchaser identification card, valid permit to
27 purchase a handgun, or firearms purchaser identifier embedded with
28 information affirming that the holder is qualified and eligible to
29 purchase a rifle, shotgun or handgun, or the location of such
30 weapon, card, permit, or identifier, not be held liable in any civil
31 action brought by any person for failing to learn of a weapon or any
32 firearms purchaser identification card, valid permit to purchase a
33 handgun, or firearms purchaser identifier embedded with
34 information affirming the holder is qualified and eligible to
35 purchase a rifle, shotgun, or handgun, or of the location of any such
36 firearm, weapon, card, permit, or identifier.

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

38
39 25. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to
40 read as follows:

41 10. a. (1) A short-term care or psychiatric facility or a special
42 psychiatric hospital shall initiate court proceedings for involuntary
43 commitment to inpatient or outpatient treatment by submitting to
44 the court a clinical certificate completed by a psychiatrist on the
45 patient's treatment team and the screening certificate which
46 authorized admission of the patient to the facility; provided,
47 however, that both certificates shall not be signed by the same

1 psychiatrist unless the psychiatrist has made a reasonable but
2 unsuccessful attempt to have another psychiatrist conduct the
3 evaluation and execute the certificate.

4 (2) A screening service or outpatient treatment provider shall
5 initiate court proceedings for commitment to outpatient treatment
6 by submitting to the court a clinical certificate completed by a
7 psychiatrist on the patient's treatment team and the screening
8 certificate which authorized assignment of the patient to outpatient
9 treatment with the outpatient treatment provider; provided,
10 however, that both certificates shall not be signed by the same
11 psychiatrist unless the psychiatrist has made a reasonable but
12 unsuccessful attempt to have another psychiatrist conduct the
13 evaluation and execute the certificate.

14 b. Court proceedings for the involuntary commitment to
15 treatment of any person not referred by a screening service may be
16 initiated by the submission to the court of two clinical certificates,
17 at least one of which is prepared by a psychiatrist. A psychiatrist or
18 physician shall ask whether the person is an owner of a firearm or
19 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
20 possesses a firearms purchaser identification card, a valid permit to
21 purchase a handgun, or a firearms purchaser identifier embedded
22 with information affirming the holder is qualified and eligible to
23 purchase a rifle, shotgun, or handgun, and the location of any such
24 firearm, weapon, card, permit, or identifier and shall include that
25 information on the clinical certificate.

26 The person shall not be involuntarily committed before the court
27 issues a temporary court order.

28 c. A court proceeding for involuntary commitment to treatment
29 of an inmate who is scheduled for release upon expiration of a
30 maximum term of incarceration shall be initiated by the Attorney
31 General or county prosecutor by submission to the court of two
32 clinical certificates, at least one of which is prepared by a
33 psychiatrist.

34 d. The Attorney General, in exercise of the State's authority as
35 parens patriae, may initiate a court proceeding for the involuntary
36 commitment to treatment of any person in accordance with the
37 procedures set forth in subsection a. or b. of this section. When the
38 Attorney General determines that the public safety requires
39 initiation of a proceeding pursuant to subsection b. of this section,
40 the Attorney General may apply to the court for an order
41 compelling the psychiatric evaluation of the person. The court shall
42 grant the Attorney General's application if the court finds that there
43 is reasonable cause to believe that the person may be in need of
44 involuntary commitment to treatment. The Attorney General may
45 delegate the authority granted pursuant to this subsection, on a case
46 by case basis, to the county prosecutor.

