

[First Reprint]

SENATE, No. 816

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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Senator RICHARD J. CODEY

District 27 (Essex and Morris)

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Co-Sponsored by:

Senator Ruiz, 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

As reported by the Assembly Judiciary Committee on June 20, 2016, with amendments.



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

1 AN ACT concerning personalized handguns and ¹[amending and
2 repealing] revising¹ various ¹[sections] parts¹ of the¹ statutory
3 law.

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

7
8 ¹1. (New section) a. There is established in the Department of
9 Law and Public Safety, a commission which shall be known as the
10 Personalized Handgun Authorization Commission. The
11 commission shall be responsible for establishing performance
12 standards for personalized handguns and maintaining a roster of
13 personalized handguns authorized for sale to the public pursuant to
14 this act.

15 b. The commission shall consist of seven members as follows:
16 (1) as ex-officio members, the Attorney General or a designee;
17 the Superintendent of State Police or a designee; the Commissioner
18 of Health or a designee;

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 20, 2016.

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

5 f. During the first year following the establishment of the
6 commission, it shall meet monthly in order to comply with the
7 provisions of P.L. , c. (C.) (pending before the Legislature
8 as this bill); thereafter, the commission shall meet once every six
9 months or at the call of the chairman of the commission or the
10 majority of its members.¹

11
12 ¹2. (New section) a. The Personalized Handgun Authorization
13 Commission shall maintain a roster of all personalized handguns
14 approved for retail sales to the public. The roster of approved
15 personalized handguns shall be published on a website maintained
16 by the New Jersey State Police and shall be updated every six
17 months. A copy of the roster shall be made available every six
18 months to registered and licensed firearms dealers in this State.

19 b. Within one year of organizing, the commission shall develop
20 personalized handgun performance standards which a personalized
21 handgun shall meet in order to be placed on the personalized
22 handgun roster.

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

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

28 (2) the personalized technology shall be incorporated into the
29 design of the personalized handgun and shall be a permanent,
30 irremovable part of the handgun and any device or object necessary
31 for the authorized user to fire the handgun;

32 (3) the personalized handgun shall not be manufactured so as to
33 permit the personalized characteristics of the handgun to be readily
34 deactivated; and

35 (4) the personalized handgun shall meet any other reliability
36 standards generally used in the industry for other commercially
37 available handguns.

38 c. The commission shall recommend to the Attorney General
39 any rule, regulation, guideline or revision thereto, or legislation
40 which it deems necessary to establish a process by which handgun
41 manufactures may request that their handguns be added to the roster
42 established pursuant this section.¹

43
44 ¹3. (New section) a. The commission shall identify and
45 approve a list of independent laboratories which shall be used to
46 determine whether handguns comply with the personalized handgun
47 performance standards established pursuant to section 2 of P.L. ,
48 c. (C.) (pending before the Legislature as this bill). At least

1 one independent laboratory shall be identified and included on the
2 list of approved laboratories within one year of the commission's
3 organization. An approved laboratory shall not be owned or
4 operated by a handgun manufacturer or any other organization that
5 seeks to promote or restrict handgun ownership.

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

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

19 (1) in accordance with the testing requirements formulated by
20 the commission; and

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

25 The independent laboratory shall issue a final test report to the
26 commission at the conclusion of the test. The report shall state
27 whether the handgun meets the criteria established by the
28 commission.

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

33 e. Upon making a final determination pursuant to subsection d.
34 of this section, the commission shall notify, in writing, the
35 manufacturer as to whether the handgun has been approved or
36 denied for inclusion on the roster. A notification informing the
37 manufacturer that a firearm has been denied shall be provided along
38 with a written description of the reasons for which a handgun failed
39 to satisfy the criteria established by the commission as documented
40 in the independent laboratory's report. Once notified that a make
41 and model of handgun has been approved for addition on the roster,
42 a manufacturer, seller, or possessor shall not alter the design of the
43 handgun in a manner that it no longer meets the performance
44 standard established by the commission.¹

45
46 ¹4. (New section) a. Within 60 days of the first personalized
47 handgun being included on the roster established pursuant to section
48 2 of P.L. , c. (C.) (pending before the Legislature as this

1 bill), each licensed firearms retail dealer shall have on the retail
2 premises:

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

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

8 (3) a notarized copy of a pending application for an exemption
9 certificate.

