

ASSEMBLY, No. 198

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 and amending P.L.1991, c.261 and  
2 N.J.S.2C:58-3.

3

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

6

7 1. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to read  
8 as follows:

9 5. a. When a person claims to be a victim of domestic violence,  
10 and where a law enforcement officer responding to the incident finds  
11 probable cause to believe that domestic violence has occurred, the law  
12 enforcement officer shall arrest the person who is alleged to be the  
13 person who subjected the victim to domestic violence and shall sign a  
14 criminal complaint if:

15 (1) The victim exhibits signs of injury caused by an act of domestic  
16 violence;

17 (2) A warrant is in effect;

18 (3) There is probable cause to believe that the person has violated  
19 N.J.S.2C:29-9, and there is probable cause to believe that the person  
20 has been served with the order alleged to have been violated. If the  
21 victim does not have a copy of a purported order, the officer may  
22 verify the existence of an order with the appropriate law enforcement  
23 agency; or

24 (4) There is probable cause to believe that a weapon as defined in  
25 N.J.S.2C:39-1 has been involved in the commission of an act of  
26 domestic violence.

27 b. A law enforcement officer may arrest a person; or may sign a  
28 criminal complaint against that person, or may do both, where there is  
29 probable cause to believe that an act of domestic violence has been  
30 committed, but where none of the conditions in subsection a. of this  
31 section applies.

32 c. (1) As used in this section, the word "exhibits" is to be liberally

**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 construed to mean any indication that a victim has suffered bodily  
2 injury, which shall include physical pain or any impairment of physical  
3 condition. Where the victim exhibits no visible sign of injury, but  
4 states that an injury has occurred, the officer should consider other  
5 relevant factors in determining whether there is probable cause to  
6 make an arrest.

7 (2) In determining which party in a domestic violence incident is  
8 the victim where both parties exhibit signs of injury, the officer should  
9 consider the comparative extent of the injuries, the history of domestic  
10 violence between the parties, if any, and any other relevant factors.

11 (3) No victim shall be denied relief or arrested or charged under  
12 this act with an offense because the victim used reasonable force in self  
13 defense against domestic violence by an attacker.

14 d. (1) In addition to a law enforcement officer's authority to seize  
15 any weapon that is contraband, evidence or an instrumentality of  
16 crime, a law enforcement officer who has probable cause to believe  
17 that an act of domestic violence has been committed ~~[may]~~ shall:

18 (a) question persons present to determine whether there are  
19 weapons on the premises; and

20 (b) upon observing or learning that a weapon is present on the  
21 premises, seize any weapon that the officer reasonably believes would  
22 expose the victim to a risk of serious bodily injury.

23 (2) A law enforcement officer shall deliver all weapons seized  
24 pursuant to this section to the county prosecutor and shall append an  
25 inventory of all seized weapons to the domestic violence report.

26 (3) ~~[Weapons]~~ No weapons seized in accordance with the above  
27 shall be returned to the owner except upon order of the Superior  
28 Court. The owner may, upon notice to the prosecutor who has  
29 possession of the seized weapons [may, upon notice to the owner],  
30 petition a judge of the Family Part of the Superior Court, Chancery  
31 Division to order the return of the weapons. The prosecutor, upon  
32 notice to the owner, may apply to the court[, within 45 days of  
33 seizure,] to obtain title to the seized weapons, or to revoke any and all  
34 permits, licenses and other authorizations for the use, possession, or  
35 ownership of such weapons pursuant to the law governing such use,  
36 possession, or ownership, or may object to the return of the weapons  
37 on such grounds as are provided for the initial rejection or later  
38 revocation of the authorizations, or on the grounds that the owner is  
39 unfit or that the owner poses a threat to the public in general or a  
40 person or persons in particular.

41 A hearing shall be held and a record made thereof within ~~[15]~~ 45  
42 days of the notice provided above. No formal pleading and no filing  
43 fee shall be required as a preliminary to such hearing. The hearing  
44 shall be summary in nature. Appeals from the results of the hearing  
45 shall be to the Superior Court, Appellate Division, in accordance with  
46 the law.

