

[First Reprint]
SENATE, No. 1059

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senators EWING, PALAIA, Cafiero, Bubba and Lipman

1 **AN ACT** concerning firearms and amending P.L.1991, c.261 and
2 N.J.S.2C:58-3.

3

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

6

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

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

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

17 (2) A warrant is in effect;

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted June 6, 1996.

1 c. (1) As used in this section, the word "exhibits" is to be liberally
2 construed to mean any indication that a victim has suffered bodily
3 injury, which shall include physical pain or any impairment of physical
4 condition. Where the victim exhibits no visible sign of injury, but
5 states that an injury has occurred, the officer should consider other
6 relevant factors in determining whether there is probable cause to
7 make an arrest.

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

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

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

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

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

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

27 ¹[~~(3) [Weapons] No weapons~~] e. (1) Weapons ¹ seized in
28 accordance with the ¹[above] "Prevention of Domestic Violence Act
29 of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)¹ shall be returned to
30 the owner except upon order of the Superior Court. The ¹[owner
31 may, upon notice to the]¹ prosecutor who has possession of the seized
32 weapons ~~[may, upon notice to the owner]~~¹ [,] may, upon notice to the
33 owner,¹ petition a judge of the Family Part of the Superior Court,
34 Chancery Division ¹[to order the return of the weapons. The
35 prosecutor, upon notice to the owner, may apply to the court]¹ [,]
36 within 45 days of seizure, ¹ [within 45 days of notice of seizure,]¹ to
37 obtain title to the seized weapons, or to revoke any and all permits,
38 licenses and other authorizations for the use, possession, or ownership
39 of such weapons pursuant to the law governing such use, possession,
40 or ownership, or may object to the return of the weapons on such
41 grounds as are provided for the initial rejection or later revocation of
42 the authorizations, or on the grounds that the owner is unfit or that the
43 owner poses a threat to the public in general or a person or persons in
44 particular.

45 ¹(2)¹ A hearing shall be held and a record made thereof within [15]
46 45 days of the notice provided above. No formal pleading and no

1 filing fee shall be required as a preliminary to such hearing. The
2 hearing shall be summary in nature. Appeals from the results of the
3 hearing shall be to the Superior Court, Appellate Division, in
4 accordance with the law.

5 [If the prosecutor does not institute an action within 45 days of
6 seizure, the seized weapons shall be returned to the owner.] ¹(3) If
7 the prosecutor does not institute an action within 45 days of notice of
8 seizure, the seized weapons shall be returned to the owner.

9 (4)¹ After the hearing the court shall order the return of the
10 firearms, weapons and any authorization papers relating to the seized
11 weapons to the owner if the ¹court determines that the owner is not
12 subject to any of the disabilities set forth in N.J.S.2C:58-3c and finds
13 that:

14 (a) the¹ complaint has been dismissed at the request of the
15 complainant and the prosecutor ¹[determines] advises¹ that there is
16 insufficient probable cause to indict; or

17 ¹[if] (b)¹ the defendant is found not guilty of the charges; or

18 ¹[if] (c)¹ the court determines that the domestic violence situation
19 no longer exists.

20 ¹(5)¹ Nothing in this act shall impair the right of the State to retain
21 evidence pending a criminal prosecution. Nor shall any provision of
22 this act be construed to limit the authority of the State or a law
23 enforcement officer to seize, retain or forfeit property pursuant to
24 chapter 64 of Title 2C of the New Jersey Statutes.

25 ¹(6)¹ If, after the hearing, the court determines that the weapons
26 are not to be returned to the owner, the court may:

27 (a) With respect to weapons other than firearms, order the
28 prosecutor to dispose of the weapons if the owner does not arrange
29 for the transfer or sale of the weapons to an appropriate person within
30 60 days; or

31 (b) Order the revocation of the owner's firearms purchaser
32 identification card or any permit, license or authorization, in which
33 case the court shall order the owner to surrender any firearm seized
34 and all other firearms possessed to the prosecutor and shall order the
35 prosecutor to dispose of the firearms if the owner does not arrange for
36 the sale of the firearms to a registered dealer of the firearms within 60
37 days; or

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

42 [(4) A civil suit may be brought to enjoin a wrongful failure to
43 return a seized firearm where the prosecutor refuses to return the
44 weapon after receiving a written request to do so and notice of the
45 owner's intent to bring a civil action pursuant to this section. Failure
46 of the prosecutor to comply with the provisions of this act shall entitle

1 the prevailing party in the civil suit to reasonable costs, including
2 attorney's fees, provided that the court finds that the prosecutor failed
3 to act in good faith in retaining the seized weapon.] (Deleted by
4 amendment, P.L. , c.)(now pending before the Legislature as this
5 bill)

6 ¹f. A civil suit may be brought to enjoin a wrongful failure to return
7 a seized firearm when the prosecutor refuses to return the weapon
8 after receiving a written request to do so and notice of the owner's
9 intent to bring a civil action pursuant to this section. The failure of the
10 prosecutor to comply with the provisions of this section shall entitle
11 the prevailing party in the civil suit to reasonable costs, including
12 attorney's fee, if the court finds that the prosecutor failed to act in
13 good faith in retaining the seized weapon.¹

14 [(5) No law enforcement officer or agency shall be held liable in
15 any civil action brought by any person for failing to learn of, locate or
16 seize a weapon pursuant to this act, or for returning a seized weapon
17 to its owner.] (Deleted by amendment, P.L. , c.)(now pending
18 before the Legislature as this bill)

19 ¹[(6)] g.¹ If a weapon is found on the premises, the law
20 enforcement officer shall demand and confiscate any firearms
21 purchaser identification card or permit to purchase a handgun issued
22 pursuant to N.J.S.2C:58-3 from the perpetrator of the domestic
23 violence incident. The law enforcement officer shall deliver the
24 confiscated card or permit to the county prosecutor's office.

