

SENATE, No. 351

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators CODEY and ADLER

1 AN ACT concerning handguns, amending various parts of the statutory  
2 law, and supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) The provisions of P.L. , c. (C. )(now  
8 before the Legislature as this bill) shall be liberally construed to  
9 advance the following goals:

10 a. Strictly limiting the availability of handguns by establishing  
11 prohibitions on their sale, possession, and importation;

12 b. Encouraging a reduction in the number of lawfully possessed  
13 handguns; and

14 c. Establishing a rigorous system of regulation over the  
15 transportation and transfer of handguns in New Jersey.

16  
17 2. N.J.S.2C:39-5 is amended to read as follows:

18 2C:39-5. Unlawful Possession of Weapons. a. Machine guns.  
19 Any person who knowingly has in his possession a machine gun or any  
20 instrument or device adaptable for use as a machine gun, without being  
21 licensed to do so as provided in N.J.S.2C:58-5, is guilty of a crime of  
22 the third degree.

23 b. Handguns. (1) Any person who knowingly has in his possession  
24 any handgun[, including any antique handgun without first having  
25 obtained a permit to carry the same as provided in N.J.S.2C:58-4] or  
26 who knowingly brings into this State any handgun, except for antique  
27 handguns determined by the superintendent to be collectibles,  
28 commemoratives or curios, is guilty of a crime of the third degree and  
29 shall be sentenced to a minimum term of imprisonment of five years  
30 during which the defendant shall be ineligible for parole.

31 (2) Any person who knowingly carries any handgun, including any  
32 antique handgun, is guilty of a crime of the third degree.

**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 c. Rifles and shotguns. (1) Any person who knowingly has in his  
2 possession any rifle or shotgun without having first obtained a firearms  
3 purchaser identification card in accordance with the provisions of  
4 N.J.S.2C:58-3, is guilty of a crime of the third degree.

5 (2) Unless otherwise permitted by law, any person who knowingly  
6 has in his possession any loaded rifle or shotgun is guilty of a crime of  
7 the third degree.

8 d. Other weapons. Any person who knowingly has in his  
9 possession any other weapon under circumstances not manifestly  
10 appropriate for such lawful uses as it may have is guilty of a crime of  
11 the fourth degree.

12 e. Firearms or other weapons in educational institutions.

13 (1) Any person who knowingly has in his possession any firearm in  
14 or upon any part of the buildings or grounds of any school, college,  
15 university or other educational institution, without the written  
16 authorization of the governing officer of the institution, is guilty of a  
17 crime of the third degree, irrespective of whether he possesses a valid  
18 permit to carry the firearm or a valid firearms purchaser identification  
19 card.

20 (2) Any person who knowingly possesses any weapon enumerated  
21 in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-1 or any  
22 components which can readily be assembled into a firearm or other  
23 weapon enumerated in subsection r. of N.J.S.2C:39-1 or any other  
24 weapon under circumstances not manifestly appropriate for such  
25 lawful use as it may have, while in or upon any part of the buildings or  
26 grounds of any school, college, university or other educational  
27 institution without the written authorization of the governing officer  
28 of the institution is guilty of a crime of the fourth degree.

29 f. Assault firearms. Any person who knowingly has in his  
30 possession an assault firearm is guilty of a crime of the third degree  
31 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;  
32 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or  
33 rendered inoperable pursuant to section 12 of P.L.1990, c.32  
34 (C.2C:58-13).

35 g. The temporary possession of a handgun, rifle or shotgun by a  
36 person receiving, possessing, carrying or using the handgun, rifle, or  
37 shotgun under the provisions of section 1 of P.L.1992, c.74  
38 (C.2C:58-3.1) shall not be considered unlawful possession under the  
39 provisions of subsection b. or c. of this section.

40 (cf: P.L.1992, c.94, s.1)

41

42 3. N.J.S.2C:39-6 is amended to read as follows:

43 2C:39-6. a. Provided a person complies with the requirements of  
44 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

45 (1) Members of the Armed Forces of the United States or of the  
46 National Guard while actually on duty, or while traveling between

- 1 places of duty and carrying authorized weapons in the manner  
2 prescribed by the appropriate military authorities;
- 3 (2) Federal law enforcement officers, and any other federal officers  
4 and employees required to carry firearms in the performance of their  
5 official duties;
- 6 (3) Members of the State Police and, under conditions prescribed  
7 by the superintendent, members of the Marine Law Enforcement  
8 Bureau of the Division of State Police;
- 9 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
10 assistant prosecutor, prosecutor's detective or investigator, deputy  
11 attorney general or State investigator employed by the Division of  
12 Criminal Justice of the Department of Law and Public Safety,  
13 investigator employed by the State Commission of Investigation,  
14 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
15 the Division of State Police in the Department of Law and Public  
16 Safety authorized to carry such weapons by the Superintendent of  
17 State Police, State park ranger, or State conservation officer;
- 18 (5) A prison or jail warden of any penal institution in this State or  
19 his deputies, or an employee of the Department of Corrections  
20 engaged in the interstate transportation of convicted offenders, while  
21 in the performance of his duties, and when required to possess the  
22 weapon by his superior officer, or a correction officer or keeper of a  
23 penal institution in this State at all times while in the State of New  
24 Jersey, provided he annually passes an examination approved by the  
25 superintendent testing his proficiency in the handling of firearms;
- 26 (6) A civilian employee of the United States Government under the  
27 supervision of the commanding officer of any post, camp, station, base  
28 or other military or naval installation located in this State who is  
29 required, in the performance of his official duties, to carry firearms,  
30 and who is authorized to carry such firearms by said commanding  
31 officer, while in the actual performance of his official duties;
- 32 (7) (a) A regularly employed member, including a detective, of the  
33 police department of any county or municipality, or of any State,  
34 interstate, municipal or county park police force or boulevard police  
35 force, at all times while in the State of New Jersey;
- 36 (b) A special law enforcement officer authorized to carry a weapon  
37 as provided in subsection b. of section 7 of P.L.1985, c.439  
38 (C.40A:14-146.14);
- 39 (c) An airport security officer or a special law enforcement officer  
40 appointed by the governing body of any county or municipality, except  
41 as provided in subsection b. of this section, or by the commission,  
42 board or other body having control of a county park or airport or  
43 boulevard police force, while engaged in the actual performance of his  
44 official duties and when specifically authorized by the governing body  
45 to carry weapons; or

1 (8) A full-time, paid member of a paid or part-paid fire department  
2 or force of any municipality who is assigned full-time or part-time to  
3 an arson investigation unit created pursuant to section 1 of P.L.1981,  
4 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the  
5 county prosecutor's office, while either engaged in the actual  
6 performance of arson investigation duties or while actually on call to  
7 perform arson investigation duties and when specifically authorized by  
8 the governing body or the county prosecutor, as the case may be, to  
9 carry weapons. Prior to being permitted to carry a firearm, such a  
10 member shall take and successfully complete a firearms training course  
11 administered by the Police Training Commission pursuant to P.L.1961,  
12 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
13 revolver or similar weapon prior to being permitted to carry a firearm.

14 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

15 (1) A law enforcement officer employed by a governmental agency  
16 outside of the State of New Jersey while actually engaged in his  
17 official duties, provided, however, that he has first notified the  
18 superintendent or the chief law enforcement officer of the municipality  
19 or the prosecutor of the county in which he is engaged; or

20 (2) A licensed dealer in firearms and his registered employees at his  
21 normal place of business and during the course of their normal  
22 business while traveling to and from their place of business and other  
23 places for the purpose of demonstration, exhibition or delivery in  
24 connection with a sale, provided, however, that the weapon is carried  
25 in the manner specified in subsection g. of this section.

26 c. Provided a person complies with the requirements of subsection  
27 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply  
28 to:

29 (1) A special agent of the Division of Taxation who has passed an  
30 examination in an approved police training program testing proficiency  
31 in the handling of any firearm which he may be required to carry, while  
32 in the actual performance of his official duties and while going to or  
33 from his place of duty, or any other police officer, while in the actual  
34 performance of his official duties;

35 (2) A State deputy conservation officer or a full-time employee of  
36 the Division of Parks and Forestry having the power of arrest and  
37 authorized to carry weapons, while in the actual performance of his  
38 official duties;

39 (3) (Deleted by amendment, P.L.1986, c.150.)

