

ASSEMBLY, No. 129

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES and Assemblywoman GILL

1 AN ACT concerning handguns, amending various parts of the statutory
2 law, and supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The provisions of P.L. , c. (C.)(now
8 before the Legislature as this bill) shall be liberally construed to
9 advance the following goals:

10 a. Strictly limiting the availability of handguns by establishing
11 prohibitions on their sale, possession, and importation;

12 b. Encouraging a reduction in the number of lawfully possessed
13 handguns; and

14 c. Establishing a rigorous system of regulation over the
15 transportation and transfer of handguns in New Jersey.

16

17 2. N.J.S.2C:39-5 is amended to read as follows:

18 2C:39-5. Unlawful Possession of Weapons. a. Machine guns.
19 Any person who knowingly has in his possession a machine gun or any
20 instrument or device adaptable for use as a machine gun, without being
21 licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of
22 the third degree.

23 b. Handguns. (1) Any person who knowingly has in his possession
24 any handgun[, including any antique handgun without first having
25 obtained a permit to carry the same as provided in N.J.S.2C:58-4] or
26 who knowingly brings into this State any handgun, except for antique
27 handguns determined by the superintendent to be collectibles,
28 commemoratives or curios, is guilty of a crime of the third degree and
29 shall be sentenced to a minimum term of imprisonment of five years
30 during which the defendant shall be ineligible for parole.

31 (2) Any person who knowingly carries any handgun, including any
32 antique handgun, is guilty of a crime of the third degree.

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

Matter underlined thus is new matter.

1 c. Rifles and shotguns. (1) Any person who knowingly has in his
2 possession any rifle or shotgun without having first obtained a firearms
3 purchaser identification card in accordance with the provisions of
4 N.J.S.2C:58-3, is guilty of a crime of the third degree.

5 (2) Unless otherwise permitted by law, any person who knowingly
6 has in his possession any loaded rifle or shotgun is guilty of a crime of
7 the third degree.

8 d. Other weapons. Any person who knowingly has in his
9 possession any other weapon under circumstances not manifestly
10 appropriate for such lawful uses as it may have is guilty of a crime of
11 the fourth degree.

12 e. Firearms or other weapons in educational institutions.

13 (1) Any person who knowingly has in his possession any firearm in
14 or upon any part of the buildings or grounds of any school, college,
15 university or other educational institution, without the written
16 authorization of the governing officer of the institution, is guilty of a
17 crime of the third degree, irrespective of whether he possesses a valid
18 permit to carry the firearm or a valid firearms purchaser identification
19 card.

20 (2) Any person who knowingly possesses any weapon enumerated
21 in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any
22 components which can readily be assembled into a firearm or other
23 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other
24 weapon under circumstances not manifestly appropriate for such
25 lawful use as it may have, while in or upon any part of the buildings or
26 grounds of any school, college, university or other educational
27 institution without the written authorization of the governing officer
28 of the institution is guilty of a crime of the fourth degree.

29 f. Assault firearms. Any person who knowingly has in his
30 possession an assault firearm is guilty of a crime of the third degree
31 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;
32 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or
33 rendered inoperable pursuant to section 12 of P.L.1990, c.32
34 (C.2C:58-13).

35 g. The temporary possession of a handgun, rifle or shotgun by a
36 person receiving, possessing, carrying or using the handgun, rifle, or
37 shotgun under the provisions of section 1 of P.L.1992, c.74
38 (C.2C:58-3.1) shall not be considered unlawful possession under the
39 provisions of subsection b. or c. of this section.

40 (cf: P.L. 1992, c.94, s.1)

41

42 3. N.J.S. 2C:39-6 is amended to read as follows:

43 2C:39-6. a. Provided a person complies with the requirements of
44 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

45 (1) Members of the Armed Forces of the United States or of the
46 National Guard while actually on duty, or while traveling between

- 1 places of duty and carrying authorized weapons in the manner
2 prescribed by the appropriate military authorities;
- 3 (2) Federal law enforcement officers, and any other federal officers
4 and employees required to carry firearms in the performance of their
5 official duties;
- 6 (3) Members of the State Police and, under conditions prescribed
7 by the superintendent, members of the Marine Law Enforcement
8 Bureau of the Division of State Police;
- 9 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
10 assistant prosecutor, prosecutor's detective or investigator, deputy
11 attorney general or State investigator employed by the Division of
12 Criminal Justice of the Department of Law and Public Safety,
13 investigator employed by the State Commission of Investigation,
14 inspector of the Alcoholic Beverage Control Enforcement Bureau of
15 the Division of State Police in the Department of Law and Public
16 Safety authorized to carry such weapons by the Superintendent of
17 State Police, State park ranger, or State conservation officer;
- 18 (5) A prison or jail warden of any penal institution in this State or
19 his deputies, or an employee of the Department of Corrections
20 engaged in the interstate transportation of convicted offenders, while
21 in the performance of his duties, and when required to possess the
22 weapon by his superior officer, or a correction officer or keeper of a
23 penal institution in this State at all times while in the State of New
24 Jersey, provided he annually passes an examination approved by the
25 superintendent testing his proficiency in the handling of firearms;
- 26 (6) A civilian employee of the United States Government under the
27 supervision of the commanding officer of any post, camp, station, base
28 or other military or naval installation located in this State who is
29 required, in the performance of his official duties, to carry firearms,
30 and who is authorized to carry such firearms by said commanding
31 officer, while in the actual performance of his official duties;
- 32 (7) (a) A regularly employed member, including a detective, of the
33 police department of any county or municipality, or of any State,
34 interstate, municipal or county park police force or boulevard police
35 force, at all times while in the State of New Jersey;
- 36 (b) A special law enforcement officer authorized to carry a weapon
37 as provided in subsection b. of section 7 of P.L.1985, c.439
38 (C.40A:14-146.14);
- 39 (c) An airport security officer or a special law enforcement officer
40 appointed by the governing body of any county or municipality, except
41 as provided in subsection b. of this section, or by the commission,
42 board or other body having control of a county park or airport or
43 boulevard police force, while engaged in the actual performance of his
44 official duties and when specifically authorized by the governing body
45 to carry weapons; or
- 46 (8) A full-time, paid member of a paid or part-paid fire department

1 or force of any municipality who is assigned full-time or part-time to
2 an arson investigation unit created pursuant to section 1 of P.L.1981,
3 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
4 county prosecutor's office, while either engaged in the actual
5 performance of arson investigation duties or while actually on call to
6 perform arson investigation duties and when specifically authorized by
7 the governing body or the county prosecutor, as the case may be, to
8 carry weapons. Prior to being permitted to carry a firearm, such a
9 member shall take and successfully complete a firearms training course
10 administered by the Police Training Commission pursuant to P.L.1961,
11 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
12 revolver or similar weapon prior to being permitted to carry a firearm.

13 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

14 (1) A law enforcement officer employed by a governmental agency
15 outside of the State of New Jersey while actually engaged in his
16 official duties, provided, however, that he has first notified the
17 superintendent or the chief law enforcement officer of the municipality
18 or the prosecutor of the county in which he is engaged; or

19 (2) A licensed dealer in firearms and his registered employees at his
20 normal place of business and during the course of their normal
21 business while traveling to and from their place of business and other
22 places for the purpose of demonstration, exhibition or delivery in
23 connection with a sale, provided, however, that the weapon is carried
24 in the manner specified in subsection g. of this section.

25 c. Provided a person complies with the requirements of subsection
26 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
27 to:

28 (1) A special agent of the Division of Taxation who has passed an
29 examination in an approved police training program testing proficiency
30 in the handling of any firearm which he may be required to carry, while
31 in the actual performance of his official duties and while going to or
32 from his place of duty, or any other police officer, while in the actual
33 performance of his official duties;

34 (2) A State deputy conservation officer or a full-time employee of
35 the Division of Parks and Forestry having the power of arrest and
36 authorized to carry weapons, while in the actual performance of his
37 official duties;

38 (3) (Deleted by amendment, P.L.1986, c.150.)

