

[First Reprint]

ASSEMBLY, No. 5030

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Co-Sponsored by:

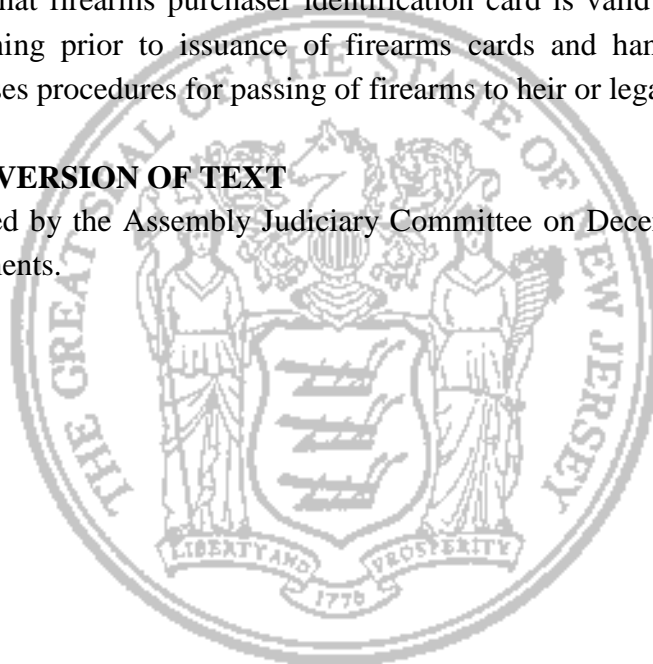
**Assemblywomen Vainieri Huttie, Jasey, Swain, Assemblyman Tully,
Assemblywoman Chaparro, Assemblyman McKeon, Assemblywomen
Carter and McKnight**

SYNOPSIS

Provides that firearms purchaser identification card is valid for four years; requires training prior to issuance of firearms cards and handgun purchase permits; revises procedures for passing of firearms to heir or legatee.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on December 13, 2021, with amendments.



(Sponsorship Updated As Of: 1/3/2022)

1 AN ACT concerning firearms and amending N.J.S.2C:58-3.

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun.

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

13 (2) A person who is not a licensed retail dealer and sells, gives,
14 transfers, assigns, or otherwise disposes of, or receives, purchases or
15 otherwise acquires a handgun pursuant to this section shall conduct the
16 transaction through a licensed retail dealer.

17 The provisions of this paragraph shall not apply if the transaction
18 is:

19 (a) between members of an immediate family as defined in
20 subsection n. of this section;

21 (b) between law enforcement officers;

22 (c) between collectors of firearms or ammunition as curios or
23 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in
24 their possession a valid Collector of Curios and Relics License issued
25 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

26 (d) a temporary transfer pursuant to section 1 of P.L.1992,
27 c.74 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

28 (3) Prior to a transaction conducted pursuant to this subsection, the
29 retail dealer shall complete a National Instant Criminal Background
30 Check of the person acquiring the handgun. In addition:

31 (a) the retail dealer shall submit to the Superintendent of State
32 Police, on a form approved by the superintendent, information
33 identifying and confirming the background check;

34 (b) every retail dealer shall maintain a record of transactions
35 conducted pursuant to this subsection, which shall be maintained at the
36 address displayed on the retail dealer's license for inspection by a law
37 enforcement officer during reasonable hours;

38 (c) a retail dealer may charge a fee for a transaction conducted
39 pursuant to this subsection; and

40 (d) any record produced pursuant to this subsection shall not be
41 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
42 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

43 b. Firearms purchaser identification card.

44 (1) No person shall sell, give, transfer, assign or otherwise dispose
45 of nor receive, purchase or otherwise acquire an antique cannon or a

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted December 13, 2021.

1 rifle or shotgun, other than an antique rifle or shotgun, unless the
2 purchaser, assignee, donee, receiver or holder is licensed as a dealer
3 under this chapter or possesses a valid, current firearms purchaser
4 identification card, and first exhibits the card to the seller, donor,
5 transferor or assignor, and unless the purchaser, assignee, donee,
6 receiver or holder signs a written certification, on a form prescribed by
7 the superintendent, which shall indicate that he presently complies
8 with the requirements of subsection c. of this section and shall contain
9 his name, address and firearms purchaser identification card number or
10 dealer's registration number. The certification shall be retained by the
11 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-2,
12 or, in the case of a person who is not a dealer, it may be filed with the
13 chief of police of the municipality in which he resides or with the
14 superintendent.

15 (2) A person who is not a licensed retail dealer and sells, gives,
16 transfers, assigns, or otherwise disposes of, or receives, purchases or
17 otherwise acquires an antique cannon or a rifle or shotgun pursuant to
18 this section shall conduct the transaction through a licensed retail
19 dealer.