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

17 c. In the event that a licensed retail dealer's inventory of
18 personalized handguns is depleted and there are no personalized
19 handguns available for purchase on the premises, the licensed retail
20 dealer shall:

21 (1) place an order for at least one personalized handgun within
22 21 days of the sale of the last personalized handgun;

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

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

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

34 e. The Superintendent of State Police shall designate officers to
35 inspect the personalized handgun inventory and records of all
36 licensed firearms retailers. The inspections shall be conducted at
37 least once every two years at any time during the normal business
38 hours of the firearm retailer's business.¹

39

40 ^{15.} (New section) a. Upon application by a licensed retail
41 dealer demonstrating that offering a personalized handgun for sale
42 would impose an undue financial hardship, the Superintendent of
43 State Police may issue a certificate exempting the licensed retail
44 dealer from the requirement to offer a personalized handgun for sale
45 established pursuant to P.L. , c. (C.) (pending before the
46 Legislature as this bill). In determining whether an exemption shall
47 be granted, the superintendent may consider factors including, but

1 not limited to, the retail dealer's inventory size and annual sales
2 revenue or income generated from customer purchases.

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

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

10

11 ¹6. (New section) a. A licensed retail dealer who has not been
12 issued an exemption certificate pursuant to section 5 of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill) and
14 violates section 4 of P.L. _____, c. _____ (C. _____) (pending before the
15 Legislature as this bill) shall be subject to the following penalties:

16 (1) for a first offense, a fine of up to \$500;

17 (2) for a second offense, a fine of up to \$1,000;

18 (3) for a third or subsequent offense, a six month license
19 suspension following notice to the licensed retail dealer and
20 opportunity to be heard.

21 b. Any person who violates the provisions of P.L. _____,
22 c. (C. _____) (pending before the Legislature as this bill) by
23 tampering or attempting to tamper with a personalized handgun by
24 intentionally interfering with the user-authorized functionality of
25 the personalized technology shall be guilty of a disorderly persons
26 offense.¹

27

28 ¹**[1.] 7.**¹ N.J.S.2C:39-1 is amended to read as follows:

29 2C:39-1. Definitions. The following definitions apply to this
30 chapter and to chapter 58:

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

40 b. "Deface" means to remove, deface, cover, alter or destroy
41 the name of the maker, model designation, manufacturer's serial
42 number or any other distinguishing identification mark or number
43 on any firearm.

44 c. "Destructive device" means any device, instrument or object
45 designed to explode or produce uncontrolled combustion, including
46 (1) any explosive or incendiary bomb, mine or grenade; (2) any
47 rocket having a propellant charge of more than four ounces or any
48 missile having an explosive or incendiary charge of more than one-

1 quarter of an ounce; (3) any weapon capable of firing a projectile of
2 a caliber greater than 60 caliber, except a shotgun or shotgun
3 ammunition generally recognized as suitable for sporting purposes;
4 (4) any Molotov cocktail or other device consisting of a breakable
5 container containing flammable liquid and having a wick or similar
6 device capable of being ignited. The term does not include any
7 device manufactured for the purpose of illumination, distress
8 signaling, line-throwing, safety or similar purposes.

9 d. "Dispose of" means to give, give away, lease, loan, keep for
10 sale, offer, offer for sale, sell, transfer, or otherwise transfer
11 possession.