- 1 e. Any person who is a relative by blood or marriage of the
2 person being screened who executes a clinical certificate, or any
3 person who signs a clinical certificate for any purpose or motive
4 other than for purposes of care, treatment and confinement of a
5 person in need of involuntary commitment to treatment, shall be
6 guilty of a crime of the fourth degree.
- 7 f. Upon receiving these documents the court shall immediately
8 review them in order to determine whether there is probable cause
9 to believe that the person is in need of involuntary commitment to
10 treatment.
- 11 g. (1) If the court finds that there is probable cause to believe
12 that the person, other than a person whose commitment is sought
13 pursuant to subsection c. of this section, is in need of involuntary
14 commitment to treatment, it shall issue a temporary order
15 authorizing the assignment of the person to an outpatient treatment
16 provider or the admission to or retention of the person in the
17 custody of the facility, that is both appropriate to the person's
18 condition and is the least restrictive environment, pending a final
19 hearing.
- 20 (2) If the court finds that there is probable cause to believe that
21 a person is in need of involuntary commitment to treatment, the
22 court may order a law enforcement officer to search for any firearm
23 or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
24 any firearms purchaser identification card, valid permit to purchase
25 a handgun, or firearms purchaser identifier embedded with
26 information affirming that the holder is qualified and eligible to
27 purchase a rifle, shotgun, or handgun at any location where the
28 court has reasonable cause to believe any such firearm, weapon,
29 card, permit, or identifier may be located and seize that firearm,
30 weapon, identification card, or permit or, in the case of an
31 embedded identifier, direct the superintendant to operationally
32 disable that identifier.
- 33 h. If the court finds that there is probable cause to believe that
34 a person whose commitment is sought pursuant to subsection c. of
35 this section is in need of involuntary commitment to treatment, it
36 shall issue an order setting a date for a final hearing and authorizing
37 the Commissioner of the Department of Corrections to arrange for
38 temporary commitment pursuant to section 2 of P.L.1986, c.71
39 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other
40 facility designated for the criminally insane pending the final
41 hearing and prior to the expiration of the person's term. The order
42 shall specifically provide for transfer of custody to the Ann Klein
43 Forensic Center in Trenton or other facility designated for the
44 criminally insane if the person's maximum term will expire prior to
45 the final hearing.
- 46 i. In the case of a person committed to treatment at a short-
47 term care facility or special psychiatric hospital, after the facility's

1 treatment team conducts a mental and physical examination,
2 administers appropriate treatment and prepares a discharge
3 assessment, the facility may transfer the patient to a psychiatric
4 facility prior to the final hearing; provided that: (1) the patient, his
5 family and his attorney are given 24 hours' advance notice of the
6 pending transfer; and (2) the transfer is accomplished in a manner
7 which will give the receiving facility adequate time to examine the
8 patient, become familiar with his behavior and condition and
9 prepare for the hearing. In no event shall the transfer be made less
10 than five days prior to the date of the hearing unless an unexpected
11 transfer is dictated by a change in the person's clinical condition.
12 (cf: P.L.2009, c.112, s.11)
13

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

16 15. a. If the court finds by clear and convincing evidence that
17 the patient needs continued involuntary commitment to treatment, it
18 **【shall】** :

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

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

26 (3) may order a law enforcement officer to search for any
27 firearm or other weapon enumerated in subsection r. of
28 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
29 permit to purchase a handgun, or firearms purchaser identifier
30 embedded with information affirming that the holder is qualified
31 and eligible to purchase a rifle, shotgun, or handgun at any location
32 where the court has reasonable cause to believe any such firearm,
33 weapon, card, permit, or identifier may be located and seize that
34 firearm, weapon, identification card, or permit or, in the case of an
35 embedded identifier, direct the superintendant to operationally
36 disable that identifier, unless this has already occurred pursuant to
37 section 10 of P.L.1987, c.116 (C.30:4-27.10).

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

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

5 (a) that the patient's history indicates a high risk of
6 rehospitalization because of the patient's failure to comply with
7 discharge plans; or

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

12 (2) Conditions imposed pursuant to this section shall include
13 those recommended by the facility and mental health agency and
14 developed with the participation of the patient. Conditions imposed
15 on the patient shall be specific and their duration shall not exceed
16 90 days unless the court determines, in a case in which the Attorney
17 General or a county prosecutor participated, that the conditions
18 should be imposed for a longer period. If the court imposes
19 conditions for a period exceeding six months, the court shall
20 provide for a review hearing on a date the court deems appropriate
21 but in no event later than six months from the date of the order.
22 The review hearing shall be conducted in the manner provided in
23 this section, and the court may impose any order authorized
24 pursuant to this section.

25 (3) The designated mental health agency staff person shall
26 notify the court if the patient fails to meet the conditions of the
27 discharge plan, and the court shall issue an order directing that the
28 person be taken to a screening service for an assessment. The court
29 shall determine, in conjunction with the findings of a screening
30 service, if the patient needs to be rehospitalized and, if so, the
31 patient shall be returned to the facility. The court shall hold a
32 hearing within 20 days of the day the patient was returned to the
33 facility to determine if the order of conditional discharge should be
34 vacated.