39 (4) A court attendant serving as such under appointment by the
40 sheriff of the county or by the judge of any municipal court or other
41 court of this State, while in the actual performance of his official
42 duties;

43 (5) A guard in the employ of any railway express company,
44 banking or building and loan or savings and loan institution of this
45 State, while in the actual performance of his official duties;

46 (6) A member of a legally recognized military organization while

1 actually under orders or while going to or from the prescribed place
2 of meeting and carrying the weapons prescribed for drill, exercise or
3 parade;

4 (7) An officer of the Society for the Prevention of Cruelty to
5 Animals, while in the actual performance of his duties;

6 (8) An employee of a public utilities corporation actually engaged
7 in the transportation of explosives;

8 (9) A railway policeman, except a transit police officer of the New
9 Jersey Transit Police Department, at all times while in the State of
10 New Jersey, provided that he has passed an approved police academy
11 training program consisting of at least 280 hours. The training
12 program shall include, but need not be limited to, the handling of
13 firearms, community relations, and juvenile relations;

14 (10) A campus police officer appointed under P.L.1970, c.211
15 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
16 firearm, a campus police officer shall take and successfully complete
17 a firearms training course administered by the Police Training
18 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
19 shall annually qualify in the use of a revolver or similar weapon prior
20 to being permitted to carry a firearm;

21 (11) A person who has not been convicted of a crime under the
22 laws of this State or under the laws of another state or the United
23 States, and who is employed as a full-time security guard for a nuclear
24 power plant under the license of the Nuclear Regulatory Commission,
25 while in the actual performance of his official duties;

26 (12) A transit police officer of the New Jersey Transit Police
27 Department, at all times while in the State of New Jersey, provided the
28 officer has satisfied the training requirements of the Police Training
29 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
30 (C.27:25-15.1); or

31 (13) A parole officer employed by the Bureau of Parole in the
32 Department of Corrections at all times. Prior to being permitted to
33 carry a firearm, a parole officer shall take and successfully complete
34 a basic course for regular police officer training administered by the
35 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
36 et seq.), and shall annually qualify in the use of a revolver or similar
37 weapon prior to being permitted to carry a firearm.

38 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
39 antique firearms, provided that such antique firearms are unloaded or
40 are being fired for the purposes of exhibition or demonstration at an
41 authorized target range or in such other manner as has been approved
42 in writing by the chief law enforcement officer of the municipality in
43 which the exhibition or demonstration is held, or if not held on
44 property under the control of a particular municipality, the
45 superintendent.

46 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of

1 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
2 being fired but that is unloaded and immobile, provided that the
3 antique cannon is possessed by (a) a scholastic institution, a museum,
4 a municipality, a county or the State, or (b) a person who obtained a
5 firearms purchaser identification card as specified in N.J.S.2C:58-3.

6 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
8 being transported by one eligible to possess it, in compliance with
9 regulations the superintendent may promulgate, between its permanent
10 location and place of purchase or repair.

11 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
12 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
13 or fired by one eligible to possess an antique cannon, for purposes of
14 exhibition or demonstration at an authorized target range or in the
15 manner as has been approved in writing by the chief law enforcement
16 officer of the municipality in which the exhibition or demonstration is
17 held, or if not held on property under the control of a particular
18 municipality, the superintendent, provided that performer has given at
19 least 30 days' notice to the superintendent.

20 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
21 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
22 cannons directly to or from exhibitions or demonstrations authorized
23 under paragraph (4) of subsection d. of this section, provided that the
24 transportation is in compliance with safety regulations the
25 superintendent may promulgate. Nor do those subsections apply to
26 transportation directly to or from exhibitions or demonstrations
27 authorized under the law of another jurisdiction, provided that the
28 superintendent has been given 30 days' notice and that the
29 transportation is in compliance with safety regulations the
30 superintendent may promulgate.

31 e. (1) Nothing in subsections [b.,]c. and d. of N.J.S.2C:39-5 shall
32 be construed to prevent a person keeping or carrying about his place
33 of business, residence, premises or other land owned or possessed by
34 him, any firearm, other than a handgun, or from carrying the same, in
35 the manner specified in subsection g. of this section, from any place of
36 purchase to his residence or place of business, between his dwelling
37 and his place of business, between one place of business or residence
38 and another when moving, or between his dwelling or place of
39 business and place where such firearms are repaired, for the purpose
40 of repair. For the purposes of this section, a place of business shall be
41 deemed to be a fixed location.

42 (2) Any person who qualifies for one or more of the exemptions set
43 forth in subsection a., paragraph (1) of subsection b., or in subsections
44 c. or l. of this section, or under section 15 of P.L. , c. (C.)(now
45 before the Legislature as this bill) may possess and carry a handgun
46 notwithstanding the limitations set forth in paragraph (1) of this

1 subsection.

2 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
3 construed to prevent:

4 (1) (a) A member of any rifle [or pistol] club organized in
5 accordance with the rules prescribed by the National Board for the
6 Promotion of Rifle Practice, in going to or from a place of target
7 practice, carrying such firearms as are necessary for said target
8 practice, provided that the club has filed a copy of its charter with the
9 superintendent and annually submits a list of its members to the
10 superintendent and provided further that the firearms are carried in the
11 manner specified in subsection g. of this section;

12 (b) A member of any pistol club from maintaining and storing a
13 handgun at a pistol club for use at that club, provided that the owner
14 of the club is licensed pursuant to the provisions of section 14 of
15 P.L. , c. (C.)(now pending before the Legislature as this bill),
16 has filed a copy of its charter with the superintendent, and annually
17 submits a list of its members who store handguns at the club together
18 with a description of the stored handguns.

19 (2) A person carrying a firearm or knife in the woods or fields or
20 upon the waters of this State for the purpose of hunting, target
21 practice or fishing, provided that the firearm or knife is legal and
22 appropriate for hunting or fishing purposes in this State and he has in
23 his possession a valid hunting license, or, with respect to fresh water
24 fishing, a valid fishing license;

25 (3) A person transporting any firearm or knife while traveling:

26 (a) Directly to or from any place for the purpose of hunting or
27 fishing, provided the person has in his possession a valid hunting or
28 fishing license; or

29 (b) Directly to or from any target range, or other authorized place
30 for the purpose of practice, match, target, trap or skeet shooting
31 exhibitions, provided in all cases that during the course of the travel
32 all firearms are carried in the manner specified in subsection g. of this
33 section and the person has complied with all the provisions and
34 requirements of Title 23 of the Revised Statutes and any amendments
35 thereto and all rules and regulations promulgated thereunder; or

36 (c) In the case of a firearm, directly to or from any exhibition or
37 display of firearms which is sponsored by any law enforcement agency,
38 any rifle or pistol club, or any firearms collectors club, for the purpose
39 of displaying the firearms to the public or to the members of the
40 organization or club, provided, however, that not less than 30 days
41 prior to the exhibition or display, notice of the exhibition or display
42 shall be given to the Superintendent of the State Police by the
43 sponsoring organization or club, and the sponsor has complied with
44 such reasonable safety regulations as the superintendent may
45 promulgate. Any firearms transported pursuant to this section shall be
46 transported in the manner specified in subsection g. of this section;

1 (4) A person from keeping or carrying about a private or
2 commercial aircraft or any boat, or from transporting to or from such
3 vessel for the purpose of installation or repair a visual distress
4 signalling device approved by the United States Coast Guard.

5 g. All weapons being transported under paragraph (2) of
6 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
7 this section shall be carried unloaded and contained in a closed and
8 fastened case, gunbox, securely tied package, or locked in the trunk or
9 other similar compartment of the [automobile] vehicle in which [it is]
10 they are being transported, and in the course of travel shall include
11 only such deviations as are reasonably necessary under the
12 circumstances.

13 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
14 prevent any employee of a public utility, as defined in R.S.48:2-13,
15 doing business in this State or any United States Postal Service
16 employee, while in the actual performance of duties which specifically
17 require regular and frequent visits to private premises, from
18 possessing, carrying or using any device which projects, releases or
19 emits any substance specified as being noninjurious to canines or other
20 animals by the Commissioner of Health and which immobilizes only on
21 a temporary basis and produces only temporary physical discomfort
22 through being vaporized or otherwise dispensed in the air for the sole
23 purpose of repelling canine or other animal attacks.

24 The device shall be used solely to repel only those canine or other
25 animal attacks when the canines or other animals are not restrained in
26 a fashion sufficient to allow the employee to properly perform his
27 duties.

28 Any device used pursuant to this act shall be selected from a list of
29 products, which consist of active and inert ingredients, permitted by
30 the Commissioner of Health.

