

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 197 and 1464

STATE OF NEW JERSEY

ADOPTED MAY 13, 1996

Sponsored by Assemblywomen WEINBERG, HECK and
Assemblyman AZZOLINA

1 AN ACT concerning domestic violence, amending and supplementing
2 P.L.1991, c.261, amending N.J.S.2C:58-3 and making an
3 appropriation.

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

7
8 1. (New section) The Administrative Office of the Courts shall
9 establish and maintain a central registry of all persons who have had
10 domestic violence restraining orders entered against them, all persons
11 who have been charged with a crime or offense involving domestic
12 violence, and all persons who have been charged with a violation of a
13 court order involving domestic violence. All records made pursuant
14 to this section shall be kept confidential and shall be released only to:

15 a. A public or private agency authorized to investigate a report of
16 domestic violence;

17 b. A police or other law enforcement agency investigating a report
18 of domestic violence;

19 c. The chief of police of a local police department or force or the
20 Superintendent of State Police when reviewing an application for a
21 permit to purchase a handgun or a firearms purchaser identification
22 card in order to ascertain, for the purposes of paragraph (6) of
23 subsection c. of N.J.S.2C:58-3, whether the applicant is subject to a
24 court order issued pursuant to section 13 of P.L.1991, c.261
25 (C.2C:25-29); or

26 d. A court, upon its finding that access to such records may be
27 necessary for determination of an issue before the court.

28 Any individual, agency or court which receives from the
29 Administrative Office of Courts the records referred to in this section
30 shall keep such records and reports, or parts thereof, confidential and
31 shall not disseminate or disclose such records and reports, or parts

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

Matter underlined thus is new matter.

1 thereof; provided that nothing in this section shall prohibit a receiving
2 individual, agency or court from disclosing records and reports, or
3 parts thereof, in a manner consistent with and in furtherance of the
4 purpose for which the records and reports or parts thereof were
5 received.

6

7 2. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to read
8 as follows:

9 10. a. When a defendant charged with a crime or offense
10 involving domestic violence is released from custody before trial on
11 bail or personal recognizance, the court authorizing the release may as
12 a condition of release issue an order prohibiting the defendant from
13 having any contact with the victim including, but not limited to,
14 restraining the defendant from entering the victim's residence, place of
15 employment or business, or school, and from harassing or stalking the
16 victim or victim's relatives in any way. The court may enter an order
17 prohibiting the defendant from possessing any firearm or other weapon
18 enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search
19 for and seizure of any such weapon at any location where the judge
20 has reasonable cause to believe the weapon is located. The judge shall
21 state with specificity the reasons for and scope of the search and
22 seizure authorized by the order.

23 b. The written court order releasing the defendant shall contain
24 the court's directives specifically restricting the defendant's ability to
25 have contact with the victim or the victim's friends, co-workers or
26 relatives. The clerk of the court or other person designated by the
27 court shall provide a copy of this order to the victim forthwith.

28 c. The victim's location shall remain confidential and shall not
29 appear on any documents or records to which the defendant has
30 access.

31 d. Before bail is set, the defendant's prior record shall be
32 considered by the court. The court shall also conduct a search of the
33 domestic violence central registry. Bail shall be set as soon as is
34 feasible, but in all cases within 24 hours of arrest.

35 e. Once bail is set it shall not be reduced without prior notice to
36 the county prosecutor and the victim. Bail shall not be reduced by a
37 judge other than the judge who originally ordered bail, unless the
38 reasons for the amount of the original bail are available to the judge
39 who reduces the bail and are set forth in the record.

40 f. A victim shall not be prohibited from applying for, and a court
41 shall not be prohibited from issuing, temporary restraints pursuant to
42 this act because the victim has charged any person with commission of
43 a criminal act.

44 (cf: P.L.1994, c.94, s.3)

1 3. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to read
2 as follows:

3 12. a. A victim may file a complaint alleging the commission of
4 an act of domestic violence with the Family Part of the Chancery
5 Division of the Superior Court in conformity with the rules of court.
6 The court shall not dismiss any complaint or delay disposition of a
7 case because the victim has left the residence to avoid further incidents
8 of domestic violence. Filing a complaint pursuant to this section shall
9 not prevent the filing of a criminal complaint for the same act.

