

ASSEMBLY, No. 5428

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 8, 2021

Sponsored by:

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen Thomson, DiMaio and Scharfenberger

SYNOPSIS

Exempts qualified veterans from paying certain firearm related fees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/17/2021)

1 AN ACT concerning firearm related application fees and amending
2 N.J.S.2C:58-3, N.J.S.2C:58-4, and N.J.S.2C:58-5.

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

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

8 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

22 (b) between law enforcement officers;

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

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

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

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

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

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

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

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 b. Firearms purchaser identification card.

2 (1) No person shall sell, give, transfer, assign or otherwise
3 dispose of nor receive, purchase or otherwise acquire an antique
4 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
5 unless the purchaser, assignee, donee, receiver or holder is licensed
6 as a dealer under this chapter or possesses a valid firearms
7 purchaser identification card, and first exhibits the card to the seller,
8 donor, transferor or assignor, and unless the purchaser, assignee,
9 donee, receiver or holder signs a written certification, on a form
10 prescribed by the superintendent, which shall indicate that he
11 presently complies with the requirements of subsection c. of this
12 section and shall contain his name, address and firearms purchaser
13 identification card number or dealer's registration number. The
14 certification shall be retained by the seller, as provided in paragraph
15 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
16 who is not a dealer, it may be filed with the chief of police of the
17 municipality in which he resides or with the superintendent.

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

23 The provisions of this paragraph shall not apply if the transaction
24 is:

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

27 (b) between law enforcement officers;

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

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

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

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

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

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

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

4 c. Who may obtain. No person of good character and good
5 repute in the community in which he lives, and who is not subject to
6 any of the disabilities set forth in this section or other sections of
7 this chapter, shall be denied a permit to purchase a handgun or a
8 firearms purchaser identification card, except as hereinafter set
9 forth. No handgun purchase permit or firearms purchaser
10 identification card shall be issued:

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

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

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

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

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

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

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

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

46 (9) To any person named on the consolidated Terrorist Watchlist
47 maintained by the Terrorist Screening Center administered by the
48 Federal Bureau of Investigation; or

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

5 d. Issuance. The chief of police of an organized full-time
6 police department of the municipality where the applicant resides or
7 the superintendent, in the case of an applicant who is a qualified
8 veteran, as defined in subsection f. of this section and in all other
9 cases, shall upon application, issue to any person qualified under
10 the provisions of subsection c. of this section a permit to purchase a
11 handgun or a firearms purchaser identification card. In the case of
12 an applicant who is a qualified veteran and resides in a municipality
13 with an organized full-time police department, the superintendent
14 shall provide notice of issuance of a permit to purchase a handgun
15 or a firearm purchaser identification card to the chief of police of
16 that police department.

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

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

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

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

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

38 f. Granting of permit or identification card; fee; term; renewal;
39 revocation. **【The】** Except as otherwise provided in this subsection,
40 the application for the permit to purchase a handgun together with a
41 fee of \$2, or the application for the firearms purchaser identification
42 card together with a fee of \$5, shall be delivered or forwarded to the
43 licensing authority who shall investigate the same and, unless good
44 cause for the denial thereof appears, shall grant the permit or the
45 identification card, or both, if application has been made therefor,
46 within 30 days from the date of receipt of the application for
47 residents of this State and within 45 days for nonresident applicants.
48 A permit to purchase a handgun shall be valid for a period of 90

1 days from the date of issuance and may be renewed by the issuing
2 authority for good cause for an additional 90 days. A firearms
3 purchaser identification card shall be valid until such time as the
4 holder becomes subject to any of the disabilities set forth in
5 subsection c. of this section, whereupon the card shall be void and
6 shall be returned within five days by the holder to the
7 superintendent, who shall then advise the licensing authority.
8 Failure of the holder to return the firearms purchaser identification
9 card to the superintendent within the five days shall be an offense
10 under subsection a. of N.J.S.2C:39-10. Any firearms purchaser
11 identification card may be revoked by the Superior Court of the
12 county wherein the card was issued, after hearing upon notice, upon
13 a finding that the holder thereof no longer qualifies for the issuance
14 of the permit. The county prosecutor of any county, the chief police
15 officer of any municipality or any citizen may apply to the court at
16 any time for the revocation of the card.

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

21 The fees set forth in this subsection shall not apply to an
22 application submitted by a qualified veteran. For the purposes of
23 this subsection, a “qualified veteran” means a resident of this State
24 who is: (1) certified by the federal Department of Veterans Affairs
25 as having any degree of service-connected disability; (2) the
26 recipient of the Medal of Honor; or (3) the recipient of a Purple
27 Heart Medal.

28 g. Disposition of fees. All fees for permits shall be paid to the
29 State Treasury if the permit is issued by the superintendent, to the
30 municipality if issued by the chief of police, and to the county
31 treasurer if issued by the judge of the Superior Court.

32 h. Form of permit; quadruplicate; disposition of copies. The
33 permit shall be in the form prescribed by the superintendent and
34 shall be issued to the applicant in quadruplicate. Prior to the time
35 he receives the handgun from the seller, the applicant shall deliver
36 to the seller the permit in quadruplicate and the seller shall
37 complete all of the information required on the form. Within five
38 days of the date of the sale, the seller shall forward the original
39 copy to the superintendent and the second copy to the chief of
40 police of the municipality in which the purchaser resides, except
41 that in a municipality having no chief of police, the copy shall be
42 forwarded to the superintendent. The third copy shall then be
43 returned to the purchaser with the pistol or revolver and the fourth
44 copy shall be kept by the seller as a permanent record.

