

ASSEMBLY, No. 5455

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Jasey and Assemblyman McKeon

SYNOPSIS

Regulates sale of handgun ammunition and develops system for electronic reporting of firearm information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the sale of ammunition, amending N.J.S.2C:58-
2 1, N.J.S.2C:58-2, N.J.S.2C:58-3, and P.L.2007, c.318, and
3 supplementing 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:58-1 is amended to read as follows:

9 2C:58-1. Registration of manufacturers and wholesale dealers of
10 firearms

11 a. Registration. Every manufacturer and wholesale dealer of
12 firearms shall register with the superintendent as provided in this
13 section. No person shall engage in the business of, or act as a
14 manufacturer or wholesale dealer of firearms, or manufacture or sell
15 at wholesale any firearm, until he has so registered.

16 Applications for registration shall be made on such forms as
17 shall be prescribed by the superintendent, and the applicant shall
18 furnish such information and other particulars as may be prescribed
19 by law or by any rules or regulations promulgated by the
20 superintendent. Each application for registration or renewal shall
21 be accompanied by a fee of \$150.00.

22 The superintendent shall prescribe standards and qualifications
23 for the registration of manufacturers and wholesalers of firearms,
24 for the protection of the public safety, health and welfare. He shall
25 refuse to register any applicant for registration unless he is satisfied
26 that the applicant can be permitted to engage in business as a
27 manufacturer or wholesale dealer of firearms without any danger to
28 the public safety, health or welfare.

29 The superintendent shall issue a certificate of registration to
30 every person registered under this section, and such certificate shall
31 be valid for a period of 3 years from the date of issuance.

32 b. Wholesale dealer's agent. Every registered wholesale dealer
33 of firearms shall cause each of his agents or employees actively
34 engaged in the purchase or sale of firearms to be licensed with the
35 superintendent as a wholesale dealer's agent. Applications for
36 agents' licenses shall be submitted on such forms as shall be
37 prescribed by the superintendent, and shall be signed by the
38 registered wholesale dealer and by the agent. Each application shall
39 be accompanied by a fee of \$5.00, and each license shall be valid
40 for so long as the agent or employee remains in the employ of the
41 wholesale dealer and the wholesale dealer remains validly
42 registered under this section. The superintendent shall prescribe
43 standards and qualifications for licensed wholesale dealers' agents,
44 for the protection of the public safety, health and welfare.

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 c. Revocation of certificate of registration or license. The
2 superintendent may, after reasonable notice to all affected parties
3 and a hearing if requested, revoke any certificate of registration or
4 agent's license if he finds that the registered or licensed person is no
5 longer engaged in the business of manufacturing or wholesaling
6 firearms in this State or that he can no longer be permitted to carry
7 on such business without endangering the public safety, health or
8 welfare. A certificate or license may be canceled at any time at the
9 request of the registered or licensed person.

10 d. Appeals. Any person aggrieved by the refusal of the
11 superintendent to register him as a manufacturer or wholesale dealer
12 or a wholesale dealer's agent, or by revocation of his certificate or
13 license, may appeal to the Appellate Division of the Superior Court.

14 e. Records of sales. Every manufacturer and wholesale dealer
15 shall keep a detailed record of each firearm and all handgun
16 ammunition sold by **【him】** the manufacturer and dealer. The
17 firearm record shall include the date of sale, the name and address
18 of the purchaser, a description of each firearm and the firearm's
19 serial number 【thereof】. The handgun ammunition record shall be
20 in electronic form and shall contain the date of the transaction; the
21 type, caliber, or gauge of the ammunition; the quantity of
22 ammunition sold; the name and address of the purchaser; and any
23 other information the superintendent shall deem necessary for the
24 proper enforcement of this chapter. The records shall be available
25 for inspection at all reasonable times by any law enforcement
26 officer.

27 Every manufacturer and wholesale dealer shall establish a system
28 for maintaining electronic records pursuant to this subsection within
29 12 months of the effective date of P.L. , c. (C.) (pending
30 before the Legislature as this bill).

31 (cf: N.J.S.2C:58-1)

32
33 2. N.J.S.2C:58-2 is amended to read as follows:

34 2C:58-2. a. Licensing of retail dealers and their employees.
35 No retail dealer of firearms nor any employee of a retail dealer shall
36 sell or expose for sale, or possess with the intent of selling, any
37 firearm unless licensed to do so as hereinafter provided. The
38 superintendent shall prescribe standards and qualifications for retail
39 dealers of firearms and their employees for the protection of the
40 public safety, health and welfare.

