

ASSEMBLY, No. 415

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblywomen Jasey, Caride, Reynolds-Jackson and Assemblyman Calabrese

SYNOPSIS

Requires criminal history record background check for rifle and shotgun purchases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 7/31/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:58-3 and
2 N.J.S.2C:39-10.

3

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

6

7 1. N.J.S.2C:58-3 is amended to read as follows:

8 2C:58-3. a. Permit to purchase a handgun. **[No]** A person shall
9 not sell, give, transfer, assign or otherwise dispose of, **[nor]** or
10 receive, purchase, or otherwise acquire a handgun unless the
11 purchaser, assignee, donee, receiver or holder is licensed as a dealer
12 under this chapter or has first secured a permit to purchase a
13 handgun as provided by this section.

14 b. Firearms purchaser identification card.

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

37 (2) A person shall sell, give, transfer, assign, or otherwise
38 dispose of, or receive, purchase or otherwise acquire a rifle or
39 shotgun only if the transaction is conducted through a licensed retail
40 dealer pursuant to the provisions of this subsection. The provisions
41 of this subsection shall not apply if either party to the transaction is
42 a licensed retail dealer or if the transaction is:

43 (a) between members of an immediate family as defined in
44 subsection m. of this section, including a temporary transfer

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

Matter underlined thus is new matter.

1 between a member of the military being deployed and a family
2 member;

3 (b) between law enforcement officers;

4 (c) a transfer of curios or relics as defined in Title 27, Code of
5 Federal Regulations, section 478.11, between collectors of firearms
6 or ammunition as curios or relics as defined in Title 18, United
7 States Code, section 921 (a) (13) who have in their possession a
8 valid Collector of Curios and Relics License issued by the Bureau
9 of Alcohol, Tobacco and Firearms;

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

12 (e) a temporary transfer that is necessary to prevent imminent
13 death or serious bodily harm if the transferee is not subject to the
14 disabilities set forth in subsection c. of this section and if the
15 transfer lasts only as long as necessary to prevent such imminent
16 death or serious bodily harm; or

17 (f) a temporary transfer during which the rifle or shotgun is
18 used and handled only in the actual presence of the transferor.

19 (3) Before a transaction under this subsection is conducted, a
20 licensed retail dealer shall take possession of the rifle or shotgun
21 and shall comply with the same requirements under federal and
22 State law that would be required if the dealer was selling or
23 transferring the rifle or shotgun from the dealer's inventory,
24 including completion of a check under the National Instant Criminal
25 Background Check System of the prospective buyer or transferee of
26 the rifle or shotgun and complying with all recordkeeping
27 requirements.

28 (4) Notwithstanding any other requirements of law, the seller or
29 transferor may remove the rifle or shotgun from the premises of the
30 licensed retail dealer while the background check is being
31 conducted, but a dealer shall retake possession of the rifle or
32 shotgun to complete the transfer.

33 (5) If a sale or transfer is denied based on the National Instant
34 Criminal Background Check, the licensed retail dealer shall return
35 the shotgun or rifle to the seller or transferor, who shall be
36 prohibited from transferring the firearm to the prospective buyer or
37 transferee.

38 (6) A licensed retail dealer may charge a reasonable fee for
39 assisting with a transaction pursuant to the provisions of this
40 subsection.

41 c. Who may obtain. No person of good character and good
42 repute in the community in which he lives, and who is not subject to
43 any of the disabilities set forth in this section or other sections of
44 this chapter, shall be denied a permit to purchase a handgun or a
45 firearms purchaser identification card, except as hereinafter set
46 forth. No handgun purchase permit or firearms purchaser
47 identification card shall be issued:

1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of such offense;

5 (2) To any drug dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
7 mental disorder to a hospital, mental institution or sanitarium, or to
8 any person who is presently an habitual drunkard;

9 (3) To any person who suffers from a physical defect or disease
10 which would make it unsafe for him to handle firearms, to any
11 person who has ever been confined for a mental disorder, or to any
12 alcoholic unless any of the foregoing persons produces a certificate
13 of a medical doctor or psychiatrist licensed in New Jersey, or other
14 satisfactory proof, that he is no longer suffering from that particular
15 disability in such a manner that would interfere with or handicap
16 him in the handling of firearms; to any person who knowingly
17 falsifies any information on the application form for a handgun
18 purchase permit or firearms purchaser identification card;

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

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

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

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

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

37 (9) To any person named on the consolidated Terrorist
38 Watchlist maintained by Terrorist Screening Center administered by
39 the Federal Bureau of Investigation.