20 The provisions of this paragraph shall not apply if the transaction
21 is:

22 (a) between members of an immediate family as defined in
23 subsection n. of this section;

24 (b) between law enforcement officers;

25 (c) between collectors of firearms or ammunition as curios or
26 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in
27 their possession a valid Collector of Curios and Relics License issued
28 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

29 (d) a temporary transfer pursuant to section 1 of P.L.1992,
30 c.74 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

31 (3) Prior to a transaction conducted pursuant to this subsection, the
32 retail dealer shall complete a National Instant Criminal Background
33 Check of the person acquiring an antique cannon or a rifle or shotgun.
34 In addition:

35 (a) the retail dealer shall submit to the Superintendent of State
36 Police, on a form approved by the superintendent, information
37 identifying and confirming the background check;

38 (b) every retail dealer shall maintain a record of transactions
39 conducted pursuant to this section which shall be maintained at the
40 address set forth on the retail dealer's license for inspection by a law
41 enforcement officer during reasonable hours;

42 (c) a retail dealer may charge a fee for a transaction conducted
43 pursuant to this subsection; and

44 (d) any record produced pursuant to this subsection shall not be
45 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
46 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

6 (1) To any person who has been convicted of any crime, or a
7 disorderly persons offense involving an act of domestic violence as
8 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not
9 armed with or possessing a weapon at the time of the offense;

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

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

24 (4) To any person under the age of 18 years for a firearms
25 purchaser identification card and to any person under the age of 21
26 years for a permit to purchase a handgun;

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

29 (6) To any person who is subject to a restraining order issued
30 pursuant to the "Prevention of Domestic Violence Act of 1991,"
31 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
32 possessing any firearm;

33 (7) To any person who as a juvenile was adjudicated delinquent for
34 an offense which, if committed by an adult, would constitute a crime
35 and the offense involved the unlawful use or possession of a weapon,
36 explosive or destructive device or is enumerated in subsection d. of
37 section 2 of P.L.1997, c.117 (C.2C:43-7.2);

38 (8) To any person whose firearm is seized pursuant to the
39 "Prevention of Domestic Violence Act of 1991," P.L.1991,
40 c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

41 (9) To any person named on the consolidated Terrorist Watchlist
42 maintained by the Terrorist Screening Center administered by the
43 Federal Bureau of Investigation; or

44 (10) To any person who is subject to a court order prohibiting the
45 custody, control, ownership, purchase, possession, or receipt of a
46 firearm or ammunition issued pursuant to the "Extreme Risk Protective
47 Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

1 In order to obtain an initial permit to purchase a handgun or a
2 firearms purchaser identification card, the applicant shall demonstrate
3 that, within four years prior to the date of the initial application, the
4 applicant satisfactorily completed a course of instruction approved by
5 the superintendent in the lawful and safe handling and storage of
6 firearms. An applicant who is a law enforcement officer who has
7 satisfied the requirements of subsection j. of N.J.S.2C:39-6, a retired
8 law enforcement officer who has satisfied the requirements of
9 subsection 1. of N.J.S.2C:39-6, or a veteran who was honorably
10 discharged as a member of the United States Armed Forces or
11 National Guard who received substantially equivalent training shall
12 not be required to complete the course of instruction required pursuant
13 to the provisions of this subsection. A person who obtained a permit
14 to purchase a handgun or a firearms purchaser identification card prior
15 to the effective date of P.L. , c. (pending before the Legislature as
16 this bill) shall not be required to completed a course of instruction
17 pursuant to this subsection.

18 d. Issuance. The chief of police of an organized full-time police
19 department of the municipality where the applicant resides or the
20 superintendent, in all other cases, shall upon application, issue to any
21 person qualified under the provisions of subsection c. of this section a
22 permit to purchase a handgun or a firearms purchaser identification
23 card.

24 Any person aggrieved by the denial of a permit or identification
25 card may request a hearing in the Superior Court of the county in
26 which he resides if he is a resident of New Jersey or in the Superior
27 Court of the county in which his application was filed if he is a
28 nonresident. The request for a hearing shall be made in writing within
29 30 days of the denial of the application for a permit or identification
30 card. The applicant shall serve a copy of his request for a hearing
31 upon the chief of police of the municipality in which he resides, if he
32 is a resident of New Jersey, and upon the superintendent in all cases.
33 The hearing shall be held and a record made thereof within 30 days of
34 the receipt of the application for a hearing by the judge of the Superior
35 Court. No formal pleading and no filing fee shall be required as a
36 preliminary to a hearing. Appeals from the results of a hearing shall
37 be in accordance with law.

