

ASSEMBLY, No. 63

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen KAVANAUGH and BATEMAN

1 AN ACT concerning the fees for permits to purchase handguns and
2 firearms purchaser identification cards and amending
3 N.J.S.2C:58-3.

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

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

9 2C:58-3. Purchase of Firearms

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

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

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

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 the disabilities set forth in this section or other sections of this chapter,
2 shall be denied a permit to purchase a handgun or a firearms purchaser
3 identification card, except as hereinafter set forth. No handgun
4 purchase permit or firearms purchaser identification card shall be
5 issued:

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

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

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

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

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

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

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

34 Any person aggrieved by the denial of a permit or identification
35 card may request a hearing in the Superior Court of the county in
36 which he resides if he is a resident of New Jersey or in the Superior
37 Court of the county in which his application was filed if he is a
38 nonresident. The request for a hearing shall be made in writing within
39 30 days of the denial of the application for a permit or identification
40 card. The applicant shall serve a copy of his request for a hearing
41 upon the chief of police of the municipality in which he resides, if he
42 is a resident of New Jersey, and upon the superintendent in all cases.
43 The hearing shall be held and a record made thereof within 30 days of
44 the receipt of the application for such hearing by the judge of the
45 Superior Court. No formal pleading and no filing fee shall be required
46 as a preliminary to such hearing. Appeals from the results of such

1 hearing shall be in accordance with law.

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

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

37 The chief police officer or the superintendent shall obtain the
38 fingerprints of the applicant and shall have them compared with any
39 and all records of fingerprints in the municipality and county in which
40 the applicant resides and also the records of the State Bureau of
41 Identification and the Federal Bureau of Investigation, provided that
42 an applicant for a handgun purchase permit who possesses a valid
43 firearms purchaser identification card, or who has previously obtained
44 a handgun purchase permit from the same licensing authority for which
45 he was previously fingerprinted, and who provides other reasonably
46 satisfactory proof of his identity, need not be fingerprinted again;

1 however, the chief police officer or the superintendent shall proceed
2 to investigate the application to determine whether or not the applicant
3 has become subject to any of the disabilities set forth in this chapter.
4 f. Granting of permit or identification card; fee; term; renewal;
5 revocation. The application for the permit to purchase a handgun
6 together with a fee of \$2.00 and an additional fee of \$15.00, or the
7 application for the firearms purchaser identification card together with
8 a fee of \$5.00 and an additional fee of \$15.00, shall be delivered or
9 forwarded to the licensing authority who shall investigate the same
10 and, unless good cause for the denial thereof appears, shall grant the
11 permit or the identification card, or both, if application has been made
12 therefor, within 30 days from the date of receipt of the application for
13 residents of this State and within 45 days for nonresident applicants.
14 The additional fee of \$15.00 is for the purpose of defraying costs
15 incurred with determining whether or not the applicant has ever been
16 confined or committed to a mental institution or hospital for treatment
17 or observation and whether he has been attended, treated or observed
18 by any doctor or psychiatrist or at any hospital or mental institution on
19 an inpatient or outpatient basis. This \$15.00 fee for the mental health
20 record search shall be paid directly by the licensing authority to the
21 county treasurer of the county in which the request for a mental health
22 record search is made. A permit to purchase a handgun shall be valid
23 for a period of 90 days from the date of issuance and may be renewed
24 by the issuing authority for good cause for an additional 90 days. The
25 additional \$15.00 fee shall not be required upon renewal of a permit
26 to purchase a handgun during the 90 day period. The additional
27 \$15.00 fee shall be paid once if one person makes multiple applications
28 for permits to purchase handguns at the same time although the \$2.00
29 fee shall be required for each separate application for a permit to
30 purchase a handgun. A firearms purchaser identification card shall be
31 valid until such time as the holder becomes subject to any of the
32 disabilities set forth in subsection c. of this section, whereupon the
33 card shall be void and shall be returned within five days by the holder
34 to the superintendent, who shall then advise the licensing authority.
35 Failure of the holder to return the firearms purchaser identification
36 card to the superintendent within the said five days shall be an offense
37 under section 2C:39-10a. Any firearms purchaser identification card
38 may be revoked by the Superior Court of the county wherein the card
39 was issued, after hearing upon notice, upon a finding that the holder
40 thereof no longer qualifies for the issuance of such permit. The county
41 prosecutor of any county, the chief police officer of any municipality
42 or any citizen may apply to such court at any time for the revocation
43 of such card.
44 There shall be no conditions or requirements added to the form or
45 content of the application, or required by the licensing authority for
46 the issuance of a permit or identification card, other than those that are

1 specifically set forth in this chapter.

2 g. Disposition of fees. All fees for permits shall be paid to the
3 State Treasury if the permit is issued by the superintendent, to the
4 municipality if issued by the chief of police, and to the county treasurer
5 if issued by the judge of the Superior Court.

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

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

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

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

41 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the
42 sale or purchase of a visual distress signalling device approved by the
43 United States Coast Guard, solely for possession on a private or
44 commercial aircraft or any boat; provided, however, that no person
45 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)

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill increases by \$15.00 the fee to an applicant for a handgun
11 purchase permit or a valid firearms purchaser identification card to
12 offset costs incurred in conducting certain background checks.
13 Currently, an application for the permit to purchase a handgun requires
14 a \$2.00 fee and the application for a firearms purchaser identification
15 card requires a \$5.00 fee, to be delivered or forwarded to the licensing
16 authority who investigates the same. This bill provides an increase of
17 \$15.00 for the costs of processing a background check to determine
18 if the applicant is under any of the disabilities set forth by
19 N.J.S.A.2C:58-3. This bill increases the handgun permit fee to \$17.00
20 and the firearms purchaser identification card fee to \$20.00.

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25 Establishes \$15.00 fee increase for certain background checks for
26 handgun purchase permit or firearms purchaser identification card.