40 d. Issuance. The chief of police of an organized full-time
41 police department of the municipality where the applicant resides or
42 the superintendent, in all other cases, shall upon application, issue
43 to any person qualified under the provisions of subsection c. of this
44 section a permit to purchase a handgun or a firearms purchaser
45 identification card.

46 Any person aggrieved by the denial of a permit or identification
47 card may request a hearing in the Superior Court of the county in
48 which he resides if he is a resident of New Jersey or in the Superior

1 Court of the county in which his application was filed if he is a
2 nonresident. The request for a hearing shall be made in writing
3 within 30 days of the denial of the application for a permit or
4 identification card. The applicant shall serve a copy of his request
5 for a hearing upon the chief of police of the municipality in which
6 he resides, if he is a resident of New Jersey, and upon the
7 superintendent in all cases. The hearing shall be held and a record
8 made thereof within 30 days of the receipt of the application for
9 such hearing by the judge of the Superior Court. No formal
10 pleading and no filing fee shall be required as a preliminary to such
11 hearing. Appeals from the results of such hearing shall be in
12 accordance with law.

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

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

4 The chief police officer or the superintendent shall obtain the
5 fingerprints of the applicant and shall have them compared with any
6 and all records of fingerprints in the municipality and county in
7 which the applicant resides and also the records of the State Bureau
8 of Identification and the Federal Bureau of Investigation, provided
9 that an applicant for a handgun purchase permit who possesses a
10 valid firearms purchaser identification card, or who has previously
11 obtained a handgun purchase permit from the same licensing
12 authority for which he was previously fingerprinted, and who
13 provides other reasonably satisfactory proof of his identity, need not
14 be fingerprinted again; however, the chief police officer or the
15 superintendent shall proceed to investigate the application to
16 determine whether or not the applicant has become subject to any of
17 the disabilities set forth in this chapter.

18 f. Granting of permit or identification card; fee; term; renewal;
19 revocation. The application for the permit to purchase a handgun
20 together with a fee of \$2, or the application for the firearms
21 purchaser identification card together with a fee of \$5, shall be
22 delivered or forwarded to the licensing authority who shall
23 investigate the same and, unless good cause for the denial thereof
24 appears, shall grant the permit or the identification card, or both, if
25 application has been made therefor, within 30 days from the date of
26 receipt of the application for residents of this State and within 45
27 days for nonresident applicants. A permit to purchase a handgun
28 shall be valid for a period of 90 days from the date of issuance and
29 may be renewed by the issuing authority for good cause for an
30 additional 90 days. A firearms purchaser identification card shall
31 be valid until such time as the holder becomes subject to any of the
32 disabilities set forth in subsection c. of this section, whereupon the
33 card shall be void and shall be returned within five days by the
34 holder to the superintendent, who shall then advise the licensing
35 authority. Failure of the holder to return the firearms purchaser
36 identification card to the superintendent within the said five days
37 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
38 firearms purchaser identification card may be revoked by the
39 Superior Court of the county wherein the card was issued, after
40 hearing upon notice, upon a finding that the holder thereof no
41 longer qualifies for the issuance of such permit. The county
42 prosecutor of any county, the chief police officer of any
43 municipality or any citizen may apply to such court at any time for
44 the revocation of such card.

