

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1426**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

ADOPTED JUNE 20, 2016

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

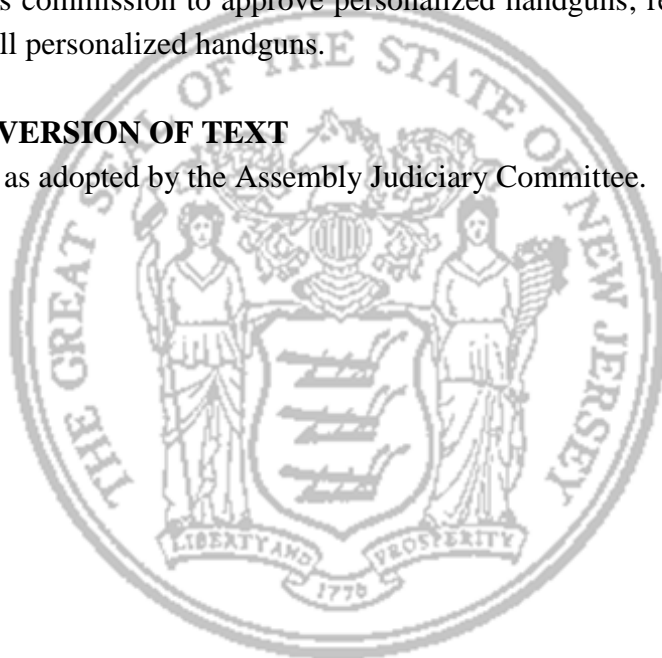
**Assemblyman Giblin, Assemblywomen Pintor Marin and Tucker**

**SYNOPSIS**

Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Judiciary Committee.



**(Sponsorship Updated As Of: 6/28/2016)**

1 AN ACT concerning personalized handguns and revising various  
2 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. There is established in the Department of  
8 Law and Public Safety, a commission which shall be known as the  
9 Personalized Handgun Authorization Commission. The commission  
10 shall be responsible for establishing performance standards for  
11 personalized handguns and maintaining a roster of personalized  
12 handguns authorized for sale to the public pursuant to this act.

13 b. The commission shall consist of seven members as follows:

14 (1) as ex-officio members, the Attorney General or a designee;  
15 the Superintendent of State Police or a designee; the Commissioner  
16 of Health or a designee;

17 (2) as public members appointed by the Governor:

18 (a) one member of the American Academy of Pediatrics;

19 (b) one member who shall be a resident of this State who is a  
20 licensed firearms wholesaler, manufacturer, or retail dealer as  
21 defined in N.J.S.2C:39-1, or a resident of this State who is a  
22 representative of a New Jersey chapter of an organization that  
23 advocates for Second Amendment rights;

24 (c) one member who shall be a representative of an organization  
25 that advocates against handgun violence; and

26 (d) one member who shall be an engineer with substantial  
27 experience in radio frequency identification or biometric reading  
28 technology.

29 c. All appointments to the commission shall be made within six  
30 months of the effective date of this act. The chair of the commission  
31 shall be selected from among its members by the Governor. Members  
32 of the commission shall serve a term of four years from the date of  
33 their appointment and until their successors are appointed. Vacancies  
34 in the membership of the commission shall be filled in the same  
35 manner as the original appointments were made.

36 d. Members of the commission shall serve without compensation,  
37 but shall be reimbursed for necessary expenses incurred in the  
38 performance of their duties as members of the commission, and within  
39 the limits of funds appropriated or otherwise made available to the  
40 commission for its purpose.

41 e. The commission shall be entitled to call to its assistance and  
42 avail itself of the services of the employees of any State, county, or  
43 municipal department, board, bureau, commission, or agency as it may  
44 require and as may be available to it for its purposes.

45 f. During the first year following the establishment of the  
46 commission, it shall meet monthly in order to comply with the

**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 provisions of P.L.           , c.           (C.           ) (pending before the  
2 Legislature as this bill); thereafter, the commission shall meet once  
3 every six months or at the call of the chairman of the commission or  
4 the majority of its members.

