

ASSEMBLY, No. 197

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywomen WEINBERG and HECK

1 AN ACT concerning firearms permits, amending N.J.S.2C:58-3 and  
2 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. N.J.S.2C:58-3 is amended to read as follows:

8 2C:58-3. Purchase of Firearms.

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

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

30 c. Who may obtain. No person of good character and good repute  
31 in the community in which he lives, and who is not subject to any of  
32 the disabilities set forth in this section or other sections of this chapter,

**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 shall be denied a permit to purchase a handgun or a firearms purchaser  
2 identification card, except as hereinafter set forth. No handgun  
3 purchase permit or firearms purchaser identification card shall be  
4 issued:

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

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

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

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

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

24 (6) To any person who is subject to a court order issued pursuant  
25 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
26 from possessing any firearm. To ascertain whether the applicant is  
27 subject to such an order, the chief of police of an organized full-time  
28 police department of the municipality where the applicant resides or  
29 the superintendent, in all other cases, shall conduct a search of the  
30 domestic violence registry established pursuant to section 2 of P.L. ,  
31 c. (C. )(now pending before the Legislature as this bill).

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

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

1 The hearing shall be held and a record made thereof within 30 days of  
2 the receipt of the application for such hearing by the judge of the  
3 Superior Court. No formal pleading and no filing fee shall be required  
4 as a preliminary to such hearing. Appeals from the results of such  
5 hearing shall be in accordance with law.

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

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

41 The chief police officer or the superintendent shall obtain the  
42 fingerprints of the applicant and shall have them compared with any  
43 and all records of fingerprints in the municipality and county in which  
44 the applicant resides and also the records of the State Bureau of  
45 Identification and the Federal Bureau of Investigation, provided that  
46 an applicant for a handgun purchase permit who possesses a valid

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

8 f. Granting of permit or identification card; fee; term; renewal;  
9 revocation. The application for the permit to purchase a handgun  
10 together with a fee of \$2.00, or the application for the firearms  
11 purchaser identification card together with a fee of \$5.00, shall be  
12 delivered or forwarded to the licensing authority who shall investigate  
13 the same and, unless good cause for the denial thereof appears, shall  
14 grant the permit or the identification card, or both, if application has  
15 been made therefor, within 30 days from the date of receipt of the  
16 application for residents of this State and within 45 days for  
17 nonresident applicants. A permit to purchase a handgun shall be valid  
18 for a period of 90 days from the date of issuance and may be renewed  
19 by the issuing authority for good cause for an additional 90 days. A  
20 firearms purchaser identification card shall be valid until such time as  
21 the holder becomes subject to any of the disabilities set forth in  
22 subsection c. of this section, whereupon the card shall be void and  
23 shall be returned within five days by the holder to the superintendent,  
24 who shall then advise the licensing authority. Failure of the holder to  
25 return the firearms purchaser identification card to the superintendent  
26 within the said five days shall be an offense under section 2C:39-10a.  
27 Any firearms purchaser identification card may be revoked by the  
28 Superior Court of the county wherein the card was issued, after  
29 hearing upon notice, upon a finding that the holder thereof no longer  
30 qualifies for the issuance of such permit. The county prosecutor of  
31 any county, the chief police officer of any municipality or any citizen  
32 may apply to such court at any time for the revocation of such card.

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

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

41 h. Form of permit; quadruplicate; disposition of copies. The permit  
42 shall be in the form prescribed by the superintendent and shall be  
43 issued to the applicant in quadruplicate. Prior to the time he receives  
44 the handgun from the seller, the applicant shall deliver to the seller the  
45 permit in quadruplicate and the seller shall complete all of the  
46 information required on the form. Within five days of the date of the

1 sale, the seller shall forward the original copy to the superintendent  
2 and the second copy to the chief of police of the municipality in which  
3 the purchaser resides, except that in a municipality having no chief of  
4 police, such copy shall be forwarded to the superintendent. The third  
5 copy shall then be returned to the purchaser with the pistol or revolver  
6 and the fourth copy shall be kept by the seller as a permanent record.

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

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

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

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

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

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39 2. (New section) A domestic violence order registry shall be  
40 established and maintained by the Administrative Office of the Courts.  
41 The registry shall contain identifying information concerning all  
42 persons who are subject to court orders issued pursuant to section 13  
43 of P.L.1991, c.261 prohibiting them from possessing firearms. The  
44 registry shall be accessed by the appropriate officials pursuant to  
45 N.J.S.2C:58-2 in connection with every application for a firearms  
46 purchaser identification card or permit to purchase a handgun. The

1 registry shall be funded by the surcharge on firearm purchases  
2 collected pursuant to section 3 of P.L. , c. (C. )(now pending  
3 before the Legislature as this bill).

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5 3. (New section) A Domestic Violence Registry Fund is hereby  
6 created. The fund shall be a dedicated fund within the General Fund  
7 and administered by the Administrative Office of the Courts, and shall  
8 be the depository of moneys realized from the firearms surcharge  
9 imposed pursuant to section 4 of P.L. , c. (C. )(now pending  
10 before the Legislature as this bill).

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12 4. (New section) A surcharge of \$10.00 shall be imposed on every  
13 retail purchase of a firearm in this State, except where the purchaser  
14 is licensed as a dealer pursuant to chapter 58 of Title 2C of the New  
15 Jersey Statutes. The surcharge shall be collected by the seller of the  
16 firearm and forwarded to the Administrative Office of the Courts,  
17 which shall deposit the monies into the Domestic Violence Registry  
18 Fund established pursuant to section 3 of P.L. , c. (C. )(now  
19 pending before the Legislature as this bill).

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21 5. (New section) The Administrative Office of the Courts shall  
22 promulgate administrative procedures necessary to accomplish the  
23 purposes of this act.

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25 6. This act shall take effect immediately.

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#### STATEMENT

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30 This bill would establish a central registry of domestic violence  
31 orders. The registry would contain identifying information concerning  
32 all persons who are subject to domestic violence orders which bar  
33 them from purchasing a weapon. The police would access the registry  
34 when evaluating applications for firearms purchaser identification  
35 cards and permits to carry handguns. The registry would be funded by  
36 a \$10.00 surcharge imposed on firearms purchases.

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41 Establishes central registry of domestic violence orders for use in  
42 evaluating firearm permit applications.