41 Applications shall be made in the form prescribed by the
42 superintendent, accompanied by a fee of \$50 payable to the
43 superintendent, and shall be made to a judge of the Superior Court
44 in the county where the applicant maintains his place of business.
45 The judge shall grant a license to an applicant if he finds that the
46 applicant meets the standards and qualifications established by the
47 superintendent and that the applicant can be permitted to engage in
48 business as a retail dealer of firearms or employee thereof without

1 any danger to the public safety, health and welfare. Each license
2 shall be valid for a period of three years from the date of issuance,
3 and shall authorize the holder to sell firearms at retail in a specified
4 municipality.

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

10 No license shall be granted to any retail dealer under the age of
11 21 years or to any employee of a retail dealer under the age of 18 or
12 to any person who could not qualify to obtain a permit to purchase a
13 handgun or a firearms purchaser identification card, or to any
14 corporation, partnership or other business organization in which the
15 actual or equitable controlling interest is held or possessed by such
16 an ineligible person.

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

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

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

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

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

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

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

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

46 (c) The handgun is unloaded and securely wrapped;

47 (d) Except as otherwise provided in subparagraph (e) of this
48 paragraph, the handgun is accompanied by a trigger lock or a locked

1 case, gun box, container or other secure facility; provided, however,
2 this provision shall not apply to antique handguns. The exemption
3 afforded under this subparagraph for antique handguns shall be
4 narrowly construed, limited solely to the requirements set forth
5 herein and shall not be deemed to afford or authorize any other
6 exemption from the regulatory provisions governing firearms set
7 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
8 Statutes; and

9 (e) On and after the first day of the sixth month following the
10 date on which the list of personalized handguns is prepared and
11 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
12 the handgun is identified as a personalized handgun and included on
13 that list or is an antique handgun. The provisions of subparagraph
14 (d) of this section shall not apply to the delivery of a personalized
15 handgun.

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

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

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

27 (b) a collector of handguns as curios or relics as defined in Title
28 18, United States Code, section 921 (a) (13) who has in his
29 possession a valid Collector of Curios and Relics License issued by
30 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

33 (d) 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 (e) 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 b. Records. (1) Every person engaged in the retail business of
42 selling, leasing or otherwise transferring a handgun, as a retail
43 dealer or otherwise, shall keep a register in which shall be entered
44 the time of the sale, lease or other transfer, the date thereof, the
45 name, age, date of birth, occupation, residence and a physical
46 description including distinguishing physical characteristics, if any,
47 of the purchaser, lessee or transferee, the name and permanent home
48 address of the person making the sale, lease or transfer, the place of

1 the transaction, and the make, model, manufacturer's number,
2 caliber and other marks of identification on such handgun and such
3 other information as the superintendent shall deem necessary for the
4 proper enforcement of this chapter. The register shall be retained by
5 the dealer and shall be made available at all reasonable hours for
6 inspection by any law enforcement officer.

7 (2) Every person engaged in the retail business of selling,
8 leasing, or otherwise transferring handgun ammunition, as a retail
9 dealer or otherwise, shall keep an electronic record in which shall
10 be entered the name of the manufacturer; the date of the transaction;
11 the type; caliber or gauge of the ammunition; the quantity of the
12 ammunition sold; the name, address, and date of birth of the
13 purchaser; the identification used to establish the identity of the
14 purchaser; and any other information the superintendent shall deem
15 necessary for the proper enforcement of this chapter. The electronic
16 records shall be retained by the dealer and shall be made available
17 at all reasonable hours for inspection by any law enforcement
18 officer, and additionally shall be electronically reported to the
19 superintendent in accordance with section 4 of P.L. , c. (C.)
20 (pending before the Legislature as this bill).

21 c. Forms of register.

22 **【The】** (1) Until the implementation of the electronic record
23 system described in paragraph (2) of subsection b. of this section or
24 section 4 of P.L. , c. (C.) (pending before the Legislature as
25 this bill), the superintendent shall prepare the form of the register as
26 described in paragraph (1) of subsection b. of this section and
27 furnish the same in triplicate to each person licensed to be engaged
28 in the business of selling, leasing or otherwise transferring firearms.