5  
6       2. (New section) a. The Personalized Handgun Authorization  
7 Commission shall maintain a roster of all personalized handguns  
8 approved for retail sales to the public. The roster of approved  
9 personalized handguns shall be published on a website maintained  
10 by the New Jersey State Police and shall be updated every six  
11 months. A copy of the roster shall be made available every six  
12 months to registered and licensed firearms dealers in this State.

13       b. Within one year of organizing, the commission shall develop  
14 personalized handgun performance standards which a personalized  
15 handgun shall meet in order to be placed on the personalized  
16 handgun roster.

17       The personalized handgun performance standards shall include,  
18 but not be limited to, the following:

19       (1) the handgun shall be reasonably resistant to being fired by  
20 anyone other than the handgun's authorized user as defined in  
21 N.J.S.2C:39-1;

22       (2) the personalized technology shall be incorporated into the  
23 design of the personalized handgun and shall be a permanent,  
24 irremovable part of the handgun and any device or object necessary  
25 for the authorized user to fire the handgun;

26       (3) the personalized handgun shall not be manufactured so as to  
27 permit the personalized characteristics of the handgun to be readily  
28 deactivated; and

29       (4) the personalized handgun shall meet any other reliability  
30 standards generally used in the industry for other commercially  
31 available handguns.

32       c. The commission shall recommend to the Attorney General  
33 any rule, regulation, guideline or revision thereto, or legislation  
34 which it deems necessary to establish a process by which handgun  
35 manufactures may request that their handguns be added to the roster  
36 established pursuant this section.

37  
38       3. (New section) a. The commission shall identify and  
39 approve a list of independent laboratories which shall be used to  
40 determine whether handguns comply with the personalized handgun  
41 performance standards established pursuant to section 2 of P.L.           ,  
42 c.           (C.           ) (pending before the Legislature as this bill). At least  
43 one independent laboratory shall be identified and included on the  
44 list of approved laboratories within one year of the commission's  
45 organization. An approved laboratory shall not be owned or  
46 operated by a handgun manufacturer or any other organization that  
47 seeks to promote or restrict handgun ownership.

1       b. An independent laboratory may apply to the commission for  
2 inclusion on the list of approved laboratories. The application shall  
3 be in a form prescribed by the Attorney General, in consultation  
4 with the commission, and shall provide information regarding the  
5 laboratory's capabilities and objectivity. Once approved, the  
6 laboratory shall utilize testing methods formulated by the  
7 commission to determine whether a handgun is in compliance with  
8 personalized handgun performance standards established pursuant  
9 to section 2 of P.L.       , c.       (C.       ) (pending before the  
10 Legislature as this bill).

11       c. An independent laboratory shall test a handgun within a  
12 reasonable amount of time following a request made by the  
13 commission. The test shall be conducted:

14       (1) in accordance with the testing requirements formulated by  
15 the commission; and

16       (2) at the expense of the manufacturer or other entity seeking to  
17 include the handgun on the approved personalized handgun roster  
18 established pursuant to P.L.       , c.       (C.       ) (pending before the  
19 Legislature as this bill).

20       The independent laboratory shall issue a final test report to the  
21 commission at the conclusion of the test. The report shall state  
22 whether the handgun meets the criteria established by the  
23 commission.

24       d. The commission shall review the final test report and based  
25 on the report's findings shall issue, within 45 days of receiving the  
26 report, a final decision by majority vote as to whether the handgun  
27 should be included on the roster.

28       e. Upon making a final determination pursuant to subsection d.  
29 of this section, the commission shall notify, in writing, the  
30 manufacturer as to whether the handgun has been approved or  
31 denied for inclusion on the roster. A notification informing the  
32 manufacturer that a firearm has been denied shall be provided along  
33 with a written description of the reasons for which a handgun failed  
34 to satisfy the criteria established by the commission as documented  
35 in the independent laboratory's report. Once notified that a make and  
36 model of handgun has been approved for addition on the roster, a  
37 manufacturer, seller, or possessor shall not alter the design of the  
38 handgun in a manner that it no longer meets the performance standard  
39 established by the commission.

