

SENATE, No. 545

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning the purchase of handguns and safe storage of
2 firearms, amending N.J.S.2C:39-10, N.J.S.2C:58-2 and
3 N.J.S.2C:58-3 and supplementing chapter 58 of Title 2C of the
4 New Jersey Statutes.

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

8
9 1. (New section) A person who possesses and stores a firearm at
10 his place of business, residence, or on premises or land owned or
11 possessed by him, shall store the firearm in a securely locked case,
12 gunbox, container, or other facility, or shall secure the firearm with a
13 trigger lock mechanism or trigger blocking device properly fitted and
14 secured into place, when the person knows or should reasonably know
15 that a person under 18 years of age may obtain possession of the
16 firearm without the direct supervision of the minor's parent or legal
17 guardian or without the direct supervision of a person who holds a
18 valid permit to carry a handgun or a firearms purchaser identification
19 card. A firearm shall be stored in this manner unless it is being carried
20 on the person or is within such close proximity that it can be retrieved
21 as easily and as quickly as if it was being carried on the person. If a
22 minor obtains possession of a firearm and causes personal injury or
23 death to himself or another person with that firearm, the person who
24 failed to store the firearm as required by this section shall be subject
25 to the penalty provided in N.J.S.2C:39-10.

26 For the purposes of this section, a "trigger lock mechanism" or a
27 "trigger blocking device" means a mechanism or device which is
28 installed or removed with a key or a tool.

29 A person shall not be subject to the penalty in N.J.S.2C:39-10 if a
30 minor obtains possession of a firearm without the knowledge of the
31 person who stored the firearm and through the intervention of a third
32 person who is at or over 18 years of age or if a minor obtains
33 possession of a firearm as a result of an unlawful entry by the minor or
34 any other person into the place of business or residence or onto the

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

Matter underlined thus is new matter.

1 premises or land where the firearm is stored. This section shall not
2 apply to the storage of firearms on State or federal military property
3 nor shall it concern injuries or death caused during the performance of
4 official duties by a minor who is a member of the military.

5
6 2. N.J.S.2C:39-10 is amended to read as follows:

7 2C:39-10. Violation of the Regulatory Provisions Relating to
8 Firearms; False Representation in Applications.

9 a. Any person who knowingly violates the regulatory provisions
10 relating to manufacturing or wholesaling of firearms (section 2C:58-1),
11 retailing of firearms (section 2C:58-2), permits to purchase certain
12 firearms (section 2C:58-3), permits to carry certain firearms (section
13 2C:58-4), licenses to procure machine guns or assault firearms (section
14 2C:58-5), [or] incendiary or tracer ammunition (section 2C:58-10), or
15 storage of firearms (section 1 of P.L. c. (C.))(now pending
16 before the Legislature as this bill), except acts which are punishable
17 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the
18 fourth degree.

19 b. Any person who knowingly violates the regulatory provisions
20 relating to notifying the authorities of possessing certain items of
21 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)
22 is a disorderly person.

23 c. Any person who gives or causes to be given any false
24 information, or signs a fictitious name or address, in applying for a
25 firearms purchaser identification card, a permit to purchase a handgun,
26 a permit to carry a handgun, a permit to possess a machine gun, a
27 permit to possess an assault firearm, or in completing the certificate or
28 any other instrument required by law in purchasing or otherwise
29 acquiring delivery of any rifle, shotgun, handgun, machine gun, or
30 assault firearm or any other firearm, is guilty of a crime of the third
31 degree.

32 d. Any person who gives or causes to be given any false
33 information in registering an assault firearm pursuant to section 11 of
34 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm
35 was rendered inoperable pursuant to section 12 of P.L.1990, c.32
36 (C.2C:58-13) commits a crime of the fourth degree.

37 e. Any person who knowingly sells, gives, transfers, assigns or
38 otherwise disposes of a firearm to a person who is under the age of 18
39 years, except as permitted in section 14 of P.L.1979, c.179
40 (C.2C:58-6.1), is guilty of a crime of the third degree.
41 Notwithstanding any other provision of law to the contrary, the
42 sentence imposed for a conviction under this subsection shall include
43 a mandatory minimum three-year term of imprisonment, during which
44 the defendant shall be ineligible for parole.