35 d. Notwithstanding subsection a. of this section, or any
36 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
37 30:4-27.17 or 30:4-27.18), no person committed while serving a
38 term of incarceration shall be discharged by the court or
39 administratively discharged prior to the date on which the person's
40 maximum term would have expired had he not been committed. If
41 the person is no longer in need of involuntary commitment to
42 treatment, the person shall be returned to the appropriate State,
43 county or local authority to complete service of the term of
44 incarceration imposed until released in accordance with law, and
45 the person shall be given day for day credit for all time during
46 which the person was committed.

1 e. Notwithstanding subsection a. of this section, or any
2 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
3 30:4-27.17 or 30:4-27.18), no person committed pursuant to
4 N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of
5 insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental
6 competence to stand trial shall be discharged by the court or
7 administratively discharged unless the prosecuting attorney in the
8 case receives prior notice and an opportunity to be heard.
9 (cf: P.L.2009, c.112, s.16)

10
11 27. Section 2 of P.L.1999, c.255 (C.2C:58-17) is amended to
12 read as follows:

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

17 Under the program, a person who purchases a firearm from a
18 retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be
19 eligible for a \$5 instant rebate when a compatible trigger locking
20 device is purchased along with that firearm. The licensed retail
21 dealer shall deduct the rebate from the price of the compatible
22 locking device in order to reduce by \$5 the cost of the device for the
23 purchaser.

24 b. The Superintendent of State Police, in conjunction with the
25 Attorney General, shall adopt guidelines in accordance with the
26 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
27 seq.), to effectuate the purposes of **[this act]** P.L.1999, c.255
28 (C.2C:58-17 et seq.).

29 In addition, the superintendent shall prepare and deliver to each
30 licensed retail firearms dealer in the State the forms necessary to
31 record and report participation in the program. The forms, which
32 shall set forth the name, address, telephone number, State tax
33 number and State license number of the retail firearms dealer, the
34 name of the firearms purchaser and his firearms purchaser
35 identification card number or permit to purchase a handgun number,
36 the make and model number of the compatible trigger locking
37 device purchased and the date of the sale, shall be in duplicate. One
38 copy shall be retained by the retail dealer for his records. The other
39 shall be submitted to the Attorney General for reimbursement. The
40 reimbursement copies shall be submitted monthly at a time
41 prescribed by the superintendent. The submitting retail dealer shall
42 be entitled to a reimbursement of \$5 for each trigger locking device
43 sold as part of the KeepSafe program. To help defray any
44 administrative costs, each participating retail dealer shall receive, in
45 addition to the reimbursement, \$0.50 for each valid reimbursement
46 copy submitted.

1 The superintendent also shall provide each licensed retail
2 firearms dealer with a sign to be prominently displayed at a
3 conspicuous place on the dealer's business premises where firearms
4 are offered for sale. In addition, the superintendent shall provide
5 signs to be placed in public buildings as determined appropriate by
6 the superintendent. As used in this section, "public building"
7 means any building, structure, facility or complex used by the
8 general public, including but not limited to, theaters, concert halls,
9 auditoriums, museums, schools, libraries, recreation facilities,
10 public transportation terminals and stations, factories, office
11 buildings, business establishments, passenger vehicle service
12 stations, shopping centers, hotels or motels and public eating places,
13 owned by any State, county or municipal government agency or
14 instrumentality or any private individual, partnership, association or
15 corporation.

16 The sign shall state substantially the following:

17 "KEEP NEW JERSEY FIREARMS SAFE.