31 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
32 person who is 18 years of age or older and who has not been convicted
33 of a felony, from possession for the purpose of personal self-defense
34 of one pocket-sized device which contains and releases not more than
35 three-quarters of an ounce of chemical substance not ordinarily
36 capable of lethal use or of inflicting serious bodily injury, but rather,
37 is intended to produce temporary physical discomfort or disability
38 through being vaporized or otherwise dispensed in the air. Any person
39 in possession of any device in violation of this subsection shall be
40 deemed and adjudged to be a disorderly person, and upon conviction
41 thereof, shall be punished by a fine of not less than \$100.00.

42 j. A person shall qualify for an exemption from the provisions of
43 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
44 if the person has satisfactorily completed a firearms training course
45 approved by the Police Training Commission.

46 Such exempt person shall not possess or carry a firearm until the

1 person has satisfactorily completed a firearms training course and shall
2 annually qualify in the use of a revolver or similar weapon. For
3 purposes of this subsection, a "firearms training course" means a
4 course of instruction in the safe use, maintenance and storage of
5 firearms which is approved by the Police Training Commission. The
6 commission shall approve a firearms training course if the
7 requirements of the course are substantially equivalent to the
8 requirements for firearms training provided by police training courses
9 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
10 A person who is specified in paragraph (1), (2), (3) or (6) of
11 subsection a. of this section shall be exempt from the requirements of
12 this subsection.

13 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
14 prevent any financial institution, or any duly authorized personnel of
15 the institution, from possessing, carrying or using for the protection of
16 money or property, any device which projects, releases or emits tear
17 gas or other substances intended to produce temporary physical
18 discomfort or temporary identification.

19 l. (1) The provisions of subsection b. of N.J.S.2C:39-5 shall not
20 prohibit the possession of a handgun for which a permit to purchase
21 was obtained or applied for pursuant to N.J.S.2C:58-3 prior to the
22 effective date of P.L. , c. (C.)(now pending before the
23 Legislature as this bill); provided that the handgun is registered
24 pursuant to section 16 of P.L. , c. (C.)(now pending before the
25 Legislature as this bill).

26 (2) The provisions of subsection b. of N.J.S.2C:39-5 shall not
27 prohibit the possession of a handgun which was lawfully acquired,
28 purchased or possessed prior to the effective date of P.L. , c.
29 (C.)(now pending before the Legislature as this bill); provided that
30 the owner has secured a certificate of ownership for that handgun
31 pursuant to section 16 of P.L. , c. (C.)(now pending before the
32 Legislature as this bill).

33 (cf: P.L. 1993, c.246, s.2)

34

35 4. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read as
36 follows:

37 6. Certain Persons Not to Have Weapons. a. Except as provided
38 in subsection b. of this section, any person, having been convicted in
39 this State or elsewhere of the crime of aggravated assault, arson,
40 burglary, escape, extortion, homicide, kidnapping, robbery, aggravated
41 sexual assault, or sexual assault, whether or not armed with or having
42 in his possession any weapon enumerated in subsection r. of
43 N.J.S.2C:39-1, or any person convicted of a crime pursuant to the
44 provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any
45 person who has ever been committed for a mental disorder to any
46 hospital, mental institution or sanitarium unless he possesses a

1 certificate of a medical doctor or psychiatrist licensed to practice in
2 New Jersey or other satisfactory proof that he is no longer suffering
3 from a mental disorder which interferes with or handicaps him in the
4 handling of a firearm, or any person who has been convicted of other
5 than a disorderly persons or petty disorderly persons offense for the
6 unlawful use, possession or sale of a controlled dangerous substance
7 as defined in N.J.S.2C:35-2 who purchases, owns, possesses or
8 controls any [of the said weapons] weapon other than a handgun is
9 guilty of a crime of the fourth degree.

10 If the person purchases, owns, possesses or controls a handgun, the
11 person is guilty of a crime of the third degree.

12 b. A person having been convicted in this State or elsewhere of the
13 crime of aggravated assault, arson, burglary, escape, extortion,
14 homicide, kidnapping, robbery, aggravated sexual assault or sexual
15 assault, whether or not armed with or having in his possession a
16 weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person
17 having been convicted of a crime pursuant to the provisions of
18 N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of
19 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;
20 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or
21 controls a firearm is guilty of a crime of the second degree.

22 c. Whenever any person shall have been convicted in another state,
23 territory, commonwealth or other jurisdiction of the United States, or
24 any country in the world, in a court of competent jurisdiction, of a
25 crime which in said other jurisdiction or country is comparable to one
26 of the crimes enumerated in subsection a. or b. of this section, then
27 that person shall be subject to the provisions of this section.

28 (cf: P.L.1992, c.74, s.3)

29
30 5. N.J.S.2C:39-9 is amended to read as follows:

31 2C:39-9. Manufacture, Transport, Disposition and Defacement of
32 Weapons and Dangerous Instruments and Appliances. a. Machine
33 guns. Any person who manufactures, causes to be manufactured,
34 transports, ships, sells or disposes of any machine gun without being
35 registered or licensed to do so as provided in chapter 58 is guilty of a
36 crime of the third degree.

37 b. Sawed-off shotguns. Any person who manufactures, causes to
38 be manufactured, transports, ships, sells or disposes of any sawed-off
39 shotgun is guilty of a crime of the third degree.

40 c. Firearm silencers. Any person who manufactures, causes to be
41 manufactured, transports, ships, sells or disposes of any firearm
42 silencer is guilty of a crime of the fourth degree.

43 d. Weapons. Any person who manufactures, causes to be
44 manufactured, transports, ships, sells or disposes of any weapon,
45 including gravity knives, switchblade knives, ballistic knives, daggers,
46 dirks, stiletos, billies, blackjacks, metal knuckles, sandclubs,

1 slingshots, cesti or similar leather bands studded with metal filings, [or
2 in the case of firearms if he is not licensed or registered to do so as
3 provided in chapter 58,]is guilty of a crime of the fourth degree. Any
4 person who manufactures, causes to be manufactured, transports,
5 ships, sells or disposes of any weapon or other device which projects,
6 releases or emits tear gas or other substances intended to produce
7 temporary physical discomfort or permanent injury through being
8 vaporized or otherwise dispensed in the air, which is intended to be
9 used for any purpose other than for authorized military or law
10 enforcement purposes by duly authorized military or law enforcement
11 personnel or the device is for the purpose of personal self-defense, is
12 pocket-sized and contains not more than three-quarters of an ounce of
13 chemical substance not ordinarily capable of lethal use or of inflicting
14 serious bodily injury, or other than to be used by any person permitted
15 to possess such weapon or device under the provisions of subsection
16 d. of N.J.S.2C:39-5, which is intended for use by financial and other
17 business institutions as part of an integrated security system, placed at
18 fixed locations, for the protection of money and property, by the duly
19 authorized personnel of those institutions, is guilty of a crime of the
20 fourth degree.

21 e. Defaced firearms. Any person who defaces any firearm is guilty
22 of a crime of the third degree. Any person who knowingly buys,
23 receives, disposes of or conceals a defaced firearm, except an antique
24 firearm, is guilty of a crime of the fourth degree.

25 f. (1) Any person who manufactures, causes to be manufactured,
26 transports, ships, sells, or disposes of any bullet, which is primarily
27 designed for use in a handgun, and which is comprised of a bullet
28 whose core or jacket, if the jacket is thicker than .025 of an inch, is
29 made of tungsten carbide, or hard bronze, or other material which is
30 harder than a rating of 72 or greater on the Rockwell B. Hardness
31 Scale, and is therefore capable of breaching or penetrating body armor
32 and which is intended to be used for any purpose other than for
33 authorized military or law enforcement purposes by duly authorized
34 military or law enforcement personnel, is guilty of a crime of the
35 fourth degree.

36 (2) Nothing in this subsection shall be construed to prevent a
37 licensed collector of ammunition as defined in paragraph (2) of
38 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined in
39 paragraph (1) of this subsection from (a) any licensed retail or
40 wholesale firearms dealer's place of business to the collector's
41 dwelling, premises, or other land owned or possessed by him, or (b)
42 to or from the collector's dwelling, premises or other land owned or
43 possessed by him to any gun show for the purposes of display, sale,
44 trade, or transfer between collectors, or (c) to or from the collector's
45 dwelling, premises or other land owned or possessed by him to any
46 rifle or pistol club organized in accordance with the rules prescribed

1 by the National Board for the Promotion of Rifle Practice; provided
2 that the club has filed a copy of its charter with the superintendent of
3 the State Police and annually submits a list of its members to the
4 superintendent, and provided further that the ammunition being
5 transported shall be carried not loaded in any firearm and contained in
6 a closed and fastened case, gunbox, or locked in the trunk of the
7 automobile in which it is being transported, and the course of travel
8 shall include only such deviations as are reasonably necessary under
9 the circumstances.

