

ASSEMBLY, No. 3815

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Karabinchak and Assemblywoman Reynolds-Jackson

SYNOPSIS

Increases from 18 to 21 age at which person is eligible to receive firearms purchaser identification.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2018)

1 AN ACT concerning the purchase and possession of firearms,
2 amending N.J.S.2C:58-3 and P.L.1979, c.179, and supplementing
3 Title 2C of the New Jersey Statutes.

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

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

9 2C:58-3. a. Permit to purchase a handgun. No person shall sell,
10 give, transfer, assign or otherwise dispose of, nor receive, purchase,
11 or otherwise acquire a handgun unless the purchaser, assignee,
12 donee, receiver or holder is licensed as a dealer under this chapter
13 or has first secured a permit to purchase a handgun as provided by
14 this section.

15 b. Firearms purchaser identification card. No person shall sell,
16 give, transfer, assign or otherwise dispose of nor receive, purchase
17 or otherwise acquire an antique cannon or a rifle or shotgun, other
18 than an antique rifle or shotgun, unless the purchaser, assignee,
19 donee, receiver or holder is licensed as a dealer under this chapter
20 or possesses a valid firearms purchaser identification card, and first
21 exhibits the card to the seller, donor, transferor or assignor, and
22 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 complies with the
25 requirements of subsection c. of this section and shall contain his
26 name, address and firearms purchaser identification card number or
27 dealer's registration number. The certification shall be retained by
28 the seller, as provided in paragraph (4) of subsection a. of
29 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
30 be filed with the chief of police of the municipality in which he
31 resides or with the superintendent.

32 c. Who may obtain. No person of good character and good
33 repute in the community in which he lives, and who is not subject to
34 any of the disabilities set forth in this section or other sections of
35 this chapter, shall be denied a permit to purchase a handgun or a
36 firearms purchaser identification card, except as hereinafter set
37 forth. No handgun purchase permit or firearms purchaser
38 identification card shall be issued:

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

43 (2) To any drug dependent person as defined in section 2 of
44 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a

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 mental disorder to a hospital, mental institution or sanitarium, or to
2 any person who is presently an habitual drunkard;

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

13 (4) **【To】** Except as provided by section 3 of P.L. , c. (C.)
14 (pending before the Legislature as this bill), to any person under
15 **【the age of 18 years for a firearms purchaser identification card and**
16 **to any person under】** the age of 21 years **【for a permit to purchase a**
17 **handgun】**;

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

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

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

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

32 (9) To any person named on the consolidated Terrorist Watchlist
33 maintained by the Terrorist Screening Center administered by the
34 Federal Bureau of Investigation.

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

41 Any person aggrieved by the denial of a permit or identification
42 card may request a hearing in the Superior Court of the county in
43 which he resides if he is a resident of New Jersey or in the Superior
44 Court of the county in which his application was filed if he is a
45 nonresident. The request for a hearing shall be made in writing
46 within 30 days of the denial of the application for a permit or
47 identification card. The applicant shall serve a copy of his request
48 for a hearing upon the chief of police of the municipality in which

1 he resides, if he is a resident of New Jersey, and upon the
2 superintendent in all cases. The hearing shall be held and a record
3 made thereof within 30 days of the receipt of the application for a
4 hearing by the judge of the Superior Court. No formal pleading and
5 no filing fee shall be required as a preliminary to a hearing.
6 Appeals from the results of a hearing shall be in accordance with
7 law.

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

42 Application blanks shall be obtainable from the superintendent,
43 from any other officer authorized to grant a permit or identification
44 card, and from licensed retail dealers.

45 The chief police officer or the superintendent shall obtain the
46 fingerprints of the applicant and shall have them compared with any
47 and all records of fingerprints in the municipality and county in
48 which the applicant resides and also the records of the State Bureau

1 of Identification and the Federal Bureau of Investigation, provided
2 that an applicant for a handgun purchase permit who possesses a
3 valid firearms purchaser identification card, or who has previously
4 obtained a handgun purchase permit from the same licensing
5 authority for which he was previously fingerprinted, and who
6 provides other reasonably satisfactory proof of his identity, need not
7 be fingerprinted again; however, the chief police officer or the
8 superintendent shall proceed to investigate the application to
9 determine whether or not the applicant has become subject to any of
10 the disabilities set forth in this chapter.

