

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3687

STATE OF NEW JERSEY

DATED: JANUARY 27, 2021

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3687.

As reported by the committee, Assembly Bill No. 3687 requires notification to be provided to victims when seized or surrendered weapons are returned to a person charged with domestic violence. The bill also requires notification to be provided to family or household members who petitioned for an extreme risk protective order when a seized firearm is returned to the person after the order is terminated.

Under the "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.), a law enforcement officer may take possession of any weapons owned by a person charged with domestic violence. The weapons are transferred to the county prosecutor's office, which is required to determine within 45 days whether to file for forfeiture of the weapons. The weapons are returned if the forfeiture action is not filed within 45 days. A court hearing a domestic violence case also is required to order the return of the weapons when: 1) the complaint has been dismissed at the request of the complainant and the prosecutor determines that there is insufficient probable cause to indict; 2) the defendant is found not guilty of the charges; or 3) the court determines that the domestic violence situation no longer exists. This bill requires the prosecutor to notify each claimant or victim that the seized or surrendered weapons are to be returned to the defendant.

The "Extreme Risk Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et seq.), allows a family or household member to petition the Superior Court for an extreme risk protective order (ERPO) against persons who pose a significant danger of bodily injury to themselves or others by possessing or purchasing a firearm. The ERPO prohibits the subject from possessing or purchasing a firearm or ammunition and from holding a firearms purchaser identification card, permit to purchase a handgun, and permit to carry a handgun. A person who is subject to the order is required to surrender his or her firearms or ammunition to a law enforcement agency, but may petition the agency for the return of any surrendered firearms or ammunition upon termination of the order. This bill requires the law enforcement agency to notify the family or household members who petitioned for the ERPO that the firearms or ammunition are to be returned.

The bill requires the notification to be provided at least 10 days prior to returning the weapons or ammunition to persons who were charged with domestic violence or were subject to an ERPO.