10 g. Assault firearms. Any person who manufactures, causes to be
11 manufactured, transports, ships, sells or disposes of an assault firearm
12 without being registered or licensed to do so pursuant to
13 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

14 h. Large capacity ammunition magazines. Any person who
15 manufactures, causes to be manufactured, transports, ships, sells or
16 disposes of a large capacity ammunition magazine which is intended
17 to be used for any purpose other than for authorized military or law
18 enforcement purposes by duly authorized military or law enforcement
19 personnel is guilty of a crime of the fourth degree.

20 i. Handguns. Any person who manufactures, causes to be
21 manufactured, transports, ships, sells, or disposes of any handgun, in
22 violation of P.L. , c. (C.)(now pending before the Legislature as
23 this bill) is guilty of a crime of the third degree.

24 (cf: P.L.1990, c.32, s.3)

25

26 6. N.J.S.2C:39-12 is amended to read as follows:

27 2C:39-12. Voluntary surrender. a. No person shall be convicted
28 of an offense under this chapter for possessing any firearms, weapons,
29 destructive devices, silencers or explosives, if after giving written
30 notice of his intention to do so, including the proposed date and time
31 of surrender, he voluntarily surrendered the weapon, device,
32 instrument or substance in question to the superintendent or to the
33 chief of police in the municipality in which he resides, provided that
34 the required notice is received by the superintendent or chief of police
35 before any charges have been made or complaints filed against such
36 person for the unlawful possession of the weapon, device, instrument
37 or substance in question and before any investigation has been
38 commenced by any law enforcement agency concerning the unlawful
39 possession. Nothing in this section shall be construed as granting
40 immunity from prosecution for any crime or offense except that of the
41 unlawful possession of such weapons, devices, instruments or
42 substances surrendered as herein provided.

43 b. (1) Any person in lawful possession of a handgun prior to the
44 effective date of P.L. , c. (C.)(now pending before the
45 Legislature as this bill) and whose possession is lawful after that
46 effective date, may at any time surrender that handgun pursuant to the

1 provisions of this section and shall be compensated in accordance with
2 the provisions of subsection c. of this section.

3 (2) Any person in lawful possession of one or more handguns prior
4 to the effective date of P.L. , c. (C.)(now pending before the
5 Legislature as this bill), including but not limited to those in possession
6 of handguns under the circumstances set forth in paragraph (1) of
7 subsection e. of N.J.S.2C:39-6, and whose possession is unlawful after
8 the effective date of P.L. , c. (C.)(now pending before the
9 Legislature as this bill), shall surrender that handgun pursuant to the
10 provisions of subsection a. of this section prior to or on that effective
11 date. Any person surrendering a handgun in this manner shall be
12 compensated pursuant to the provisions of subsection c. of this
13 section.

14 (3) Any person in unlawful possession of a handgun prior to the
15 effective date of P.L. , c. (C.)(now pending before the
16 Legislature as this bill) shall surrender that handgun pursuant to the
17 provisions of subsection a. of this section but shall not be compensated
18 pursuant to the provisions of subsection c. of this section. Nothing in
19 this paragraph shall be construed as granting immunity from
20 prosecution for any crime or offense except that of the unlawful
21 possession of the handgun which is surrendered pursuant to this
22 paragraph.

23 (4) This subsection shall not apply to any manufacturer of
24 handguns or any retail or wholesale dealer in handguns or the
25 employees of any retail or wholesale dealer or manufacturer of
26 handguns.

27 c. Any person who surrenders any handgun pursuant to the
28 provisions of paragraph (1) or (2) of subsection b. of this section shall
29 be compensated in accordance with a schedule to be established by the
30 superintendent.

31 Regulations governing the surrender of handguns may be
32 promulgated by the superintendent. These regulations may include
33 modification of the written notice provisions of subsection a. of this
34 section.

35 (cf: N.J.S.2C:39-12)

36

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

38 2C:58-1. Registration of manufacturers and wholesale dealers of
39 firearms. a. Registration. Every manufacturer and wholesale dealer
40 of firearms shall register with the superintendent as provided in this
41 section. No person shall engage in the business of, or act as a
42 manufacturer or wholesale dealer of firearms, or manufacture or sell
43 at wholesale any firearm, until he has so registered.

44 Applications for registration shall be made on such forms as shall
45 be prescribed by the superintendent, and the applicant shall furnish
46 such information and other particulars as may be prescribed by law or

1 by any rules or regulations promulgated by the superintendent. Each
2 application for registration or renewal shall be accompanied by a fee
3 of \$150.00.

4 The superintendent shall prescribe standards and qualifications for
5 the registration of manufacturers and wholesalers of firearms, for the
6 protection of the public safety, health and welfare. He shall refuse to
7 register any applicant for registration unless he is satisfied that the
8 applicant can be permitted to engage in business as a manufacturer or
9 wholesale dealer of firearms without any danger to the public safety,
10 health or welfare.

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

14 b. Wholesale dealer's agent. Every registered wholesale dealer of
15 firearms shall cause each of his agents or employees actively engaged
16 in the purchase or sale of firearms to be licensed with the
17 superintendent as a wholesale dealer's agent. Applications for agents'
18 licenses shall be submitted on such forms as shall be prescribed by the
19 superintendent, and shall be signed by the registered wholesale dealer
20 and by the agent. Each application shall be accompanied by a fee of
21 \$5.00, and each license shall be valid for so long as the agent or
22 employee remains in the employ of the wholesale dealer and the
23 wholesale dealer remains validly registered under this section. The
24 superintendent shall prescribe standards and qualifications for licensed
25 wholesale dealers' agents, for the protection of the public safety, health
26 and welfare.

27 c. Revocation of certificate of registration or license. The
28 superintendent may, after reasonable notice to all affected parties and
29 a hearing if requested, revoke any certificate of registration or agent's
30 license if he finds that the registered or licensed person is no longer
31 engaged in the business of manufacturing or wholesaling firearms in
32 this State or that he can no longer be permitted to carry on such
33 business without endangering the public safety, health or welfare. A
34 certificate or license may be canceled at any time at the request of the
35 registered or licensed person.

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

40 e. Records of sales. Every manufacturer and wholesale dealer shall
41 keep a detailed record of each firearm sold by him. The record shall
42 include the date of sale, the name and address of the purchaser, a
43 description of each firearm and the serial number thereof. The records
44 shall be available for inspection at all reasonable times by any law
45 enforcement officer.

46 f. The superintendent may promulgate regulations setting forth

1 reasonable limitations on the quantity of handguns possessed in this
2 State by any manufacturer, wholesale dealer and wholesale dealer's
3 agent and may prescribe the conditions under which those handguns
4 are possessed.

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

6

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

8 2C:58-2. Retailing of firearms. a. Licensing of retail dealers and
9 their employees. No retail dealer of firearms nor any employee of a
10 retail dealer shall sell or expose for sale, or possess with the intent of
11 selling, any firearm unless licensed to do so as hereinafter provided.
12 The superintendent shall prescribe standards and qualifications for
13 retail dealers of firearms and their employees for the protection of the
14 public safety, health and welfare.

15 Applications shall be made in the form prescribed by the
16 superintendent, accompanied by a fee of \$50.00 payable to the
17 superintendent, and shall be made to a judge of the Superior Court in
18 the county where the applicant maintains his place of business. The
19 judge shall grant a license to an applicant if he finds that the applicant
20 meets the standards and qualifications established by the
21 superintendent and that the applicant can be permitted to engage in
22 business as a retail dealer of firearms or employee thereof without any
23 danger to the public safety, health and welfare. Each license shall be
24 valid for a period of 3 years from the date of issuance, and shall
25 authorize the holder to sell firearms at retail in a specified
26 municipality.

27 In addition, every retail dealer shall pay a fee of \$5.00 for each
28 employee actively engaged in the sale or purchase of firearms. The
29 superintendent shall issue a license for each employee for whom said
30 fee has been paid, which license shall be valid for so long as the
31 employee remains in the employ of said retail dealer.