29 (2) All retail dealers of handgun ammunition shall establish a
30 system for maintaining electronic records of the sale or transfer of
31 handgun ammunition within 12 months after the effective date of
32 P.L. , c. (C.) (pending before the Legislature as this bill).

33 d. Signatures in register. **【The】** Until the dealer implements an
34 electronic record system as described in paragraph (2) of subsection
35 b. of this section or section 4 of P.L. , c. (C.) (pending
36 before the Legislature as this bill), the purchaser, lessee or
37 transferee of any handgun shall sign, and the dealer shall require
38 him to sign his name to the register, in triplicate, and the person
39 making the sale, lease or transfer shall affix his name, in triplicate,
40 as a witness to the signature. The signatures, or the entry of an
41 electronic signature in the electronic record system pursuant to
42 paragraph (2) of subsection b. of this section or section 4 of P.L. ,
43 c. (C.) (pending before the Legislature as this bill), shall
44 constitute a representation of the accuracy of the information
45 contained in the register.

46 e. Copies of register entries; delivery to chief of police or
47 county clerk.

1 **【Within】** (1) Except as otherwise provided in paragraph (2) of
2 this subsection, within five days of the date of the sale, assignment
3 or transfer, the dealer shall deliver or mail by certified mail, return
4 receipt requested, legible copies of the register forms to the office
5 of the chief of police of the municipality in which the purchaser
6 resides, or to the office of the captain of the precinct of the
7 municipality in which the purchaser resides, and to the
8 superintendent. If hand delivered a receipt shall be given to the
9 dealer therefor.

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

15 (2) A dealer shall not be required to use the triplicate form after
16 the dealer establishes an electronic reporting system pursuant to
17 paragraph (2) of subsection b. of this section or section 4 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill).

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

20
21 3. N.J.S.2C:58-3 is amended to read as follows:

22 2C:58-3. a. Permit to purchase a handgun.

23 (1) No person shall sell, give, transfer, assign or otherwise
24 dispose of, nor receive, purchase, or otherwise acquire a handgun
25 unless the purchaser, assignee, donee, receiver or holder is licensed
26 as a dealer under this chapter or has first secured a permit to
27 purchase a handgun as provided by this section.

28 (2) A person who is not a licensed retail dealer and sells, gives,
29 transfers, assigns, or otherwise disposes of, or receives, purchases
30 or otherwise acquires a handgun pursuant to this section shall
31 conduct the transaction through a licensed retail dealer.

32 The provisions of this paragraph shall not apply if the transaction
33 is:

34 (a) between members of an immediate family as defined in
35 subsection n. of this section;

36 (b) between law enforcement officers;

37 (c) between collectors of firearms or ammunition as curios or
38 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
39 in their possession a valid Collector of Curios and Relics License
40 issued by the Bureau of Alcohol, Tobacco, Firearms, and
41 Explosives; or

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

44 (3) Prior to a transaction conducted pursuant to this subsection,
45 the retail dealer shall complete a National Instant Criminal
46 Background Check of the person acquiring the handgun. In
47 addition:

1 (a) the retail dealer shall submit to the Superintendent of State
2 Police, on a form approved by the superintendent, information
3 identifying and confirming the background check;

4 (b) every retail dealer shall maintain a record of transactions
5 conducted pursuant to this subsection, which shall be maintained at
6 the address displayed on the retail dealer's license for inspection by
7 a law enforcement officer during reasonable hours;

8 (c) a retail dealer may charge a fee for a transaction conducted
9 pursuant to this subsection; and

10 (d) any record produced pursuant to this subsection shall not be
11 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
12 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

13 b. Firearms purchaser identification card.

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

30 (2) A person who is not a licensed retail dealer and sells, gives,
31 transfers, assigns, or otherwise disposes of, or receives, purchases
32 or otherwise acquires an antique cannon or a rifle or shotgun
33 pursuant to this section shall conduct the transaction through a
34 licensed retail dealer.