1        [If the prosecutor does not institute an action within 45 days of  
2 seizure, the seized weapons shall be returned to the owner.]

3        After the hearing the court shall order the return of the firearms,  
4 weapons and any authorization papers relating to the seized weapons  
5 to the owner if the complaint has been dismissed at the request of the  
6 complainant and the prosecutor determines that there is insufficient  
7 probable cause to indict; or if the defendant is found not guilty of the  
8 charges; or if the court determines that the domestic violence situation  
9 no longer exists.

10       Nothing in this act shall impair the right of the State to retain  
11 evidence pending a criminal prosecution. Nor shall any provision of  
12 this act be construed to limit the authority of the State or a law  
13 enforcement officer to seize, retain or forfeit property pursuant to  
14 chapter 64 of Title 2C of the New Jersey Statutes.

15       If, after the hearing, the court determines that the weapons are not  
16 to be returned to the owner, the court may:

17       (a) With respect to weapons other than firearms, order the  
18 prosecutor to dispose of the weapons if the owner does not arrange  
19 for the transfer or sale of the weapons to an appropriate person within  
20 60 days; or

21       (b) Order the revocation of the owner's firearms purchaser  
22 identification card or any permit, license or authorization, in which  
23 case the court shall order the owner to surrender any firearm seized  
24 and all other firearms possessed to the prosecutor and shall order the  
25 prosecutor to dispose of the firearms if the owner does not arrange for  
26 the sale of the firearms to a registered dealer of the firearms within 60  
27 days; or

28       (c) Order such other relief as it may deem appropriate. When the  
29 court orders the weapons forfeited to the State or the prosecutor is  
30 required to dispose of the weapons, the prosecutor shall dispose of the  
31 property as provided in N.J.S.2C:64-6.

32       [(4) A civil suit may be brought to enjoin a wrongful failure to  
33 return a seized firearm where the prosecutor refuses to return the  
34 weapon after receiving a written request to do so and notice of the  
35 owner's intent to bring a civil action pursuant to this section. Failure  
36 of the prosecutor to comply with the provisions of this act shall entitle  
37 the prevailing party in the civil suit to reasonable costs, including  
38 attorney's fees, provided that the court finds that the prosecutor failed  
39 to act in good faith in retaining the seized weapon.] (Deleted by  
40 amendment, P.L. . . . c. . . .)(now pending before the Legislature as this  
41 bill)

42       [(5) No law enforcement officer or agency shall be held liable in  
43 any civil action brought by any person for failing to learn of, locate or  
44 seize a weapon pursuant to this act, or for returning a seized weapon  
45 to its owner.](Deleted by amendment, P.L. . . . c. . . .)(now pending

1 before the Legislature as this bill)

2 (cf: P.L.1991, c.261, s.5)

3

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

6 13. a. A hearing shall be held in the Family Part of the Chancery  
7 Division of the Superior Court within 10 days of the filing of a  
8 complaint pursuant to section 12 of this act. A copy of the complaint  
9 shall be served on the defendant in conformity with the rules of court.  
10 If a criminal complaint arising out of the same incident which is the  
11 subject matter of a complaint brought under P.L.1981, c.426  
12 (C.2C:25-1 et seq.) or P.L.1991, c.261 has been filed, testimony given  
13 by the plaintiff or defendant in the domestic violence matter shall not  
14 be used in the simultaneous or subsequent criminal proceeding against  
15 the defendant, other than domestic violence contempt matters and  
16 where it would otherwise be admissible hearsay under the rules of  
17 evidence that govern where a party is unavailable. At the hearing the  
18 standard for proving the allegations in the complaint shall be by a  
19 preponderance of the evidence. The court shall consider but not be  
20 limited to the following factors:

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

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

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

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

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

28 (6) The existence of a verifiable order of protection from another  
29 jurisdiction.