12 e. "Explosive" means any chemical compound or mixture that
13 is commonly used or is possessed for the purpose of producing an
14 explosion and which contains any oxidizing and combustible
15 materials or other ingredients in such proportions, quantities or
16 packing that an ignition by fire, by friction, by concussion or by
17 detonation of any part of the compound or mixture may cause such
18 a sudden generation of highly heated gases that the resultant
19 gaseous pressures are capable of producing destructive effects on
20 contiguous objects. The term shall not include small arms
21 ammunition, or explosives in the form prescribed by the official
22 United States Pharmacopoeia.

23 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
24 automatic or semi-automatic rifle, or any gun, device or instrument
25 in the nature of a weapon from which may be fired or ejected any
26 solid projectable ball, slug, pellet, missile or bullet, or any gas,
27 vapor or other noxious thing, by means of a cartridge or shell or by
28 the action of an explosive or the igniting of flammable or explosive
29 substances. It shall also include, without limitation, any firearm
30 which is in the nature of an air gun, spring gun or pistol or other
31 weapon of a similar nature in which the propelling force is a spring,
32 elastic band, carbon dioxide, compressed or other gas or vapor, air
33 or compressed air, or is ignited by compressed air, and ejecting a
34 bullet or missile smaller than three-eighths of an inch in diameter,
35 with sufficient force to injure a person.

36 g. "Firearm silencer" means any instrument, attachment,
37 weapon or appliance for causing the firing of any gun, revolver,
38 pistol or other firearm to be silent, or intended to lessen or muffle
39 the noise of the firing of any gun, revolver, pistol or other firearm.

40 h. "Gravity knife" means any knife which has a blade which is
41 released from the handle or sheath thereof by the force of gravity or
42 the application of centrifugal force.

43 i. "Machine gun" means any firearm, mechanism or instrument
44 not requiring that the trigger be pressed for each shot and having a
45 reservoir, belt or other means of storing and carrying ammunition
46 which can be loaded into the firearm, mechanism or instrument and
47 fired therefrom.

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

1 and any weapon or other device which projects, releases, or emits
2 tear gas or any other substance intended to produce temporary
3 physical discomfort or permanent injury through being vaporized or
4 otherwise dispensed in the air.

5 s. "Wholesale dealer" means any person, except a
6 manufacturer, who sells, transfers, or assigns firearms, or parts of
7 firearms, to persons who are reasonably understood not to be the
8 ultimate consumers, and includes persons who receive finished
9 parts of firearms and assemble them into completed or partially
10 completed firearms, in furtherance of such purpose, except that it
11 shall not include those persons dealing exclusively in grips, stocks
12 and other nonmetal parts of firearms.

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

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

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

20 w. "Assault firearm" means:

21 (1) The following firearms:

