ASSEMBLY, No. 4179 **STATE OF NEW JERSEY** 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

Sponsored by: Assemblyman RALPH R. CAPUTO District 28 (Essex) Assemblywoman SHEILA Y. OLIVER District 34 (Essex and Passaic) Assemblyman THOMAS P. GIBLIN District 34 (Essex and Passaic) Assemblywoman CLEOPATRA G. TUCKER District 28 (Essex) Assemblywoman ELIANA PINTOR MARIN District 29 (Essex) Assemblywoman BLONNIE R. WATSON District 29 (Essex)

Co-Sponsored by:

Assemblywoman Jasey, Assemblyman McKeon and Assemblywoman Jones

SYNOPSIS

Requires firearms purchaser identification card, permit to purchase handgun, or permit to carry handgun for temporary transfer of firearm at firing range.



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1 AN ACT concerning firearms and amending P.L.1992, c.74. 2 3 **BE IT ENACTED** by the Senate and General Assembly of the State 4 of New Jersey: 5 6 1. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read 7 as follows: 8 1. a. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3, or any other statute to the contrary 9 10 concerning the transfer or disposition of firearms, the legal owner, 11 or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a 12 handgun, rifle, or shotgun to another person who is 18 years of age 13 or older , whether or not <u>if both</u> the person <u>transferring the firearm</u> 14 and the person receiving the firearm [holds] hold and exhibit to the 15 owner or operator of the firing range a firearms purchaser 16 identification card, a permit to purchase a handgun, or a permit to 17 carry a handgun. The person transferring the firearm and the person 18 receiving the firearm also shall provide proof of identity in the form 19 of a valid driver's license or other government-issued form of photo 20 identification. The person to whom a handgun, rifle, or shotgun is 21 temporarily transferred by the legal owner of the firearm or a 22 licensed dealer may receive, possess, carry, and use that handgun, 23 rifle, or shotgun, if the transfer is made upon a firing range operated 24 by a licensed dealer, by a law enforcement agency, a legally 25 recognized military organization, or a rifle or pistol club which has 26 filed a copy of its charter with the superintendent and annually 27 submits to the superintendent a list of its members and if the firearm is received, possessed, carried, and used for the sole purpose of 28 29 target practice, trap or skeet shooting, or competition upon that 30 firing range or instruction and training at any location. 31 A transfer under this subsection shall be for not more than eight 32 consecutive hours in any 24-hour period and may be made for a set 33 fee or an hourly charge. 34 The firearm shall be handled and used by the person to whom it 35 is temporarily transferred only in the actual presence or under the 36 direct supervision of the legal owner of the firearm, the dealer who 37 transferred the firearm, or any other person competent to supervise 38 the handling and use of firearms and authorized to act for that 39 purpose by the legal owner or licensed dealer. The legal owner of 40 the firearm or the licensed dealer shall be on the premises or the 41 property of the firing range during the entire time that the firearm is 42 in the possession of the person to whom it is temporarily 43 transferred. 44 The term "legal owner" as used in this subsection means a 45 natural person and does not include an organization, commercial

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 <u>thus</u> is new matter.

enterprise, or a licensed manufacturer, wholesaler, or dealer of
 firearms.