40 (4) A court attendant serving as such under appointment by the  
41 sheriff of the county or by the judge of any municipal court or other  
42 court of this State, while in the actual performance of his official  
43 duties;

44 (5) A guard in the employ of any railway express company,  
45 banking or building and loan or savings and loan institution of this  
46 State, while in the actual performance of his official duties;

1 (6) A member of a legally recognized military organization while  
2 actually under orders or while going to or from the prescribed place  
3 of meeting and carrying the weapons prescribed for drill, exercise or  
4 parade;

5 (7) An officer of the Society for the Prevention of Cruelty to  
6 Animals, while in the actual performance of his duties;

7 (8) An employee of a public utilities corporation actually engaged  
8 in the transportation of explosives;

9 (9) A railway policeman, except a transit police officer of the New  
10 Jersey Transit Police Department, at all times while in the State of  
11 New Jersey, provided that he has passed an approved police academy  
12 training program consisting of at least 280 hours. The training  
13 program shall include, but need not be limited to, the handling of  
14 firearms, community relations, and juvenile relations;

15 (10) A campus police officer appointed under P.L.1970, c.211  
16 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a  
17 firearm, a campus police officer shall take and successfully complete  
18 a firearms training course administered by the Police Training  
19 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
20 shall annually qualify in the use of a revolver or similar weapon prior  
21 to being permitted to carry a firearm;

22 (11) A person who has not been convicted of a crime under the  
23 laws of this State or under the laws of another state or the United  
24 States, and who is employed as a full-time security guard for a nuclear  
25 power plant under the license of the Nuclear Regulatory Commission,  
26 while in the actual performance of his official duties;

27 (12) A transit police officer of the New Jersey Transit Police  
28 Department, at all times while in the State of New Jersey, provided the  
29 officer has satisfied the training requirements of the Police Training  
30 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
31 (C.27:25-15.1); or

32 (13) A parole officer employed by the Bureau of Parole in the  
33 Department of Corrections at all times. Prior to being permitted to  
34 carry a firearm, a parole officer shall take and successfully complete  
35 a basic course for regular police officer training administered by the  
36 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66  
37 et seq.), and shall annually qualify in the use of a revolver or similar  
38 weapon prior to being permitted to carry a firearm.

39 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
40 antique firearms, provided that such antique firearms are unloaded or  
41 are being fired for the purposes of exhibition or demonstration at an  
42 authorized target range or in such other manner as has been approved  
43 in writing by the chief law enforcement officer of the municipality in  
44 which the exhibition or demonstration is held, or if not held on  
45 property under the control of a particular municipality, the  
46 superintendent.

1 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
2 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of  
3 being fired but that is unloaded and immobile, provided that the  
4 antique cannon is possessed by (a) a scholastic institution, a museum,  
5 a municipality, a county or the State, or (b) a person who obtained a  
6 firearms purchaser identification card as specified in N.J.S.2C:58-3.

7 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
8 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
9 being transported by one eligible to possess it, in compliance with  
10 regulations the superintendent may promulgate, between its permanent  
11 location and place of purchase or repair.

12 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
13 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
14 or fired by one eligible to possess an antique cannon, for purposes of  
15 exhibition or demonstration at an authorized target range or in the  
16 manner as has been approved in writing by the chief law enforcement  
17 officer of the municipality in which the exhibition or demonstration is  
18 held, or if not held on property under the control of a particular  
19 municipality, the superintendent, provided that performer has given at  
20 least 30 days' notice to the superintendent.

21 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
22 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
23 cannons directly to or from exhibitions or demonstrations authorized  
24 under paragraph (4) of subsection d. of this section, provided that the  
25 transportation is in compliance with safety regulations the  
26 superintendent may promulgate. Nor do those subsections apply to  
27 transportation directly to or from exhibitions or demonstrations  
28 authorized under the law of another jurisdiction, provided that the  
29 superintendent has been given 30 days' notice and that the  
30 transportation is in compliance with safety regulations the  
31 superintendent may promulgate.

32 e. (1) Nothing in subsections [b.,]c. and d. of N.J.S.2C:39-5 shall  
33 be construed to prevent a person keeping or carrying about his place  
34 of business, residence, premises or other land owned or possessed by  
35 him, any firearm, other than a handgun, or from carrying the same, in  
36 the manner specified in subsection g. of this section, from any place of  
37 purchase to his residence or place of business, between his dwelling  
38 and his place of business, between one place of business or residence  
39 and another when moving, or between his dwelling or place of  
40 business and place where such firearms are repaired, for the purpose  
41 of repair. For the purposes of this section, a place of business shall be  
42 deemed to be a fixed location.

43 (2) Any person who qualifies for one or more of the exemptions set  
44 forth in subsection a., paragraph (1) of subsection b., or in subsections  
45 c. or l. of this section, or under section 15 of P.L. , c. (C. )(now  
46 before the Legislature as this bill) may possess and carry a handgun

1 notwithstanding the limitations set forth in paragraph (1) of this  
2 subsection.

3 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
4 construed to prevent:

5 (1) (a) A member of any rifle [or pistol] club organized in  
6 accordance with the rules prescribed by the National Board for the  
7 Promotion of Rifle Practice, in going to or from a place of target  
8 practice, carrying such firearms as are necessary for said target  
9 practice, provided that the club has filed a copy of its charter with the  
10 superintendent and annually submits a list of its members to the  
11 superintendent and provided further that the firearms are carried in the  
12 manner specified in subsection g. of this section;

13 (b) A member of any pistol club from maintaining and storing a  
14 handgun at a pistol club for use at that club, provided that the owner  
15 of the club is licensed pursuant to the provisions of section 14 of P.L.  
16 , c. (C. )(now pending before the Legislature as this bill), has  
17 filed a copy of its charter with the superintendent, and annually  
18 submits a list of its members who store handguns at the club together  
19 with a description of the stored handguns.

20 (2) A person carrying a firearm or knife in the woods or fields or  
21 upon the waters of this State for the purpose of hunting, target  
22 practice or fishing, provided that the firearm or knife is legal and  
23 appropriate for hunting or fishing purposes in this State and he has in  
24 his possession a valid hunting license, or, with respect to fresh water  
25 fishing, a valid fishing license;

26 (3) A person transporting any firearm or knife while traveling:

27 (a) Directly to or from any place for the purpose of hunting or  
28 fishing, provided the person has in his possession a valid hunting or  
29 fishing license; or

30 (b) Directly to or from any target range, or other authorized place  
31 for the purpose of practice, match, target, trap or skeet shooting  
32 exhibitions, provided in all cases that during the course of the travel  
33 all firearms are carried in the manner specified in subsection g. of this  
34 section and the person has complied with all the provisions and  
35 requirements of Title 23 of the Revised Statutes and any amendments  
36 thereto and all rules and regulations promulgated thereunder; or

37 (c) In the case of a firearm, directly to or from any exhibition or  
38 display of firearms which is sponsored by any law enforcement agency,  
39 any rifle or pistol club, or any firearms collectors club, for the purpose  
40 of displaying the firearms to the public or to the members of the  
41 organization or club, provided, however, that not less than 30 days  
42 prior to the exhibition or display, notice of the exhibition or display  
43 shall be given to the Superintendent of the State Police by the  
44 sponsoring organization or club, and the sponsor has complied with  
45 such reasonable safety regulations as the superintendent may  
46 promulgate. Any firearms transported pursuant to this section shall be

1 transported in the manner specified in subsection g. of this section;

2 (4) A person from keeping or carrying about a private or  
3 commercial aircraft or any boat, or from transporting to or from such  
4 vessel for the purpose of installation or repair a visual distress  
5 signalling device approved by the United States Coast Guard.

6 g. All weapons being transported under paragraph (2) of  
7 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of  
8 this section shall be carried unloaded and contained in a closed and  
9 fastened case, gunbox, securely tied package, or locked in the trunk or  
10 other similar compartment of the [automobile] vehicle in which [it is]  
11 they are being transported, and in the course of travel shall include  
12 only such deviations as are reasonably necessary under the  
13 circumstances.

14 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
15 prevent any employee of a public utility, as defined in R.S.48:2-13,  
16 doing business in this State or any United States Postal Service  
17 employee, while in the actual performance of duties which specifically  
18 require regular and frequent visits to private premises, from  
19 possessing, carrying or using any device which projects, releases or  
20 emits any substance specified as being noninjurious to canines or other  
21 animals by the Commissioner of Health and which immobilizes only on  
22 a temporary basis and produces only temporary physical discomfort  
23 through being vaporized or otherwise dispensed in the air for the sole  
24 purpose of repelling canine or other animal attacks.

25 The device shall be used solely to repel only those canine or other  
26 animal attacks when the canines or other animals are not restrained in  
27 a fashion sufficient to allow the employee to properly perform his  
28 duties.