45 (cf: P.L.1993, c.49, s.1)

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

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

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

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

26 No license shall be granted to any retail dealer under the age of 21
27 years or to any employee of a retail dealer under the age of 18 or to
28 any person who could not qualify to obtain a permit to purchase a
29 handgun or a firearms purchaser identification card, or to any
30 corporation, partnership or other business organization in which the
31 actual or equitable controlling interest is held or possessed by such an
32 ineligible person.

33 All licenses shall be granted subject to the following conditions, for
34 breach of any of which the license shall be subject to revocation on the
35 application of any law enforcement officer and after notice and hearing
36 by the issuing court:

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

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

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

46 (4) No rifle or shotgun, except antique rifles or shotguns, shall be

1 delivered to any person unless such person possesses and exhibits a
2 valid firearms purchaser identification card and furnishes the seller, on
3 the form prescribed by the superintendent, a certification signed by him
4 setting forth his name, permanent address, firearms purchaser
5 identification card number and such other information as the
6 superintendent may by rule or regulation require. The certification
7 shall be retained by the dealer and shall be made available for
8 inspection by any law enforcement officer at any reasonable time.

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

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

13 (b) The person is personally known to the seller or presents
14 evidence of his identity; [and]

15 (c) The handgun is unloaded and securely wrapped; and

16 (d) A trigger lock mechanism, or a trigger blocking device, which
17 must be installed and removed with a key or a tool is also delivered
18 along with the handgun.

19 (6) The dealer shall keep a true record of every handgun sold,
20 given or otherwise delivered or disposed of, in accordance with the
21 provisions of subsections b. through e. of this section and the record
22 shall note that a trigger lock mechanism, or trigger blocking device
23 was delivered along with the handgun.

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

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

42 d. Signatures in register. The purchaser, lessee or transferee of any
43 handgun shall sign, and the dealer shall require him to sign his name to
44 the register, in triplicate, and the person making the sale, lease or
45 transfer shall affix his name, in triplicate, as a witness to the signature.
46 The signatures shall constitute a representation of the accuracy of the

1 information contained in the register.

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

10 Where a sale, assignment or transfer is made to a purchaser who
11 resides in a municipality having no chief of police, the dealer shall,
12 within 5 days of the transaction, mail a duplicate copy of the register
13 sheet to the clerk of the county within which the purchaser resides.
14 (cf: P.L.1979, c.179, s.10)

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

17 2C:58-3. Purchase of Firearms.

18 a. Permit to purchase a handgun. No person shall sell, give,
19 transfer, assign or otherwise dispose of, nor receive, purchase, or
20 otherwise acquire a handgun unless the purchaser, assignee, donee,
21 receiver or holder is licensed as a dealer under this chapter or has first
22 secured a permit to purchase a handgun as provided by this section
23 and the receipt, purchase, or acquisition of a handgun also includes the
24 receipt, purchase or acquisition of a trigger lock mechanism, or a
25 trigger blocking device, which must be installed and removed with a
26 key or a tool for that handgun.

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

43 c. Who may obtain. No person of good character and good repute
44 in the community in which he lives, and who is not subject to any of
45 the disabilities set forth in this section or other sections of this chapter,
46 shall be denied a permit to purchase a handgun or a firearms purchaser

1 identification card, except as hereinafter set forth. No handgun
2 purchase permit or firearms purchaser identification card shall be
3 issued:

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

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

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

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

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

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

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

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

46 e. Applications. Applications for permits to purchase a handgun

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

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

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

1 has become subject to any of the disabilities set forth in this chapter.
2 f. Granting of permit or identification card; fee; term; renewal;
3 revocation. The application for the permit to purchase a handgun
4 together with a fee of \$2.00, or the application for the firearms
5 purchaser identification card together with a fee of \$5.00, shall be
6 delivered or forwarded to the licensing authority who shall investigate
7 the same and, unless good cause for the denial thereof appears, shall
8 grant the permit or the identification card, or both, if application has
9 been made therefor, within 30 days from the date of receipt of the
10 application for residents of this State and within 45 days for
11 nonresident applicants. A permit to purchase a handgun shall be valid
12 for a period of 90 days from the date of issuance and may be renewed
13 by the issuing authority for good cause for an additional 90 days. A
14 permit to purchase a handgun shall include the requirement that the
15 permit holder purchase or otherwise acquire a trigger lock mechanism,
16 or a trigger blocking device, which must be installed and removed with
17 a key or a tool for that handgun at the time of the handgun purchase.
18 A firearms purchaser identification card shall be valid until such time
19 as the holder becomes subject to any of the disabilities set forth in
20 subsection c. of this section, whereupon the card shall be void and
21 shall be returned within five days by the holder to the superintendent,
22 who shall then advise the licensing authority. Failure of the holder to
23 return the firearms purchaser identification card to the superintendent
24 within the said five days shall be an offense under section 2C:39-10a.
25 Any firearms purchaser identification card may be revoked by the
26 Superior Court of the county wherein the card was issued, after
27 hearing upon notice, upon a finding that the holder thereof no longer
28 qualifies for the issuance of such permit. The county prosecutor of
29 any county, the chief police officer of any municipality or any citizen
30 may apply to such court at any time for the revocation of such card.
31 There shall be no conditions or requirements added to the form or
32 content of the application, or required by the licensing authority for
33 the issuance of a permit or identification card, other than those that are
34 specifically set forth in this chapter.
35 g. Disposition of fees. All fees for permits shall be paid to the
36 State Treasury if the permit is issued by the superintendent, to the
37 municipality if issued by the chief of police, and to the county treasurer
38 if issued by the judge of the Superior Court.
39 h. Form of permit; quadruplicate; disposition of copies. The permit
40 shall be in the form prescribed by the superintendent and shall be
41 issued to the applicant in quadruplicate. Prior to the time he receives
42 the handgun from the seller, the applicant shall deliver to the seller the
43 permit in quadruplicate and the seller shall complete all of the
44 information required on the form. Within five days of the date of the
45 sale, the seller shall forward the original copy to the superintendent
46 and the second copy to the chief of police of the municipality in which

1 the purchaser resides, except that in a municipality having no chief of
2 police, such copy shall be forwarded to the superintendent. The third
3 copy shall then be returned to the purchaser with the pistol or revolver
4 and the fourth copy shall be kept by the seller as a permanent record.

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

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

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

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

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

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37 5. This act shall take effect immediately.
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40 STATEMENT

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42 This bill requires a person who possesses and stores a firearm at his
43 place of business, residence or other property possessed or owned by
44 him to store that firearm in a locked case, gunbox, container or other
45 facility, or with a properly fitted trigger lock or blocking mechanism,
46 when the person knows or should reasonably know that a minor (a

1 person under 18 years of age) could gain access to the firearm without
2 the direct supervision of the minor's parent or legal guardian or the
3 direct supervision of a person holding a valid permit to carry a
4 handgun or a firearms purchaser identification card. If a minor obtains
5 possession of a firearm because it was not stored in the required
6 manner and the minor causes personal injury or death to himself or
7 another person, the person who failed to store the firearm in the
8 required manner will be guilty of a crime of the fourth degree.

9 In addition, this bill amends N.J.S.2C:58-2 and 2C:58-3 to require
10 all sales and purchases of handguns to include a separate trigger lock
11 or blocking mechanism.

12 The purpose of this bill is to prevent the accidental injury or death
13 of children by firearms which may fall into their hands because the
14 firearms were irresponsibly stored within their easy reach. The
15 careless storage of firearms encourages tragic accidents and, therefore,
16 storage should be regulated for the safety of our children. Adults
17 would continue to be able to purchase, keep and use firearms;
18 however, they would have to give more thought to safe storage when
19 the firearms were not in use.

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24 _____
25 Requires the storage of firearms in a locked container or with a trigger
26 lock or blocking device; requires handguns to be sold with trigger
locks or trigger blocking devices.