3 The provisions of this subsection shall not prohibit a minor from

4 possessing, carrying, firing, or using a firearm pursuant to the

5 provisions of paragraphs (1) through (4) of subsection b. of section

6 <u>14 of P.L.1979, c.179 (C.2C:58-6.1).</u>

7 b. Notwithstanding the provisions of N.J.S.2C:39-9, 8 N.J.S.2C:58-2, N.J.S.2C:58-3, or any other statute to the contrary 9 concerning the transfer and disposition of firearms, a legal owner of 10 a shotgun or a rifle may temporarily transfer that firearm to another 11 person who is 18 years of age or older, whether or not the person 12 receiving the firearm holds a firearms purchaser identification card. The person to whom a shotgun or rifle is temporarily transferred by 13 14 the legal owner may receive, possess, carry, and use that shotgun or 15 rifle in the woods or fields or upon the waters of this State for the 16 purposes of hunting if the transfer is made in the woods or fields or 17 upon the waters of this State, the shotgun or rifle is legal and 18 appropriate for hunting and the person to whom the firearm is 19 temporarily transferred possesses a valid license to hunt with a 20 firearm, and a valid rifle permit if the firearm is a rifle, obtained in 21 accordance with the provisions of chapter 3 of Title 23 of the 22 **Revised Statutes.**

The transfer of a firearm under this subsection shall be for not
more than eight consecutive hours in any 24-hour period and no fee
shall be charged for the transfer.

The legal owner of the firearm which is temporarily transferred shall remain in the actual presence or in the vicinity of the person to whom it was transferred during the entire time that the firearm is in that person's possession.

30 The term "legal owner" as used in this subsection means a 31 natural person and does not include an organization, commercial 32 enterprise, or a licensed manufacturer, wholesaler, or dealer of 33 firearms.

c. No firearm shall be temporarily transferred or received
under the provisions of subsections a. or b. of this section for the
purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

37 d. An owner or dealer shall not transfer a firearm to any person pursuant to the provisions of this section if the owner or dealer 38 39 knows the person does not meet the qualifications set forth in 40 subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms 41 purchaser identification card or a handgun purchase permit. A 42 person shall not receive, possess, carry, or use a firearm pursuant to 43 the provisions of this section if the person knows he does not meet 44 the qualifications set forth in subsection c. of N.J.S.2C:58-3 for 45 obtaining or holding a firearms purchaser identification card or a 46 handgun purchase permit.

47 (cf: P.L.2000, c.145, s.4)

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2. This act shall take effect immediately.

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STATEMENT

6 This bill requires a person to have a firearms purchaser 7 identification card, a permit to purchase a handgun, or a permit to 8 carry a handgun in order for a firearm to be temporarily transferred 9 to that person at a firing range.

10 Under current law, the legal owner or a licensed dealer of 11 firearms may temporarily transfer a firearm to another person at a 12 firing range whether or not that person has a firearms purchaser identification card or a permit to carry a handgun. Under this bill, a 13 14 firearm could only be transferred to another person at a firing range 15 if both the person transferring the firearm and the person receiving 16 the firearm have and exhibit to the owner or operator of the firing 17 range a firearms purchaser identification card, a permit to purchase 18 a handgun, or a permit to carry a handgun. In addition, the bill 19 requires the person transferring the firearm and the person receiving 20 the firearm to provide proof of identity in the form of a valid 21 driver's license or other government-issued form of photo 22 identification.

23 The bill also provides that these provisions would not prohibit a 24 minor from possessing, carrying, firing, or using a firearm pursuant 25 to the following exceptions, as provided under current law: 1) in the 26 presence or under direct supervision of a parent or guardian who 27 holds a firearms purchaser identification card or a permit to carry a handgun; 2) for the purpose of a military drill; 3) for the purpose of 28 29 target practice, instruction, and training at a firing range; or 4) for 30 the purpose of hunting provided he or she possesses a valid hunting 31 license and has completed a safety course.

32 According to the sponsor, this bill is in response to the recent 33 fatal shootings that have occurred at New Jersey firing ranges. The 34 intent of this bill is to prevent persons from gaining access to a 35 firearm, by either renting or borrowing one, at a firing range for the 36 purpose of taking his or her own life or injuring firing range 37 personnel or other patrons. These acts could result in emotional trauma to witnesses or the loss of business for the owner of the 38 39 firing range. Requiring a person to have and exhibit a firearms 40 purchaser identification card, a permit to purchase a handgun, or a 41 permit to carry a handgun ensures that the person has undergone a 42 background check prior to the temporary transfer of a firearm.