29 Any device used pursuant to this act shall be selected from a list of  
30 products, which consist of active and inert ingredients, permitted by  
31 the Commissioner of Health.

32 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
33 person who is 18 years of age or older and who has not been convicted  
34 of a felony, from possession for the purpose of personal self-defense  
35 of one pocket-sized device which contains and releases not more than  
36 three-quarters of an ounce of chemical substance not ordinarily  
37 capable of lethal use or of inflicting serious bodily injury, but rather,  
38 is intended to produce temporary physical discomfort or disability  
39 through being vaporized or otherwise dispensed in the air. Any person  
40 in possession of any device in violation of this subsection shall be  
41 deemed and adjudged to be a disorderly person, and upon conviction  
42 thereof, shall be punished by a fine of not less than \$100.00.

43 j. A person shall qualify for an exemption from the provisions of  
44 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,  
45 if the person has satisfactorily completed a firearms training course  
46 approved by the Police Training Commission.

1 Such exempt person shall not possess or carry a firearm until the  
2 person has satisfactorily completed a firearms training course and shall  
3 annually qualify in the use of a revolver or similar weapon. For  
4 purposes of this subsection, a "firearms training course" means a  
5 course of instruction in the safe use, maintenance and storage of  
6 firearms which is approved by the Police Training Commission. The  
7 commission shall approve a firearms training course if the  
8 requirements of the course are substantially equivalent to the  
9 requirements for firearms training provided by police training courses  
10 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).  
11 A person who is specified in paragraph (1), (2), (3) or (6) of  
12 subsection a. of this section shall be exempt from the requirements of  
13 this subsection.

14 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
15 prevent any financial institution, or any duly authorized personnel of  
16 the institution, from possessing, carrying or using for the protection of  
17 money or property, any device which projects, releases or emits tear  
18 gas or other substances intended to produce temporary physical  
19 discomfort or temporary identification.

20 l. (1) The provisions of subsection b. of N.J.S.2C:39-5 shall not  
21 prohibit the possession of a handgun for which a permit to purchase  
22 was obtained or applied for pursuant to N.J.S.2C:58-3 prior to the  
23 effective date of P.L. , c. (C. )(now pending before the  
24 Legislature as this bill); provided that the handgun is registered  
25 pursuant to section 16 of P.L. , c. (C. )(now pending before the  
26 Legislature as this bill).

27 (2) The provisions of subsection b. of N.J.S.2C:39-5 shall not  
28 prohibit the possession of a handgun which was lawfully acquired,  
29 purchased or possessed prior to the effective date of P.L. , c. (C.  
30 )(now pending before the Legislature as this bill); provided that the  
31 owner has secured a certificate of ownership for that handgun  
32 pursuant to section 16 of P.L. , c. (C. )(now pending before the  
33 Legislature as this bill).

34 (cf: P.L.1993, c.246, s.2)

35

36 4. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read as  
37 follows:

38 6. Certain Persons Not to Have Weapons. a. Except as provided  
39 in subsection b. of this section, any person, having been convicted in  
40 this State or elsewhere of the crime of aggravated assault, arson,  
41 burglary, escape, extortion, homicide, kidnapping, robbery, aggravated  
42 sexual assault, or sexual assault, whether or not armed with or having  
43 in his possession any weapon enumerated in subsection r. of  
44 N.J.S.2C:39-1, or any person convicted of a crime pursuant to the  
45 provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or any  
46 person who has ever been committed for a mental disorder to any

1 hospital, mental institution or sanitarium unless he possesses a  
2 certificate of a medical doctor or psychiatrist licensed to practice in  
3 New Jersey or other satisfactory proof that he is no longer suffering  
4 from a mental disorder which interferes with or handicaps him in the  
5 handling of a firearm, or any person who has been convicted of other  
6 than a disorderly persons or petty disorderly persons offense for the  
7 unlawful use, possession or sale of a controlled dangerous substance  
8 as defined in N.J.S.2C:35-2 who purchases, owns, possesses or  
9 controls any [of the said weapons] weapon other than a handgun is  
10 guilty of a crime of the fourth degree.

11 If the person purchases, owns, possesses or controls a handgun, the  
12 person is guilty of a crime of the third degree.

13 b. A person having been convicted in this State or elsewhere of the  
14 crime of aggravated assault, arson, burglary, escape, extortion,  
15 homicide, kidnapping, robbery, aggravated sexual assault or sexual  
16 assault, whether or not armed with or having in his possession a  
17 weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person  
18 having been convicted of a crime pursuant to the provisions of  
19 N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of  
20 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;  
21 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or  
22 controls a firearm is guilty of a crime of the second degree.

23 c. Whenever any person shall have been convicted in another state,  
24 territory, commonwealth or other jurisdiction of the United States, or  
25 any country in the world, in a court of competent jurisdiction, of a  
26 crime which in said other jurisdiction or country is comparable to one  
27 of the crimes enumerated in subsection a. or b. of this section, then  
28 that person shall be subject to the provisions of this section.

29 (cf: P.L.1992, c.74, s.3)

30

31 5. N.J.S.2C:39-9 is amended to read as follows:

32 2C:39-9. Manufacture, Transport, Disposition and Defacement of  
33 Weapons and Dangerous Instruments and Appliances. a. Machine  
34 guns. Any person who manufactures, causes to be manufactured,  
35 transports, ships, sells or disposes of any machine gun without being  
36 registered or licensed to do so as provided in chapter 58 is guilty of a  
37 crime of the third degree.

38 b. Sawed-off shotguns. Any person who manufactures, causes to  
39 be manufactured, transports, ships, sells or disposes of any sawed-off  
40 shotgun is guilty of a crime of the third degree.

41 c. Firearm silencers. Any person who manufactures, causes to be  
42 manufactured, transports, ships, sells or disposes of any firearm  
43 silencer is guilty of a crime of the fourth degree.

44 d. Weapons. Any person who manufactures, causes to be  
45 manufactured, transports, ships, sells or disposes of any weapon,  
46 including gravity knives, switchblade knives, ballistic knives, daggers,

1 dirks, stiletos, billies, blackjacks, metal knuckles, sandclubs,  
2 slingshots, cesti or similar leather bands studded with metal filings, [or  
3 in the case of firearms if he is not licensed or registered to do so as  
4 provided in chapter 58,]is guilty of a crime of the fourth degree. Any  
5 person who manufactures, causes to be manufactured, transports,  
6 ships, sells or disposes of any weapon or other device which projects,  
7 releases or emits tear gas or other substances intended to produce  
8 temporary physical discomfort or permanent injury through being  
9 vaporized or otherwise dispensed in the air, which is intended to be  
10 used for any purpose other than for authorized military or law  
11 enforcement purposes by duly authorized military or law enforcement  
12 personnel or the device is for the purpose of personal self-defense, is  
13 pocket-sized and contains not more than three-quarters of an ounce of  
14 chemical substance not ordinarily capable of lethal use or of inflicting  
15 serious bodily injury, or other than to be used by any person permitted  
16 to possess such weapon or device under the provisions of subsection  
17 d. of N.J.S.2C:39-5, which is intended for use by financial and other  
18 business institutions as part of an integrated security system, placed at  
19 fixed locations, for the protection of money and property, by the duly  
20 authorized personnel of those institutions, is guilty of a crime of the  
21 fourth degree.

22 e. Defaced firearms. Any person who defaces any firearm is guilty  
23 of a crime of the third degree. Any person who knowingly buys,  
24 receives, disposes of or conceals a defaced firearm, except an antique  
25 firearm, is guilty of a crime of the fourth degree.

26 f. (1) Any person who manufactures, causes to be manufactured,  
27 transports, ships, sells, or disposes of any bullet, which is primarily  
28 designed for use in a handgun, and which is comprised of a bullet  
29 whose core or jacket, if the jacket is thicker than .025 of an inch, is  
30 made of tungsten carbide, or hard bronze, or other material which is  
31 harder than a rating of 72 or greater on the Rockwell B. Hardness  
32 Scale, and is therefore capable of breaching or penetrating body armor  
33 and which is intended to be used for any purpose other than for  
34 authorized military or law enforcement purposes by duly authorized  
35 military or law enforcement personnel, is guilty of a crime of the  
36 fourth degree.