18 TO ENCOURAGE NEW JERSEY GUN OWNERS TO

19 STORE THEIR FIREARMS SAFELY, THE STATE IS

20 OFFERING A \$5 INSTANT REBATE WHEN YOU

21 PURCHASE A COMPATIBLE TRIGGER LOCK ALONG

22 WITH YOUR FIREARM.

23 REMEMBER--THE USE OF A TRIGGER LOCK IS

24 ONLY ONE ASPECT OF RESPONSIBLE FIREARM

25 STORAGE. FIREARMS SHOULD BE STORED,

26 UNLOADED AND LOCKED IN A LOCATION THAT IS

27 BOTH SEPARATE FROM THEIR AMMUNITION

28 AND INACCESSIBLE TO CHILDREN.

29 NEW JERSEY'S FAMILIES AND CHILDREN ARE

30 PRECIOUS--KEEP THEM SAFE!!"

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

32
33 28. (New section) a. The Superintendent of State Police shall
34 promulgate guidelines to effectuate the purposes of P.L. ,
35 c. (C.) (pending before the Legislature as this bill). Those
36 guidelines shall include, but not be limited to, policies and
37 procedures governing the regular periodic review of the information
38 stored in the firearms database to ensure that the information is
39 current and accurate, policies and procedures governing the
40 disabling of embedded driver's licenses and identification cards
41 should their holders be determined to no longer be lawfully
42 qualified and eligible to purchase or receive a rifle, shotgun or
43 handgun, and such other matters as the superintendent deems to be
44 appropriate and necessary to effectuate the purposes of P.L. ,
45 c. (C.) (pending before the Legislature as this bill).

46 b. The Commissioner of Human Services, in accordance with
47 the provisions of the "Administrative Procedure Act," P.L.1968,

1 c.410 (C.52:14B-1 et seq.), and after consultation with the
2 Superintendent of State Police, may adopt rules and regulations
3 necessary to effectuate the purposes of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

5 c. The Supreme Court of New Jersey may adopt court rules to
6 effectuate the purposes of this P.L. , c. (C.) (pending
7 before the Legislature as this bill).

8
9 29. This act shall take effect the first day of the seventh month
10 following enactment, but the Superintendent of State Police and the
11 Commissioner of Human Services may take such anticipatory
12 administrative action in advance as shall be necessary for the
13 implementation of the act.

14 15 16 STATEMENT

17
18 This bill revises various statutes concerning the regulation of
19 firearms.

20 *Firearms Purchaser Identification* Under this bill, the current
21 paper firearms purchaser identification card (FPIC) would no longer
22 be issued to New Jersey residents. The information on the FPIC
23 would be embedded in a firearms purchaser identifier with a
24 picture. On or before the first day of the seventh month after the
25 bill's enactment, the Attorney General and the Superintendent of
26 State Police are charged with determining whether this information
27 would be embedded in the driver's license or be a separate,
28 independent card. The provisions of the bill would not affect the
29 way firearms purchaser identification cards are issued to
30 nonresidents.

31 If the driver's license is adopted as the firearms purchaser
32 identifier, the bill requires that the firearms database and the motor
33 vehicle database be maintained as distinct and separate entities, the
34 firearms database by the superintendent and the motor vehicles
35 database by the Chief Administrator of the Motor Vehicle
36 Commission. The superintendent and the chief administrator also
37 are required to adopt protocols for access to these databases by law
38 enforcement. Non-law enforcement entities would not be permitted
39 access to the firearms database.

40 The bill outlines similar requirements the superintendent is to
41 follow if the Attorney General selects a separate, independent card
42 with a digitalized photograph to serve as the State's firearms
43 purchaser identifier.

44 A FPIC would remain valid until the first renewal of the person's
45 firearms purchaser identifier occurring after the first day of the 25th
46 month after the bill's effective date. The transition from the current
47 paper card to having this information embedded in a firearms
48 identifier would take place over a two to five year phase-in period,

1 depending upon which system is selected. Residents who do not
2 have a driver's license would have their FPIC information
3 embedded on the identification cards that are issued by the Motor
4 Vehicle Commission under the "Identification Cards for
5 Nondrivers' Act," P.L.1980, c.47 (C.39:3-29.2).

6 Beginning on the first day of the 75th month after the bill's
7 effective date, all retail dealers of firearms would be required to use
8 this system.

9 The superintendent would be able to operationally disable the
10 identifier for purposes of purchasing or receiving a firearm if the
11 holder becomes subject to any of the statutory disabilities.

12 This bill does not alter the qualifications and requirements for
13 the issuance of a FPIC or embedded driver's license or
14 identification card. A person who applies for a FPIC or embedded
15 firearms purchaser identifier is still required to submit to a criminal
16 history background check to determine if the applicant is
17 disqualified from owning a firearm under the law.

18 *Permit to Purchase a Handgun* This bill clarifies that any person
19 who purchases a handgun is also required obtain a FPIC in addition
20 to a permit to purchase a handgun (PPH). The PPH information
21 would be embedded on the identifier and would be valid for four
22 years. Current law requires handgun purchasers to possess a valid
23 PPH for every handgun purchased. Any paper FPIC or PPH issued
24 under current law would remain valid until the holder's driver's
25 license or identification card is subject to renewal; the information
26 thereafter would be embedded on the license or card.