35 The provisions of this paragraph shall not apply if the transaction
36 is:

37 (a) between members of an immediate family as defined in
38 subsection n. of this section;

39 (b) between law enforcement officers;

40 (c) between collectors of firearms or ammunition as curios or
41 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
42 in their possession a valid Collector of Curios and Relics License
43 issued by the Bureau of Alcohol, Tobacco, Firearms, and
44 Explosives; or

45 (d) a temporary transfer pursuant to section 1 of P.L.1992,
46 c.74 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

47 (3) Prior to a transaction conducted pursuant to this subsection,
48 the retail dealer shall complete a National Instant Criminal

1 Background Check of the person acquiring an antique cannon or a
2 rifle or shotgun. In addition:

3 (a) the retail dealer shall submit to the Superintendent of State
4 Police, on a form approved by the superintendent, information
5 identifying and confirming the background check;

6 (b) every retail dealer shall maintain a record of transactions
7 conducted pursuant to this section which shall be maintained at the
8 address set forth on the retail dealer's license for inspection by a law
9 enforcement officer during reasonable hours;

10 (c) a retail dealer may charge a fee for a transaction conducted
11 pursuant to this subsection; and

12 (d) any record produced pursuant to this subsection shall not be
13 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
14 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

15 c. Who may obtain. No person of good character and good
16 repute in the community in which he lives, and who is not subject to
17 any of the disabilities set forth in this section or other sections of
18 this chapter, shall be denied a permit to purchase a handgun or a
19 firearms purchaser identification card, except as hereinafter set
20 forth. No handgun purchase permit or firearms purchaser
21 identification card shall be issued:

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

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

30 (3) To any person who suffers from a physical defect or disease
31 which would make it unsafe for him to handle firearms, to any
32 person who has ever been confined for a mental disorder, or to any
33 alcoholic unless any of the foregoing persons produces a certificate
34 of a medical doctor or psychiatrist licensed in New Jersey, or other
35 satisfactory proof, that he is no longer suffering from that particular
36 disability in a manner that would interfere with or handicap him in
37 the handling of firearms; to any person who knowingly falsifies any
38 information on the application form for a handgun purchase permit
39 or firearms purchaser identification card;

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

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

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

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

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

10 (9) To any person named on the consolidated Terrorist Watchlist
11 maintained by the Terrorist Screening Center administered by the
12 Federal Bureau of Investigation; or

13 (10) To any person who is subject to a court order prohibiting the
14 custody, control, ownership, purchase, possession, or receipt of a
15 firearm or ammunition issued pursuant to the "Extreme Risk
16 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

17 d. Issuance. The chief of police of an organized full-time
18 police department of the municipality where the applicant resides or
19 the superintendent, in all other cases, shall upon application, issue
20 to any person qualified under the provisions of subsection c. of this
21 section a permit to purchase a handgun or a firearms purchaser
22 identification card.

23 Any person aggrieved by the denial of a permit or identification
24 card may request a hearing in the Superior Court of the county in
25 which he resides if he is a resident of New Jersey or in the Superior
26 Court of the county in which his application was filed if he is a
27 nonresident. The request for a hearing shall be made in writing
28 within 30 days of the denial of the application for a permit or
29 identification card. The applicant shall serve a copy of his request
30 for a hearing upon the chief of police of the municipality in which
31 he resides, if he is a resident of New Jersey, and upon the
32 superintendent in all cases. The hearing shall be held and a record
33 made thereof within 30 days of the receipt of the application for a
34 hearing by the judge of the Superior Court. No formal pleading and
35 no filing fee shall be required as a preliminary to a hearing.
36 Appeals from the results of a hearing shall be in accordance with
37 law.

38 e. Applications. Applications for permits to purchase a
39 handgun and for firearms purchaser identification cards shall be in
40 the form prescribed by the superintendent and shall set forth the
41 name, residence, place of business, age, date of birth, occupation,
42 sex and physical description, including distinguishing physical
43 characteristics, if any, of the applicant, and shall state whether the
44 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
45 drug dependent person as defined in section 2 of P.L.1970,
46 c.226 (C.24:21-2), whether he has ever been confined or committed
47 to a mental institution or hospital for treatment or observation of a
48 mental or psychiatric condition on a temporary, interim or