10 On weekends, holidays and other times when the court is closed,
11 a victim may file a complaint before a judge of the Family Part of the
12 Chancery Division of the Superior Court or a municipal court judge
13 who shall be assigned to accept complaints and issue emergency, ex
14 parte relief in the form of temporary restraining orders pursuant to this
15 act.

16 A plaintiff may apply for relief under this section in a court having
17 jurisdiction over the place where the alleged act of domestic violence
18 occurred, where the defendant resides, or where the plaintiff resides
19 or is sheltered, and the court shall follow the same procedures
20 applicable to other emergency applications. Criminal complaints filed
21 pursuant to this act shall be investigated and prosecuted in the
22 jurisdiction where the offense is alleged to have occurred. Contempt
23 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the
24 county where the contempt is alleged to have been committed and a
25 copy of the contempt complaint shall be forwarded to the court that
26 issued the order alleged to have been violated.

27 b. The court shall waive any requirement that the petitioner's place
28 of residence appear on the complaint.

29 c. The clerk of the court, or other person designated by the court,
30 shall assist the parties in completing any forms necessary for the filing
31 of a summons, complaint, answer or other pleading.

32 d. Summons and complaint forms shall be readily available at the
33 clerk's office, at the municipal courts and at municipal and State police
34 stations.

35 e. As soon as the domestic violence complaint is filed, both the
36 victim and the abuser shall be advised of any programs or services
37 available for advice and counseling.

38 f. A plaintiff may seek emergency, ex parte relief in the nature of
39 a temporary restraining order. A municipal court judge or a judge of
40 the Family Part of the Chancery Division of the Superior Court may
41 enter an ex parte order when necessary to protect the life, health or
42 well-being of a victim on whose behalf the relief is sought.

43 g. If it appears that the plaintiff is in danger of domestic violence,
44 the judge shall, upon consideration of the plaintiff's domestic violence
45 complaint, order emergency ex parte relief, in the nature of a

1 temporary restraining order. A decision shall be made by the judge
2 regarding the emergency relief forthwith.

3 h. A judge may issue a temporary restraining order upon sworn
4 testimony or complaint of an applicant who is not physically present,
5 pursuant to court rules, or by a person who represents a person who
6 is physically or mentally incapable of filing personally. A temporary
7 restraining order may be issued if the judge is satisfied that exigent
8 circumstances exist sufficient to excuse the failure of the applicant to
9 appear personally and that sufficient grounds for granting the
10 application have been shown.

11 i. An order for emergency, ex parte relief shall be granted upon
12 good cause shown and shall remain in effect until a judge of the Family
13 Part issues a further order. Any temporary order hereunder is
14 immediately appealable for a plenary hearing de novo not on the
15 record before any judge of the Family Part of the county in which the
16 plaintiff resides or is sheltered if that judge issued the temporary order
17 or has access to the reasons for the issuance of the temporary order
18 and sets forth in the record the reasons for the modification or
19 dissolution. The denial of a temporary restraining order by a municipal
20 court judge and subsequent administrative dismissal of the complaint
21 shall not bar the victim from refileing a complaint in the Family Part
22 based on the same incident and receiving an emergency, ex parte
23 hearing de novo not on the record before a Family Part judge, and
24 every denial of relief by a municipal court judge shall so state.

25 j. Emergency relief may include forbidding the defendant from
26 returning to the scene of the domestic violence, forbidding the
27 defendant to possess any firearm or other weapon enumerated in
28 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of
29 any such weapon at any location where the judge has reasonable cause
30 to believe the weapon is located and any other appropriate relief. The
31 judge shall state with specificity the reasons for and scope of the
32 search and seizure authorized by the order.

33 k. The judge may permit the defendant to return to the scene of
34 the domestic violence to pick up personal belongings and effects but
35 shall, in the order granting relief, restrict the time and duration of such
36 permission and provide for police supervision of such visit.