37 (2) Nothing in this subsection shall be construed to prevent a  
38 licensed collector of ammunition as defined in paragraph (2) of  
39 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined in  
40 paragraph (1) of this subsection from (a) any licensed retail or  
41 wholesale firearms dealer's place of business to the collector's  
42 dwelling, premises, or other land owned or possessed by him, or (b)  
43 to or from the collector's dwelling, premises or other land owned or  
44 possessed by him to any gun show for the purposes of display, sale,  
45 trade, or transfer between collectors, or (c) to or from the collector's  
46 dwelling, premises or other land owned or possessed by him to any

1 rifle or pistol club organized in accordance with the rules prescribed  
2 by the National Board for the Promotion of Rifle Practice; provided  
3 that the club has filed a copy of its charter with the superintendent of  
4 the State Police and annually submits a list of its members to the  
5 superintendent, and provided further that the ammunition being  
6 transported shall be carried not loaded in any firearm and contained in  
7 a closed and fastened case, gunbox, or locked in the trunk of the  
8 automobile in which it is being transported, and the course of travel  
9 shall include only such deviations as are reasonably necessary under  
10 the circumstances.

11 g. Assault firearms. Any person who manufactures, causes to be  
12 manufactured, transports, ships, sells or disposes of an assault firearm  
13 without being registered or licensed to do so pursuant to  
14 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

15 h. Large capacity ammunition magazines. Any person who  
16 manufactures, causes to be manufactured, transports, ships, sells or  
17 disposes of a large capacity ammunition magazine which is intended  
18 to be used for any purpose other than for authorized military or law  
19 enforcement purposes by duly authorized military or law enforcement  
20 personnel is guilty of a crime of the fourth degree.

21 i. Handguns. Any person who manufactures, causes to be  
22 manufactured, transports, ships, sells, or disposes of any handgun, in  
23 violation of P.L. , c. (C. )(now pending before the Legislature as  
24 this bill) is guilty of a crime of the third degree.

25 (cf: P.L.1990, c.32, s.3)

26

27 6. N.J.S.2C:39-12 is amended to read as follows:

28 2C:39-12. Voluntary surrender. a. No person shall be convicted  
29 of an offense under this chapter for possessing any firearms, weapons,  
30 destructive devices, silencers or explosives, if after giving written  
31 notice of his intention to do so, including the proposed date and time  
32 of surrender, he voluntarily surrendered the weapon, device,  
33 instrument or substance in question to the superintendent or to the  
34 chief of police in the municipality in which he resides, provided that  
35 the required notice is received by the superintendent or chief of police  
36 before any charges have been made or complaints filed against such  
37 person for the unlawful possession of the weapon, device, instrument  
38 or substance in question and before any investigation has been  
39 commenced by any law enforcement agency concerning the unlawful  
40 possession. Nothing in this section shall be construed as granting  
41 immunity from prosecution for any crime or offense except that of the  
42 unlawful possession of such weapons, devices, instruments or  
43 substances surrendered as herein provided.

44 b. (1) Any person in lawful possession of a handgun prior to the  
45 effective date of P.L. , c. (C. )(now pending before the  
46 Legislature as this bill) and whose possession is lawful after that

1 effective date, may at any time surrender that handgun pursuant to the  
2 provisions of this section and shall be compensated in accordance with  
3 the provisions of subsection c. of this section.

4 (2) Any person in lawful possession of one or more handguns prior  
5 to the effective date of P.L. , c. (C. )(now pending before the  
6 Legislature as this bill), including but not limited to those in possession  
7 of handguns under the circumstances set forth in paragraph (1) of  
8 subsection e. of N.J.S.2C:39-6, and whose possession is unlawful after  
9 the effective date of P.L. , c. (C. )(now pending before the  
10 Legislature as this bill), shall surrender that handgun pursuant to the  
11 provisions of subsection a. of this section prior to or on that effective  
12 date. Any person surrendering a handgun in this manner shall be  
13 compensated pursuant to the provisions of subsection c. of this  
14 section.

15 (3) Any person in unlawful possession of a handgun prior to the  
16 effective date of P.L. , c. (C. )(now pending before the  
17 Legislature as this bill) shall surrender that handgun pursuant to the  
18 provisions of subsection a. of this section but shall not be  
19 compensated pursuant to the provisions of subsection c. of this  
20 section. Nothing in this paragraph shall be construed as granting  
21 immunity from prosecution for any crime or offense except that of the  
22 unlawful possession of the handgun which is surrendered pursuant to  
23 this paragraph.

24 (4) This subsection shall not apply to any manufacturer of  
25 handguns or any retail or wholesale dealer in handguns or the  
26 employees of any retail or wholesale dealer or manufacturer of  
27 handguns.

28 c. Any person who surrenders any handgun pursuant to the  
29 provisions of paragraph (1) or (2) of subsection b. of this section shall  
30 be compensated in accordance with a schedule to be established by the  
31 superintendent.

32 Regulations governing the surrender of handguns may be  
33 promulgated by the superintendent. These regulations may include  
34 modification of the written notice provisions of subsection a. of this  
35 section.

36 (cf: N.J.S.2C:39-12)

37  
38 7. N.J.S.2C:58-1 is amended to read as follows:

39 2C:58-1. Registration of manufacturers and wholesale dealers of  
40 firearms. a. Registration. Every manufacturer and wholesale dealer  
41 of firearms shall register with the superintendent as provided in this  
42 section. No person shall engage in the business of, or act as a  
43 manufacturer or wholesale dealer of firearms, or manufacture or sell  
44 at wholesale any firearm, until he has so registered.

45 Applications for registration shall be made on such forms as shall  
46 be prescribed by the superintendent, and the applicant shall furnish

1 such information and other particulars as may be prescribed by law or  
2 by any rules or regulations promulgated by the superintendent. Each  
3 application for registration or renewal shall be accompanied by a fee  
4 of \$150.00.

5 The superintendent shall prescribe standards and qualifications for  
6 the registration of manufacturers and wholesalers of firearms, for the  
7 protection of the public safety, health and welfare. He shall refuse to  
8 register any applicant for registration unless he is satisfied that the  
9 applicant can be permitted to engage in business as a manufacturer or  
10 wholesale dealer of firearms without any danger to the public safety,  
11 health or welfare.

12 The superintendent shall issue a certificate of registration to every  
13 person registered under this section, and such certificate shall be valid  
14 for a period of 3 years from the date of issuance.

15 b. Wholesale dealer's agent. Every registered wholesale dealer of  
16 firearms shall cause each of his agents or employees actively engaged  
17 in the purchase or sale of firearms to be licensed with the  
18 superintendent as a wholesale dealer's agent. Applications for agents'  
19 licenses shall be submitted on such forms as shall be prescribed by the  
20 superintendent, and shall be signed by the registered wholesale dealer  
21 and by the agent. Each application shall be accompanied by a fee of  
22 \$5.00, and each license shall be valid for so long as the agent or  
23 employee remains in the employ of the wholesale dealer and the  
24 wholesale dealer remains validly registered under this section. The  
25 superintendent shall prescribe standards and qualifications for licensed  
26 wholesale dealers' agents, for the protection of the public safety, health  
27 and welfare.

28 c. Revocation of certificate of registration or license. The  
29 superintendent may, after reasonable notice to all affected parties and  
30 a hearing if requested, revoke any certificate of registration or agent's  
31 license if he finds that the registered or licensed person is no longer  
32 engaged in the business of manufacturing or wholesaling firearms in  
33 this State or that he can no longer be permitted to carry on such  
34 business without endangering the public safety, health or welfare. A  
35 certificate or license may be canceled at any time at the request of the  
36 registered or licensed person.

37 d. Appeals. Any person aggrieved by the refusal of the  
38 superintendent to register him as a manufacturer or wholesale dealer  
39 or a wholesale dealer's agent, or by revocation of his certificate or  
40 license, may appeal to the Appellate Division of the Superior Court.

41 e. Records of sales. Every manufacturer and wholesale dealer shall  
42 keep a detailed record of each firearm sold by him. The record shall  
43 include the date of sale, the name and address of the purchaser, a  
44 description of each firearm and the serial number thereof. The records  
45 shall be available for inspection at all reasonable times by any law  
46 enforcement officer.

1     f. The superintendent may promulgate regulations setting forth  
2 reasonable limitations on the quantity of handguns possessed in this  
3 State by any manufacturer, wholesale dealer and wholesale dealer's  
4 agent and may prescribe the conditions under which those handguns  
5 are possessed.

6 (cf: N.J.S.2C:58-1)

7

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

9     2C:58-2. Retailing of firearms. a. Licensing of retail dealers and  
10 their employees. No retail dealer of firearms nor any employee of a  
11 retail dealer shall sell or expose for sale, or possess with the intent of  
12 selling, any firearm unless licensed to do so as hereinafter provided.  
13 The superintendent shall prescribe standards and qualifications for  
14 retail dealers of firearms and their employees for the protection of the  
15 public safety, health and welfare.