30 b. In proceedings in which complaints for restraining orders have  
31 been filed, the court shall grant any relief necessary to prevent further  
32 abuse. In addition to any other provisions, any restraining order  
33 issued by the court shall bar the defendant from receiving a firearms  
34 purchaser identification card or a permit to purchase a handgun  
35 pursuant to N.J.S.2C:58-3 for a period of at least two years. At the  
36 hearing the judge of the Family Part of the Chancery Division of the  
37 Superior Court may issue an order granting any or all of the following  
38 relief:

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

41 (2) An order granting exclusive possession to the plaintiff of the  
42 residence or household regardless of whether the residence or  
43 household is jointly or solely owned by the parties or jointly or solely  
44 leased by the parties. This order shall not in any manner affect title or  
45 interest to any real property held by either party or both jointly. If it

1 is not possible for the victim to remain in the residence, the court may  
2 order the defendant to pay the victim's rent at a residence other than  
3 the one previously shared by the parties if the defendant is found to  
4 have a duty to support the victim and the victim requires alternative  
5 housing.

6 (3) An order providing for visitation. The order shall protect the  
7 safety and well-being of the plaintiff and minor children and shall  
8 specify the place and frequency of visitation. Visitation arrangements  
9 shall not compromise any other remedy provided by the court by  
10 requiring or encouraging contact between the plaintiff and defendant.  
11 Orders for visitation may include a designation of a place of visitation  
12 away from the plaintiff, the participation of a third party, or supervised  
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18 requiring or encouraging contact between the plaintiff and defendant.  
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20 away from the plaintiff, the participation of a third party, or supervised  
21 visitation.

22 (a) The court shall consider a request by the plaintiff for an  
23 investigation or evaluation by the appropriate agency to assess the risk  
24 of harm to the child prior to the entry of a visitation order. Any denial  
25 of such a request must be on the record and shall only be made if the  
26 judge finds the request to be arbitrary or capricious.

27 (b) The court shall consider suspension of the visitation order and  
28 hold an emergent hearing upon an application made by the plaintiff  
29 certifying under oath that the defendant's access to the child pursuant  
30 to the visitation order has threatened the safety and well-being of the  
31 child.

32 (4) An order requiring the defendant to pay to the victim monetary  
33 compensation for losses suffered as a direct result of the act of  
34 domestic violence. The order may require the defendant to pay the  
35 victim directly, to reimburse the Violent Crimes Compensation Board  
36 for any and all compensation paid by the Violent Crimes Compensation  
37 Board directly to or on behalf of the victim, and may require that the  
38 defendant reimburse any parties that may have compensated the  
39 victim, as the court may determine. Compensatory losses shall include,  
40 but not be limited to, loss of earnings or other support, out-of-pocket  
41 losses for injuries sustained, cost of repair or replacement of real or  
42 personal property damaged or destroyed or taken, cost of counseling  
43 for the victim, moving or other travel expenses, reasonable attorney's  
44 fees, court costs, and compensation for pain and suffering. Where  
45 appropriate, punitive damages may be awarded in addition to  
46 compensatory damages.

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

7 (6) An order restraining the defendant from entering the residence,  
8 property, school, or place of employment of the victim or of other  
9 family or household members of the victim and requiring the defendant  
10 to stay away from any specified place that is named in the order and  
11 is frequented regularly by the victim or other family or household  
12 members.

13 (7) An order restraining the defendant from making any  
14 communication likely to cause annoyance or alarm including, but not  
15 limited to, personal, written, or telephone contact with the victim or  
16 other family members, or their employers, employees, or fellow  
17 workers, or others with whom communication would be likely to cause  
18 annoyance or alarm to the victim.

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

25 (9) An order granting either party temporary possession of  
26 specified personal property, such as an automobile, checkbook,  
27 documentation of health insurance, an identification document, a key,  
28 and other personal effects.

29 (10) An order awarding emergent monetary relief to the victim and  
30 other dependents, if any. An ongoing obligation of support shall be  
31 determined at a later date pursuant to applicable law.

32 (11) An order awarding temporary custody of a minor child. The  
33 court shall presume that the best interests of the child are served by an  
34 award of custody to the non-abusive parent.