27 The bill requires the Attorney General to develop and implement
28 the system that will allow retail firearms dealers to use the
29 embedded firearms purchaser identifier to instantly determine
30 whether that buyer is qualified to purchase a firearm. Between the
31 first day of the 25th month and the first day of the 73rd month
32 following the bill's effective date, the superintendent is to test and
33 evaluate the system. The superintendent also is to select, and over
34 time expand, the number of the retail licensees to participate in the
35 test.

36 If the superintendent determines after 36 months of testing that
37 the system is seriously flawed, the superintendent is to report to the
38 Governor and the Legislature recommending that implementation
39 be postponed until the Attorney General and the superintendent
40 determine that the system is fully operational.

41 After the Attorney General has implemented this system, all
42 retail firearms dealers would be required to use the system. In the
43 case of a handgun purchase, the system would enable a retail dealer
44 to determine whether the transaction violates the State's prohibition
45 on purchasing more than one handgun in a 30-day period.

46 *Firearms Safety Course* The bill requires applicants for the
47 firearms purchaser identifier to present evidence of the successful

1 completion of a firearms safety class or course approved by the
2 superintendent as a condition for being issued the card, license, or
3 permit. This requirement only would be applicable to persons who
4 apply for a card or permit or embedded license or identification card
5 after the bill's effective date. Applicants who have received
6 firearms training through any of the training programs specified in
7 the bill may bill that experience for the required class or course
8 training.

9 In developing the curriculum, the superintendent is to work in
10 cooperation with a firearms safety panel. If the panel does not
11 develop the curriculum within 60 days of the appointment of its
12 members, the superintendent is required to develop the curriculum.
13 The panel is to consist of four members, with two members
14 appointed by the Senate President and two members by the Speaker
15 of the General Assembly.

16 The bill's provisions also require the court, upon motion of the
17 prosecutor, to determine whether a person who has been convicted
18 of a crime possesses a FPIC, a permit to carry a handgun or a
19 firearms identifier. If the court determines that the convicted
20 person possesses such a card, license, or permit, the court is to
21 revoke the card, license, or permit at sentencing, after notice and a
22 hearing. Currently, failure to comply with any of the regulatory
23 provisions relating to firearms is a crime of the fourth degree under
24 subsection a. of N.J.S.2C:39-10.

25 The bill also:

- 26 • Requires the superintendent to establish an electronic
27 reporting program for dealers to record their sales and
28 transfers of ammunition on a real-time basis. The
29 superintendent is to establish an electronic data base
30 containing all of the dealer reported information, which is to
31 be available to all law enforcement officers on a real time
32 basis. The reporting system would include the name,
33 address, age, type of documentation used to establish
34 eligibility to purchase, caliber or gauge of the ammunition
35 sold, numerical amount of ammunition transferred in the
36 sale, and any other information deemed necessary by the
37 superintendent.
- 38 • Requires a person to apply for a duplicate firearms identifier
39 in the case of a change of residence. A driver's license or a
40 State-issued non-driver identification card, which includes a
41 photograph of the holder, must be used to provide proof of
42 the change of address. The person must certify that he is not
43 subject to any of the statutory disabilities. The duplicate
44 card will be issued without a criminal history records check
45 or mental health records check first being conducted if the
46 applicant is a full-time member of a municipal, county, State
47 or federal law enforcement agency.

- 1 • Mandates that the seven day waiting period for a handgun
2 purchase permit under current law would be applicable to
3 sales of handguns under the system implemented by this bill.
- 4 • Requires a person to possess an FPIC and a PPH or a permit
5 to carry a handgun, or the identifier created under this bill, to
6 purchase or acquire handgun ammunition.
- 7 • Provides a mechanism for a court to authorize law
8 enforcement officers to search for and seize weapons from a
9 person whom a court has determined is in need of
10 involuntary commitment to mental health treatment pursuant
11 to P.L.1987, c.116 (C.30:4-27.1 et seq.). The procedures
12 established in the bill are modeled on the "Prevention of
13 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-
14 17 et seq.).
- 15 • Requires mental health screeners, psychiatrists, and doctors,
16 who screen a person believed to be in need of involuntary
17 commitment to mental health treatment, to ask the person
18 being screened whether the person owned a firearm or
19 possessed an FPIC, permit to purchase, or firearms purchaser
20 identifier.