37 l. An order granting emergency relief, together with the complaint
38 or complaints, shall immediately be forwarded to the appropriate law
39 enforcement agency for service on the defendant, and to the police of
40 the municipality in which the plaintiff resides or is sheltered, and shall
41 immediately be served upon the defendant by the police, except that
42 an order issued during regular court hours may be forwarded to the
43 sheriff for immediate service upon the defendant in accordance with
44 the Rules of Court. If personal service cannot be effected upon the
45 defendant, the court may order other appropriate substituted service.

1 At no time shall the plaintiff be asked or required to serve any order
2 on the defendant.

3 m. (Deleted by amendment, P.L.1994, c.94.)

4 n. Notice of temporary restraining orders issued pursuant to this
5 section shall be sent by the clerk of the court or other person
6 designated by the court to the appropriate chiefs of police, members
7 of the State Police and any other appropriate law enforcement agency
8 or court.

9 o. (Deleted by amendment, P.L.1994, c.94.)

10 p. Any temporary or permanent restraining order issued pursuant
11 to this act shall be in effect throughout the State, and shall be enforced
12 by all law enforcement officers.

13 q. Prior to the issuance of any temporary or permanent restraining
14 order issued pursuant to this section, the court shall order that a
15 search be made of the domestic violence central registry with regard
16 to the defendant's record.

17 (cf: P.L.1994, c.94 s.4)

18

19 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read
20 as follows:

21 13. a. A hearing shall be held in the Family Part of the Chancery
22 Division of the Superior Court within 10 days of the filing of a
23 complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in
24 the county where the ex parte restraints were ordered, unless good
25 cause is shown for the hearing to be held elsewhere. A copy of the
26 complaint shall be served on the defendant in conformity with the rules
27 of court. If a criminal complaint arising out of the same incident which
28 is the subject matter of a complaint brought under P.L.1981, c.426
29 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been
30 filed, testimony given by the plaintiff or defendant in the domestic
31 violence matter shall not be used in the simultaneous or subsequent
32 criminal proceeding against the defendant, other than domestic
33 violence contempt matters and where it would otherwise be admissible
34 hearsay under the rules of evidence that govern where a party is
35 unavailable. At the hearing the standard for proving the allegations in
36 the complaint shall be by a preponderance of the evidence. The court
37 shall consider but not be limited to the following factors:

38 (1) The previous history of domestic violence between the plaintiff
39 and defendant, including threats, harassment and physical abuse;

40 (2) The existence of immediate danger to person or property;

41 (3) The financial circumstances of the plaintiff and defendant;

42 (4) The best interests of the victim and any child;

43 (5) In determining custody and visitation the protection of the
44 victim's safety; and

1 (6) The existence of a verifiable order of protection from another
2 jurisdiction.

3 An order issued under this act shall only restrain or provide
4 damages payable from a person against whom a complaint has been
5 filed under this act and only after a finding or an admission is made
6 that an act of domestic violence was committed by that person. The
7 issue of whether or not a violation of this act occurred, including an
8 act of contempt under this act, shall not be subject to mediation or
9 negotiation in any form. In addition, where a temporary or final order
10 has been issued pursuant to this act, no party shall be ordered to
11 participate in mediation on the issue of custody or visitation.

12 b. In proceedings in which complaints for restraining orders have
13 been filed, the court shall grant any relief necessary to prevent further
14 abuse. At the hearing the judge of the Family Part of the Chancery
15 Division of the Superior Court may issue an order granting any or all
16 of the following relief:

17 (1) An order restraining the defendant from subjecting the victim
18 to domestic violence, as defined in this act.

19 (2) An order granting exclusive possession to the plaintiff of the
20 residence or household regardless of whether the residence or
21 household is jointly or solely owned by the parties or jointly or solely
22 leased by the parties. This order shall not in any manner affect title or
23 interest to any real property held by either party or both jointly. If it
24 is not possible for the victim to remain in the residence, the court may
25 order the defendant to pay the victim's rent at a residence other than
26 the one previously shared by the parties if the defendant is found to
27 have a duty to support the victim and the victim requires alternative
28 housing.