16     Applications shall be made in the form prescribed by the  
17 superintendent, accompanied by a fee of \$50.00 payable to the  
18 superintendent, and shall be made to a judge of the Superior Court in  
19 the county where the applicant maintains his place of business. The  
20 judge shall grant a license to an applicant if he finds that the applicant  
21 meets the standards and qualifications established by the  
22 superintendent and that the applicant can be permitted to engage in  
23 business as a retail dealer of firearms or employee thereof without any  
24 danger to the public safety, health and welfare. Each license shall be  
25 valid for a period of 3 years from the date of issuance, and shall  
26 authorize the holder to sell firearms at retail in a specified  
27 municipality.

28     In addition, every retail dealer shall pay a fee of \$5.00 for each  
29 employee actively engaged in the sale or purchase of firearms. The  
30 superintendent shall issue a license for each employee for whom said  
31 fee has been paid, which license shall be valid for so long as the  
32 employee remains in the employ of said retail dealer.

33     No license shall be granted to any retail dealer under the age of 21  
34 years or to any employee of a retail dealer under the age of 18 or to  
35 any person who could not qualify to obtain a permit to purchase a  
36 handgun or a firearms purchaser identification card, or to any  
37 corporation, partnership or other business organization in which the  
38 actual or equitable controlling interest is held or possessed by such an  
39 ineligible person.

40     All licenses shall be granted subject to the following conditions, for  
41 breach of any of which the license shall be subject to revocation on the  
42 application of any law enforcement officer and after notice and hearing  
43 by the issuing court:

44     (1) The business shall be carried on only in the building or  
45 buildings designated in the license, provided that repairs may be made  
46 by the dealer or his employees outside of such premises.

1 (2) The license or a copy certified by the issuing authority shall be  
2 displayed at all times in a conspicuous place on the business premises  
3 where it can be easily read.

4 (3) No firearm or imitation thereof shall be placed in any window  
5 or in any other part of the premises where it can be readily seen from  
6 the outside.

7 (4) No rifle or shotgun, except antique rifles or shotguns, shall be  
8 delivered to any person unless such person possesses and exhibits a  
9 valid firearms purchaser identification card and furnishes the seller, on  
10 the form prescribed by the superintendent, a certification signed by him  
11 setting forth his name, permanent address, firearms purchaser  
12 identification card number and such other information as the  
13 superintendent may by rule or regulation require. The certification  
14 shall be retained by the dealer and shall be made available for  
15 inspection by any law enforcement officer at any reasonable time.

16 (5) No handgun shall be delivered to any person unless:

17 (a) Such person possesses and exhibits a valid permit to purchase  
18 a firearm and at least 7 days have elapsed since the date of application  
19 for the permit;

20 (b) The person is personally known to the seller or presents  
21 evidence of his identity; and

22 (c) The handgun is unloaded and securely wrapped.

23 (6) The dealer shall keep a true record of every handgun sold,  
24 given or otherwise delivered or disposed of, in accordance with the  
25 provisions of subsections b. through e. of this section.

26 b. Records. Every person engaged in the retail business of selling,  
27 leasing or otherwise transferring a handgun, as a retail dealer or  
28 otherwise, shall keep a register in which shall be entered the time of  
29 the sale, lease or other transfer, the date thereof, the name, age, date  
30 of birth, complexion, occupation, residence and a physical description  
31 including distinguishing physical characteristics, if any, of the  
32 purchaser, lessee or transferee, the name and permanent home address  
33 of the person making the sale, lease or transfer, the place of the  
34 transaction, and the make, model, manufacturer's number, caliber and  
35 other marks of identification on such handgun and such other  
36 information as the superintendent shall deem necessary for the proper  
37 enforcement of this chapter. The register shall be retained by the  
38 dealer and shall be made available at all reasonable hours for  
39 inspection by any law enforcement officer.

40 c. Forms of register. The superintendent shall prepare the form of  
41 the register as described in subsection b. of this section and furnish the  
42 same in triplicate to each person licensed to be engaged in the business  
43 of selling, leasing or otherwise transferring firearms.

44 d. Signatures in register. The purchaser, lessee or transferee of any  
45 handgun shall sign, and the dealer shall require him to sign his name to  
46 the register, in triplicate, and the person making the sale, lease or

1 transfer shall affix his name, in triplicate, as a witness to the signature.  
2 The signatures shall constitute a representation of the accuracy of the  
3 information contained in the register.

4 e. Copies of register entries; delivery to chief of police or county  
5 clerk. Within 5 days of the date of the sale, assignment or transfer, the  
6 dealer shall deliver or mail by certified mail, return receipt requested,  
7 legible copies of the register forms to the office of the chief of police  
8 of the municipality in which the purchaser resides, or to the office of  
9 the captain of the precinct of the municipality in which the purchaser  
10 resides, and to the superintendent. If hand delivered, a receipt shall be  
11 given to the dealer therefor.

12 Where a sale, assignment or transfer is made to a purchaser who  
13 resides in a municipality having no chief of police, the dealer shall,  
14 within 5 days of the transaction, mail a duplicate copy of the register  
15 sheet to the clerk of the county within which the purchaser resides.

16 f. The superintendent may promulgate regulations setting forth  
17 reasonable limitations on the quantity of handguns possessed by any  
18 retail dealer and may prescribe the conditions under which those  
19 handguns are possessed.

20 (cf: P.L.1979, c.179, s.10)

21

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

23 2C:58-3. Purchase of Firearms. a. Permit to purchase a handgun.  
24 No person shall sell, give, transfer, assign or otherwise dispose of, nor  
25 receive, purchase, or otherwise acquire a handgun unless the  
26 purchaser, assignee, donee, receiver or holder is licensed as a dealer  
27 under this chapter or has first secured a permit to purchase a handgun  
28 as provided by this section.

29 b. Firearms purchaser identification card. No person shall sell,  
30 give, transfer, assign or otherwise dispose of nor receive, purchase or  
31 otherwise acquire an antique cannon or a rifle or shotgun, other than  
32 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
33 receiver or holder is licensed as a dealer under this chapter or  
34 possesses a valid firearms purchaser identification card, and first  
35 exhibits said card to the seller, donor, transferor or assignor, and  
36 unless the purchaser, assignee, donee, receiver or holder signs a  
37 written certification, on a form prescribed by the superintendent,  
38 which shall indicate that he presently complies with the requirements  
39 of subsection c. of this section and shall contain his name, address and  
40 firearms purchaser identification card number or dealer's registration  
41 number. The said certification shall be retained by the seller, as  
42 provided in [section 2C:58-2a.]subsection a. of N.J.S.2C:58-2, or, in  
43 the case of a person who is not a dealer, it may be filed with the chief  
44 of police of the municipality in which he resides or with the  
45 superintendent.

46 c. Who may obtain. No person of good character and good repute

1 in the community in which he lives, and who is not subject to any of  
2 the disabilities set forth in this section or other sections of this chapter,  
3 shall be denied a permit to purchase a handgun or a firearms purchaser  
4 identification card, except as hereinafter set forth. After the effective  
5 date of P.L. , c. (C. )(now pending before the Legislature as this  
6 bill), a handgun purchase permit shall be issued only to a person who  
7 qualifies for one or more of the exemptions set forth in paragraphs (2),  
8 (3), (4), (5), (6), (7) or (8) of subsection a. of N.J.S.2C:39-6; or of  
9 subsection c. of N.J.S.2C:39-6; or who is qualified to purchase a  
10 handgun pursuant to the provisions of section 13 or section 15 of P.L.  
11 , c. (C. )(now pending before the Legislature as this bill). No  
12 handgun purchase permit or firearms purchaser identification card shall  
13 be issued:

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

16 (2) To any drug dependent person as defined in section 2 of  
17 P.L.1970, c.226 (C.24:21-2) and N.J.S.2C:35-2, to any person who is  
18 confined for a mental disorder to a hospital, mental institution or  
19 sanitarium, or to any person who is presently an habitual drunkard;

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

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

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

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

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

42 Any person aggrieved by the denial of a permit or identification  
43 card may request a hearing in the Superior Court of the county in  
44 which he resides if he is a resident of New Jersey or in the Superior  
45 Court of the county in which his application was filed if he is a  
46 nonresident. The request for a hearing shall be made in writing within

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

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

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

45 The chief police officer or the superintendent shall obtain the  
46 fingerprints of the applicant and shall have them compared with any

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

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

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

42 g. Disposition of fees. All fees for permits shall be paid to the  
43 State Treasury if the permit is issued by the superintendent, to the  
44 municipality if issued by the chief of police, and to the county treasurer  
45 if issued by the judge of the Superior Court.