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

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

41 g. Disposition of fees. All fees for permits shall be paid to the
42 State Treasury if the permit is issued by the superintendent, to the
43 municipality if issued by the chief of police, and to the county
44 treasurer if issued by the judge of the Superior Court.

45 h. Form of permit; quadruplicate; disposition of copies. The
46 permit shall be in the form prescribed by the superintendent and
47 shall be issued to the applicant in quadruplicate. Prior to the time
48 he receives the handgun from the seller, the applicant shall deliver

1 to the seller the permit in quadruplicate and the seller shall
2 complete all of the information required on the form. Within five
3 days of the date of the sale, the seller shall forward the original
4 copy to the superintendent and the second copy to the chief of
5 police of the municipality in which the purchaser resides, except
6 that in a municipality having no chief of police, the copy shall be
7 forwarded to the superintendent. The third copy shall then be
8 returned to the purchaser with the pistol or revolver and the fourth
9 copy shall be kept by the seller as a permanent record.

10 i. Restriction on number of firearms person may purchase.
11 Only one handgun shall be purchased or delivered on each permit
12 and no more than one handgun shall be purchased within any 30-
13 day period, but this limitation shall not apply to:

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

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

21 (3) transfers of handguns among licensed retail dealers,
22 registered wholesale dealers and registered manufacturers;

23 (4) transfers of handguns from any person to a licensed retail
24 dealer or a registered wholesale dealer or registered manufacturer;

25 (5) any transaction where the person has purchased a handgun
26 from a licensed retail dealer and has returned that handgun to the
27 dealer in exchange for another handgun within 30 days of the
28 original transaction, provided the retail dealer reports the exchange
29 transaction to the superintendent; or

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

33 The provisions of this subsection shall not be construed to afford
34 or authorize any other exemption from the regulatory provisions
35 governing firearms set forth in chapter 39 and chapter 58 of Title
36 2C of the New Jersey Statutes;

37 A person shall not be restricted as to the number of rifles or
38 shotguns he may purchase, provided he possesses a valid firearms
39 purchaser identification card and provided further that he signs the
40 certification required in subsection b. of this section for each
41 transaction.

42 j. Firearms passing to heirs or legatees. Notwithstanding any
43 other provision of this section concerning the transfer, receipt or
44 acquisition of a firearm, a permit to purchase or a firearms
45 purchaser identification card shall not be required for the passing of
46 a firearm upon the death of an owner thereof to his heir or legatee,
47 whether the same be by testamentary bequest or by the laws of
48 intestacy. The person who shall so receive, or acquire the firearm

1 shall, however, be subject to all other provisions of this chapter. If
2 the heir or legatee of the firearm does not qualify to possess or carry
3 it, he may retain ownership of the firearm for the purpose of sale for
4 a period not exceeding 180 days, or for a further limited period as
5 may be approved by the chief law enforcement officer of the
6 municipality in which the heir or legatee resides or the
7 superintendent, provided that the firearm is in the custody of the
8 chief law enforcement officer of the municipality or the
9 superintendent during that period.

10 k. Sawed-off shotguns. Nothing in this section shall be
11 construed to authorize the purchase or possession of any sawed-off
12 shotgun.

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

20 m. The provisions of subsections a. and b. of this section and
21 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
22 apply to the purchase of firearms by a law enforcement agency for
23 use by law enforcement officers in the actual performance of the
24 officers' official duties, which purchase may be made directly from
25 a manufacturer or from a licensed dealer located in this State or any
26 other state.

27 (cf: P.L.2016, c.74, s.1)

28

29 2. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
30 read as follows:

31 14. a. **【No】** A person under the age of **【18】** 21 years shall not
32 purchase, barter or otherwise acquire a firearm **【and no person**
33 **under the age of 21 years shall purchase, barter or otherwise acquire**
34 **a】** or handgun, unless the person is authorized to possess the
35 handgun in connection with the performance of official duties under
36 the provisions of N.J.S.2C:39-6.