40

41       4. (New section) a. Within 60 days of the first personalized  
42 handgun being included on the roster established pursuant to section  
43 2 of P.L.       , c.       (C.       ) (pending before the Legislature as this  
44 bill), each licensed firearms retail dealer shall have on the retail  
45 premises:

46       (1) at least one personalized handgun approved by the  
47 commission and listed on the roster as eligible for sale;

1 (2) an original exemption certificate issued pursuant to section 5  
2 of P.L. , c. (C. ) (pending before the Legislature as this  
3 bill); or

4 (3) a notarized copy of a pending application for an exemption  
5 certificate.

6 b. A personalized handgun offered for sale by a licensed retail  
7 dealer shall be displayed in a conspicuous manner that makes it  
8 easily visible to customers and distinguishable from other  
9 traditional handguns. A licensed retail dealer shall post a sign in  
10 close proximity to each personalized handgun that includes a clear  
11 and conspicuous statement disclosing the unique features of the  
12 personalized handgun that are not offered by traditional handguns.

13 c. In the event that a licensed retail dealer's inventory of  
14 personalized handguns is depleted and there are no personalized  
15 handguns available for purchase on the premises, the licensed retail  
16 dealer shall:

17 (1) place an order for at least one personalized handgun within  
18 21 days of the sale of the last personalized handgun;

19 (2) maintain written records of the retail dealer's efforts to place  
20 an order and maintain those records on the premises and allow them  
21 to be open for inspection at all times; and

22 (3) maintain a sign on the premises indicating that personalized  
23 handguns are routinely sold on the retail dealer's premises and will  
24 soon be available for purchase.

25 d. A licensed firearms retail dealer shall not make any claim  
26 that a handgun has been approved by the commission as meeting the  
27 performance standards for personalized handguns if that handgun is  
28 not included on the roster established pursuant to section 2 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill).

30 e. The Superintendent of State Police shall designate officers to  
31 inspect the personalized handgun inventory and records of all  
32 licensed firearms retailers. The inspections shall be conducted at  
33 least once every two years at any time during the normal business  
34 hours of the firearm retailer's business.

35  
36 5. (New section) a. Upon application by a licensed retail  
37 dealer demonstrating that offering a personalized handgun for sale  
38 would impose an undue financial hardship, the Superintendent of  
39 State Police may issue a certificate exempting the licensed retail  
40 dealer from the requirement to offer a personalized handgun for sale  
41 established pursuant to P.L. , c. (C. ) (pending before the  
42 Legislature as this bill). In determining whether an exemption shall  
43 be granted, the superintendent may consider factors including, but  
44 not limited to, the retail dealer's inventory size and annual sales  
45 revenue or income generated from customer purchases.

46 b. A firearm retail dealer who can demonstrate that its firearm  
47 inventory consists solely of firearms other than handguns shall  
48 automatically be granted an exemption pursuant to this section.

1 c. A firearm retail dealer shall maintain an original copy of the  
2 exemption certificate issued pursuant to section 5 of P.L. ,  
3 c. (C. ) (pending before the Legislature as this bill) on the  
4 retail premises at all times.

5  
6 6. (New section) a. A licensed retail dealer who has not been  
7 issued an exemption certificate pursuant to section 5 of P.L. ,  
8 c. (C. ) (pending before the Legislature as this bill) and  
9 violates section 4 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) shall be subject to the following penalties:

- 11 (1) for a first offense, a fine of up to \$500;  
12 (2) for a second offense, a fine of up to \$1,000;  
13 (3) for a third or subsequent offense, a six month license  
14 suspension following notice to the licensed retail dealer and  
15 opportunity to be heard.

16 b. Any person who violates the provisions of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill) by  
18 tampering or attempting to tamper with a personalized handgun by  
19 intentionally interfering with the user-authorized functionality of  
20 the personalized technology shall be guilty of a disorderly persons  
21 offense.