32 No license shall be granted to any retail dealer under the age of 21
33 years or to any employee of a retail dealer under the age of 18 or to
34 any person who could not qualify to obtain a permit to purchase a
35 handgun or a firearms purchaser identification card, or to any
36 corporation, partnership or other business organization in which the
37 actual or equitable controlling interest is held or possessed by such an
38 ineligible person.

39 All licenses shall be granted subject to the following conditions, for
40 breach of any of which the license shall be subject to revocation on the
41 application of any law enforcement officer and after notice and hearing
42 by the issuing court:

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

46 (2) The license or a copy certified by the issuing authority shall be

1 displayed at all times in a conspicuous place on the business premises
2 where it can be easily read.

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

6 (4) No rifle or shotgun, except antique rifles or shotguns, shall be
7 delivered to any person unless such person possesses and exhibits a
8 valid firearms purchaser identification card and furnishes the seller, on
9 the form prescribed by the superintendent, a certification signed by him
10 setting forth his name, permanent address, firearms purchaser
11 identification card number and such other information as the
12 superintendent may by rule or regulation require. The certification
13 shall be retained by the dealer and shall be made available for
14 inspection by any law enforcement officer at any reasonable time.

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

16 (a) Such person possesses and exhibits a valid permit to purchase
17 a firearm and at least 7 days have elapsed since the date of application
18 for the permit;

19 (b) The person is personally known to the seller or presents
20 evidence of his identity; and

21 (c) The handgun is unloaded and securely wrapped.

22 (6) The dealer shall keep a true record of every handgun sold, given
23 or otherwise delivered or disposed of, in accordance with the
24 provisions of subsections b. through e. of this section.

25 b. Records. Every person engaged in the retail business of selling,
26 leasing or otherwise transferring a handgun, as a retail dealer or
27 otherwise, shall keep a register in which shall be entered the time of
28 the sale, lease or other transfer, the date thereof, the name, age, date
29 of birth, complexion, occupation, residence and a physical description
30 including distinguishing physical characteristics, if any, of the
31 purchaser, lessee or transferee, the name and permanent home address
32 of the person making the sale, lease or transfer, the place of the
33 transaction, and the make, model, manufacturer's number, caliber and
34 other marks of identification on such handgun and such other
35 information as the superintendent shall deem necessary for the proper
36 enforcement of this chapter. The register shall be retained by the
37 dealer and shall be made available at all reasonable hours for
38 inspection by any law enforcement officer.

39 c. Forms of register. The superintendent shall prepare the form of
40 the register as described in subsection b. of this section and furnish the
41 same in triplicate to each person licensed to be engaged in the business
42 of selling, leasing or otherwise transferring firearms.

43 d. Signatures in register. The purchaser, lessee or transferee of any
44 handgun shall sign, and the dealer shall require him to sign his name to
45 the register, in triplicate, and the person making the sale, lease or
46 transfer shall affix his name, in triplicate, as a witness to the signature.

1 The signatures shall constitute a representation of the accuracy of the
2 information contained in the register.

3 e. Copies of register entries; delivery to chief of police or county
4 clerk. Within 5 days of the date of the sale, assignment or transfer, the
5 dealer shall deliver or mail by certified mail, return receipt requested,
6 legible copies of the register forms to the office of the chief of police
7 of the municipality in which the purchaser resides, or to the office of
8 the captain of the precinct of the municipality in which the purchaser
9 resides, and to the superintendent. If hand delivered, a receipt shall be
10 given to the dealer therefor.

11 Where a sale, assignment or transfer is made to a purchaser who
12 resides in a municipality having no chief of police, the dealer shall,
13 within 5 days of the transaction, mail a duplicate copy of the register
14 sheet to the clerk of the county within which the purchaser resides.

15 f. The superintendent may promulgate regulations setting forth
16 reasonable limitations on the quantity of handguns possessed by any
17 retail dealer and may prescribe the conditions under which those
18 handguns are possessed.

19 (cf: P.L.1979, c.179, s.10)

20

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

22 2C:58-3. Purchase of Firearms. a. Permit to purchase a handgun.
23 No person shall sell, give, transfer, assign or otherwise dispose of, nor
24 receive, purchase, or otherwise acquire a handgun unless the
25 purchaser, assignee, donee, receiver or holder is licensed as a dealer
26 under this chapter or has first secured a permit to purchase a handgun
27 as provided by this section.

28 b. Firearms purchaser identification card. No person shall sell,
29 give, transfer, assign or otherwise dispose of nor receive, purchase or
30 otherwise acquire an antique cannon or a rifle or shotgun, other than
31 an antique rifle or shotgun, unless the purchaser, assignee, donee,
32 receiver or holder is licensed as a dealer under this chapter or
33 possesses a valid firearms purchaser identification card, and first
34 exhibits said card to the seller, donor, transferor or assignor, and
35 unless the purchaser, assignee, donee, receiver or holder signs a
36 written certification, on a form prescribed by the superintendent,
37 which shall indicate that he presently complies with the requirements
38 of subsection c. of this section and shall contain his name, address and
39 firearms purchaser identification card number or dealer's registration
40 number. The said certification shall be retained by the seller, as
41 provided in [section 2C:58-2a.]subsection a. of N.J.S.2C:58-2, or, in
42 the case of a person who is not a dealer, it may be filed with the chief
43 of police of the municipality in which he resides or with the
44 superintendent.

45 c. Who may obtain. No person of good character and good repute
46 in the community in which he lives, and who is not subject to any of

1 the disabilities set forth in this section or other sections of this chapter,
2 shall be denied a permit to purchase a handgun or a firearms purchaser
3 identification card, except as hereinafter set forth. After the effective
4 date of P.L. , c. (C.)(now pending before the Legislature as this
5 bill), a handgun purchase permit shall be issued only to a person who
6 qualifies for one or more of the exemptions set forth in paragraphs (2),
7 (3), (4), (5), (6), (7) or (8) of subsection a. of N.J.S.2C:39-6; or of
8 subsection c. of N.J.S.2C:39-6; or who is qualified to purchase a
9 handgun pursuant to the provisions of section 13 or section 15 of
10 P.L. , c. (C.)(now pending before the Legislature as this bill).

11 No handgun purchase permit or firearms purchaser identification card
12 shall be issued:

13 (1) To any person who has been convicted of a crime, whether or
14 not armed with or possessing a weapon at the time of such offense;

15 (2) To any drug dependent person as defined in section 2 of
16 P.L.1970, c.226 (C.24:21-2) and N.J.S.2C:35-2, to any person who is
17 confined for a mental disorder to a hospital, mental institution or
18 sanitarium, or to any person who is presently an habitual drunkard;

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

29 (4) To any person under the age of 18 years;

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

32 (6) To any person who is subject to a court order issued pursuant
33 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person
34 from possessing any firearm.

35 d. Issuance. The chief of police of an organized full-time police
36 department of the municipality where the applicant resides or the
37 superintendent, in all other cases, shall upon application, issue to any
38 person qualified under the provisions of subsection c. of this section
39 a permit to purchase a handgun or a firearms purchaser identification
40 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 within
46 30 days of the denial of the application for a permit or identification

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

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

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

44 The chief police officer or the superintendent shall obtain the
45 fingerprints of the applicant and shall have them compared with any
46 and all records of fingerprints in the municipality and county in which

1 the applicant resides and also the records of the State Bureau of
2 Identification and the Federal Bureau of Investigation, provided that
3 an applicant for a handgun purchase permit who possesses a valid
4 firearms purchaser identification card, or who has previously obtained
5 a handgun purchase permit from the same licensing authority for which
6 he was previously fingerprinted, and who provides other reasonably
7 satisfactory proof of his identity, need not be fingerprinted again;
8 however, the chief police officer or the superintendent shall proceed
9 to investigate the application to determine whether or not the applicant
10 has become subject to any of 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 \$2.00, or the application for the firearms
14 purchaser identification card together with a fee of \$5.00, shall be
15 delivered or forwarded to the licensing authority who shall investigate
16 the same and, unless good cause for the denial thereof appears, shall
17 grant the permit or the identification card, or both, if application has
18 been made therefor, within 30 days from the date of receipt of the
19 application for residents of this State and within 45 days for
20 nonresident applicants. A permit to purchase a handgun shall be valid
21 for a period of 90 days from the date of issuance and may be renewed
22 by the issuing authority for good cause for an additional 90 days. A
23 firearms purchaser identification card shall be valid until such time as
24 the holder becomes subject to any of the disabilities set forth in
25 subsection c. of this section, whereupon the card shall be void and
26 shall be returned within five days by the holder to the superintendent,
27 who shall then advise the licensing authority. Failure of the holder to
28 return the firearms purchaser identification card to the superintendent
29 within the said five days shall be an offense under [section 2C:39-10a]
30 subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification
31 card may be revoked by the Superior Court of the county wherein the
32 card was issued, after hearing upon notice, upon a finding that the
33 holder thereof no longer qualifies for the issuance of such permit. The
34 county prosecutor of any county, the chief police officer of any
35 municipality or any citizen may apply to such court at any time for the
36 revocation of such card.

