

ASSEMBLY, No. 2800

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblyman GREENWALD

1 AN ACT concerning firearms purchaser identifications cards and
2 handgun purchase permits and supplementing chapter 58 of Title
3 2C of the New Jersey Statutes.

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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. The Legislature finds and declares that it is within the public
9 interest, and a valid public purpose, to provide for the development of
10 a comprehensive, but strictly confidential, information base designed
11 exclusively to assist the Superintendent of State Police in determining
12 whether or not an applicant for a firearms purchaser identification card
13 or a handgun purchase permit is subject to the statutory disability set
14 forth in subsection c. of N.J.S.2C:58-3 concerning confinement in a
15 hospital, mental institution or sanitarium for a mental disorder.

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17 2. a. The chief operating officer of each hospital, mental institution
18 and sanitarium shall file with the Superintendent of State Police a list
19 of the persons confined within their particular facility for a mental
20 disorder which would disqualify that person under the provisions of
21 subsection c. of N.J.S.2C:58-3 from being issued, or holding, a
22 firearms purchaser identification card or a handgun purchase permit.

23 The report required under this subsection shall be filed in a manner
24 and form, and at such time intervals, as the superintendent shall
25 prescribe.

26 The information in the reports submitted pursuant to this subsection
27 shall be used exclusively by the superintendent for the purposes of
28 determining whether an applicant for a firearms purchaser
29 identification card or a handgun purchase permit is subject to the
30 disability set forth in subsection c. of N.J.S.2C:58-3 concerning
31 confinement in a hospital, mental institution or sanitarium for a mental
32 disorder.

33 The information contained in any report submitted pursuant to the
34 provisions of this subsection shall be confidential and shall not be
35 disclosed to any person who is not authorized by the superintendent
36 to receive or review that information.

37 b. An applicant who is denied a firearms purchaser identification

1 card or a handgun purchase permit as a result of information made
2 available to the superintendent pursuant to subsection a. of this section
3 shall be notified in writing that his application shall be reconsidered if,
4 in accordance with the provisions of paragraph (3) of subsection c. of
5 N.J.S.2C:58-3, the applicant submits a certificate from a psychiatrist
6 licensed in New Jersey, or such other satisfactory proof as the
7 superintendent may require, that the applicant is no longer suffering
8 from that particular disability in such a manner that would interfere
9 with or handicap him in the handling of firearms.

10 c. Any officer or employee of any hospital, mental institution or
11 sanitarium who submits, in good faith, a report to the superintendent
12 in accordance with the provisions of subsection a. of this section shall
13 have immunity from liability, civil or criminal, that might otherwise be
14 incurred or imposed. The immunity afforded under this subsection
15 shall extend so as to include testimony given in any judicial proceeding
16 resulting from any such report.

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18 3. This act shall take effect on the first day of the fourth month
19 following enactment.

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22 STATEMENT

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24 Under current law (subsection c. of N.J.S.2C:58-3), individuals
25 who are, or have been, confined to a hospital, mental institution or
26 sanitarium for a mental disorder may not be issued a firearms
27 purchaser identification card or a handgun purchase permit.

28 There is, however, no statewide data base available to assist the law
29 enforcement community in carrying out this statutory responsibility.

30 Under the provisions of the bill, the chief operating officers of
31 hospitals, mental institutions and sanitariums would be required to
32 submit periodically to the Superintendent of State Police a report on
33 the people confined in their facilities for a mental disorder which
34 would disqualify them from obtaining a firearms purchaser
35 identification card or a handgun purchase permit.

36 As specified in the bill, the information in these reports is strictly
37 confidential and is to be utilized by the superintendent exclusively for
38 the purposes of determining whether a card or permit can be issued to
39 an applicant. To protect the officers and employees of these hospitals,
40 mental institutions and sanitariums, the bill affords them civil and
41 criminal immunity provided the reports and the information in them are
42 prepared and submitted in good faith.

43 Finally, recognizing that confinement for a mental disorder is not
44 necessarily a permanent disqualification, the bill specifies that the
45 superintendent must inform any person denied a card or permit based
46 on a report filed pursuant to this bill that his application will be

1 reconsidered if, in accordance with the provisions of paragraph (3) of
2 subsection c. of N.J.S.2C:58-3, the applicant submits a certificate from
3 a psychiatrist licensed in New Jersey, or other satisfactory proof as the
4 superintendent may require, that the applicant is no longer suffering
5 from that particular disability in such a manner that it would interfere
6 with or handicap him in the handling of firearms.

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10 Establishes confidential data base to assist State Police in issuance of
11 firearms purchaser identification cards and handgun purchase permits.