22  
23 7. N.J.S.2C:39-1 is amended to read as follows:  
24 2C:39-1. Definitions. The following definitions apply to this  
25 chapter and to chapter 58:

26 a. "Antique firearm" means any rifle or shotgun and "antique  
27 cannon" means a destructive device defined in paragraph (3) of  
28 subsection c. of this section, if the rifle, shotgun or destructive  
29 device, as the case may be, is incapable of being fired or  
30 discharged, or which does not fire fixed ammunition, regardless of  
31 date of manufacture, or was manufactured before 1898 for which  
32 cartridge ammunition is not commercially available, and is  
33 possessed as a curiosity or ornament or for its historical  
34 significance or value.

35 b. "Deface" means to remove, deface, cover, alter or destroy  
36 the name of the maker, model designation, manufacturer's serial  
37 number or any other distinguishing identification mark or number  
38 on any firearm.

39 c. "Destructive device" means any device, instrument or object  
40 designed to explode or produce uncontrolled combustion, including  
41 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
42 rocket having a propellant charge of more than four ounces or any  
43 missile having an explosive or incendiary charge of more than one-  
44 quarter of an ounce; (3) any weapon capable of firing a projectile of  
45 a caliber greater than 60 caliber, except a shotgun or shotgun  
46 ammunition generally recognized as suitable for sporting purposes;  
47 (4) any Molotov cocktail or other device consisting of a breakable  
48 container containing flammable liquid and having a wick or similar

- 1 device capable of being ignited. The term does not include any  
2 device manufactured for the purpose of illumination, distress  
3 signaling, line-throwing, safety or similar purposes.
- 4 d. "Dispose of" means to give, give away, lease, loan, keep for  
5 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
6 possession.
- 7 e. "Explosive" means any chemical compound or mixture that  
8 is commonly used or is possessed for the purpose of producing an  
9 explosion and which contains any oxidizing and combustible  
10 materials or other ingredients in such proportions, quantities or  
11 packing that an ignition by fire, by friction, by concussion or by  
12 detonation of any part of the compound or mixture may cause such  
13 a sudden generation of highly heated gases that the resultant  
14 gaseous pressures are capable of producing destructive effects on  
15 contiguous objects. The term shall not include small arms  
16 ammunition, or explosives in the form prescribed by the official  
17 United States Pharmacopoeia.
- 18 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
19 automatic or semi-automatic rifle, or any gun, device or instrument  
20 in the nature of a weapon from which may be fired or ejected any  
21 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
22 vapor or other noxious thing, by means of a cartridge or shell or by  
23 the action of an explosive or the igniting of flammable or explosive  
24 substances. It shall also include, without limitation, any firearm  
25 which is in the nature of an air gun, spring gun or pistol or other  
26 weapon of a similar nature in which the propelling force is a spring,  
27 elastic band, carbon dioxide, compressed or other gas or vapor, air  
28 or compressed air, or is ignited by compressed air, and ejecting a  
29 bullet or missile smaller than three-eighths of an inch in diameter,  
30 with sufficient force to injure a person.
- 31 g. "Firearm silencer" means any instrument, attachment,  
32 weapon or appliance for causing the firing of any gun, revolver,  
33 pistol or other firearm to be silent, or intended to lessen or muffle  
34 the noise of the firing of any gun, revolver, pistol or other firearm.
- 35 h. "Gravity knife" means any knife which has a blade which is  
36 released from the handle or sheath thereof by the force of gravity or  
37 the application of centrifugal force.
- 38 i. "Machine gun" means any firearm, mechanism or instrument  
39 not requiring that the trigger be pressed for each shot and having a  
40 reservoir, belt or other means of storing and carrying ammunition  
41 which can be loaded into the firearm, mechanism or instrument and  
42 fired therefrom.
- 43 j. "Manufacturer" means any person who receives or obtains  
44 raw materials or parts and processes them into firearms or finished  
45 parts of firearms, except a person who exclusively processes grips,  
46 stocks and other nonmetal parts of firearms. The term does not  
47 include a person who repairs existing firearms or receives new and  
48 used raw materials or parts solely for the repair of existing firearms.

