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District 35 (Bergen and Passaic)

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.
AN ACT concerning personalized handguns and 
repealing, amending and revising various sections parts of the statutory
law.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

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

b. The commission shall consist of seven members as follows:
(1) as ex-officio members, the Attorney General or a designee;
the Superintendent of State Police or a designee; the Commissioner
of Health or a designee;
(2) as public members appointed by the Governor:
(a) one member of the American Academy of Pediatrics;
(b) one member who shall be a resident of this State who is a
licensed firearms wholesaler, manufacturer, or retail dealer as
defined in N.J.S. 2C:39-1, or a resident of this State who is a
representative of a New Jersey chapter of an organization that
advocates for Second Amendment rights;
(c) one member who shall be a representative of an organization
that advocates against handgun violence; and
(d) one member who shall be an engineer with substantial
experience in radio frequency identification or biometric reading
technology.

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

d. Members of the commission shall serve without compensation,
but shall be reimbursed for necessary expenses incurred in the
performance of their duties as members of the commission, and within
the limits of funds appropriated or otherwise made available to the
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:
Assembly AJU committee amendments adopted June 20, 2016.
e. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (New section) a. Within 60 days of the first personalized
handgun being included on the roster established pursuant to section
2 of P.L. (C.) (pending before the Legislature as this
bill), each licensed firearms retail dealer shall have on the retail
premises;
(1) at least one personalized handgun approved by the
commission and listed on the roster as eligible for sale;
(2) an original exemption certificate issued pursuant to section 5
of P.L., c. (C.) (pending before the Legislature as this
bill); or
(3) a notarized copy of a pending application for an exemption
certificate.
b. A personalized handgun offered for sale by a licensed retail
dealer shall be displayed in a conspicuous manner that makes it
easily visible to customers and distinguishable from other
traditional handguns. A licensed retail dealer shall post a sign in
close proximity to each personalized handgun that includes a clear
and conspicuous statement disclosing the unique features of the
personalized handgun that are not offered by traditional handguns.
c. In the event that a licensed retail dealer’s inventory of
personalized handguns is depleted and there are no personalized
handguns available for purchase on the premises, the licensed retail
dealer shall:
(1) place an order for at least one personalized handgun within
21 days of the sale of the last personalized handgun;
(2) maintain written records of the retail dealer’s efforts to place
an order and maintain those records on the premises and allow them
to be open for inspection at all times; and
(3) maintain a sign on the premises indicating that personalized
handguns are routinely sold on the retail dealer’s premises and will
soon be available for purchase.
d. A licensed firearms retail dealer shall not make any claim
that a handgun has been approved by the commission as meeting the
performance standards for personalized handguns if that handgun is
not included on the roster established pursuant to section 2 of
P.L., c. (C.) (pending before the Legislature as this bill).
e. The Superintendent of State Police shall designate officers to
inspect the personalized handgun inventory and records of all
licensed firearms retailers. The inspections shall be conducted at
least once every two years at any time during the normal business
hours of the firearm retailer’s business.

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

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

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

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

¹6. (New section) a. A licensed retail dealer who has not been
issued an exemption certificate pursuant to section 5 of P.L. ,
c. (C. ) (pending before the Legislature as this bill) and
violates section 4 of P.L. , c. (C. ) (pending before the
Legislature as this bill) shall be subject to the following penalties:
(1) for a first offense, a fine of up to $500;
(2) for a second offense, a fine of up to $1,000;
(3) for a third or subsequent offense, a six month license
suspension following notice to the licensed retail dealer and
opportunity to be heard.