1 permanent basis, giving the name and location of the institution or
2 hospital and the dates of confinement or commitment, whether he
3 has been attended, treated or observed by any doctor or psychiatrist
4 or at any hospital or mental institution on an inpatient or outpatient
5 basis for any mental or psychiatric condition, giving the name and
6 location of the doctor, psychiatrist, hospital or institution and the
7 dates of the occurrence, whether he presently or ever has been a
8 member of any organization which advocates or approves the
9 commission of acts of force and violence to overthrow the
10 Government of the United States or of this State, or which seeks to
11 deny others their rights under the Constitution of either the United
12 States or the State of New Jersey, whether he has ever been
13 convicted of a crime or disorderly persons offense, whether the
14 person is subject to a restraining order issued pursuant to the
15 "Prevention of Domestic Violence Act of 1991," P.L.1991,
16 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing
17 any firearm, whether the person is subject to a protective order
18 issued pursuant to the "Extreme Risk Protective Order Act of
19 2018," P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person
20 from possessing any firearm, and other information as the
21 superintendent shall deem necessary for the proper enforcement of
22 this chapter. For the purpose of complying with this subsection, the
23 applicant shall waive any statutory or other right of confidentiality
24 relating to institutional confinement. The application shall be
25 signed by the applicant and shall contain as references the names
26 and addresses of two reputable citizens personally acquainted with
27 him.

28 Application blanks shall be obtainable from the superintendent,
29 from any other officer authorized to grant a permit or identification
30 card, and from licensed retail dealers, or shall be made available
31 through an online process established or made available by the
32 superintendent.

33 The chief police officer or the superintendent shall obtain the
34 fingerprints of the applicant and shall have them compared with any
35 and all records of fingerprints in the municipality and county in
36 which the applicant resides and also the records of the State Bureau
37 of Identification and the Federal Bureau of Investigation, provided
38 that an applicant for a handgun purchase permit who possesses a
39 valid firearms purchaser identification card, or who has previously
40 obtained a handgun purchase permit from the same licensing
41 authority for which he was previously fingerprinted, and who
42 provides other reasonably satisfactory proof of his identity, need not
43 be fingerprinted again; however, the chief police officer or the
44 superintendent shall proceed to investigate the application to
45 determine whether or not the applicant has become subject to any of
46 the disabilities set forth in this chapter.

47 f. Granting of permit or identification card; fee; term; renewal;
48 revocation. The application for the permit to purchase a handgun

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

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

29 g. Disposition of fees. All fees for permits shall be paid to the
30 State Treasury if the permit is issued by the superintendent, to the
31 municipality if issued by the chief of police, and to the county
32 treasurer if issued by the judge of the Superior Court.

33 h. Form of permit; quadruplicate; disposition of copies.

34 **【The】** (1) Except as otherwise provided in paragraph (2) of this
35 subsection, the permit shall be in the form prescribed by the
36 superintendent and shall be issued to the applicant in quadruplicate.
37 Prior to the time he receives the handgun from the seller, the
38 applicant shall deliver to the seller the permit in quadruplicate and
39 the seller shall complete all of the information required on the form.
40 Within five days of the date of the sale, the seller shall forward the
41 original copy to the superintendent and the second copy to the chief
42 of police of the municipality in which the purchaser resides, except
43 that in a municipality having no chief of police, the copy shall be
44 forwarded to the superintendent. The third copy shall then be
45 returned to the purchaser with the pistol or revolver and the fourth
46 copy shall be kept by the seller as a permanent record.

47 (2) The requirements of this subsection concerning the delivery
48 and form of permit and disposition of copies shall not be applicable

1 when these functions may be completed by utilizing an electronic
2 system as described in paragraph (2) of subsection b. of
3 N.J.S.2C:58-2 or section 4 of P.L. , c. (C.) (pending before
4 the Legislature as this bill).

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

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

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

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

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

20 (5) any transaction where the person has purchased a handgun
21 from a licensed retail dealer and has returned that handgun to the
22 dealer in exchange for another handgun within 30 days of the
23 original transaction, provided the retail dealer reports the exchange
24 transaction to the superintendent; or

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

28 The provisions of this subsection shall not be construed to afford
29 or authorize any other exemption from the regulatory provisions
30 governing firearms set forth in chapter 39 and chapter 58 of Title
31 2C of the New Jersey Statutes;

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

37 j. Firearms passing to heirs or legatees. Notwithstanding any
38 other provision of this section concerning the transfer, receipt or
39 acquisition of a firearm, a permit to purchase or a firearms
40 purchaser identification card shall not be required for the passing of
41 a firearm upon the death of an owner thereof to his heir or legatee,
42 whether the same be by testamentary bequest or by the laws of
43 intestacy. The person who shall so receive, or acquire the firearm
44 shall, however, be subject to all other provisions of this chapter. If
45 the heir or legatee of the firearm does not qualify to possess or carry
46 it, he may retain ownership of the firearm for the purpose of sale for
47 a period not exceeding 180 days, or for a further limited period as
48 may be approved by the chief law enforcement officer of the

1 municipality in which the heir or legatee resides or the
2 superintendent, provided that the firearm is in the custody of the
3 chief law enforcement officer of the municipality or the
4 superintendent during that period.