22 Algimec AGM1 type

23 Any shotgun with a revolving cylinder such as the "Street
24 Sweeper" or "Striker 12"

25 Armalite AR-180 type

26 Australian Automatic Arms SAR

27 Avtomat Kalashnikov type semi-automatic firearms

28 Beretta AR-70 and BM59 semi-automatic firearms

29 Bushmaster Assault Rifle

30 Calico M-900 Assault carbine and M-900

31 CETME G3

32 Chartered Industries of Singapore SR-88 type

33 Colt AR-15 and CAR-15 series

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

35 Demro TAC-1 carbine type

36 Encom MP-9 and MP-45 carbine types

37 FAMAS MAS223 types

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

39 Franchi SPAS 12 and LAW 12 shotguns

40 G3SA type

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

42 Intratec TEC 9 and 22 semi-automatic firearms

43 M1 carbine type

44 M14S type

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

46 PJK M-68 carbine type

47 Plainfield Machine Company Carbine

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

- 1 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 2 SKS with detachable magazine type
- 3 Spectre Auto carbine type
- 4 Springfield Armory BM59 and SAR-48 type
- 5 Sterling MK-6, MK-7 and SAR types
- 6 Steyr A.U.G. semi-automatic firearms
- 7 USAS 12 semi-automatic type shotgun
- 8 Uzi type semi-automatic firearms
- 9 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 10 Weaver Arm Nighthawk.
- 11 (2) Any firearm manufactured under any designation which is
- 12 substantially identical to any of the firearms listed above.
- 13 (3) A semi-automatic shotgun with either a magazine capacity
- 14 exceeding six rounds, a pistol grip, or a folding stock.
- 15 (4) A semi-automatic rifle with a fixed magazine capacity
- 16 exceeding 15 rounds.
- 17 (5) A part or combination of parts designed or intended to
- 18 convert a firearm into an assault firearm, or any combination of
- 19 parts from which an assault firearm may be readily assembled if
- 20 those parts are in the possession or under the control of the same
- 21 person.
- 22 x. "Semi-automatic" means a firearm which fires a single
- 23 projectile for each single pull of the trigger and is self-reloading or
- 24 automatically chambers a round, cartridge, or bullet.
- 25 y. "Large capacity ammunition magazine" means a box, drum,
- 26 tube or other container which is capable of holding more than 15
- 27 rounds of ammunition to be fed continuously and directly therefrom
- 28 into a semi-automatic firearm.
- 29 z. "Pistol grip" means a well-defined handle, similar to that
- 30 found on a handgun, that protrudes conspicuously beneath the
- 31 action of the weapon, and which permits the shotgun to be held and
- 32 fired with one hand.
- 33 aa. "Antique handgun" means a handgun manufactured before
- 34 1898, or a replica thereof, which is recognized as being historical in
- 35 nature or of historical significance and either (1) utilizes a match,
- 36 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 37 cartridge in which the pin is part of the cartridge or (2) does not fire
- 38 fixed ammunition or for which cartridge ammunition is not
- 39 commercially available.
- 40 bb. "Trigger lock" means a commercially available device
- 41 approved by the Superintendent of State Police which is operated
- 42 with a key or combination lock that prevents a firearm from being
- 43 discharged while the device is attached to the firearm. It may
- 44 include, but need not be limited to, devices that obstruct the barrel
- 45 or cylinder of the firearm, as well as devices that immobilize the
- 46 trigger.
- 47 cc. "Trigger locking device" means a device that, if installed on
- 48 a firearm and secured by means of a key or mechanically,

1 electronically or electromechanically operated combination lock,
 2 prevents the firearm from being discharged without first
 3 deactivating or removing the device by means of a key or
 4 mechanically, electronically or electromechanically operated
 5 combination lock.

6 dd. "Personalized handgun" means a handgun which incorporates
 7 within its design ¹【, and as part of its original manufacture,
 8 technology which automatically limits its operational use and which
 9 cannot be readily deactivated, so that it may only be fired by an
 10 authorized or recognized user. The technology limiting the
 11 handgun's operational use may include, but not be limited to: radio
 12 frequency tagging, touch memory, remote control, fingerprint,
 13 magnetic encoding and other automatic user identification systems
 14 utilizing biometric, mechanical or electronic systems】 a permanent
 15 programmable feature as part of its manufacture that cannot be
 16 deactivated and renders the personalized handgun reasonably
 17 resistant to being fired except when activated by the lawful owner
 18 or other user authorized by the lawful owner¹. No make or model
 19 of a handgun shall be deemed to be a "personalized handgun" unless
 20 the ¹【Attorney General】 State Personalized Handgun Authorization
 21 Commission¹ has determined ¹【, through testing or other reasonable
 22 means, that the handgun meets any reliability standards that the
 23 manufacturer may require for its commercially available handguns
 24 that are not personalized or, if the manufacturer has no such
 25 reliability standards,】¹ the ¹personalized¹ handgun meets the
 26 ¹【reliability】¹ standards ¹【generally used in the industry for
 27 commercially available handguns】 established pursuant to section 3
 28 of P.L. , c. (C.) (pending before the Legislature as this
 29 bill).