29 (3) An order providing for visitation. The order shall protect the
30 safety and well-being of the plaintiff and minor children and shall
31 specify the place and frequency of visitation. Visitation arrangements
32 shall not compromise any other remedy provided by the court by
33 requiring or encouraging contact between the plaintiff and defendant.
34 Orders for visitation may include a designation of a place of visitation
35 away from the plaintiff, the participation of a third party, or supervised
36 visitation.

37 (a) The court shall consider a request by a custodial parent who
38 has been subjected to domestic violence by a person with visitation
39 rights to a child in the parent's custody for an investigation or
40 evaluation by the appropriate agency to assess the risk of harm to the
41 child prior to the entry of a visitation order. Any denial of such a
42 request must be on the record and shall only be made if the judge finds
43 the request to be arbitrary or capricious.

44 (b) The court shall consider suspension of the visitation order and
45 hold an emergency hearing upon an application made by the plaintiff

1 certifying under oath that the defendant's access to the child pursuant
2 to the visitation order has threatened the safety and well-being of the
3 child.

4 (4) An order requiring the defendant to pay to the victim monetary
5 compensation for losses suffered as a direct result of the act of
6 domestic violence. The order may require the defendant to pay the
7 victim directly, to reimburse the Violent Crimes Compensation Board
8 for any and all compensation paid by the Violent Crime Compensation
9 Board directly to or on behalf of the victim, and may require that the
10 defendant reimburse any parties that may have compensated the
11 victim, as the court may determine. Compensatory losses shall
12 include, but not be limited to, loss of earnings or other support,
13 including child or spousal support, out-of-pocket losses for injuries
14 sustained, cost of repair or replacement of real or personal property
15 damaged or destroyed or taken by the defendant, cost of counseling
16 for the victim, moving or other travel expenses, reasonable attorney's
17 fees, court costs, and compensation for pain and suffering. Where
18 appropriate, punitive damages may be awarded in addition to
19 compensatory damages.

20 (5) An order requiring the defendant to receive professional
21 domestic violence counseling from either a private source or a source
22 appointed by the court and, in that event, at the court's discretion
23 requiring the defendant to provide the court at specified intervals with
24 documentation of attendance at the professional counseling. The court
25 may order the defendant to pay for the professional counseling.

26 (6) An order restraining the defendant from entering the residence,
27 property, school, or place of employment of the victim or of other
28 family or household members of the victim and requiring the defendant
29 to stay away from any specified place that is named in the order and
30 is frequented regularly by the victim or other family or household
31 members.

32 (7) An order restraining the defendant from making contact with
33 the plaintiff or others, including an order forbidding the defendant
34 from personally or through an agent initiating any communication
35 likely to cause annoyance or alarm including, but not limited to,
36 personal, written, or telephone contact with the victim or other family
37 members, or their employers, employees, or fellow workers, or others
38 with whom communication would be likely to cause annoyance or
39 alarm to the victim.

40 (8) An order requiring that the defendant make or continue to
41 make rent or mortgage payments on the residence occupied by the
42 victim if the defendant is found to have a duty to support the victim or
43 other dependent household members; provided that this issue has not
44 been resolved or is not being litigated between the parties in another
45 action.