- 1 k. "Handgun" means any pistol, revolver or other firearm  
2 originally designed or manufactured to be fired by the use of a  
3 single hand.
- 4 l. "Retail dealer" means any person including a gunsmith,  
5 except a manufacturer or a wholesale dealer, who sells, transfers or  
6 assigns for a fee or profit any firearm or parts of firearms or  
7 ammunition which he has purchased or obtained with the intention,  
8 or for the purpose, of reselling or reassigning to persons who are  
9 reasonably understood to be the ultimate consumers, and includes  
10 any person who is engaged in the business of repairing firearms or  
11 who sells any firearm to satisfy a debt secured by the pledge of a  
12 firearm.
- 13 m. "Rifle" means any firearm designed to be fired from the  
14 shoulder and using the energy of the explosive in a fixed metallic  
15 cartridge to fire a single projectile through a rifled bore for each  
16 single pull of the trigger.
- 17 n. "Shotgun" means any firearm designed to be fired from the  
18 shoulder and using the energy of the explosive in a fixed shotgun  
19 shell to fire through a smooth bore either a number of ball shots or a  
20 single projectile for each pull of the trigger, or any firearm designed  
21 to be fired from the shoulder which does not fire fixed ammunition.
- 22 o. "Sawed-off shotgun" means any shotgun having a barrel or  
23 barrels of less than 18 inches in length measured from the breech to  
24 the muzzle, or a rifle having a barrel or barrels of less than 16  
25 inches in length measured from the breech to the muzzle, or any  
26 firearm made from a rifle or a shotgun, whether by alteration, or  
27 otherwise, if such firearm as modified has an overall length of less  
28 than 26 inches.
- 29 p. "Switchblade knife" means any knife or similar device  
30 which has a blade which opens automatically by hand pressure  
31 applied to a button, spring or other device in the handle of the knife.
- 32 q. "Superintendent" means the Superintendent of the State  
33 Police.
- 34 r. "Weapon" means anything readily capable of lethal use or of  
35 inflicting serious bodily injury. The term includes, but is not limited  
36 to, all (1) firearms, even though not loaded or lacking a clip or other  
37 component to render them immediately operable; (2) components  
38 which can be readily assembled into a weapon; (3) gravity knives,  
39 switchblade knives, daggers, dirks, stilettos, or other dangerous  
40 knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs,  
41 slingshots, cesti or similar leather bands studded with metal filings  
42 or razor blades imbedded in wood; and (4) stun guns; and any  
43 weapon or other device which projects, releases, or emits tear gas or  
44 any other substance intended to produce temporary physical  
45 discomfort or permanent injury through being vaporized or  
46 otherwise dispensed in the air.
- 47 s. "Wholesale dealer" means any person, except a  
48 manufacturer, who sells, transfers, or assigns firearms, or parts of



1 firearms, to persons who are reasonably understood not to be the  
2 ultimate consumers, and includes persons who receive finished  
3 parts of firearms and assemble them into completed or partially  
4 completed firearms, in furtherance of such purpose, except that it  
5 shall not include those persons dealing exclusively in grips, stocks  
6 and other nonmetal parts of firearms.

7 t. "Stun gun" means any weapon or other device which emits  
8 an electrical charge or current intended to temporarily or  
9 permanently disable a person.

10 u. "Ballistic knife" means any weapon or other device capable  
11 of lethal use and which can propel a knife blade.

12 v. "Imitation firearm" means an object or device reasonably  
13 capable of being mistaken for a firearm.