37 There shall be no conditions or requirements added to the form or
38 content of the application, or required by the licensing authority for
39 the issuance of [a permit or] an 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 treasurer
44 if issued by the judge of the Superior Court.

45 h. Form of permit; quadruplicate; disposition of copies. The permit
46 shall be in the form prescribed by the superintendent and shall be

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

11 i. Restriction on number of firearms person may purchase. Only
12 one handgun shall be purchased or delivered on each permit, but a
13 person shall not be restricted as to the number of rifles or shotguns he
14 may purchase, provided he possesses a valid firearms purchaser
15 identification card and provided further that he signs the certification
16 required in subsection b. of this section for each transaction.

17 j. Firearms passing to heirs or legatees. (1) Notwithstanding any
18 other provision of this section concerning the transfer, receipt or
19 acquisition of a firearm, a permit to purchase or a firearms purchaser
20 identification card shall not be required for the passing of a firearm
21 upon the death of an owner thereof to his heir or legatee, whether the
22 same be by testamentary bequest or by the laws of intestacy. The
23 person who shall so receive, or acquire said firearm shall, however, be
24 subject to all other provisions of this chapter. If the heir or legatee of
25 such firearm does not qualify to possess or carry it, he may retain
26 ownership of the firearm for the purpose of sale for a period not
27 exceeding 180 days, or for such further limited period as may be
28 approved by the chief law enforcement officer of the municipality in
29 which the heir or legatee resides or the superintendent, provided that
30 such firearm is in the custody of the chief law enforcement officer of
31 the municipality or the superintendent during such period.

32 (2) After the effective date of P.L. , c. (now pending before the
33 Legislature as this bill), no handgun, except as otherwise provided is
34 paragraph (3) of this subsection, shall be passed upon the death of the
35 owner thereof to his heir or legatee. Within 60 days of the issuance of
36 a certificate of administration by the surrogate, the personal
37 representative of the estate shall surrender the handgun to the
38 superintendent or the chief law enforcement officer of the municipality
39 wherein the deceased owner resided. If qualified under the provisions
40 of paragraph (1) or (2) of subsection b. of N.J.S.2C:39-12, the estate
41 shall be compensated in accordance with subsection c. of that section.
42 Any personal representative of an estate who violates the provisions
43 of this paragraph shall be subject to a fine of not more than \$5,000.
44 Any heir or legatee violating the provisions of this paragraph shall be
45 guilty of a crime of the third degree.

46 (3) In the case of a handgun which the superintendent has

1 determined to be an antique or a collectible, commemorative, or curio,
2 that handgun may be passed upon the death of the owner to his heir or
3 legatee, whether by testamentary bequest or by the laws of intestacy.
4 The person so receiving or acquiring that handgun shall be subject to
5 all the provisions of this chapter. If the heir or legatee of that handgun
6 does not qualify to possess it, he may retain ownership of it for the
7 purpose of sale for a period not exceeding 180 days, or for such
8 further limited period as may be approved by the chief law
9 enforcement officer of the municipality wherein the heir or legatee
10 resides or the superintendent, provided that the handgun is in the
11 custody of the chief law enforcement officer or the superintendent
12 during that period.

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

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

22 (cf: P.L.1991, c.261, s.19)

23

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

26 14. Possession of firearms by minors; exceptions. a. No person
27 under the age of 18 years shall purchase, barter or otherwise acquire
28 a firearm.

29 b. No person under the age of 18 years shall possess, carry, fire or
30 use a firearm except under the following circumstances:

31 (1) In the actual presence or under the direct supervision of his
32 father, mother or guardian, or some other person who [holds a permit
33 to] may lawfully carry a handgun or who holds a firearms purchaser
34 identification card, as the case may be; or

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

37 (3) For the purpose of competition or target practice in and upon
38 a firing range approved by the governing body of the municipality in
39 which the range is located or the National Rifle Association and which
40 is under competent supervision at the time of such supervision or
41 target practice; or

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

1 c. Notwithstanding any other provisions of law, any person under
2 the age of 18 years who violates any provision of this section shall be
3 adjudged delinquent.

4 (cf: P.L.1980, c.52, s.1)

5
6 11. N.J.S.2C:64-6 is amended to read as follows:

7 2C:64-6. Disposal of Forfeited Property. a. Property which has
8 been forfeited shall be destroyed if it can serve no lawful purpose or
9 it presents a danger to the public health, safety or welfare. All other
10 forfeited property or any proceeds resulting from the forfeiture and all
11 money seized pursuant to this chapter shall become the property of
12 the entity funding the prosecuting agency involved and shall be
13 disposed of, distributed, appropriated and used in accordance with the
14 provisions of this chapter.

15 The prosecutor or the Attorney General, whichever is prosecuting
16 the case, shall divide the forfeited property, any proceeds resulting
17 from the forfeiture or any money seized pursuant to this chapter with
18 any other entity where the other entity's law enforcement agency
19 participated in the surveillance, investigation, arrest or prosecution
20 resulting in the forfeiture, in proportion to the other entity's
21 contribution to the surveillance, investigation, arrest or prosecution
22 resulting in the forfeiture, as determined in the discretion of the
23 prosecutor or the Attorney General, whichever is prosecuting the case.
24 Notwithstanding any other provision of law, such forfeited property
25 and proceeds shall be used solely for law enforcement purposes, and
26 shall be designated for the exclusive use of the law enforcement
27 agency which contributed to the surveillance, investigation, arrest or
28 prosecution resulting in the forfeiture.

29 The Attorney General is authorized to promulgate rules and
30 regulations to implement and enforce the provisions of this act.

31 b. For a period of two years from the date of enactment of
32 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds obtained
33 by the Attorney General under the provisions of subsection a. of this
34 section shall be deposited into the Hepatitis Inoculation Fund
35 established pursuant to section 2 of P.L.1993, c.227 (C.26:4-100.13).

36 c. Beginning two years from the date of enactment of P.L.1993,
37 c.227 (C.26:4-100.13 et al.) and in subsequent years, 5% of the
38 proceeds obtained by the Attorney General under the provisions of
39 subsection a. of this section shall be deposited into the Hepatitis
40 Inoculation Fund established pursuant to section 2 of P.L.1993, c.227
41 (C.26:4-100.13).

42 d. Ten percent of the proceeds obtained by the Attorney General
43 under the provisions of subsection a. of this section shall be deposited
44 into the Handgun Surrender Compensation Fund established pursuant

1 to section 19 of P.L. , c. (C.)(now before the Legislature as this
2 bill).

3 (cf: P.L.1993, c.227, s.1)

4

5 12. (New section) a. Nothing contained in this chapter or in
6 chapter 39 of Title 2C of the New Jersey Statutes shall be deemed to
7 prohibit:

8 (1) The lawful acquisition of a firearm by a bona fide museum or
9 non-profit organization for purposes of public exhibition or
10 preservation of a firearm as an historical curiosity.

11 (2) The interstate transportation of a handgun through this State
12 by persons not within the exemptions and circumstances set forth in
13 N.J.S.2C:39-6 provided that:

14 (a) Prior to transportation through this State such persons shall
15 give written notification to the superintendent of the time and route to
16 be utilized in transporting the handguns through this State; and

17 (b) The handguns are carried unloaded and contained in a closed
18 and fastened case, gunbox, securely tied package or locked in the
19 trunk or similar compartment of the vehicle in which they are being
20 transported; and

21 (c) The course of travel through this State includes only those
22 deviations as are reasonably necessary under the circumstances; and

23 (d) The persons transporting the handguns through this State are
24 residents of the United States and have not been denied a permit to
25 carry or possess handguns under the laws of any state, district or
26 territory thereof which has licensing requirements prohibiting the
27 issuance of permits or licenses to persons who have been convicted of
28 any offense in any jurisdiction which would be a crime under the law
29 of this State.