46 h. Form of permit; quadruplicate; disposition of copies. The permit

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

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

18 j. Firearms passing to heirs or legatees. (1) Notwithstanding any  
19 other provision of this section concerning the transfer, receipt or  
20 acquisition of a firearm, a permit to purchase or a firearms purchaser  
21 identification card shall not be required for the passing of a firearm  
22 upon the death of an owner thereof to his heir or legatee, whether the  
23 same be by testamentary bequest or by the laws of intestacy. The  
24 person who shall so receive, or acquire said firearm shall, however, be  
25 subject to all other provisions of this chapter. If the heir or legatee of  
26 such firearm does not qualify to possess or carry it, he may retain  
27 ownership of the firearm for the purpose of sale for a period not  
28 exceeding 180 days, or for such further limited period as may be  
29 approved by the chief law enforcement officer of the municipality in  
30 which the heir or legatee resides or the superintendent, provided that  
31 such firearm is in the custody of the chief law enforcement officer of  
32 the municipality or the superintendent during such period.

33 (2) After the effective date of P.L. , c. (now pending before the  
34 Legislature as this bill), no handgun, except as otherwise provided is  
35 paragraph (3) of this subsection, shall be passed upon the death of the  
36 owner thereof to his heir or legatee. Within 60 days of the issuance of  
37 a certificate of administration by the surrogate, the personal  
38 representative of the estate shall surrender the handgun to the  
39 superintendent or the chief law enforcement officer of the municipality  
40 wherein the deceased owner resided. If qualified under the provisions  
41 of paragraph (1) or (2) of subsection b. of N.J.S.2C:39-12, the estate  
42 shall be compensated in accordance with subsection c. of that section.  
43 Any personal representative of an estate who violates the provisions  
44 of this paragraph shall be subject to a fine of not more than \$5,000.  
45 Any heir or legatee violating the provisions of this paragraph shall be  
46 guilty of a crime of the third degree.

1       (3) In the case of a handgun which the superintendent has  
2 determined to be an antique or a collectible, commemorative, or curio,  
3 that handgun may be passed upon the death of the owner to his heir or  
4 legatee, whether by testamentary bequest or by the laws of intestacy.  
5 The person so receiving or acquiring that handgun shall be subject to  
6 all the provisions of this chapter. If the heir or legatee of that handgun  
7 does not qualify to possess it, he may retain ownership of it for the  
8 purpose of sale for a period not exceeding 180 days, or for such  
9 further limited period as may be approved by the chief law  
10 enforcement officer of the municipality wherein the heir or legatee  
11 resides or the superintendent, provided that the handgun is in the  
12 custody of the chief law enforcement officer or the superintendent  
13 during that period.

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

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

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

24

25       10. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to  
26 read as follows:

27       14. Possession of firearms by minors; exceptions. a. No person  
28 under the age of 18 years shall purchase, barter or otherwise acquire  
29 a firearm.

30       b. No person under the age of 18 years shall possess, carry, fire or  
31 use a firearm except under the following circumstances:

32       (1) In the actual presence or under the direct supervision of his  
33 father, mother or guardian, or some other person who [holds a permit  
34 to] may lawfully carry a handgun or who holds a firearms purchaser  
35 identification card, as the case may be; or

36       (2) For the purpose of military drill under the auspices of a legally  
37 recognized military organization and under competent supervision; or

38       (3) For the purpose of competition or target practice in and upon  
39 a firing range approved by the governing body of the municipality in  
40 which the range is located or the National Rifle Association and which  
41 is under competent supervision at the time of such supervision or  
42 target practice; or

43       (4) For the purpose of hunting during the regularly designated  
44 hunting season, provided that he possesses a valid hunting license and  
45 has successfully completed a hunter's safety course taught by a  
46 qualified instructor or conservation officer and possesses a certificate

1 indicating the successful completion of such a course.

2 c. Notwithstanding any other provisions of law, any person under  
3 the age of 18 years who violates any provision of this section shall be  
4 adjudged delinquent.

5 (cf: P.L.1980, c.52, s.1)

6

7 11. N.J.S.2C:64-6 is amended to read as follows:

8 2C:64-6. Disposal of Forfeited Property. a. Property which has  
9 been forfeited shall be destroyed if it can serve no lawful purpose or  
10 it presents a danger to the public health, safety or welfare. All other  
11 forfeited property or any proceeds resulting from the forfeiture and all  
12 money seized pursuant to this chapter shall become the property of the  
13 entity funding the prosecuting agency involved and shall be disposed  
14 of, distributed, appropriated and used in accordance with the  
15 provisions of this chapter.

16 The prosecutor or the Attorney General, whichever is prosecuting  
17 the case, shall divide the forfeited property, any proceeds resulting  
18 from the forfeiture or any money seized pursuant to this chapter with  
19 any other entity where the other entity's law enforcement agency  
20 participated in the surveillance, investigation, arrest or prosecution  
21 resulting in the forfeiture, in proportion to the other entity's  
22 contribution to the surveillance, investigation, arrest or prosecution  
23 resulting in the forfeiture, as determined in the discretion of the  
24 prosecutor or the Attorney General, whichever is prosecuting the case.  
25 Notwithstanding any other provision of law, such forfeited property  
26 and proceeds shall be used solely for law enforcement purposes, and  
27 shall be designated for the exclusive use of the law enforcement  
28 agency which contributed to the surveillance, investigation, arrest or  
29 prosecution resulting in the forfeiture.

30 The Attorney General is authorized to promulgate rules and  
31 regulations to implement and enforce the provisions of this act.

32 b. For a period of two years from the date of enactment of  
33 P.L.1993, c.227 (C.26:4-100.13 et al.), 10% of the proceeds obtained  
34 by the Attorney General under the provisions of subsection a. of this  
35 section shall be deposited into the Hepatitis Inoculation Fund  
36 established pursuant to section 2 of P.L.1993, c.227 (C.26:4-100.13).

37 c. Beginning two years from the date of enactment of P.L.1993,  
38 c.227 (C.26:4-100.13 et al.) and in subsequent years, 5% of the  
39 proceeds obtained by the Attorney General under the provisions of  
40 subsection a. of this section shall be deposited into the Hepatitis  
41 Inoculation Fund established pursuant to section 2 of P.L.1993, c.227  
42 (C.26:4-100.13).

43 d. Ten percent of the proceeds obtained by the Attorney General  
44 under the provisions of subsection a. of this section shall be deposited  
45 into the Handgun Surrender Compensation Fund established pursuant

1 to section 19 of P.L. , c. (C. )(now before the Legislature as this  
2 bill).

3 (cf: P.L.1993, c.227, s.1)

4

5 12. (New section) a. Nothing contained in this chapter or in  
6 chapter 39 of Title 2C of the New Jersey Statutes shall be deemed to  
7 prohibit:

8 (1) The lawful acquisition of a firearm by a bona fide museum or  
9 non-profit organization for purposes of public exhibition or  
10 preservation of a firearm as an historical curiosity.

11 (2) The interstate transportation of a handgun through this State  
12 by persons not within the exemptions and circumstances set forth in  
13 N.J.S.2C:39-6 provided that:

14 (a) Prior to transportation through this State such persons shall  
15 give written notification to the superintendent of the time and route to  
16 be utilized in transporting the handguns through this State; and

17 (b) The handguns are carried unloaded and contained in a closed  
18 and fastened case, gunbox, securely tied package or locked in the  
19 trunk or similar compartment of the vehicle in which they are being  
20 transported; and

21 (c) The course of travel through this State includes only those  
22 deviations as are reasonably necessary under the circumstances; and

23 (d) The persons transporting the handguns through this State are  
24 residents of the United States and have not been denied a permit to  
25 carry or possess handguns under the laws of any state, district or  
26 territory thereof which has licensing requirements prohibiting the  
27 issuance of permits or licenses to persons who have been convicted of  
28 any offense in any jurisdiction which would be a crime under the law  
29 of this State.

30 (3) The transportation of handguns in the course of commerce  
31 between the United States and another country or between two foreign  
32 countries through this State, provided that the handguns are  
33 transported in accordance with the provisions of subparagraphs (a),  
34 (b) and (c) of paragraph (2) of subsection a. of this section. A person  
35 transporting handguns in foreign commerce who would be subject to  
36 prosecution for possession of a handgun under the provisions of  
37 section 6 of P.L.1979, c.179 (C.2C:39-7) shall not be immune from  
38 prosecution because of the provisions of this section.