14 w. "Assault firearm" means:

15 (1) The following firearms:

16 Algimec AGM1 type

17 Any shotgun with a revolving cylinder such as the "Street  
18 Sweeper" or "Striker 12"

19 Armalite AR-180 type

20 Australian Automatic Arms SAR

21 Avtomat Kalashnikov type semi-automatic firearms

22 Beretta AR-70 and BM59 semi-automatic firearms

23 Bushmaster Assault Rifle

24 Calico M-900 Assault carbine and M-900

25 CETME G3

26 Chartered Industries of Singapore SR-88 type

27 Colt AR-15 and CAR-15 series

28 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

29 Demro TAC-1 carbine type

30 Encom MP-9 and MP-45 carbine types

31 FAMAS MAS223 types

32 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

33 Franchi SPAS 12 and LAW 12 shotguns

34 G3SA type

35 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

36 Intratec TEC 9 and 22 semi-automatic firearms

37 M1 carbine type

38 M14S type

39 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

40 PJK M-68 carbine type

41 Plainfield Machine Company Carbine

42 Ruger K-Mini-14/5F and Mini-14/5RF

43 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

44 SKS with detachable magazine type

45 Spectre Auto carbine type

46 Springfield Armory BM59 and SAR-48 type

47 Sterling MK-6, MK-7 and SAR types

48 Steyr A.U.G. semi-automatic firearms

- 1 USAS 12 semi-automatic type shotgun  
2 Uzi type semi-automatic firearms  
3 Valmet M62, M71S, M76, or M78 type semi-automatic firearms  
4 Weaver Arm Nighthawk.
- 5 (2) Any firearm manufactured under any designation which is  
6 substantially identical to any of the firearms listed above.
- 7 (3) A semi-automatic shotgun with either a magazine capacity  
8 exceeding six rounds, a pistol grip, or a folding stock.
- 9 (4) A semi-automatic rifle with a fixed magazine capacity  
10 exceeding 15 rounds.
- 11 (5) A part or combination of parts designed or intended to  
12 convert a firearm into an assault firearm, or any combination of  
13 parts from which an assault firearm may be readily assembled if  
14 those parts are in the possession or under the control of the same  
15 person.
- 16 x. "Semi-automatic" means a firearm which fires a single  
17 projectile for each single pull of the trigger and is self-reloading or  
18 automatically chambers a round, cartridge, or bullet.
- 19 y. "Large capacity ammunition magazine" means a box, drum,  
20 tube or other container which is capable of holding more than 15  
21 rounds of ammunition to be fed continuously and directly therefrom  
22 into a semi-automatic firearm.
- 23 z. "Pistol grip" means a well-defined handle, similar to that  
24 found on a handgun, that protrudes conspicuously beneath the  
25 action of the weapon, and which permits the shotgun to be held and  
26 fired with one hand.
- 27 aa. "Antique handgun" means a handgun manufactured before  
28 1898, or a replica thereof, which is recognized as being historical in  
29 nature or of historical significance and either (1) utilizes a match,  
30 friction, flint, or percussion ignition, or which utilizes a pin-fire  
31 cartridge in which the pin is part of the cartridge or (2) does not fire  
32 fixed ammunition or for which cartridge ammunition is not  
33 commercially available.
- 34 bb. "Trigger lock" means a commercially available device  
35 approved by the Superintendent of State Police which is operated  
36 with a key or combination lock that prevents a firearm from being  
37 discharged while the device is attached to the firearm. It may  
38 include, but need not be limited to, devices that obstruct the barrel  
39 or cylinder of the firearm, as well as devices that immobilize the  
40 trigger.
- 41 cc. "Trigger locking device" means a device that, if installed on  
42 a firearm and secured by means of a key or mechanically,  
43 electronically or electromechanically operated combination lock,  
44 prevents the firearm from being discharged without first  
45 deactivating or removing the device by means of a key or  
46 mechanically, electronically or electromechanically operated  
47 combination lock.