- 1 (9) An order granting either party temporary possession of
2 specified personal property, such as an automobile, checkbook,
3 documentation of health insurance, an identification document, a key,
4 and other personal effects.
- 5 (10) An order awarding emergency monetary relief, including
6 emergency support for minor children, to the victim and other
7 dependents, if any. An ongoing obligation of support shall be
8 determined at a later date pursuant to applicable law.
- 9 (11) An order awarding temporary custody of a minor child. The
10 court shall presume that the best interests of the child are served by an
11 award of custody to the non-abusive parent.
- 12 (12) An order requiring that a law enforcement officer accompany
13 either party to the residence or any shared business premises to
14 supervise the removal of personal belongings in order to ensure the
15 personal safety of the plaintiff when a restraining order has issued.
16 This order shall be restricted in duration.
- 17 (13) (Deleted by amendment, P.L.1995, c.242).
- 18 (14) An order granting any other appropriate relief for the plaintiff
19 and dependent children, provided that the plaintiff consents to such
20 relief, including relief requested by the plaintiff at the final hearing,
21 whether or not the plaintiff requested such relief at the time of the
22 granting of the initial emergency order.
- 23 (15) An order that requires that the defendant report to the intake
24 unit of the Family Part of the Chancery Division of the Superior Court
25 for monitoring of any other provision of the order.
- 26 (16) An order prohibiting the defendant from possessing any
27 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1
28 and ordering the search for and seizure of any such weapon at any
29 location where the judge has reasonable cause to believe the weapon
30 is located. The judge shall state with specificity the reasons for and
31 scope of the search and seizure authorized by the order.
- 32 (17) An order prohibiting the defendant from stalking or
33 following, or threatening to harm, to stalk or to follow, the
34 complainant or any other person named in the order in a manner that,
35 taken in the context of past actions of the defendant, would put the
36 complainant in reasonable fear that the defendant would cause the
37 death or injury of the complainant or any other person. Behavior
38 prohibited under this act includes, but is not limited to, behavior
39 prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).
- 40 (18) An order requiring the defendant to undergo a psychiatric
41 evaluation.
- 42 c. Notice of orders issued pursuant to this section shall be sent by
43 the clerk of the Family Part of the Chancery Division of the Superior
44 Court or other person designated by the court to the appropriate chiefs
45 of police, members of the State Police and any other appropriate law

1 enforcement agency.

2 d. Upon good cause shown, any final order may be dissolved or
3 modified upon application to the Family Part of the Chancery Division
4 of the Superior Court, but only if the judge who dissolves or modifies
5 the order is the same judge who entered the order, or has available a
6 complete record of the hearing or hearings on which the order was
7 based.

8 e. Prior to the issuance of any order pursuant to this section, the
9 court shall order that a search be made of the domestic violence
10 central registry.

11 (cf: P.L.1995, c.242, s.1)

12

13 5. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to read
14 as follows:

15 15. Where a law enforcement officer finds that there is probable
16 cause that a defendant has committed contempt of an order entered
17 pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or
18 P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be arrested
19 and taken into custody by a law enforcement officer. The law
20 enforcement officer shall follow these procedures:

21 The law enforcement officer shall transport the defendant to the
22 police station or such other place as the law enforcement officer shall
23 determine is proper. The law enforcement officer shall:

24 a. Conduct a search of the domestic violence registry;

25 b. Sign a complaint concerning the incident which gave rise to the
26 contempt charge;

27 [b.] c. Telephone or communicate in person or by facsimile with
28 the appropriate judge assigned pursuant to this act and request bail be
29 set on the contempt charge;

30 [c.] d. If the defendant is unable to meet the bail set, take the
31 necessary steps to insure that the defendant shall be incarcerated at
32 police headquarters or at the county jail; and

33 [d.] e. During regular court hours, the defendant shall have bail
34 set by a Superior Court judge that day. On weekends, holidays and
35 other times when the court is closed, the officer shall arrange to have
36 the clerk of the Family Part notified on the next working day of the
37 new complaint, the amount of bail, the defendant's whereabouts and
38 all other necessary details. In addition, if a municipal court judge set
39 the bail, the arresting officer shall notify the clerk of that municipal
40 court of this information.

41 (cf: P.L.1994, c.94, s.7)

42

43 6. Section 17 of P.L.1991, c.261 (2C:25-33) is amended to read
44 as follows:

45 17. The Administrative Office of the Courts shall, with the

1 assistance of the Attorney General and the county prosecutors,
2 maintain a uniform record of all applications for relief pursuant to
3 sections 9, 10, 11, 12, and 13 of P.L.1991, c.261 (C.2C:25-25,
4 C.2C:25-26, C.2C:25-27, C.2C:25-28, and C.2C:25-29). The record
5 shall include the following information:

- 6 a. The number of criminal and civil complaints filed in all
7 municipal courts and the Superior Court;
- 8 b. The sex of the parties;
- 9 c. The relationship of the parties;
- 10 d. The relief sought or the offense charged, or both;
- 11 e. The nature of the relief granted or penalty imposed, or both,
12 including, but not limited to, custody and child support;
- 13 f. The effective date of each order issued; and
- 14 g. In the case of a civil action in which no permanent restraints are
15 entered, or in the case of a criminal matter that does not proceed to
16 trial, the reason or reasons for the disposition.