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

- 1 g. Disposition of fees. All fees for permits shall be paid to the
2 State Treasury if the permit is issued by the superintendent, to the
3 municipality if issued by the chief of police, and to the county
4 treasurer if issued by the judge of the Superior Court.
- 5 h. Form of permit; quadruplicate; disposition of copies. The
6 permit shall be in the form prescribed by the superintendent and
7 shall be issued to the applicant in quadruplicate. Prior to the time
8 he receives the handgun from the seller, the applicant shall deliver
9 to the seller the permit in quadruplicate and the seller shall
10 complete all of the information required on the form. Within five
11 days of the date of the sale, the seller shall forward the original
12 copy to the superintendent and the second copy to the chief of
13 police of the municipality in which the purchaser resides, except
14 that in a municipality having no chief of police, such copy shall be
15 forwarded to the superintendent. The third copy shall then be
16 returned to the purchaser with the pistol or revolver and the fourth
17 copy shall be kept by the seller as a permanent record.
- 18 i. Restriction on number of firearms person may purchase.
19 Only one handgun shall be purchased or delivered on each permit
20 and no more than one handgun shall be purchased within any 30-
21 day period, but this limitation shall not apply to:
 - 22 (1) a federal, State or local law enforcement officer or agency
23 purchasing handguns for use by officers in the actual performance
24 of their law enforcement duties;
 - 25 (2) a collector of handguns as curios or relics as defined in Title
26 18, United States Code, section 921 (a) (13) who has in his
27 possession a valid Collector of Curios and Relics License issued by
28 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
 - 29 (3) transfers of handguns among licensed retail dealers,
30 registered wholesale dealers and registered manufacturers;
 - 31 (4) transfers of handguns from any person to a licensed retail
32 dealer or a registered wholesale dealer or registered manufacturer;
 - 33 (5) any transaction where the person has purchased a handgun
34 from a licensed retail dealer and has returned that handgun to the
35 dealer in exchange for another handgun within 30 days of the
36 original transaction, provided the retail dealer reports the exchange
37 transaction to the superintendent; or
 - 38 (6) any transaction where the superintendent issues an
39 exemption from the prohibition in this subsection pursuant to the
40 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 41 The provisions of this subsection shall not be construed to afford
42 or authorize any other exemption from the regulatory provisions
43 governing firearms set forth in chapter 39 and chapter 58 of Title
44 2C of the New Jersey Statutes;
- 45 A person shall not be restricted as to the number of rifles or
46 shotguns he may purchase, provided he possesses a valid firearms
47 purchaser identification card and provided further that he signs the

1 certification required in subsection b. of this section for each
2 transaction.

3 j. Firearms passing to heirs or legatees. Notwithstanding any
4 other provision of this section concerning the transfer, receipt or
5 acquisition of a firearm, a permit to purchase or a firearms
6 purchaser identification card shall not be required, and the transfer
7 provisions of subsection b. of this section shall not apply, for the
8 passing of a firearm upon the death of an owner thereof to his heir
9 or legatee, whether the same be by testamentary bequest or by the
10 laws of intestacy. The person who shall so receive, or acquire said
11 firearm shall, however, be subject to all other provisions of this
12 chapter. If the heir or legatee of such firearm does not qualify to
13 possess or carry it, he may retain ownership of the firearm for the
14 purpose of sale for a period not exceeding 180 days, or for such
15 further limited period as may be approved by the chief law
16 enforcement officer of the municipality in which the heir or legatee
17 resides or the superintendent, provided that such firearm is in the
18 custody of the chief law enforcement officer of the municipality or
19 the superintendent during such period.

20 k. Sawed-off shotguns. Nothing in this section shall be
21 construed to authorize the purchase or possession of any sawed-off
22 shotgun.

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

30 m. For the purposes of this section, "immediate family" means
31 a spouse, domestic partner as defined in section 3 of P.L.2003,
32 c.246 (C.26:8A-3), partner in a civil union couple as defined in
33 section 2 of P.L.2006, c.103 (C.37:1-29), parent, stepparent,
34 grandparent, aunt, uncle, sibling, stepsibling, child, stepchild,
35 grandchild, niece, nephew and first cousin, as related by blood or by
36 law.

37 (cf: P.L.2013, c.114, s.1)

38

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

40 2C:39-10. Violation of the regulatory provisions relating to
41 firearms; false representation in applications.

42 a. (1) Except as otherwise provided in paragraph (2) and
43 paragraph (4) of this subsection, any person who knowingly violates
44 the regulatory provisions relating to manufacturing or wholesaling
45 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,
46 permits to purchase certain firearms and transferring rifles and
47 shotguns through a dealer N.J.S.2C:58-3, permits to carry certain
48 firearms N.J.S.2C:58-4, licenses to procure machine guns or assault

1 firearms N.J.S.2C:58-5, or incendiary or tracer ammunition
2 N.J.S.2C:58-10, except acts which are punishable under section
3 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the
4 fourth degree.

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

8 (3) If, upon review, a law enforcement agency determines that a
9 licensed dealer has sold, transferred, assigned, or otherwise
10 disposed of an inordinate number of firearms and that licensed
11 dealer knew, or should have known, that the firearms would be used
12 in the commission of a crime or would be transferred to a person in
13 order for the firearms to be used for an unlawful purpose, that
14 dealer's license shall, after a hearing, be permanently revoked.