38 e. Applications. Applications for permits to purchase a handgun
39 and for firearms purchaser identification cards shall be in the form
40 prescribed by the superintendent and shall set forth the name,
41 residence, place of business, age, date of birth, occupation, sex and
42 physical description, including distinguishing physical characteristics,
43 if any, of the applicant, and shall state whether the applicant is a
44 citizen, whether he is an alcoholic, habitual drunkard, drug dependent
45 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether
46 he has ever been confined or committed to a mental institution or
47 hospital for treatment or observation of a mental or psychiatric
48 condition on a temporary, interim or permanent basis, giving the name

1 and location of the institution or hospital and the dates of confinement
2 or commitment, whether he has been attended, treated or observed by
3 any doctor or psychiatrist or at any hospital or mental institution on an
4 inpatient or outpatient basis for any mental or psychiatric condition,
5 giving the name and location of the doctor, psychiatrist, hospital or
6 institution and the dates of the occurrence, whether he presently or
7 ever has been a member of any organization which advocates or
8 approves the commission of acts of force and violence to overthrow
9 the Government of the United States or of this State, or which seeks to
10 deny others their rights under the Constitution of either the United
11 States or the State of New Jersey, whether he has ever been convicted
12 of a crime or disorderly persons offense, whether the person is subject
13 to a restraining order issued pursuant to the "Prevention of Domestic
14 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.)
15 prohibiting the person from possessing any firearm, whether the
16 person is subject to a protective order issued pursuant to the "Extreme
17 Risk Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)
18 prohibiting the person from possessing any firearm, and other
19 information as the superintendent shall deem necessary for the proper
20 enforcement of this chapter. For the purpose of complying with this
21 subsection, the applicant shall waive any statutory or other right of
22 confidentiality relating to institutional confinement. The application
23 shall be signed by the applicant and shall contain as references the
24 names and addresses of two reputable citizens personally acquainted
25 with him.

26 Application blanks shall be obtainable from the superintendent,
27 from any other officer authorized to grant a permit or identification
28 card, and from licensed retail dealers.

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

43 f. Granting of permit or identification card; fee; term; renewal;
44 revocation. The application for the permit to purchase a handgun
45 together with a fee of \$2, or the application for the firearms purchaser
46 identification card together with a fee of \$5, shall be delivered or
47 forwarded to the licensing authority who shall investigate the same
48 and, unless good cause for the denial thereof appears, shall grant the

1 permit or the identification card, or both, if application has been made
2 therefor, within 30 days from the date of receipt of the application for
3 residents of this State and within 45 days for nonresident applicants.

4 A permit to purchase a handgun shall be valid for a period of 90 days
5 from the date of issuance and may be renewed by the issuing authority
6 for good cause for an additional 90 days.

7 A firearms purchaser identification card issued or renewed after
8 the effective date of P.L. , c. (pending before the Legislature as this
9 bill) shall '【be valid】' 【until such】 '【for a period of four years from
10 the date of issuance, unless during that time】' 【as】 'expire during the
11 fourth calendar year following its date of issuance and on the same
12 calendar day as the person's date of birth.

13 A firearms purchaser identification card issued prior to the
14 effective date of P.L. , c. (pending before the Legislature as this
15 bill) shall expire during the fourth calendar year following the
16 effective date of P.L. , c. (pending before the Legislature as this
17 bill) and on the same calendar day as the person's date of birth.

18 If the date of birth of the firearms purchaser identification card
19 holder does not correspond to a calendar day of the fourth calendar
20 year, the card shall expire on the last day of the birth month of the card
21 holder.

22 A firearms purchaser identification card issued pursuant to this
23 section may be renewed upon filing of a renewal application and
24 payment of the required fee, provided that the holder is not subject to
25 any of the disabilities set forth in subsection c. of this section and
26 complies with all other applicable requirements as set forth in statute
27 and regulation.

28 The firearms purchaser identification card shall be void if¹ the
29 holder becomes subject to any of the disabilities set forth in subsection
30 c. of this section, whereupon the card shall be void and shall be
31 returned within five days by the holder to the superintendent, who
32 shall then advise the licensing authority. Failure of the holder to return
33 the firearms purchaser identification card to the superintendent within
34 the five days shall be an offense under subsection a. of N.J.S.2C:39-
35 10. Any firearms purchaser identification card may be revoked by the
36 Superior Court of the county wherein the card was issued, after
37 hearing upon notice, upon a finding that the holder thereof no longer
38 qualifies for the issuance of the permit. The county prosecutor of any
39 county, the chief police officer of any municipality or any citizen may
40 apply to the court at any time for the revocation of the card. ¹【A
41 firearms purchaser identification card issued after the effective date of
42 P.L. , c. (pending before the Legislature as this bill) may be
43 renewed upon filing of a renewal application and payment of the
44 required fee, provided that the holder is not subject to any of the
45 disabilities set forth in subsection c. of this section and complies with
46 all other applicable requirements as set forth in statute and regulation.
47 A person who obtained a firearms purchaser identification card issued
48 prior to the effective date of P.L. , c. (pending before the

1 Legislature as this bill) shall renew the card by the first day of the forty
2 ninth month following the effective date of P.L. _____, c. _____ (pending
3 before the Legislature as this bill).】¹

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

8 g. Disposition of fees. All fees for permits shall be paid to the
9 State Treasury if the permit is issued by the superintendent, to the
10 municipality if issued by the chief of police, and to the county
11 treasurer if issued by the judge of the Superior Court.