35 (12) An order requiring that a law enforcement officer accompany  
36 either party to the residence to supervise the removal of personal  
37 belongings in order to ensure the personal safety of the plaintiff when  
38 a restraining order has been issued. This order shall be restricted in  
39 duration.

40 (13) An order which permits the victim and the defendant to  
41 occupy the same premises but limits the defendant's use of that  
42 premises, but only if it is documented by the judge granting the order  
43 that:

44 (a) The plaintiff specifically and voluntarily requests such an order;  
45 and

46 (b) The judge determines that the request is made voluntarily and

1 with the plaintiff's knowledge that the order may not provide the same  
2 protection as an order excluding the defendant from the premises and  
3 with the plaintiff's knowledge that the order may be difficult to  
4 enforce; and

5 (c) Any conditions placed upon the defendant in connection with  
6 the continued access to the premises and any penalties for  
7 noncompliance with those conditions shall be explicitly set out in the  
8 order and shall be in addition to any other remedies for noncompliance  
9 available to the victim.

10 (14) An order granting any other appropriate relief for the plaintiff  
11 and dependent children, provided that the plaintiff consents to such  
12 relief, including relief requested by the plaintiff at the final hearing,  
13 whether or not the plaintiff requested such relief at the time of the  
14 granting of the initial emergency order.

15 (15) An order that requires that the defendant report to the intake  
16 unit of the Family Part of the Chancery Division of the Superior Court  
17 for monitoring of any other provision of the order.

18 (16) An order prohibiting the defendant from possessing any  
19 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1.

20 c. Notice of orders issued pursuant to this section shall be sent by  
21 the clerk of the Family Part of the Chancery Division of the Superior  
22 Court or other person designated by the court to the appropriate chiefs  
23 of police, members of the State Police and any other appropriate law  
24 enforcement agency.

25 d. Upon good cause shown, any final order may be dissolved or  
26 modified upon application to the Family Part of the Chancery Division  
27 of the Superior Court, but only if the judge who dissolves or modifies  
28 the order has available a complete record of the hearing or hearings on  
29 which the order was based.

30 (cf: P.L.1991, c.261, s.13)

31

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

33 2C:58-3. Purchase of Firearms.

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

39 b. Firearms purchaser identification card. No person shall sell,  
40 give, transfer, assign or otherwise dispose of nor receive, purchase or  
41 otherwise acquire an antique cannon or a rifle or shotgun, other than  
42 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
43 receiver or holder is licensed as a dealer under this chapter or  
44 possesses a valid firearms purchaser identification card, and first  
45 exhibits said card to the seller, donor, transferor or assignor, and  
46 unless the purchaser, assignee, donee, receiver or holder signs a

1 written certification, on a form prescribed by the superintendent,  
2 which shall indicate that he presently complies with the requirements  
3 of subsection c. of this section and shall contain his name, address and  
4 firearms purchaser identification card number or dealer's registration  
5 number. The said certification shall be retained by the seller, as  
6 provided in section 2C:58-2a., or, in the case of a person who is not  
7 a dealer, it may be filed with the chief of police of the municipality in  
8 which he resides or with the superintendent.

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

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

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

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

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

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

35 (6) To any person who [is] has been the subject [to] of a [court]  
36 restraining order issued pursuant to section 13 of P.L.1991, c.261  
37 (C.2C:25-29) [prohibiting the person from possessing any firearm].  
38 A person who has been the subject of a restraining order issued  
39 pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) shall be  
40 barred from receiving a handgun purchase permit or firearms purchaser  
41 identification card for a period of at least two years, as ordered by the  
42 court that issued the restraining order. At the conclusion of that  
43 period, the defendant may request a hearing in the Superior Court,  
44 conducted pursuant to the provisions of this section, to determine  
45 whether the bar shall be lifted or continued for another two-year  
46 period. If the bar is continued, the defendant may request a hearing at

1 subsequent two-year intervals.