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

¹[N.J.S.2C:39-1 is amended to read as follows:
2C:39-1. Definitions. The following definitions apply to this
chapter and to chapter 58:
a. "Antique firearm" means any rifle or shotgun and "antique
cannon" means a destructive device defined in paragraph (3) of
subsection c. of this section, if the rifle, shotgun or destructive
device, as the case may be, is incapable of being fired or
discharged, or which does not fire fixed ammunition, regardless of
date of manufacture, or was manufactured before 1898 for which
cartridge ammunition is not commercially available, and is
possessed as a curiosity or ornament or for its historical
significance or value.
b. "Deface" means to remove, deface, cover, alter or destroy
the name of the maker, model designation, manufacturer's serial
number or any other distinguishing identification mark or number
on any firearm.
c. "Destructive device" means any device, instrument or object
designed to explode or produce uncontrolled combustion, including
(1) any explosive or incendiary bomb, mine or grenade; (2) any
rocket having a propellant charge of more than four ounces or any
missile having an explosive or incendiary charge of more than one-
quarter of an ounce; (3) any weapon capable of firing a projectile of
a caliber greater than 60 caliber, except a shotgun or shotgun
ammunition generally recognized as suitable for sporting purposes;
(4) any Molotov cocktail or other device consisting of a breakable
container containing flammable liquid and having a wick or similar
device capable of being ignited. The term does not include any
device manufactured for the purpose of illumination, distress
signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for
sale, offer, offer for sale, sell, transfer, or otherwise transfer
possession.
e. "Explosive" means any chemical compound or mixture that
is commonly used or is possessed for the purpose of producing an
explosion and which contains any oxidizing and combustible
materials or other ingredients in such proportions, quantities or
packing that an ignition by fire, by friction, by concussion or by
detonation of any part of the compound or mixture may cause such
a sudden generation of highly heated gases that the resultant
gaseous pressures are capable of producing destructive effects on
contiguous objects. The term shall not include small arms
ammunition, or explosives in the form prescribed by the official
United States Pharmacopoeia.
f. "Firearm" means any handgun, rifle, shotgun, machine gun,
automatic or semi-automatic rifle, or any gun, device or instrument
in the nature of a weapon from which may be fired or ejected any
solid projectable ball, slug, pellet, missile or bullet, or any gas,
vapor or other noxious thing, by means of a cartridge or shell or by
the action of an explosive or the igniting of flammable or explosive
substances. It shall also include, without limitation, any firearm
which is in the nature of an air gun, spring gun or pistol or other
weapon of a similar nature in which the propelling force is a spring,
elastic band, carbon dioxide, compressed or other gas or vapor, air
or compressed air, or is ignited by compressed air, and ejecting a
bullet or missile smaller than three-eighths of an inch in diameter,
with sufficient force to injure a person.
g. "Firearm silencer" means any instrument, attachment,
weapon or appliance for causing the firing of any gun, revolver,
pistol or other firearm to be silent, or intended to lessen or muffle
the noise of the firing of any gun, revolver, pistol or other firearm.
h. "Gravity knife" means any knife which has a blade which is
released from the handle or sheath thereof by the force of gravity or
the application of centrifugal force.
i. "Machine gun" means any firearm, mechanism or instrument
not requiring that the trigger be pressed for each shot and having a
reservoir, belt or other means of storing and carrying ammunition
which can be loaded into the firearm, mechanism or instrument and
fired therefrom.
j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver, personalized handgun, or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns;
and any weapon or other device which projects, releases, or emits
tear gas or any other substance intended to produce temporary
physical discomfort or permanent injury through being vaporized or
otherwise dispensed in the air.