5 k. Sawed-off shotguns. Nothing in this section shall be
6 construed to authorize the purchase or possession of any sawed-off
7 shotgun.

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

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

22 n. For the purposes of this section, "immediate family" means a
23 spouse, domestic partner as defined in section 3 of P.L.2003,
24 c.246 (C.26:8A-3), partner in a civil union couple as defined in
25 section 2 of P.L.2006, c.103 (C.37:1-29), parent, stepparent,
26 grandparent, sibling, stepsibling, child, stepchild, and grandchild, as
27 related by blood or by law.

28 (cf: P.L.2018, c.36, s.1)

29

30 4. Section 1 of P.L.2007, c.318 (C.2C:58-3.3) is amended to
31 read as follows:

32 1. a. As used in this act **["handgun"]**:

33 "Ammunition" means an object consisting of all of the following
34 components: a fixed metallic or nonmetallic hull casing containing
35 a primer; one or more projectiles, one or more bullets, or shot; and
36 gunpowder. All of the specified components shall be present for an
37 object to be ammunition. As used in this section, ammunition shall
38 not include, without limitation, blank ammunition, air gun pellets,
39 flare gun ammunition, nail gun ammunition, paint ball ammunition,
40 or any non-fixed ammunition.

41 "Handgun ammunition" means ammunition [specifically]
42 designed [to] such that it may be used [only] in a handgun,
43 including ammunition specifically designed to be used only in a
44 handgun, as well as ammunition intended for use in any other
45 firearm and which may be interchangeable between rifles and
46 handguns. "Handgun ammunition" shall not include [blank
47 ammunition, air gun pellets, flare gun ammunition, nail gun

1 ammunition, paint ball ammunition, or any non-fixed] ammunition
2 specifically designed to be used only in a rifle or shotgun.

3 b. **[No]** A person shall not sell, give, transfer, assign or
4 otherwise dispose of, or receive, purchase, or otherwise acquire
5 handgun ammunition unless the purchaser, assignee, donee, receiver
6 or holder is licensed as a manufacturer, wholesaler, or dealer under
7 this chapter or is the holder of and possesses a valid firearms
8 purchaser identification card, a valid copy of a permit to purchase a
9 handgun, or a valid permit to carry a handgun and first exhibits
10 **[such]** the card or permit to the seller, donor, transferor, or assignor
11 along with a valid, current driver's license; valid, current nondriver
12 identification card; or other valid, current government-issued form
13 of photo identification.

14 c. No person shall sell, give, transfer, assign, or otherwise
15 dispose of handgun ammunition to a person who is under 21 years
16 of age.

17 d. The provisions of this section shall not apply to a collector
18 of firearms or ammunition as curios or relics who purchases,
19 receives, acquires, possesses, or transfers handgun ammunition
20 which is recognized as being historical in nature or of historical
21 significance.

22 e. A person who violates this section shall be guilty of a crime
23 of the fourth degree, except that nothing contained herein shall be
24 construed to prohibit the sale, transfer, assignment or disposition of
25 handgun ammunition to or the purchase, receipt or acceptance of
26 ammunition by a law enforcement agency or law enforcement
27 official for law enforcement purposes.

28 f. Nothing in this section shall be construed to prohibit the
29 transfer of ammunition for use in a lawfully transferred firearm in
30 accordance with the provisions of section 1 of P.L.1992,
31 c.74 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (C.2C:58-3.2) or
32 section 14 of P.L.1979, c.179 (C.2C:58-6.1).

33 g. Nothing in this section shall be construed to prohibit the sale
34 of a de minimis amount of handgun ammunition at a firearms range
35 operated by a licensed dealer; a law enforcement agency; a legally
36 recognized military organization; or a rifle or pistol club which has
37 filed a copy of its charter with the superintendent for immediate use
38 at that range.