1 dd. "Personalized handgun" means a handgun which  
2 incorporates within its design **],** and as part of its original  
3 manufacture, technology which automatically limits its operational  
4 use and which cannot be readily deactivated, so that it may only be  
5 fired by an authorized or recognized user. The technology limiting  
6 the handgun's operational use may include, but not be limited to:  
7 radio frequency tagging, touch memory, remote control, fingerprint,  
8 magnetic encoding and other automatic user identification systems  
9 utilizing biometric, mechanical or electronic systems **]** a permanent  
10 programmable feature as part of its manufacture that cannot be  
11 deactivated and renders the personalized handgun reasonably  
12 resistant to being fired except when activated by the lawful owner  
13 or other user authorized by the lawful owner. No make or model of  
14 a handgun shall be deemed to be a "personalized handgun" unless  
15 the **[Attorney General]** State Personalized Handgun Authorization  
16 Commission has determined **],** through testing or other reasonable  
17 means, that the handgun meets any reliability standards that the  
18 manufacturer may require for its commercially available handguns  
19 that are not personalized or, if the manufacturer has no such  
20 reliability standards, **]** the personalized handgun meets the  
21 **[reliability]** standards **[generally used in the industry for**  
22 **commercially available handguns]** established pursuant to section 3  
23 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
24 bill).

25 ee. "Authorized user" means the owner of a personalized  
26 handgun or a person to whom the owner has given consent to use  
27 the personalized handgun.

28 (cf: P.L.2002, c.130, s.5)

29

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

31 2C:58-2. a. Licensing of retail dealers and their employees.  
32 No retail dealer of firearms nor any employee of a retail dealer shall  
33 sell or expose for sale, or possess with the intent of selling, any  
34 firearm unless licensed to do so as hereinafter provided. The  
35 superintendent shall prescribe standards and qualifications for retail  
36 dealers of firearms and their employees for the protection of the  
37 public safety, health and welfare.

38 Applications shall be made in the form prescribed by the  
39 superintendent, accompanied by a fee of \$50 payable to the  
40 superintendent, and shall be made to a judge of the Superior Court  
41 in the county where the applicant maintains his place of business.  
42 The judge shall grant a license to an applicant if he finds that the  
43 applicant meets the standards and qualifications established by the  
44 superintendent and that the applicant can be permitted to engage in  
45 business as a retail dealer of firearms or employee thereof without  
46 any danger to the public safety, health and welfare. Each license  
47 shall be valid for a period of three years from the date of issuance,

1 and shall authorize the holder to sell firearms at retail in a specified  
2 municipality.

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

8 No license shall be granted to any retail dealer under the age of  
9 21 years or to any employee of a retail dealer under the age of 18 or  
10 to any person who could not qualify to obtain a permit to purchase a  
11 handgun or a firearms purchaser identification card, or to any  
12 corporation, partnership or other business organization in which the  
13 actual or equitable controlling interest is held or possessed by such  
14 an ineligible person.

15 All licenses shall be granted subject to the following conditions,  
16 for breach of any of which the license shall be subject to revocation  
17 on the application of any law enforcement officer and after notice  
18 and hearing by the issuing court:

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

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

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

28 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
29 be delivered to any person unless such person possesses and  
30 exhibits a valid firearms purchaser identification card and furnishes  
31 the seller, on the form prescribed by the superintendent, a  
32 certification signed by him setting forth his name, permanent  
33 address, firearms purchaser identification card number and such  
34 other information as the superintendent may by rule or regulation  
35 require. The certification shall be retained by the dealer and shall be  
36 made available for inspection by any law enforcement officer at any  
37 reasonable time.

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

39 (a) Such person possesses and exhibits a valid permit to  
40 purchase a firearm and at least seven days have elapsed since the  
41 date of application for the permit;

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

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

45 (d) **【Except as otherwise provided in subparagraph (e) of this**  
46 **paragraph, the】** The handgun is accompanied by a trigger lock or a  
47 locked case, gun box, container or other secure facility; provided,  
48 however, this provision shall not apply to antique handguns or