17 It shall be the duty of the Director of the Administrative Office of
18 the Courts to compile and report annually to the Governor, the
19 Legislature and the Advisory Council on Domestic Violence on the
20 data tabulated from the records of these orders.

21 All records maintained pursuant to this act shall be confidential and
22 shall not be made available to any individual or institution except as
23 otherwise provided by law.

24 (cf: P.L.1994, c.94, s.8)

25

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

27 2C:58-3. Purchase of Firearms.

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

33 b. Firearms purchaser identification card. No person shall sell,
34 give, transfer, assign or otherwise dispose of nor receive, purchase or
35 otherwise acquire an antique cannon or a rifle or shotgun, other than
36 an antique rifle or shotgun, unless the purchaser, assignee, donee,
37 receiver or holder is licensed as a dealer under this chapter or
38 possesses a valid firearms purchaser identification card, and first
39 exhibits said card to the seller, donor, transferor or assignor, and
40 unless the purchaser, assignee, donee, receiver or holder signs a
41 written certification, on a form prescribed by the superintendent,
42 which shall indicate that he presently complies with the requirements
43 of subsection c. of this section and shall contain his name, address and
44 firearms purchaser identification card number or dealer's registration
45 number. The said certification shall be retained by the seller, as

1 provided in section 2C:58-2a., or, in the case of a person who is not
2 a dealer, it may be filed with the chief of police of the municipality in
3 which he resides or with the superintendent.

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

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

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

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

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

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

30 (6) To any person who is subject to a court order issued pursuant
31 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person
32 from possessing any firearm. To ascertain whether the applicant is
33 subject to such an order, the chief of police of an organized full-time
34 police department of the municipality where the applicant resides or
35 the superintendent, in all other cases, shall conduct a search of the
36 domestic violence central registry established pursuant to section 1 of
37 P.L. , c. (C.)(now pending before the Legislature as this bill).

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

44 Any person aggrieved by the denial of a permit or identification
45 card may request a hearing in the Superior Court of the county in

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

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

45 Application blanks shall be obtainable from the superintendent,

1 from any other officer authorized to grant such permit or identification
2 card, and from licensed retail dealers.

3 The chief police officer or the superintendent shall obtain the
4 fingerprints of the applicant and shall have them compared with any
5 and all records of fingerprints in the municipality and county in which
6 the applicant resides and also the records of the State Bureau of
7 Identification and the Federal Bureau of Investigation, provided that
8 an applicant for a handgun purchase permit who possesses a valid
9 firearms purchaser identification card, or who has previously obtained
10 a handgun purchase permit from the same licensing authority for which
11 he was previously fingerprinted, and who provides other reasonably
12 satisfactory proof of his identity, need not be fingerprinted again;
13 however, the chief police officer or the superintendent shall proceed
14 to investigate the application to determine whether or not the applicant
15 has become subject to any of the disabilities set forth in this chapter.

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

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

45 g. Disposition of fees. All fees for permits shall be paid to the

1 State Treasury if the permit is issued by the superintendent, to the
2 municipality if issued by the chief of police, and to the county treasurer
3 if issued by the judge of the Superior Court.

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

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

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

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

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

1 person under the age of 18 years such a visual distress signalling
2 device.

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

4

5 8. (New section) There is appropriated from the General Fund to
6 the Administrative Office of the Courts the sum of \$2,100,000 to
7 effectuate the purposes of this act.

8

9 9. (New section) The Supreme Court of New Jersey may adopt
10 Rules of Court appropriate or necessary to effectuate the purposes of
11 this act.

12

13 10. This act shall take effect immediately.

14

15

16

17 Establishes a domestic violence central registry; appropriates
18 \$2,100,000.