30 (3) The transportation of handguns in the course of commerce
31 between the United States and another country or between two foreign
32 countries through this State, provided that the handguns are
33 transported in accordance with the provisions of subparagraphs (a),
34 (b) and (c) of paragraph (2) of subsection a. of this section. A person
35 transporting handguns in foreign commerce who would be subject to
36 prosecution for possession of a handgun under the provisions of
37 section 6 of P.L.1979, c.179 (C.2C:39-7) shall not be immune from
38 prosecution because of the provisions of this section.

39 b. Any person traveling through this State who possesses a
40 handgun other than in accordance with the exemptions set forth in this
41 section or otherwise specifically set forth in any other provision of this
42 chapter of chapter 58 of this Title shall be subject to prosecution for
43 violating any of the applicable provisions of this chapter and chapter
44 58 of Title 2C of the New Jersey Statutes.

45

46 13. (New section) Notwithstanding any provision of chapter 39 or

1 chapter 58 of this Title to the contrary, a member of a pistol club
2 whose owner is licensed pursuant to the provisions of section 14 of
3 P.L. , c. (C.)(now pending before the Legislature as this bill)
4 may purchase a handgun for use at the pistol club provided that:

5 a. The person has obtained a permit to purchase a handgun
6 pursuant to the provisions of N.J.S.2C:58-3; and

7 b. The person directs the retail dealer from whom the handgun is
8 purchased to deliver the handgun directly to the pistol club where the
9 handgun is to be maintained and stored.

10

11 14. (New section) a. No owner of a pistol club shall accept a
12 handgun for storage and maintenance from any member unless licensed
13 to do so as hereinafter provided. The superintendent shall prescribe
14 standards and qualifications for owners of pistol clubs for the
15 protection of the public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court in
19 the county where the pistol club is located. The judge shall grant a
20 license to an applicant if he finds that the applicant meets the standards
21 and qualifications established by the superintendent and that the
22 applicant can be permitted to operate a pistol club without any danger
23 to the public safety, health and welfare. Each license shall be valid for
24 a period of three years from the date of issuance, and shall authorize
25 the holder to accept handguns for storage in a specified municipality.

26 No license shall be granted to any person under the age of 21 years
27 or to any person who could not qualify to obtain a firearms purchaser
28 identification card, or to any corporation, partnership or other business
29 organization in which the actual or equitable controlling interest is
30 held or possessed by such an ineligible person.

31 b. Licenses shall be granted subject to the following conditions:

32 (1) The activities of the pistol club shall be carried on only in the
33 building or at the location designated in the license.

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

37 (3) Handguns are stored and maintained in such a manner as to
38 provide adequate security.

39 Violators shall be subject to a revocation of their license upon the
40 application of any law enforcement officer and after notice and hearing
41 by the issuing court.

42 c. Every owner of a pistol club accepting handguns for storage and
43 maintenance shall keep a register in which shall be the name and
44 address of each member storing a handgun and the make, model,
45 manufacturer's number, caliber and other marks of identification on the
46 handgun stored and such other information as the superintendent shall

1 deem necessary for the proper enforcement of this section. The
2 register shall be retained by the owner and shall be made available at
3 all reasonable hours for inspection by any law enforcement officer.

4 d. The superintendent may promulgate regulations setting forth
5 reasonable limitations on the quantity of handguns stored at a pistol
6 club and may prescribe the conditions under which those handguns are
7 maintained.

8

9 15. (New section) Notwithstanding the limitations imposed upon
10 the purchasing and possessing of a handgun under N.J.S.2C:39-5 and
11 N.J.S.2C:58-3, any person who has a justifiable need may purchase
12 and possess a handgun for the purposes of subsection e. of
13 N.J.S.2C:39-6.

14 To qualify under this section, an applicant first shall apply to the
15 chief law enforcement officer of the municipality wherein the applicant
16 intends to possess the handgun in accordance with the provisions of
17 subsection e. of N.J.S.2C:39-6, or to the superintendent, as the case
18 may be. The application shall be in a form and manner prescribed by
19 the superintendent, shall be signed by the applicant under oath, and
20 shall be indorsed by three reputable persons who have known the
21 applicant for at least three years preceding the date of application, and
22 who shall certify thereon that the applicant is a person of good moral
23 character and behavior. No application shall be approved by the chief
24 law enforcement officer or the superintendent, as the case may be,
25 unless the applicant demonstrates that he is not subject to any of the
26 disabilities set forth in subsection c. N.J.S.2C:58-3 and that he has a
27 justifiable need to purchase and possess a handgun for the purposes of
28 subsection e. of N.J.S.2C:39-6. If the application is not acted upon by
29 the chief law enforcement officer or the superintendent within 60 days
30 of the date it was filed, it shall be deemed to have been approved,
31 unless the applicant agrees to an extension of time in writing. The
32 superintendent may establish a fee for the filing and processing of an
33 application pursuant to this subsection; provided, however, the amount
34 of the fee shall not exceed the actual cost incurred by the local law
35 enforcement agency or the Division of State Police, as the case may
36 be, in processing the application.

37 c. If the application has been approved by the chief law
38 enforcement officer or the superintendent, as the case may be, the
39 applicant shall forthwith present it to the Superior Court of the county
40 in which the applicant resides or, if different, the Superior Court of the
41 county wherein he intends to possess the handgun. The court shall
42 approve the application if, but only if, it is satisfied that the applicant
43 is a person of good character who is not subject to any of the
44 disabilities set forth in subsection c. of N.J.S.2C:58-3 and that he has
45 a justifiable need to purchase and possess a handgun for the purposes
46 of subsection e. of N.J.S.2C:39-6. The court may establish a fee for

1 the processing of an application pursuant to this subsection; provided,
2 however, the amount of the fee shall not exceed the actual cost
3 incurred by the court in processing the application.

4 d. If the application has been approved by the Superior Court, the
5 applicant may apply for a permit to purchase a handgun in accordance
6 with the provisions of N.J.S.2C:58-3.

7 e. Any person aggrieved by the denial by the chief law enforcement
8 officer or the superintendent of approval of an application under
9 subsection b. of this section may request a hearing in the Superior
10 Court of the county in which he resides or, if different, in the county
11 where his business is located, by filing a written request for such a
12 hearing within 30 days of the denial. Copies of the request shall be
13 served upon the superintendent, the county prosecutor and the chief
14 law enforcement officer of the municipality where the applicant
15 resides. The hearing shall be held within 30 days of the filing of the
16 request, and no formal pleading or filing fee shall be required. Appeals
17 from the determination at such a hearing shall be in accordance with
18 law and the rules governing the courts of this State.

19 If the superintendent or chief law enforcement officer approves an
20 application and the Superior Court denies the application and refuses
21 to issue a permit, the applicant may appeal such denial in accordance
22 with law and the rules governing the courts of this State.

23
24 16. (New section) a. The owner of a handgun shall secure a
25 certificate of ownership for each handgun he possesses. To apply for
26 a certificate of ownership, a handgun owner shall:

27 (1) Complete a handgun certificate of ownership application, which
28 shall be in a form prescribed by the superintendent;

29 (2) Pay a \$5 fee per application;

30 (3) Produce a copy of the permit to purchase which was used to
31 acquire the handgun; and

32 (4) Demonstrate, in a manner prescribed by the superintendent,
33 that the applicant is not subject to any of the disabilities set forth in
34 subsection c. of N.J.S.2C:58-3.

35 The information on the application shall include, but not be limited
36 to, the name and permanent address of the applicant; the number of the
37 permit to purchase which the applicant used to acquire the handgun;
38 and the make, model, manufacturer's number, caliber and other marks
39 of identification on the handgun, if any. Each application shall be
40 signed by the applicant, and the applicant's signature shall constitute
41 a representation of the accuracy of the information contained in the
42 application.

43 A certification of ownership shall expire three years from the date
44 of issuance and may be renewed thereafter in the same manner and
45 subject to the same conditions as the original; provided, however, that
46 the superintendent may provide that a portion of the first certificates

1 issued under this subsection may expire in a period of less than three
2 years in order to establish a balance among the number of certificates
3 subject to renewal in each year thereafter. The superintendent may
4 prorate the application fee for those certificates designated to expire
5 in less than three years.