39 b. Any person traveling through this State who possesses a  
40 handgun other than in accordance with the exemptions set forth in this  
41 section or otherwise specifically set forth in any other provision of this  
42 chapter of chapter 58 of this Title shall be subject to prosecution for  
43 violating any of the applicable provisions of this chapter and chapter  
44 58 of Title 2C of the New Jersey Statutes.

45

46 13. (New section) Notwithstanding any provision of chapter 39 or

1 chapter 58 of this Title to the contrary, a member of a pistol club  
2 whose owner is licensed pursuant to the provisions of section 14 of  
3 P.L. , c. (C. )(now pending before the Legislature as this bill)  
4 may purchase a handgun for use at the pistol club provided that:

5 a. The person has obtained a permit to purchase a handgun  
6 pursuant to the provisions of N.J.S.2C:58-3; and

7 b. The person directs the retail dealer from whom the handgun is  
8 purchased to deliver the handgun directly to the pistol club where the  
9 handgun is to be maintained and stored.

10

11 14. (New section) a. No owner of a pistol club shall accept a  
12 handgun for storage and maintenance from any member unless licensed  
13 to do so as hereinafter provided. The superintendent shall prescribe  
14 standards and qualifications for owners of pistol clubs for the  
15 protection of the public safety, health and welfare.

16 Applications shall be made in the form prescribed by the  
17 superintendent, accompanied by a fee of \$50 payable to the  
18 superintendent, and shall be made to a judge of the Superior Court in  
19 the county where the pistol club is located. The judge shall grant a  
20 license to an applicant if he finds that the applicant meets the standards  
21 and qualifications established by the superintendent and that the  
22 applicant can be permitted to operate a pistol club without any danger  
23 to the public safety, health and welfare. Each license shall be valid for  
24 a period of three years from the date of issuance, and shall authorize  
25 the holder to accept handguns for storage in a specified municipality.

26 No license shall be granted to any person under the age of 21 years  
27 or to any person who could not qualify to obtain a firearms purchaser  
28 identification card, or to any corporation, partnership or other business  
29 organization in which the actual or equitable controlling interest is  
30 held or possessed by such an ineligible person.

31 b. Licenses shall be granted subject to the following conditions:

32 (1) The activities of the pistol club shall be carried on only in the  
33 building or at the location designated in the license.

34 (2) The license or a copy certified by the issuing authority shall be  
35 displayed at all times in a conspicuous place on the premises where it  
36 can be easily read.

37 (3) Handguns are stored and maintained in such a manner as to  
38 provide adequate security.

39 Violators shall be subject to a revocation of their license upon the  
40 application of any law enforcement officer and after notice and hearing  
41 by the issuing court.

42 c. Every owner of a pistol club accepting handguns for storage and  
43 maintenance shall keep a register in which shall be the name and  
44 address of each member storing a handgun and the make, model,  
45 manufacturer's number, caliber and other marks of identification on the  
46 handgun stored and such other information as the superintendent shall

1 deem necessary for the proper enforcement of this section. The  
2 register shall be retained by the owner and shall be made available at  
3 all reasonable hours for inspection by any law enforcement officer.

4 d. The superintendent may promulgate regulations setting forth  
5 reasonable limitations on the quantity of handguns stored at a pistol  
6 club and may prescribe the conditions under which those handguns are  
7 maintained.

8

9 15. (New section) Notwithstanding the limitations imposed upon  
10 the purchasing and possessing of a handgun under N.J.S.2C:39-5 and  
11 N.J.S.2C:58-3, any person who has a justifiable need may purchase  
12 and possess a handgun for the purposes of subsection e. of  
13 N.J.S.2C:39-6.

14 To qualify under this section, an applicant first shall apply to the  
15 chief law enforcement officer of the municipality wherein the applicant  
16 intends to possess the handgun in accordance with the provisions of  
17 subsection e. of N.J.S.2C:39-6, or to the superintendent, as the case  
18 may be. The application shall be in a form and manner prescribed by  
19 the superintendent, shall be signed by the applicant under oath, and  
20 shall be indorsed by three reputable persons who have known the  
21 applicant for at least three years preceding the date of application, and  
22 who shall certify thereon that the applicant is a person of good moral  
23 character and behavior. No application shall be approved by the chief  
24 law enforcement officer or the superintendent, as the case may be,  
25 unless the applicant demonstrates that he is not subject to any of the  
26 disabilities set forth in subsection c. N.J.S.2C:58-3 and that he has a  
27 justifiable need to purchase and possess a handgun for the purposes of  
28 subsection e. of N.J.S.2C:39-6. If the application is not acted upon by  
29 the chief law enforcement officer or the superintendent within 60 days  
30 of the date it was filed, it shall be deemed to have been approved,  
31 unless the applicant agrees to an extension of time in writing. The  
32 superintendent may establish a fee for the filing and processing of an  
33 application pursuant to this subsection; provided, however, the amount  
34 of the fee shall not exceed the actual cost incurred by the local law  
35 enforcement agency or the Division of State Police, as the case may  
36 be, in processing the application.

37 c. If the application has been approved by the chief law  
38 enforcement officer or the superintendent, as the case may be, the  
39 applicant shall forthwith present it to the Superior Court of the county  
40 in which the applicant resides or, if different, the Superior Court of the  
41 county wherein he intends to possess the handgun. The court shall  
42 approve the application if, but only if, it is satisfied that the applicant  
43 is a person of good character who is not subject to any of the  
44 disabilities set forth in subsection c. of N.J.S.2C:58-3 and that he has  
45 a justifiable need to purchase and possess a handgun for the purposes  
46 of subsection e. of N.J.S.2C:39-6. The court may establish a fee for

1 the processing of an application pursuant to this subsection; provided,  
2 however, the amount of the fee shall not exceed the actual cost  
3 incurred by the court in processing the application.

4 d. If the application has been approved by the Superior Court, the  
5 applicant may apply for a permit to purchase a handgun in accordance  
6 with the provisions of N.J.S.2C:58-3.

7 e. Any person aggrieved by the denial by the chief law enforcement  
8 officer or the superintendent of approval of an application under  
9 subsection b. of this section may request a hearing in the Superior  
10 Court of the county in which he resides or, if different, in the county  
11 where his business is located, by filing a written request for such a  
12 hearing within 30 days of the denial. Copies of the request shall be  
13 served upon the superintendent, the county prosecutor and the chief  
14 law enforcement officer of the municipality where the applicant  
15 resides. The hearing shall be held within 30 days of the filing of the  
16 request, and no formal pleading or filing fee shall be required. Appeals  
17 from the determination at such a hearing shall be in accordance with  
18 law and the rules governing the courts of this State.

19 If the superintendent or chief law enforcement officer approves an  
20 application and the Superior Court denies the application and refuses  
21 to issue a permit, the applicant may appeal such denial in accordance  
22 with law and the rules governing the courts of this State.

23  
24 16. (New section) a. The owner of a handgun shall secure a  
25 certificate of ownership for each handgun he possesses. To apply for  
26 a certificate of ownership, a handgun owner shall:

27 (1) Complete a handgun certificate of ownership application, which  
28 shall be in a form prescribed by the superintendent;

29 (2) Pay a \$5 fee per application;

30 (3) Produce a copy of the permit to purchase which was used to  
31 acquire the handgun; and

32 (4) Demonstrate, in a manner prescribed by the superintendent,  
33 that the applicant is not subject to any of the disabilities set forth in  
34 subsection c. of N.J.S.2C:58-3.

35 The information on the application shall include, but not be limited  
36 to, the name and permanent address of the applicant; the number of the  
37 permit to purchase which the applicant used to acquire the handgun;  
38 and the make, model, manufacturer's number, caliber and other marks  
39 of identification on the handgun, if any. Each application shall be  
40 signed by the applicant, and the applicant's signature shall constitute  
41 a representation of the accuracy of the information contained in the  
42 application.

43 A certification of ownership shall expire three years from the date  
44 of issuance and may be renewed thereafter in the same manner and  
45 subject to the same conditions as the original; provided, however, that  
46 the superintendent may provide that a portion of the first certificates

1 issued under this subsection may expire in a period of less than three  
2 years in order to establish a balance among the number of certificates  
3 subject to renewal in each year thereafter. The superintendent may  
4 prorate the application fee for those certificates designated to expire  
5 in less than three years.