s. "Wholesale dealer” means any person, except a
manufacturer, who sells, transfers, or assigns firearms, or parts of
firearms, to persons who are reasonably understood not to be the
ultimate consumers, and includes persons who receive finished
parts of firearms and assemble them into completed or partially
completed firearms, in furtherance of such purpose, except that it
shall not include those persons dealing exclusively in grips, stocks
and other nonmetal parts of firearms.
t. “Stun gun” means any weapon or other device which emits
an electrical charge or current intended to temporarily or
permanently disable a person.
u. "Ballistic knife” means any weapon or other device capable
of lethal use and which can propel a knife blade.
v. “Imitation firearm” means an object or device reasonably
capable of being mistaken for a firearm.
w. "Assault firearm” means:
(1) The following firearms:
   Algimec AGM1 type
   Any shotgun with a revolving cylinder such as the "Street
   Sweeper” or "Striker 12”
   Armalite AR-180 type
   Australian Automatic Arms SAR
   Avtomat Kalashnikov type semi-automatic firearms
   Beretta AR-70 and BM59 semi-automatic firearms
   Bushmaster Assault Rifle
   Calico M-900 Assault carbine and M-900
   CETME G3
   Chartered Industries of Singapore SR-88 type
   Colt AR-15 and CAR-15 series
   Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
   Demro TAC-1 carbine type
   Encom MP-9 and MP-45 carbine types
   FAMAS MAS223 types
   FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
   Franchi SPAS 12 and LAW 12 shotguns
   G3SA type
   Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
   Intratec TEC 9 and 22 semi-automatic firearms
   M1 carbine type
   M14S type
   MAC 10, MAC 11, MAC 11-9mm carbine type firearms
   PJK M-68 carbine type
   Plainfield Machine Company Carbine
   Ruger K-Mini-14/5F and Mini-14/5RF
SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
SKS with detachable magazine type
Spectre Auto carbine type
Springfield Armory BM59 and SAR-48 type
Sterling MK-6, MK-7 and SAR types
Sterling A.U.G. semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is
substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity
exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity
exceeding 15 rounds.

(5) A part or combination of parts designed or intended to
convert a firearm into an assault firearm, or any combination of
parts from which an assault firearm may be readily assembled if
those parts are in the possession or under the control of the same
person.

x. "Semi-automatic" means a firearm which fires a single
projectile for each single pull of the trigger and is self-reloading or
automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum,
tube or other container which is capable of holding more than 15
rounds of ammunition to be fed continuously and directly therefrom
into a semi-automatic firearm.

z. "Pistol grip" means a well-defined handle, similar to that
found on a handgun, that protrudes conspicuously beneath the
action of the weapon, and which permits the shotgun to be held and
fired with one hand.

aa. "Antique handgun" means a handgun manufactured before
1898, or a replica thereof, which is recognized as being historical in
nature or of historical significance and either (1) utilizes a match,
friction, flint, or percussion ignition, or which utilizes a pin-fire
cartridge in which the pin is part of the cartridge or (2) does not fire
fixed ammunition or for which cartridge ammunition is not
commercially available.

bb. "Trigger lock" means a commercially available device
approved by the Superintendent of State Police which is operated
with a key or combination lock that prevents a firearm from being
discharged while the device is attached to the firearm. It may
include, but need not be limited to, devices that obstruct the barrel
or cylinder of the firearm, as well as devices that immobilize the
trigger.

cc. "Trigger locking device" means a device that, if installed on
a firearm and secured by means of a key or mechanically,
electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other user authorized by the lawful owner. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliability standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the personalized handgun meets the reliability standards generally used in the industry for commercially available handguns established pursuant to section 3 of P.L. , c. (pending before the Legislature as this bill).

AAA “Authorized user” means the owner of a personalized handgun or a person to whom the owner has given consent to use the personalized handgun.

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

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

a. Licensing of retail dealers and their employees.

No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

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

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

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

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

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

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

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

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

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

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

(b) The person is personally known to the seller or presents evidence of his identity;
(c) The handgun is unloaded and securely wrapped;

(d) [Except as otherwise provided in subparagraph (e) of this paragraph, the] The handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility; provided, however, this provision shall not apply to antique handguns or personalized handguns included in [this list pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4)] the roster pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill). The exemption exemptions afforded under this subparagraph for antique handguns and personalized handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and

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

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

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

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

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

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

(d) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or
(e) any transaction where the superintendent issues an
exemption from the prohibition in this subsection pursuant to the