1 personalized handguns included in the roster pursuant to section 2  
2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
3 bill). The **【exemption】** exemptions afforded under this  
4 subparagraph for antique handguns and personalized handguns shall  
5 be narrowly construed, limited solely to the requirements set forth  
6 herein and shall not be deemed to afford or authorize any other  
7 exemption from the regulatory provisions governing firearms set  
8 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
9 Statutes; and

10 (e) **【On and after the first day of the sixth month following the**  
11 **date on which the list of personalized handguns is prepared and**  
12 **delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),**  
13 **the handgun is identified as a personalized handgun and included**  
14 **on that list or is an antique handgun. The provisions of**  
15 **subparagraph (d) of this section shall not apply to the delivery of a**  
16 **personalized handgun.】** (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
17 (pending before the Legislature as this bill)

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

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

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

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

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

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

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

43 b. Records. Every person engaged in the retail business of  
44 selling, leasing or otherwise transferring a handgun, as a retail  
45 dealer or otherwise, shall keep a register in which shall be entered  
46 the time of the sale, lease or other transfer, the date thereof, the  
47 name, age, date of birth, complexion, occupation, residence and a  
48 physical description including distinguishing physical

1 characteristics, if any, of the purchaser, lessee or transferee, the  
2 name and permanent home address of the person making the sale,  
3 lease or transfer, the place of the transaction, and the make, model,  
4 manufacturer's number, caliber and other marks of identification on  
5 such handgun and such other information as the superintendent  
6 shall deem necessary for the proper enforcement of this chapter.  
7 The register shall be retained by the dealer and shall be made  
8 available at all reasonable hours for inspection by any law  
9 enforcement officer.

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

14 d. Signatures in register. The purchaser, lessee or transferee of  
15 any handgun shall sign, and the dealer shall require him to sign his  
16 name to the register, in triplicate, and the person making the sale,  
17 lease or transfer shall affix his name, in triplicate, as a witness to  
18 the signature. The signatures shall constitute a representation of the  
19 accuracy of the information contained in the register.

20 e. Copies of register entries; delivery to chief of police or  
21 county clerk. Within five days of the date of the sale, assignment or  
22 transfer, the dealer shall deliver or mail by certified mail, return  
23 receipt requested, legible copies of the register forms to the office  
24 of the chief of police of the municipality in which the purchaser  
25 resides, or to the office of the captain of the precinct of the  
26 municipality in which the purchaser resides, and to the  
27 superintendent. If hand delivered a receipt shall be given to the  
28 dealer therefor.

29 Where a sale, assignment or transfer is made to a purchaser who  
30 resides in a municipality having no chief of police, the dealer shall,  
31 within five days of the transaction, mail a duplicate copy of the  
32 register sheet to the clerk of the county within which the purchaser  
33 resides.

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

35  
36 9. Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read  
37 as follows:

38 8. **【No】** The action or inaction by a public entity or public  
39 employee **【in implementing the provisions of P.L.2002, c.130**  
40 **(C.2C:58-2.2 et al.), including but not limited to the】** when  
41 promulgating, amending or supplementing **【of a list】** the roster of  
42 personalized handguns that may be sold in this State **【,】** pursuant to  
43 P.L. , c. (C. ) (pending before the Legislature as this bill  
44 shall not constitute a representation, warranty or guarantee by any  
45 public entity or employee with regard to the safety, use or any other  
46 aspect or attribute of a personalized handgun.

47 **【No】** An action to recover damages shall not arise or **【shall】**  
48 be brought against any public entity or public employee for any

1 action or inaction related to or in connection with **the**  
2 implementation of any aspect of P.L.2002, c.130 (C.2C:58-2.2 et  
3 al.) **the roster of personalized handguns established pursuant to**  
4 section 2 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill).

6 (cf: P.L.2002, c.130, s.8)

7

8 10. The following sections are repealed:

9 Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through  
10 (C.2C:58-2.5); and

11 Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

12

13 11. This act shall take effect on the first day of the seventh  
14 month following enactment, but the Attorney General and  
15 Superintendent of State Police may take any anticipatory  
16 administrative action in advance of that date as shall be necessary  
17 for the implementation of this act.