15 (4) A licensed dealer who sells or transfers a firearm to a person
16 knowing that person intends to sell, transfer, assign, or otherwise
17 dispose of that firearm to a person who is disqualified from
18 possessing a firearm under State or federal law is guilty of a crime
19 of the second degree. Notwithstanding any other provisions of law
20 to the contrary, the sentence imposed for a conviction under this
21 subsection shall include a mandatory minimum term of
22 imprisonment of 18 months, during which the defendant shall be
23 ineligible for parole; provided however, if the firearm was used in
24 the commission of a crime, the sentence imposed under this
25 subsection shall include a mandatory minimum term of
26 imprisonment of three years, during which the defendant shall be
27 ineligible for parole. Further, a person convicted under this
28 subsection shall be permanently disqualified from holding a retail
29 license under N.J.S.2C:58-2.

30 b. Any person who knowingly violates the regulatory
31 provisions relating to notifying the authorities of possessing certain
32 items of explosives N.J.S.2C:58-7, or of certain wounds
33 N.J.S.2C:58-8 is a disorderly person.

34 c. Any person who gives or causes to be given any false
35 information, or signs a fictitious name or address, in applying for a
36 firearms purchaser identification card, a permit to purchase a
37 handgun, a permit to carry a handgun, a permit to possess a machine
38 gun, a permit to possess an assault firearm, or in completing the
39 certificate or any other instrument required by law in purchasing or
40 otherwise acquiring delivery of any rifle, shotgun, handgun,
41 machine gun, or assault firearm or any other firearm, is guilty of a
42 crime of the third degree.

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

1 e. Any person who knowingly sells, gives, transfers, assigns or
2 otherwise disposes of a firearm to a person who is under the age of
3 18 years, except as permitted in section 14 of P.L.1979,
4 c.179 (C.2C:58-6.1), is guilty of a crime of the second degree.
5 Notwithstanding any other provision of law to the contrary, the
6 sentence imposed for a conviction under this subsection shall
7 include a mandatory minimum five-year term of imprisonment,
8 during which the defendant shall be ineligible for parole.

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

16 g. Any person who knowingly gives or causes to be given any
17 false information or knowingly engages in any other fraudulent
18 conduct in applying for an exemption to purchase more than one
19 handgun in a 30-day period in violation of the provisions of section
20 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
21 third degree. The presumption of nonimprisonment set forth in
22 N.J.S.2C:44-1 shall not apply to persons convicted under the
23 provisions of this subsection.

24 h. Any person who sells, gives, transfers, assigns, or otherwise
25 disposes of, or receives, purchases or otherwise acquires a rifle or
26 shotgun without conducting the transaction through a licensed retail
27 dealer in violation of the provisions of paragraphs (2) through (6) of
28 subsection b. of N.J.S.2C:58-3 shall be guilty of a crime of the third
29 degree.

30 (cf: P.L.2013, c.111, s.2)

31
32 3. This act shall take effect on the first day of the fourth month
33 next following enactment.
34

35 36 STATEMENT 37

38 This bill requires all sales or other transfers of rifles and
39 shotguns to be conducted through a retail dealer licensed under
40 State law or a Federal Firearms Licensee. A person who sells or
41 otherwise transfers a rifle or shotgun without complying with the
42 provisions of the bill is guilty of a crime of the third degree, which
43 is punishable by a term of imprisonment of three-to-five years, a
44 fine of up to \$15,000, or both.

45 Under the bill, the licensed retail dealer of firearms is required to
46 take possession of the rifle or shotgun before a transaction is
47 conducted. The dealer is required to comply with all applicable
48 federal and State requirements as though the dealer were selling or

1 transferring the rifle or shotgun from the dealer's inventory. This
2 includes completing a National Instant Criminal Background Check
3 of the person acquiring the rifle or shotgun and complying with all
4 recordkeeping requirements.

5 The bill authorizes the seller or transferor to remove the rifle or
6 shotgun from the licensed dealer's premises while the background
7 check is being conducted, but the dealer is required to retake
8 possession of the rifle or shotgun before completing the transfer.

9 When a sale or transfer is denied based on the National Instant
10 Criminal Background Check, the licensed retail dealer is required to
11 return the shotgun or rifle to the seller or transferor. The seller or
12 transferor is prohibited from transferring the firearm to the
13 prospective buyer or transferee.

14 The bill authorizes a licensed dealer to charge a reasonable fee
15 for assisting with a transaction under the bill.

16 Exceptions under the bill include transactions between members
17 of an immediate family, between law enforcement officers, between
18 licensed collectors of firearms or ammunition as curios or relics,
19 temporary transfers to participate in certain training courses, certain
20 temporary transfers necessary to prevent imminent death or serious
21 bodily harm, and temporary transfers during which the rifle or
22 shotgun is used and handled only in the actual presence of the
23 transferor.