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

24 i. Restriction on number of firearms person may purchase. Only
25 one handgun shall be purchased or delivered on each permit and no
26 more than one handgun shall be purchased within any 30-day period,
27 but this limitation shall not apply to:

28 (1) a federal, State, or local law enforcement officer or agency
29 purchasing handguns for use by officers in the actual performance of
30 their law enforcement duties;

31 (2) a collector of handguns as curios or relics as defined in Title
32 18, United States Code, section 921 (a) (13) who has in his possession
33 a valid Collector of Curios and Relics License issued by the federal
34 Bureau of Alcohol, Tobacco, Firearms and Explosives;

35 (3) transfers of handguns among licensed retail dealers, registered
36 wholesale dealers and registered manufacturers;

37 (4) transfers of handguns from any person to a licensed retail
38 dealer or a registered wholesale dealer or registered manufacturer;

39 (5) any transaction where the person has purchased a handgun
40 from a licensed retail dealer and has returned that handgun to the
41 dealer in exchange for another handgun within 30 days of the original
42 transaction, provided the retail dealer reports the exchange transaction
43 to the superintendent; or

44 (6) any transaction where the superintendent issues an exemption
45 from the prohibition in this subsection pursuant to the provisions of
46 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

47 The provisions of this subsection shall not be construed to afford
48 or authorize any other exemption from the regulatory provisions

1 governing firearms set forth in chapter 39 and chapter 58 of Title 2C
2 of the New Jersey Statutes;

3 A person shall not be restricted as to the number of rifles or
4 shotguns he may purchase, provided he possesses a valid firearms
5 purchaser identification card and provided further that he signs the
6 certification required in subsection b. of this section for each
7 transaction.

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

24 (1) Upon the death of the owner of a firearm, the administrator or
25 executor of the estate who does not possess a valid firearms purchaser
26 identification card or permit to purchase a handgun shall surrender
27 custody of the firearm within 30 days to the chief law enforcement
28 officer of the municipality in which the decedent resided or, if the
29 municipality does not have a police department or force, the
30 superintendent. The chief law enforcement officer or superintendent,
31 as appropriate, shall retain custody of the firearm until the heir or
32 legatee obtains a valid permit to purchase a handgun or firearms
33 purchaser identification card. If the heir or legatee does not obtain a
34 permit to purchase a handgun or firearms purchaser identification card,
35 the heir or legatee shall sell the firearm to a licensed retail dealer or
36 arrange for the sale of the firearm by the licensed retail dealer. The
37 licensed retail dealer shall provide the heir or legatee with a receipt
38 and shall record the date of surrender, the name of the heir or legatee,
39 and the serial number, manufacturer, and model of the surrendered
40 firearm.

41 (2) An heir or legatee who possesses a valid permit to purchase a
42 handgun or firearms purchaser identification card may take possession
43 of the firearm directly from the administrator or executor of the estate
44 or from the chief law enforcement officer or superintendent, as
45 appropriate, if the heir or legatee files a signed certification in a form
46 prescribed by the superintendent. The certification shall set forth the
47 name, address, and firearms purchaser identification card or permit to

1 purchase a handgun number of the heir or legatee and certify that the
2 heir or legatee currently complies with the requirements in subsection
3 c. of this section. The certification shall be filed with the chief law
4 enforcement officer of the municipality in which the decedent resided
5 or, if there is no chief law enforcement officer, the superintendent.

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

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

14 m. The provisions of subsections a. and b. of this section and
15 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
16 apply to the purchase of firearms by a law enforcement agency for use
17 by law enforcement officers in the actual performance of the officers'
18 official duties, which purchase may be made directly from a
19 manufacturer or from a licensed dealer located in this State or any
20 other state.

21 n. For the purposes of this section, "immediate family" means a
22 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
23 (C.26:8A-3), partner in a civil union couple as defined in section 2 of
24 P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent, sibling,
25 stepsibling, child, stepchild, and grandchild, as related by blood or by
26 law.

27 (cf: P.L.2018, c.36, s.1)

28
29 2. This act shall take effect immediately.