6 b. In the case of a handgun owner who resides in a municipality  
7 with an organized full-time police department, the application for a  
8 certificate of ownership shall be submitted at the main office of that  
9 police department. In all other cases, the application shall be  
10 submitted at any State Police station.

11 c. (1) Within 60 days of the effective date of P.L. , c. (C.  
12 )(now pending before the Legislature as this bill), the superintendent  
13 shall prepare the form of the application required under subsection a.  
14 of this section and shall supply a suitable supply of those application  
15 forms to each organized full-time municipal police department and  
16 State Police station.

17 (2) The superintendent shall establish a procedure under which an  
18 owner who is unable to produce a permit to purchase, as required  
19 under paragraph (3) of subsection a. of this section, may demonstrate  
20 that he lawfully possesses that handgun.

21 d. One copy of each completed and approved application for a  
22 certification of ownership shall be returned to the owner of the  
23 handgun, a second copy shall be sent to the superintendent, and, if the  
24 application was processed by a municipal police department, a third  
25 copy shall be retained by that department.

26 e. (1) A person who lawfully possesses a handgun on the effective  
27 date of P.L. , c. (C. )(now pending before the Legislature as this  
28 bill) shall apply to secure a certificate of ownership for each such  
29 handgun he possesses within 120 days of that effective date.

30 (2) Any person who, pursuant to paragraph (1) of subsection l. of  
31 N.J.S.2C:39-6 or section 13 or section 15 of P.L. , c. (C. )(now  
32 pending before the Legislature as this bill), acquires or purchases a  
33 handgun after the effective date of P.L. , c. (C. )(now pending  
34 before the Legislature as this bill) shall apply for a certification of  
35 ownership within 48 hours of taking possession of that handgun.

36 f. Any person violating the provisions of this section shall be  
37 subject to the penalties set forth in N.J.S.2C:39-10.

38

39 17. (New section) a. If at anytime a person who has been issued  
40 a certificate of ownership for a handgun becomes subject to any of the  
41 disabilities set forth in subsection c. of N.J.S.2C:58-3 or no longer has  
42 a justifiable need to possess a handgun as provided in section 15 of  
43 P.L. , c. (C. )(now pending before the Legislature as this bill),  
44 that handgun owner shall forthwith notify the superintendent. The  
45 notice shall be given in a manner and time prescribed by the  
46 superintendent.

1        Within five days of becoming disqualified or no longer having a  
2 justifiable need to possess a handgun, the owner shall deliver each  
3 handgun he possesses, along with the permit to purchase and the  
4 certificate of ownership for each such handgun to the superintendent,  
5 a State Police station, or, if the municipality wherein he resides has an  
6 organized full-time police department, that police department. If the  
7 owner delivers the handguns, permits and certificates to a State Police  
8 station or a municipal police department, the trooper or officer  
9 receiving those handguns, permits, and certificates shall immediately  
10 notify the superintendent.

11        Upon delivering the handguns, permits, and certificates, the  
12 disqualified owner may either:

13        (1) Voluntarily surrender the handguns as provided in  
14 N.J.S.2C:39-12; or

15        (2) Transfer ownership of the handguns to a person or firm  
16 lawfully entitled to acquire, purchase and possess a handgun.

17        If the disqualified owner notifies the superintendent of his intent to  
18 transfer ownership of the handguns pursuant to paragraph (2) of this  
19 subsection, the disqualified owner may retain ownership of the  
20 handguns for a period not exceeding 60 days, or for such further  
21 limited period as may be approved by the superintendent, provided the  
22 handguns remain in the custody of the superintendent, the municipal  
23 police department, or the county prosecutor, as the superintendent  
24 may prescribe. If the disqualified owner shall fail to transfer  
25 ownership of the handguns within the period prescribed by the  
26 superintendent, the handguns shall be transferred to the county  
27 prosecutor for disposition pursuant to the provisions of N.J.S.2C:64-6.

28        b. Any person violating the provisions of this section shall be  
29 subject to the penalties set forth in subsection b. of N.J.S.2C:39-5.

30

31        18. (New section) Every case of a theft of a handgun shall be  
32 reported within 24 hours of the discovery of the theft to the police  
33 authorities of the municipality where the holder of handgun resides or  
34 to the State Police. Any person who fails to report the theft of a  
35 handgun as provided in this section is a disorderly person.

36

37        19. (New section) There is created in the Department of Law and  
38 Public Safety a nonlapsing revolving fund to be known as the  
39 "Handgun Surrender Compensation Fund." This fund shall be the  
40 repository for moneys provided pursuant to subsection d. of  
41 N.J.S.2C:64-6 and shall be administered by the Attorney General.  
42 Moneys deposited in the fund and any interest earned thereon shall be  
43 used for the exclusive purpose of compensating owners who  
44 voluntarily surrender a handgun in accordance with the provisions of  
45 N.J.S.2C:39-12.

1       20. (New section) The superintendent is directed to conduct and  
2 complete a Statewide public information campaign for the purpose of  
3 acquainting the general public with the provisions of P.L.     , c.   (C.  
4     )(now pending before the Legislature as this bill). In that campaign,  
5 the superintendent shall give special attention to the provisions of  
6 N.J.S.2C:39-12 concerning the surrender of handguns; the  
7 compensation available to handgun owners under the Handgun  
8 Surrender Compensation Fund; an owner's responsibility for securing  
9 a certificate of ownership for each handgun; the penalties for failing to  
10 secure a certificate of ownership for a handgun; and an owner's  
11 statutory obligation to report the theft of a handgun.

12

13       21. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18       This bill restricts the sale, importation, possession and carrying of  
19 handguns except by certain authorized persons. Antique handguns and  
20 handguns determined by the Superintendent of State Police to be  
21 collectibles, commemoratives or curios are exempted.

22       Authorized persons would include those presently permitted to  
23 possess and carry handguns for work-related purposes, including law  
24 enforcement officers and members of the military. The bill also  
25 provides, however, that a homeowner or a storeowner may acquire  
26 and possess a handgun for self-protection if they can demonstrate a  
27 "justifiable need." In addition, members of licensed pistol clubs would  
28 be permitted to purchase handguns, but those handguns must be  
29 delivered to, and remain in the possession of, the club.

30       An owner who lawfully possesses a handgun upon enactment of the  
31 bill will be allowed to retain the handgun, but must obtain a certificate  
32 of ownership for it. The certificate would remain valid for three years  
33 and then must be renewed. An individual who fails to secure a  
34 certificate of ownership for a handgun could be charged with a crime  
35 of the fourth degree, or possibly a crime of the third degree, for  
36 violating N.J.S.2C:39-10.

37       If an owner for any reason becomes ineligible to lawfully possess a  
38 handgun, he is required to deliver it to the superintendent, a trooper  
39 at a State Police station, or an officer at a municipal police department  
40 within five days of losing his eligibility. The disqualified owner may  
41 either voluntarily surrender the handgun in accordance with  
42 N.J.S.2C:39-12 or attempt to sell the handgun to an individual who  
43 may lawfully purchase it. The bill grants a disqualified owner 60 days  
44 in which to sell the handgun, but specifies that during that period the  
45 handgun must remain in the custody of the superintendent, the  
46 municipal police, or the county prosecutor. If the disqualified owner

1 is unable to sell the handgun during that period, the handgun becomes  
2 subject to the forfeiture provisions of N.J.S.2C:64-1 et seq. A  
3 disqualified owner who fails to turn in his handgun within the five day  
4 period would be guilty of a violation of subsection b. of  
5 N.J.S.2C:39-5. A violation of that subsection is a crime of the third  
6 degree and includes a mandatory term of imprisonment.

7 Owners who surrender their handguns are eligible for compensation  
8 payments. Under the bill, ten percent of the proceeds derived from the  
9 forfeiture of cash and property seized in connection with illegal  
10 activities are to be deposited in a "Handgun Surrender Compensation  
11 Fund." The amount of compensation to be paid to owners who  
12 voluntarily surrender their handguns is to be set forth in a schedule  
13 developed by the superintendent.

14 Finally, the bill provides that only antique handguns, or handguns  
15 that the superintendent has classified as collectible, commemorative,  
16 or curio may be passed on to an heir or legatee. In all other cases, the  
17 administrator of the estate must surrender the deceased owner's  
18 handgun to either the superintendent or the local chief of police. If  
19 qualified, the estate may be entitled to compensation from the  
20 "Handgun Surrender Compensation Fund" for the surrendered  
21 handgun.

22

23

24

25

26 Prohibits the sale, importation, possession and carrying of handguns  
27 except by certain authorized persons.