30 ee. “Authorized user” means the owner of a personalized
 31 handgun or a person to whom the owner has given consent to use
 32 the personalized handgun¹.
 33 (cf: P.L.2002, c.130, s.5)

34
 35 ¹【2.】 8.¹ N.J.S.2C:58-2 is amended to read as follows:

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

43 Applications shall be made in the form prescribed by the
 44 superintendent, accompanied by a fee of \$50 payable to the
 45 superintendent, and shall be made to a judge of the Superior Court
 46 in the county where the applicant maintains his place of business.
 47 The judge shall grant a license to an applicant if he finds that the

1 applicant meets the standards and qualifications established by the
2 superintendent and that the applicant can be permitted to engage in
3 business as a retail dealer of firearms or employee thereof without
4 any danger to the public safety, health and welfare. Each license
5 shall be valid for a period of three years from the date of issuance,
6 and shall authorize the holder to sell firearms at retail in a specified
7 municipality.

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

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

20 All licenses shall be granted subject to the following conditions,
21 for breach of any of which the license shall be subject to revocation
22 on the application of any law enforcement officer and after notice
23 and hearing by the issuing court:

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

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

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

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

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

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

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

- 1 (c) The handgun is unloaded and securely wrapped;
- 2 (d) **【**Except as otherwise provided in subparagraph (e) of this
3 paragraph, **the】** The handgun is accompanied by a trigger lock or a
4 locked case, gun box, container or other secure facility; provided,
5 however, this provision shall not apply to antique handguns or
6 personalized handguns included in ¹**【**this list pursuant to section 3
7 of P.L.2002, c.130 (C.2C:58-2.4)**】** the roster pursuant to section 2
8 of P.L. , c. (C.) (pending before the Legislature as this bill)¹.
9 **【**The **【**exemption**】** exemptions afforded under this subparagraph for
10 antique handguns and personalized handguns shall be narrowly
11 construed, limited solely to the requirements set forth herein and
12 shall not be deemed to afford or authorize any other exemption
13 from the regulatory provisions governing firearms set forth in
14 chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;
15 and
- 16 (e) **【**On and after the first day of the sixth month following the
17 date on which the list of personalized handguns is prepared and
18 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
19 the handgun is identified as a personalized handgun and included
20 on that list or is an antique handgun. The provisions of
21 subparagraph (d) of this section shall not apply to the delivery of a
22 personalized handgun.**】** (Deleted by amendment, P.L. ,
23 c.) (pending before the Legislature as this bill)
- 24 (6) The dealer shall keep a true record of every handgun sold,
25 given or otherwise delivered or disposed of, in accordance with the
26 provisions of subsections b. through e. of this section and the record
27 shall note whether a trigger lock, locked case, gun box, container or
28 other secure facility was delivered along with the handgun.
- 29 (7) A dealer shall not knowingly deliver more than one handgun
30 to any person within any 30-day period. This limitation shall not
31 apply to:
- 32 (a) a federal, State, or local law enforcement officer or agency
33 purchasing handguns for use by officers in the actual performance
34 of their law enforcement duties;
- 35 (b) a collector of handguns as curios or relics as defined in Title
36 18, United States Code, section 921 (a) (13) who has in his
37 possession a valid Collector of Curios and Relics License issued by
38 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 39 (c) transfers of handguns among licensed retail dealers,
40 registered wholesale dealers and registered manufacturers;
- 41 (d) any transaction where the person has purchased a handgun
42 from a licensed retail dealer and has returned that handgun to the
43 dealer in exchange for another handgun within 30 days of the
44 original transaction, provided the retail dealer reports the exchange
45 transaction to the superintendent; or

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

4 b. Records. Every person engaged in the retail business of
5 selling, leasing or otherwise transferring a handgun, as a retail
6 dealer or otherwise, shall keep a register in which shall be entered
7 the time of the sale, lease or other transfer, the date thereof, the
8 name, age, date of birth, complexion, occupation, residence and a
9 physical description including distinguishing physical
10 characteristics, if any, of the purchaser, lessee or transferee, the
11 name and permanent home address of the person making the sale,
12 lease or transfer, the place of the transaction, and the make, model,
13 manufacturer's number, caliber and other marks of identification on
14 such handgun and such other information as the superintendent
15 shall deem necessary for the proper enforcement of this chapter.
16 The register shall be retained by the dealer and shall be made
17 available at all reasonable hours for inspection by any law
18 enforcement officer.