6 b. In the case of a handgun owner who resides in a municipality
7 with an organized full-time police department, the application for a
8 certificate of ownership shall be submitted at the main office of that
9 police department. In all other cases, the application shall be
10 submitted at any State Police station.

11 c. (1) Within 60 days of the effective date of P.L. , c. (C.)
12 (now pending before the Legislature as this bill), the superintendent
13 shall prepare the form of the application required under subsection a.
14 of this section and shall supply a suitable supply of those application
15 forms to each organized full-time municipal police department and
16 State Police station.

17 (2) The superintendent shall establish a procedure under which an
18 owner who is unable to produce a permit to purchase, as required
19 under paragraph (3) of subsection a. of this section, may demonstrate
20 that he lawfully possesses that handgun.

21 d. One copy of each completed and approved application for a
22 certification of ownership shall be returned to the owner of the
23 handgun, a second copy shall be sent to the superintendent, and, if the
24 application was processed by a municipal police department, a third
25 copy shall be retained by that department.

26 e. (1) A person who lawfully possesses a handgun on the effective
27 date of P.L. , c. (C.)(now pending before the Legislature as this
28 bill) shall apply to secure a certificate of ownership for each such
29 handgun he possesses within 120 days of that effective date.

30 (2) Any person who, pursuant to paragraph (1) of subsection l. of
31 N.J.S.2C:39-6 or section 13 or section 15 of P.L. , c. (C.)
32 (now pending before the Legislature as this bill), acquires or purchases
33 a handgun after the effective date of P.L. , c. (C.)(now
34 pending before the Legislature as this bill) shall apply for a
35 certification of ownership within 48 hours of taking possession of that
36 handgun.

37 f. Any person violating the provisions of this section shall be
38 subject to the penalties set forth in N.J.S.2C:39-10.

39

40 17. (New section) a. If at anytime a person who has been issued
41 a certificate of ownership for a handgun becomes subject to any of the
42 disabilities set forth in subsection c. of N.J.S.2C:58-3 or no longer has
43 a justifiable need to possess a handgun as provided in section 15 of
44 P.L. , c. (C.)(now pending before the Legislature as this bill),
45 that handgun owner shall forthwith notify the superintendent. The
46 notice shall be given in a manner and time prescribed by the

1 superintendent.

2 Within five days of becoming disqualified or no longer having a
3 justifiable need to possess a handgun, the owner shall deliver each
4 handgun he possesses, along with the permit to purchase and the
5 certificate of ownership for each such handgun to the superintendent,
6 a State Police station, or, if the municipality wherein he resides has an
7 organized full-time police department, that police department. If the
8 owner delivers the handguns, permits and certificates to a State Police
9 station or a municipal police department, the trooper or officer
10 receiving those handguns, permits, and certificates shall immediately
11 notify the superintendent.

12 Upon delivering the handguns, permits, and certificates, the
13 disqualified owner may either:

14 (1) Voluntarily surrender the handguns as provided in
15 N.J.S.2C:39-12; or

16 (2) Transfer ownership of the handguns to a person or firm
17 lawfully entitled to acquire, purchase and possess a handgun.

18 If the disqualified owner notifies the superintendent of his intent to
19 transfer ownership of the handguns pursuant to paragraph (2) of this
20 subsection, the disqualified owner may retain ownership of the
21 handguns for a period not exceeding 60 days, or for such further
22 limited period as may be approved by the superintendent, provided the
23 handguns remain in the custody of the superintendent, the municipal
24 police department, or the county prosecutor, as the superintendent
25 may prescribe. If the disqualified owner shall fail to transfer
26 ownership of the handguns within the period prescribed by the
27 superintendent, the handguns shall be transferred to the county
28 prosecutor for disposition pursuant to the provisions of N.J.S.2C:64-6.

29 b. Any person violating the provisions of this section shall be
30 subject to the penalties set forth in subsection b. of N.J.S.2C:39-5.

31

32 18. (New section) Every case of a theft of a handgun shall be
33 reported within 24 hours of the discovery of the theft to the police
34 authorities of the municipality where the holder of handgun resides or
35 to the State Police. Any person who fails to report the theft of a
36 handgun as provided in this section is a disorderly person.

37

38 19. (New section) There is created in the Department of Law and
39 Public Safety a nonlapsing revolving fund to be known as the
40 "Handgun Surrender Compensation Fund." This fund shall be the
41 repository for moneys provided pursuant to subsection d. of
42 N.J.S.2C:64-6 and shall be administered by the Attorney General.
43 Moneys deposited in the fund and any interest earned thereon shall be
44 used for the exclusive purpose of compensating owners who
45 voluntarily surrender a handgun in accordance with the provisions of
46 N.J.S.2C:39-12.

1 20. (New section) The superintendent is directed to conduct and
2 complete a Statewide public information campaign for the purpose of
3 acquainting the general public with the provisions of P.L. , c.
4 (C.)(now pending before the Legislature as this bill). In that
5 campaign, the superintendent shall give special attention to the
6 provisions of N.J.S.2C:39-12 concerning the surrender of handguns;
7 the compensation available to handgun owners under the Handgun
8 Surrender Compensation Fund; an owner's responsibility for securing
9 a certificate of ownership for each handgun; the penalties for failing to
10 secure a certificate of ownership for a handgun; and an owner's
11 statutory obligation to report the theft of a handgun.

12

13 21. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 This bill restricts the sale, importation, possession and carrying of
19 handguns except by certain authorized persons. Antique handguns and
20 handguns determined by the Superintendent of State Police to be
21 collectibles, commemoratives or curios are exempted.

22 Authorized persons would include those presently permitted to
23 possess and carry handguns for work-related purposes, including law
24 enforcement officers and members of the military. The bill also
25 provides, however, that a homeowner or a storeowner may acquire
26 and possess a handgun for self-protection if they can demonstrate a
27 "justifiable need." In addition, members of licensed pistol clubs would
28 be permitted to purchase handguns, but those handguns must be
29 delivered to, and remain in the possession of, the club.

30 An owner who lawfully possesses a handgun upon enactment of the
31 bill will be allowed to retain the handgun, but must obtain a certificate
32 of ownership for it. The certificate would remain valid for three years
33 and then must be renewed. An individual who fails to secure a
34 certificate of ownership for a handgun could be charged with a crime
35 of the fourth degree, or possibly a crime of the third degree, for
36 violating N.J.S.2C:39-10.

37 If an owner for any reason becomes ineligible to lawfully possess a
38 handgun, he is required to deliver it to the superintendent, a trooper
39 at a State Police station, or an officer at a municipal police department
40 within five days of losing his eligibility. The disqualified owner may
41 either voluntarily surrender the handgun in accordance with
42 N.J.S.2C:39-12 or attempt to sell the handgun to an individual who
43 may lawfully purchase it. The bill grants a disqualified owner 60 days
44 in which to sell the handgun, but specifies that during that period the
45 handgun must remain in the custody of the superintendent, the
46 municipal police, or the county prosecutor. If the disqualified owner

1 is unable to sell the handgun during that period, the handgun becomes
2 subject to the forfeiture provisions of N.J.S.2C:64-1 et seq. A
3 disqualified owner who fails to turn in his handgun within the five day
4 period would be guilty of a violation of subsection b. of
5 N.J.S.2C:39-5. A violation of that subsection is a crime of the third
6 degree and includes a mandatory term of imprisonment.

7 Owners who surrender their handguns are eligible for compensation
8 payments. Under the bill, ten percent of the proceeds derived from the
9 forfeiture of cash and property seized in connection with illegal
10 activities are to be deposited in a "Handgun Surrender Compensation
11 Fund." The amount of compensation to be paid to owners who
12 voluntarily surrender their handguns is to be set forth in a schedule
13 developed by the superintendent.

14 Finally, the bill provides that only antique handguns, or handguns
15 that the superintendent has classified as collectible, commemorative,
16 or curio may be passed on to an heir or legatee. In all other cases, the
17 administrator of the estate must surrender the deceased owner's
18 handgun to either the superintendent or the local chief of police. If
19 qualified, the estate may be entitled to compensation from the
20 "Handgun Surrender Compensation Fund" for the surrendered
21 handgun.

22

23

24

25

26 Prohibits the sale, importation, possession and carrying of handguns
27 except by certain authorized persons.