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

c. Forms of register. The superintendent shall prepare the form
of the register as described in subsection b. of this section and
furnish the same in triplicate to each person licensed to be engaged
in the business of selling, leasing or otherwise transferring firearms.
d. Signatures in register. The purchaser, lessee or transferee of
any handgun shall sign, and the dealer shall require him to sign his
name to the register, in triplicate, and the person making the sale,
lease or transfer shall affix his name, in triplicate, as a witness to
the signature. The signatures shall constitute a representation of the
accuracy of the information contained in the register.
e. Copies of register entries; delivery to chief of police or
county clerk. Within five days of the date of the sale, assignment or
transfer, the dealer shall deliver or mail by certified mail, return
receipt requested, legible copies of the register forms to the office
of the chief of police of the municipality in which the purchaser
resides, or to the office of the captain of the precinct of the
municipality in which the purchaser resides, and to the
superintendent. If hand delivered a receipt shall be given to the
dealer therefor.

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

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

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

2. a. On the first day of the sixth month following the effective
date of [P.L.2002, c.130 (C.2C:58-2.2 et al.)] P.L.
c. (pending before the Legislature as this bill), the Attorney General shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes. If the Attorney General determines that personalized handguns are not available for retail sales purposes, the Attorney General, every six months thereafter, shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes until such time as the Attorney General shall deem that personalized handguns are available for retail sales purposes and so report to the Governor and the Legislature. In making this determination, the Attorney General may consult with any other neutral and detached public or private entity that may have useful information and expertise to assist in determining whether, through performance and other relevant indicators, a handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

b. For the purposes of this section, personalized handguns shall be deemed to be available for retail sales purposes if at least one manufacturer has delivered at least one production model of a personalized handgun to a registered or licensed wholesale or retail dealer in New Jersey or any other state. As used in this subsection, the term "production model" shall mean a handgun which is the product of a regular manufacturing process that produces multiple copies of the same handgun model, and shall not include a prototype or other unique specimen that is offered for sale.

(cf: P.L.2002, c.130, s.2)

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

b. The list required under subsection a. of this section shall be prepared within six months of the Attorney General's directive to the superintendent and a copy thereof made available to registered and licensed firearms dealers in this State. Whenever a handgun is determined to meet the statutory definition of a personalized handgun as set forth in N.J.S.2C:39-1 or to remove previously listed handguns, if appropriate. Registered and licensed retail firearms dealers in this
State shall be notified [forthwith] of any [such] changes in the list. The notice shall be given in a manner prescribed by rule and regulation. The Attorney General shall promulgate rules and regulations establishing a process for handgun manufacturers to demonstrate that their handguns meet the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1 and request that their handgun be added to this list. These rules and regulations may require that the handgun manufacturer:

(1) deliver a handgun or handguns to the Attorney General or his designee for testing;
(2) pay a reasonable application fee; and
(3) pay any reasonable costs incurred in, or associated with, the testing and independent scientific analysis of the handgun, including any analysis of the technology the manufacturer has incorporated within the handgun's design to limit its operational use, that is conducted to determine whether the handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

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

(cf: P.L.2002, c.130, s.3)²

[5.9]³ Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read as follows:

8. [No] The action or inaction by a public entity or public employee [in implementing the provisions of P.L.2002, c.130 (C.2C:58-2.2 et al.), including but not limited to the] when promulgating, amending or supplementing [of a] the [list] roster¹ of personalized handguns that may be sold in this State [.] pursuant to [section 3 of P.L.2002, c.130 (C.2C:58-2.4)] P.L. ,

c. (C. ) (pending before the Legislature as this bill¹ shall not constitute a representation, warranty or guarantee by any public entity or employee with regard to the safety, use or any other aspect or attribute of a personalized handgun.

[No] An action to recover damages shall not arise or [shall] be brought against any public entity or public employee for any action or inaction related to or in connection with [the implementation of any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.)] the [list] roster¹ of personalized handguns established pursuant to [section 3 of P.L.2002, c.130 (C.2C:58-2.4)] section 2 of P.L. ,

c. (C. ) (pending before the Legislature as this bill)¹.

(cf: P.L.2002, c.130, s.8)
The following sections are repealed:

Section 1 of P.L.2002, c.130 (C.2C:58-2.2); and

Section 4 of P.L.2002, c.130 (C.2C:58-2.5)

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

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

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