37 b. **【No person under the age of 18 years shall possess, carry,**
38 **fire or use a firearm except as provided under paragraphs (1), (2),**
39 **(3) and (4) of this subsection; and, unless】** Unless authorized in
40 connection with the performance of official duties under the
41 provisions of N.J.S.2C:39-6, **【no】** a person under the age of 21
42 years shall not possess, carry, fire or use a firearm or handgun
43 except under the following circumstances:

44 (1) In the actual presence or under the direct supervision of **【his**
45 **father, mother】** the person's parent or guardian, or some other
46 person who holds a permit to carry a handgun or a firearms
47 purchaser identification card, as the case may be; or

1 (2) For the purpose of military drill under the auspices of a
2 legally recognized military organization and under competent
3 supervision; or

4 (3) For the purpose of competition, target practice, instruction,
5 and training in and upon a firing range approved by the governing
6 body of the municipality in which the range is located or the
7 National Rifle Association and which is under competent
8 supervision at the time of such supervision or target practice or
9 instruction and training at any location; or

10 (4) For the purpose of hunting during the regularly designated
11 hunting season, provided that he possesses a valid hunting license
12 and has successfully completed a hunter's safety course taught by a
13 qualified instructor or conservation officer and possesses a
14 certificate indicating the successful completion of such a course.

15 c. A person who violates this section shall be guilty of a crime
16 of the fourth degree. For purposes of this section the fact that the
17 act would not constitute a crime if committed by an adult shall not
18 be deemed to prohibit or require waiver of family court jurisdiction
19 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
20 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
21 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
22 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
23 70 et seq.).

24 (cf: P.L.2013, c.108, s.2)

25

26 3. (New section) a. A person who is at least 18 years of age
27 and who is authorized to carry a firearm in connection with the
28 performance of official duties under the provisions of N.J.S.2C:39-6
29 or demonstrates evidence of military training may obtain a firearms
30 purchaser identification card pursuant to N.J.S.2C:58-3.

31 b. A person who is at least 18 years of age and obtained a
32 firearms purchaser identification card or owned firearms prior to the
33 effective date of this act may continue to purchase and possess
34 firearms following the effective date of P.L. , c. (C.)
35 (pending before the Legislature as this bill).

36

37 4. This act shall take effect immediately.

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39

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STATEMENT

41

42 This bill increases from 18 to 21 the age at which a person is
43 eligible to receive a firearms purchaser identification card used to
44 purchase shotguns and rifles. Under current law, a person 18 years
45 of age and older may obtain a firearms purchaser identification card
46 and a handgun purchaser is required to be at least 21 years old.

1 Under the bill, a person under the age of 21 would be allowed to
2 possess a handgun, rifle, or shot gun in accordance with section 14
3 of P.L.1979, c.179 (C.2C:58-6) under the following circumstances:

4 (1) in the actual presence or under the direct supervision of a
5 parent or guardian, or some other person who holds a permit to
6 carry a handgun or a firearms purchaser identification card;

7 (2) for the purpose of military drill under the auspices of a
8 legally recognized military organization and under competent
9 supervision;

10 (3) for the purpose of competition, target practice, instruction,
11 and training in and upon a firing range approved by the governing
12 body of the municipality in which the range is located or the
13 National Rifle Association and which is under competent
14 supervision at the time of such supervision or target practice or
15 instruction and training at any location; or

16 (4) for the purpose of hunting during the regularly designated
17 hunting season, provided that the person possesses a valid hunting
18 license and has successfully completed a hunter's safety course
19 taught by a qualified instructor or conservation officer and
20 possesses a certificate indicating the successful completion of such
21 a course.

22 The bill preserves current law allowing minors to obtain a youth
23 hunting license and apprentice firearm hunting license. In addition,
24 the bill allows a person between the ages of 18 and 21 who
25 demonstrates evidence of military service to receive a firearms
26 purchaser identification card. Persons between the ages of 18 and
27 21 who obtained a firearms purchaser identification card prior to the
28 bill's effective date would be permitted to maintain the card and
29 continue to purchase and possess shotguns and rifles.