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

23 d. Signatures in register. The purchaser, lessee or transferee of
24 any handgun shall sign, and the dealer shall require him to sign his
25 name to the register, in triplicate, and the person making the sale,
26 lease or transfer shall affix his name, in triplicate, as a witness to
27 the signature. The signatures shall constitute a representation of the
28 accuracy of the information contained in the register.

29 e. Copies of register entries; delivery to chief of police or
30 county clerk. Within five days of the date of the sale, assignment or
31 transfer, the dealer shall deliver or mail by certified mail, return
32 receipt requested, legible copies of the register forms to the office
33 of the chief of police of the municipality in which the purchaser
34 resides, or to the office of the captain of the precinct of the
35 municipality in which the purchaser resides, and to the
36 superintendent. If hand delivered a receipt shall be given to the
37 dealer therefor.

38 Where a sale, assignment or transfer is made to a purchaser who
39 resides in a municipality having no chief of police, the dealer shall,
40 within five days of the transaction, mail a duplicate copy of the
41 register sheet to the clerk of the county within which the purchaser
42 resides.

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

44
45 ¹3. Section 2 of P.L.2002, c.130 (C.2C:58-2.3) is amended to
46 read as follows:

47 2. a. On the first day of the sixth month following the effective
48 date of **【P.L.2002, c.130 (C.2C:58-2.2 et al.)】** P.L._____,

1 c. (pending before the Legislature as this bill), the Attorney
2 General shall report to the Governor and the Legislature as to the
3 availability of personalized handguns for retail sales purposes. If
4 the Attorney General determines that personalized handguns are not
5 available for retail sales purposes, the Attorney General, every six
6 months thereafter, shall report to the Governor and the Legislature
7 as to the availability of personalized handguns for retail sales
8 purposes until such time as the Attorney General shall deem that
9 personalized handguns are available for retail sales purposes and so
10 report to the Governor and the Legislature. In making this
11 determination, the Attorney General may consult with any other
12 neutral and detached public or private entity that may have useful
13 information and expertise to assist in determining whether, through
14 performance and other relevant indicators, a handgun meets the
15 statutory definition of a personalized handgun set forth in
16 N.J.S.2C:39-1.

17 b. For the purposes of this section, personalized handguns shall
18 be deemed to be available for retail sales purposes if at least one
19 manufacturer has delivered at least one production model of a
20 personalized handgun to a registered or licensed wholesale or retail
21 dealer in New Jersey or any other state. As used in this subsection,
22 the term "production model" shall mean a handgun which is the
23 product of a regular manufacturing process that produces multiple
24 copies of the same handgun model, and shall not include a
25 prototype or other unique specimen that is offered for sale.
26 (cf: P.L.2002, c.130, s.2)]¹
27

28 ¹[4. Section 3 of P.L.2002, c.130 (C.2C:58-2.4) is amended to
29 read as follows:

30 3. a. On the first day of the 24th month following the effective
31 date on which the Attorney General reports that personalized
32 handguns are available for retail sales purposes pursuant to section
33 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General shall
34 direct the Superintendent of State Police to promulgate a list of
35 personalized handguns that may be sold in the State. This list shall
36 identify those handguns by manufacturer, model and caliber.