39 (cf: P.L.2007, c.318, s.1)

40

41 5. (New section) a. (1) The Superintendent of State Police
42 shall develop a program for retail dealers of handgun ammunition to
43 electronically report a record of any transaction involving the sale,
44 transfer, assignment, or disposition of handgun ammunition and
45 information relating to each transaction. The reported information
46 shall include: the date of the transaction; the name of the
47 manufacturer, the caliber or gauge, and the quantity of ammunition
48 sold or transferred; the name, address, and date of birth of the

1 purchaser; the identification used to establish the identity of the
2 purchaser; and any other information the superintendent may
3 require.

4 (2) Subject to the time limitations established in paragraph (2)
5 of subsection c. of section 2 of P.L. , c. (C.) (pending
6 before the Legislature as this bill), every retail dealer of
7 ammunition as defined in section 1 of P.L.2007, c.318 (C.2C:58-
8 3.3) shall electronically report to the superintendent a record of any
9 transaction involving the sale, transfer, assignment, or disposition
10 of handgun ammunition by utilizing the program developed
11 pursuant to this subsection.

12 A retail dealer may charge a fee determined by the
13 superintendent for a transaction electronically reported pursuant to
14 this subsection.

15 b. (1) The superintendent shall develop a program for retail
16 dealers to electronically report a record of any transaction involving
17 the sale, transfer, assignment, or disposition of a firearm and
18 information relating to each transaction.

19 (2) Within a timeframe as determined by the superintendent,
20 every retail dealer of firearms shall electronically report to the
21 superintendent a record of any transaction involving the sale,
22 transfer, assignment, or disposition of a firearm by utilizing the
23 program developed pursuant to this subsection.

24 c. The superintendent shall establish a searchable, electronic
25 database containing the information reported pursuant subsections
26 a. and b. of this section, which shall be available to law
27 enforcement officers. The superintendent also shall establish
28 security procedures to protect the confidentiality of the information
29 contained in the database, which shall prevent access to the
30 information by any person or entity that is not lawfully entitled to
31 it.

32 d. The superintendent shall develop an Internet-based or other
33 electronic system to process or facilitate the processing of any or all
34 of the following: application for and issuance of firearms purchaser
35 identification cards, permits to purchase a handgun, or other permits
36 authorized under this chapter.

37 e. Any record reported or produced pursuant to this section
38 shall not be considered a public record or government record
39 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,
40 c.404 (C.47:1A-5 et al.).

41

42 6. This act shall take effect immediately.

STATEMENT

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This bill regulates the sale of handgun ammunition. Under current law, handgun ammunition is regulated to the extent that a purchaser is to establish his or her eligibility by exhibiting a firearms purchaser identification card, a permit to purchase a handgun, or a permit to carry a handgun, and that he or she is 21 years of age or older. This bill requires an ammunition purchaser to also exhibit a driver's license, nondriver identification card, or other government-issued form of photo identification at the time of purchase.

The bill requires a manufacturer or dealer of handgun ammunition to keep a detailed, electronic record of handgun ammunition sales. The electronic record maintained by the manufacturer or wholesale dealer is required to contain the date of the transaction; the type, caliber, or gauge of the ammunition; the quantity of ammunition sold; the name and address of the purchaser; and any other information deemed necessary by the Superintendent of State Police. The electronic record maintained by the retail dealer is required to contain the name of the manufacturer, the date of the transaction, the type, caliber, or gauge of the ammunition; the quantity of the ammunition sold; the name, address, and date of birth of the purchaser; the identification used to establish the identity of the purchaser; and any other information deemed necessary by the superintendent. A manufacturer or dealer that is unable to maintain record in an electronic form is to be given 12 months from the effective date of this bill to establish a system for maintaining electronic records of the transfer of handgun ammunition. The electronic records are required to be made available for inspection at all reasonable hours by any law enforcement officer.

In addition, the bill requires electronic reporting of handgun, firearm, and handgun ammunition sales. Under the bill, every retail dealer is required to electronically report firearm, handgun, and handgun ammunition sales and transfers to the superintendent. The superintendent would be required to develop a program for retail dealers to electronically report this information. Regarding handgun ammunition, the reported information is to include the date of the transaction; the name of the manufacturer, the caliber or gauge, and the quantity of ammunition sold or transferred; the name, address, and date of birth of the purchaser; the identification used to establish the identity of the purchaser; and any other information that the superintendent requires. A retail dealer of handgun ammunition may charge a fee not to exceed \$5 for a transaction that is required to be electronically reported.