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

26
27 2. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read
28 as follows:

29 13. a. A hearing shall be held in the Family Part of the Chancery
30 Division of the Superior Court within 10 days of the filing of a
31 complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in
32 the county where the ex parte restraints were ordered, unless good
33 cause is shown for the hearing to be held elsewhere. A copy of the
34 complaint shall be served on the defendant in conformity with the
35 Rules of Court. If a criminal complaint arising out of the same incident
36 which is the subject matter of a complaint brought under P.L.1981,
37 c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.)
38 has been filed, testimony given by the plaintiff or defendant in the
39 domestic violence matter shall not be used in the simultaneous or
40 subsequent criminal proceeding against the defendant, other than
41 domestic violence contempt matters and where it would otherwise be
42 admissible hearsay under the rules of evidence that govern where a
43 party is unavailable. At the hearing the standard for proving the
44 allegations in the complaint shall be by a preponderance of the
45 evidence. The court shall consider but not be limited to the following
46 factors:

- 1 (1) The previous history of domestic violence between the plaintiff
- 2 and defendant, including threats, harassment and physical abuse;
- 3 (2) The existence of immediate danger to person or property;
- 4 (3) The financial circumstances of the plaintiff and defendant;
- 5 (4) The best interests of the victim and any child;
- 6 (5) In determining custody and visitation the protection of the
- 7 victim's safety; and
- 8 (6) The existence of a verifiable order of protection from another
- 9 jurisdiction.

10 An order issued under this act shall only restrain or provide
11 damages payable from a person against whom a complaint has been
12 filed under this act and only after a finding or an admission is made
13 that an act of domestic violence was committed by that person. The
14 issue of whether or not a violation of this act occurred, including an
15 act of contempt under this act, shall not be subject to mediation or
16 negotiation in any form. In addition, where a temporary or final order
17 has been issued pursuant to this act, no party shall be ordered to
18 participate in mediation on the issue of custody or visitation.

19 b. In proceedings in which complaints for restraining orders have
20 been filed, the court shall grant any relief necessary to prevent further
21 abuse. In addition to any other provisions, any restraining order
22 issued by the court shall bar the defendant from receiving a firearms
23 purchaser identification card or permit to purchase a handgun pursuant
24 to N.J.S.2C:58-3 for a period of at least two years ¹or during the
25 period in which the restraining order is in effect.¹ At the hearing the
26 judge of the Family Part of the Chancery Division of the Superior
27 Court may issue an order granting any or all of the following relief:

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

30 (2) An order granting exclusive possession to the plaintiff of the
31 residence or household regardless of whether the residence or
32 household is jointly or solely owned by the parties or jointly or solely
33 leased by the parties. This order shall not in any manner affect title or
34 interest to any real property held by either party or both jointly. If it
35 is not possible for the victim to remain in the residence, the court may
36 order the defendant to pay the victim's rent at a residence other than
37 the one previously shared by the parties if the defendant is found to
38 have a duty to support the victim and the victim requires alternative
39 housing.

40 (3) An order providing for visitation. The order shall protect the
41 safety and well-being of the plaintiff and minor children and shall
42 specify the place and frequency of visitation. Visitation arrangements
43 shall not compromise any other remedy provided by the court by
44 requiring or encouraging contact between the plaintiff and defendant.
45 Orders for visitation may include a designation of a place of visitation
46 away from the plaintiff, the participation of a third party, or supervised

1 visitation.

2 (a) The court shall consider a request by a custodial parent who
3 has been subjected to domestic violence by a person with visitation
4 rights to a child in the parent's custody for an investigation or
5 evaluation by the appropriate agency to assess the risk of harm to the
6 child prior to the entry of a visitation order. Any denial of such a
7 request must be on the record and shall only be made if the judge finds
8 the request to be arbitrary or capricious.

9 (b) The court shall consider suspension of the visitation order and
10 hold an emergency hearing upon an application made by the plaintiff
11 certifying under oath that the defendant's access to the child pursuant
12 to the visitation order has threatened the safety and well-being of the
13 child.