37 b. The list required under subsection a. of this section shall be
38 prepared within six months of the Attorney General's directive to
39 the superintendent and a copy thereof made available to registered
40 and licensed firearms dealers in this State. Whenever a handgun is
41 determined to meet the statutory definition of a personalized
42 handgun as set forth in **[N.J.S.2C:39-1]** N.J.S.2C:39-1, the
43 Attorney General shall report that determination in writing to the
44 Governor and the Legislature within 60 days. The superintendent
45 shall promptly amend and supplement the list to include handguns
46 which meet the statutory definition of a personalized handgun as set
47 forth in N.J.S.2C:39-1 or to remove previously listed handguns, if
48 appropriate. Registered and licensed retail firearms dealers in this

1 State shall be notified **【forthwith】** of any **【such】** changes in the list.
 2 The notice shall be given in a manner prescribed by rule and
 3 regulation. The Attorney General shall promulgate rules and
 4 regulations establishing a process for handgun manufacturers to
 5 demonstrate that their handguns meet the statutory definition of a
 6 personalized handgun set forth in N.J.S.2C:39-1 and request that
 7 their handgun be added to this list. These rules and regulations may
 8 require that the handgun manufacturer:

9 (1) deliver a handgun or handguns to the Attorney General or
 10 his designee for testing;

11 (2) pay a reasonable application fee; and

12 (3) pay any reasonable costs incurred in, or associated with, the
 13 testing and independent scientific analysis of the handgun,
 14 including any analysis of the technology the manufacturer has
 15 incorporated within the handgun's design to limit its operational
 16 use, that is conducted to determine whether the handgun meets the
 17 statutory definition of a personalized handgun set forth in
 18 N.J.S.2C:39-1.

19 c. Following the preparation and delivery of the list pursuant to
 20 subsection a. of this section, each firearms wholesale or retail dealer
 21 operating in this State shall maintain an inventory of one or more
 22 types of approved personalized handguns on the dealer's premises.
 23 The personalized handguns shall be displayed in the dealer's
 24 salesroom and offered for sale to the general public.

25 (cf: P.L.2002, c.130, s.3)¹

26

27 ¹**【5.】** 9.¹ Section 8 of P.L.2002, c.130 (C.59:2-11) is amended
 28 to read as follows:

29 8. **【No】** The action or inaction by a public entity or public
 30 employee **【in implementing the provisions of P.L.2002,**
 31 **c.130 (C.2C:58-2.2 et al.), including but not limited to the】** when
 32 promulgating, amending or supplementing 【of a】 the ¹【list】 roster¹
 33 of personalized handguns that may be sold in this State **【.】** pursuant
 34 to ¹【section 3 of P.L.2002, c.130 (C.2C:58-2.4)】 P.L. _____,
 35 c. (C.) (pending before the Legislature as this bill¹ shall not
 36 constitute a representation, warranty or guarantee by any public
 37 entity or employee with regard to the safety, use or any other aspect
 38 or attribute of a personalized handgun.

39 **【No】** An action to recover damages shall not arise or **【shall】** be
 40 brought against any public entity or public employee for any action
 41 or inaction related to or in connection with **【the implementation of**
 42 **any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.)】** the ¹【list】
 43 roster¹ of personalized handguns established pursuant to ¹【section 3
 44 of P.L.2002, c.130 (C.2C:58-2.4)】 section 2 of P.L. _____,
 45 c. (C.) (pending before the Legislature as this bill)¹.

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

1 ¹**[6.] 10.**¹ The following sections are repealed:
2 ¹**[Section 1 of P.L.2002, c.130 (C.2C:58-2.2);and**
3 **Section 4 of P.L.2002, c.130 (C.2C:58-2.5)]**
4 Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through
5 (C.2C:58-2.5); and
6 Section 7 of P.L.2002, c.130 (C.2C:58-2.6)¹.
7
8 ¹**[7.] 11.**¹ This act shall take effect ¹**[immediately]** on the first
9 day of the seventh month following enactment, but the Attorney
10 General and Superintendent of State Police may take any
11 anticipatory administrative action in advance of that date as shall be
12 necessary for the implementation of this act¹.