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

8 Any person aggrieved by the denial of a permit or identification  
9 card may request a hearing in the Superior Court of the county in  
10 which he resides if he is a resident of New Jersey or in the Superior  
11 Court of the county in which his application was filed if he is a  
12 nonresident. The request for a hearing shall be made in writing within  
13 30 days of the denial of the application for a permit or identification  
14 card. The applicant shall serve a copy of his request for a hearing  
15 upon the chief of police of the municipality in which he resides, if he  
16 is a resident of New Jersey, and upon the superintendent in all cases.  
17 The hearing shall be held and a record made thereof within 30 days of  
18 the receipt of the application for such hearing by the judge of the  
19 Superior Court. No formal pleading and no filing fee shall be required  
20 as a preliminary to such hearing. Appeals from the results of such  
21 hearing shall be in accordance with law.

22 e. Applications. Applications for permits to purchase a handgun  
23 and for firearms purchaser identification cards shall be in the form  
24 prescribed by the superintendent and shall set forth the name,  
25 residence, place of business, age, date of birth, occupation, sex and  
26 physical description, including distinguishing physical characteristics,  
27 if any, of the applicant, and shall state whether the applicant is a  
28 citizen, whether he is an alcoholic, habitual drunkard, drug dependent  
29 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
30 he has ever been confined or committed to a mental institution or  
31 hospital for treatment or observation of a mental or psychiatric  
32 condition on a temporary, interim or permanent basis, giving the name  
33 and location of the institution or hospital and the dates of such  
34 confinement or commitment, whether he has been attended, treated or  
35 observed by any doctor or psychiatrist or at any hospital or mental  
36 institution on an inpatient or outpatient basis for any mental or  
37 psychiatric condition, giving the name and location of the doctor,  
38 psychiatrist, hospital or institution and the dates of such occurrence,  
39 whether he presently or ever has been a member of any organization  
40 which advocates or approves the commission of acts of force and  
41 violence to overthrow the Government of the United States or of this  
42 State, or which seeks to deny others their rights under the Constitution  
43 of either the United States or the State of New Jersey, whether he has  
44 ever been convicted of a crime or disorderly persons offense, whether  
45 the person [is] has been subject to a court order issued pursuant to  
46 section 13 of P.L.1991, c.261 (C.2C:25-29) [prohibiting the person

1 from possessing any firearm], and such other information as the  
2 superintendent shall deem necessary for the proper enforcement of this  
3 chapter. For the purpose of complying with this subsection, the  
4 applicant shall waive any statutory or other right of confidentiality  
5 relating to institutional confinement. The application shall be signed  
6 by the applicant and shall contain as references the names and  
7 addresses of two reputable citizens personally acquainted with him.

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

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

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

1 any county, the chief police officer of any municipality or any citizen  
2 may apply to such court at any time for the revocation of such card.

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

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

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

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

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

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

46 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the

1 sale or purchase of a visual distress signalling device approved by the  
2 United States Coast Guard, solely for possession on a private or  
3 commercial aircraft or any boat; provided, however, that no person  
4 under the age of 18 years shall purchase nor shall any person sell to a  
5 person under the age of 18 years such a visual distress signalling  
6 device.

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

8

9 4. This act shall take effect immediately.

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### STATEMENT

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14 This bill would prohibit a person who is or has been the subject of  
15 a restraining order issued pursuant to the "Prevention of Domestic  
16 Violence Act of 1991" (N.J.S.A.2C:25-17 et seq.) from purchasing a  
17 firearm for a period of at least two years. In order to be able to  
18 purchase a firearm after that period, the person would have to undergo  
19 a court hearing.

20 In addition, the bill provides that police who respond to calls  
21 alleging domestic violence and find probable cause to believe that an  
22 act of domestic violence occurred must question the persons present  
23 to determine whether there are weapons on the premises and, if so,  
24 must seize the weapons. Currently, the police are permitted to seize  
25 weapons at the scene of domestic violence incidents, but are not  
26 required to do so.

27 The bill also provides that no weapons seized under these  
28 circumstances may be returned to the owner except upon order of the  
29 court.

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34 Restricts purchase of firearms by anyone who has been the subject of  
35 a domestic violence restraining order; requires police to seize weapons  
36 at the scene of domestic violence incidents.