14 (4) An order requiring the defendant to pay to the victim monetary
15 compensation for losses suffered as a direct result of the act of
16 domestic violence. The order may require the defendant to pay the
17 victim directly, to reimburse the Violent Crimes Compensation Board
18 for any and all compensation paid by the Violent Crimes Compensation
19 Board directly to or on behalf of the victim, and may require that the
20 defendant reimburse any parties that may have compensated the
21 victim, as the court may determine. Compensatory losses shall include,
22 but not be limited to, loss of earnings or other support, including child
23 or spousal support, out-of-pocket losses for injuries sustained, cost of
24 repair or replacement of real or personal property damaged or
25 destroyed or taken by the defendant, cost of counseling for the victim,
26 moving or other travel expenses, reasonable attorney's fees, court
27 costs, and compensation for pain and suffering. Where appropriate,
28 punitive damages may be awarded in addition to compensatory
29 damages.

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

36 (6) An order restraining the defendant from entering the residence,
37 property, school, or place of employment of the victim or of other
38 family or household members of the victim and requiring the defendant
39 to stay away from any specified place that is named in the order and
40 is frequented regularly by the victim or other family or household
41 members.

42 (7) An order restraining the defendant from making contact with
43 the plaintiff or others, including an order forbidding the defendant
44 from personally or through an agent initiating any communication
45 likely to cause annoyance or alarm including, but not limited to,
46 personal, written, or telephone contact with the victim or other family

1 members, or their employers, employees, or fellow workers, or others
2 with whom communication would be likely to cause annoyance or
3 alarm to the victim.

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

10 (9) An order granting either party temporary possession of
11 specified personal property, such as an automobile, checkbook,
12 documentation of health insurance, an identification document, a key,
13 and other personal effects.

14 (10) An order awarding emergency monetary relief, including
15 emergency support for minor children, to the victim and other
16 dependents, if any. An ongoing obligation of support shall be
17 determined at a later date pursuant to applicable law.

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

21 (12) An order requiring that a law enforcement officer accompany
22 either party to the residence or any shared business premises to
23 supervise the removal of personal belongings in order to ensure the
24 personal safety of the plaintiff when a restraining order has been
25 issued. This order shall be restricted in duration.

26 (13) (Deleted by amendment, P.L.1995, c.242, s.1)

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

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

35 (16) An order prohibiting the defendant from possessing any
36 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1
37 and ordering the search for and seizure of any such weapon at any
38 location where the judge has reasonable cause to believe the weapon
39 is located. The judge shall state with specificity the reasons for and
40 scope of the search and seizure authorized by the order.

41 (17) An order prohibiting the defendant from stalking or following,
42 or threatening to harm, to stalk or to follow, the complainant or any
43 other person named in the order in a manner that, taken in the context
44 of past actions of the defendant, would put the complainant in
45 reasonable fear that the defendant would cause the death or injury of
46 the complainant or any other person. Behavior prohibited under this

1 act includes, but is not limited to, behavior prohibited under the
2 provisions of P.L.1992, c.209 (C.2C:12-10).

3 (18) An order requiring the defendant to undergo a psychiatric
4 evaluation.

5 c. Notice of orders issued pursuant to this section shall be sent by
6 the clerk of the Family Part of the Chancery Division of the Superior
7 Court or other person designated by the court to the appropriate chiefs
8 of police, members of the State Police and any other appropriate law
9 enforcement agency.

10 d. Upon good cause shown, any final order may be dissolved or
11 modified upon application to the Family Part of the Chancery Division
12 of the Superior Court, but only if the judge who dissolves or modifies
13 the order is the same judge who entered the order, or has available a
14 complete record of the hearing or hearings on which the order was
15 based.

16 (cf. P.L.1995, c.242, s.1)

17

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

19 2C:58-3. Purchase of Firearms.

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

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

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

1 issued:

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

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

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

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

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

21 (6) To any person who is subject to a [court] restraining order
22 issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29)
23 [prohibiting the person from possessing any firearm]. A person who
24 is subject to a restraining order issued pursuant to section 13 of
25 P.L.1991, c.261 (C.2C:25-29) shall be barred from receiving a
26 handgun purchase permit or firearms purchaser identification card for
27 a period of at least two years, ¹or¹ as ordered by the court that issued
28 the restraining order ¹unless that restraining order is vacated.¹ At the
29 conclusion of that period, the defendant may ¹[request a hearing in the
30 Superior Court, conducted pursuant to the provisions of this section,
31 to determine whether the bar shall be lifted or continued for another
32 two-year period. If the bar is continued, the defendant may request a
33 hearing at subsequent two-year intervals] apply for a permit or
34 identification card¹.

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

41 Any person aggrieved by the denial of a permit or identification
42 card may request a hearing in the Superior Court of the county in
43 which he resides if he is a resident of New Jersey or in the Superior
44 Court of the county in which his application was filed if he is a
45 nonresident. The request for a hearing shall be made in writing within
46 30 days of the denial of the application for a permit or identification

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

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

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

44 The chief police officer or the superintendent shall obtain the
45 fingerprints of the applicant and shall have them compared with any
46 and all records of fingerprints in the municipality and county in which

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

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

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

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

44 h. Form of permit; quadruplicate; disposition of copies. The permit
45 shall be in the form prescribed by the superintendent and shall be
46 issued to the applicant in quadruplicate. Prior to the time he receives

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

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

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

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

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

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

41

42 4. This act shall take effect immediately.

1

2

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