SYNOPSIS

Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register firearms acquired out-of-State.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on December 13, 2021, with amendments.
AN ACT concerning firearm ownership and amending N.J.S.2C:58-3.

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

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

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

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

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

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

(a) between members of an immediate family as defined in subsection n. of this section;
(b) between law enforcement officers;
(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or
(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

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

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;
(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;
(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and
(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:

Assembly AJU committee amendments adopted December 13, 2021.
b. Firearms purchaser identification card.

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

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

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

   (a) between members of an immediate family as defined in subsection n. of this section;
   (b) between law enforcement officers;
   (c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or
   (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun. In addition:

   (a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;
   (b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;
   (c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and
(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

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

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

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

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

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

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

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

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation; or
(10) To any person who is subject to a court order prohibiting
the custody, control, ownership, purchase, possession, or receipt of
a firearm or ammunition issued pursuant to the "Extreme Risk

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

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

e. Applications. Applications for permits to purchase a
handgun and for firearms purchaser identification cards shall be in
the form prescribed by the superintendent and shall set forth the
name, residence, place of business, age, date of birth, occupation,
sex and physical description, including distinguishing physical
characteristics, if any, of the applicant, and shall state whether the
applicant is a citizen, whether he is an alcoholic, habitual drunkard,
drug dependent person as defined in section 2 of P.L.1970, c.226
(C.24:21-2), whether he has ever been confined or committed to a
mental institution or hospital for treatment or observation of a
mental or psychiatric condition on a temporary, interim or
permanent basis, giving the name and location of the institution or
hospital and the dates of confinement or commitment, whether he
has been attended, treated or observed by any doctor or psychiatrist
or at any hospital or mental institution on an inpatient or outpatient
basis for any mental or psychiatric condition, giving the name and
location of the doctor, psychiatrist, hospital or institution and the
dates of the occurrence, whether he presently or ever has been a
member of any organization which advocates or approves the
commission of acts of force and violence to overthrow the
Government of the United States or of this State, or which seeks to
deny others their rights under the Constitution of either the United
States or the State of New Jersey, whether he has ever been
convinced of a crime or disorderly persons offense, whether the
person is subject to a restraining order issued pursuant to the
(C.2C:25-17 et seq.) prohibiting the person from possessing any
firearm, whether the person is subject to a protective order issued
pursuant to the "Extreme Risk Protective Order Act of 2018,"
P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from
possessing any firearm, and other information as the superintendent
shall deem necessary for the proper enforcement of this chapter.
For the purpose of complying with this subsection, the applicant
shall waive any statutory or other right of confidentiality relating to
institutional confinement. The application shall be signed by the
applicant and shall contain as references the names and addresses of
two reputable citizens personally acquainted with him.
Application blanks shall be obtainable from the superintendent,
from any other officer authorized to grant a permit or identification
card, and from licensed retail dealers.
The chief police officer or the superintendent shall obtain the
fingerprints of the applicant and shall have them compared with any
and all records of fingerprints in the municipality and county in
which the applicant resides and also the records of the State Bureau
of Identification and the Federal Bureau of Investigation, provided
that an applicant for a handgun purchase permit who possesses a
valid firearms purchaser identification card, or who has previously
obtained a handgun purchase permit from the same licensing
authority for which he was previously fingerprinted, and who
provides other reasonably satisfactory proof of his identity, need not
be fingerprinted again; however, the chief police officer or the
superintendent shall proceed to investigate the application to
determine whether or not the applicant has become subject to any of
the disabilities set forth in this chapter.

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

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

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

Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

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

1. a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties;
2. a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
3. transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;
4. transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer;
5. any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the
original transaction, provided the retail dealer reports the exchange
transaction to the superintendent; or
(6) any transaction where the superintendent issues an
exemption from the prohibition in this subsection pursuant to the

The provisions of this subsection shall not be construed to afford
or authorize any other exemption from the regulatory provisions
governing firearms set forth in chapter 39 and chapter 58 of Title
2C of the New Jersey Statutes;
A person shall not be restricted as to the number of rifles or
shotguns he may purchase, provided he possesses a valid firearms
purchaser identification card and provided further that he signs the
certification required in subsection b. of this section for each
transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any
other provision of this section concerning the transfer, receipt or
acquisition of a firearm, a permit to purchase or a firearms
purchaser identification card shall not be required for the passing of
a firearm upon the death of an owner thereof to his heir or legatee,
whether the same be by testamentary bequest or by the laws of
intestacy. The person who shall so receive, or acquire the firearm
shall, however, be subject to all other provisions of this chapter. If
the heir or legatee of the firearm does not qualify to possess or carry
it, he may retain ownership of the firearm for the purpose of sale for
a period not exceeding 180 days, or for a further limited period as
may be approved by the chief law enforcement officer of the
municipality in which the heir or legatee resides or the
superintendent, provided that the firearm is in the custody of the
chief law enforcement officer of the municipality or the
superintendent during that period.
k. Sawed-off shotguns. Nothing in this section shall be
construed to authorize the purchase or possession of any sawed-off
shotgun.

l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
the sale or purchase of a visual distress signalling device approved
by the United States Coast Guard, solely for possession on a private
or commercial aircraft or any boat; provided, however, that no
person under the age of 18 years shall purchase nor shall any person
sell to a person under the age of 18 years a visual distress signalling
device.
m. The provisions of subsections a. and b. of this section and
paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
apply to the purchase of firearms by a law enforcement agency for
use by law enforcement officers in the actual performance of the
officers' official duties, which purchase may be made directly from
a manufacturer or from a licensed dealer located in this State or any
other state.
For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), partner in a civil union couple as defined in section 2 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law.

o. Registration of firearms owned by new residents. Any person who becomes a resident of this State following the effective date of P.L. , c. (pending before the Legislature as this bill) and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearm purchaser identification card and register the firearm within 60 days of becoming a New Jersey resident.

A person who registers a firearm pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent. The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the firearm being registered. Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement.

The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station.

Within 60 days prior to the effective date of P.L., c. (pending before the Legislature as this bill), the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

2. This act shall take effect on the first day of the seventh month following the date of enactment.