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

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

4 (2) a collector of handguns as curios or relics as defined in Title
5 18, United States Code, section 921 (a) (13) who has in his
6 possession a valid Collector of Curios and Relics License issued by
7 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

12 (5) any transaction where the person has purchased a handgun
13 from a licensed retail dealer and has returned that handgun to the
14 dealer in exchange for another handgun within 30 days of the
15 original transaction, provided the retail dealer reports the exchange
16 transaction to the superintendent; or

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

20 The provisions of this subsection shall not be construed to afford
21 or authorize any other exemption from the regulatory provisions
22 governing firearms set forth in chapter 39 and chapter 58 of Title
23 2C of the New Jersey Statutes;

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

29 j. Firearms passing to heirs or legatees. Notwithstanding any
30 other provision of this section concerning the transfer, receipt or
31 acquisition of a firearm, a permit to purchase or a firearms
32 purchaser identification card shall not be required for the passing of
33 a firearm upon the death of an owner thereof to his heir or legatee,
34 whether the same be by testamentary bequest or by the laws of
35 intestacy. The person who shall so receive, or acquire the firearm
36 shall, however, be subject to all other provisions of this chapter. If
37 the heir or legatee of the firearm does not qualify to possess or carry
38 it, he may retain ownership of the firearm for the purpose of sale for
39 a period not exceeding 180 days, or for a further limited period as
40 may be approved by the chief law enforcement officer of the
41 municipality in which the heir or legatee resides or the
42 superintendent, provided that the firearm is in the custody of the
43 chief law enforcement officer of the municipality or the
44 superintendent during that period.

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

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

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

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

21 (cf: P.L.2018, c.36, s.1)
22

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

24 2C:58-4. a. Scope and duration of authority.

25 Any person who holds a valid permit to carry a handgun issued
26 pursuant to this section shall be authorized to carry a handgun in all
27 parts of this State, except as prohibited by subsection e. of
28 N.J.S.2C:39-5. One permit shall be sufficient for all handguns
29 owned by the holder thereof, but the permit shall apply only to a
30 handgun carried by the actual and legal holder of the permit.

31 All permits to carry handguns shall expire two years from the
32 date of issuance or, in the case of an employee of an armored car
33 company, upon termination of his employment by the company
34 occurring prior thereto whichever is earlier in time, and they may
35 thereafter be renewed every two years in the same manner and
36 subject to the same conditions as in the case of original
37 applications.

38 b. Application forms. All applications for permits to carry
39 handguns, and all applications for renewal of permits, shall be made
40 on the forms prescribed by the superintendent. Each application
41 shall set forth the full name, date of birth, sex, residence,
42 occupation, place of business or employment, and physical
43 description of the applicant, and any other information the
44 superintendent may prescribe for the determination of the
45 applicant's eligibility for a permit and for the proper enforcement of
46 this chapter. The application shall be signed by the applicant under
47 oath, and shall be indorsed by three reputable persons who have
48 known the applicant for at least three years preceding the date of

1 application, and who shall certify thereon that the applicant is a
2 person of good moral character and behavior.

3 c. Investigation and approval. Each application shall in the
4 first instance be submitted to the chief police officer of the
5 municipality in which the applicant resides, or to the
6 superintendent, (1) if the applicant is an employee of an armored
7 car company, or (2) if there is no chief police officer in the
8 municipality where the applicant resides, or (3) if the applicant does
9 not reside in this State. The chief police officer, or the
10 superintendent, as the case may be, shall cause the fingerprints of
11 the applicant to be taken and compared with any and all records
12 maintained by the municipality, the county in which it is located,
13 the State Bureau of Identification and the Federal Bureau of
14 Identification. He shall also determine and record a complete
15 description of each handgun the applicant intends to carry.

16 No application shall be approved by the chief police officer or
17 the superintendent unless the applicant demonstrates that he is not
18 subject to any of the disabilities set forth in subsection c. of
19 N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling
20 and use of handguns, and that he has a justifiable need to carry a
21 handgun.

22 Each application form shall be accompanied by a written
23 certification of justifiable need to carry a handgun, which shall be
24 under oath and, in the case of a private citizen, shall specify in
25 detail the urgent necessity for self-protection, as evidenced by
26 specific threats or previous attacks which demonstrate a special
27 danger to the applicant's life that cannot be avoided by means other
28 than by issuance of a permit to carry a handgun. Where possible,
29 the applicant shall corroborate the existence of any specific threats
30 or previous attacks by reference to reports of the incidents to the
31 appropriate law enforcement agencies.

32 If the application is not approved by the chief police officer or
33 the superintendent within 60 days of filing, it shall be deemed to
34 have been approved, unless the applicant agrees to an extension of
35 time in writing.

36 d. Issuance by Superior Court; fee. If the application has been
37 approved by the chief police officer or the superintendent, as the
38 case may be, the applicant shall forthwith present it to the Superior
39 Court of the county in which the applicant resides, or to the
40 Superior Court in any county where he intends to carry a handgun,
41 in the case of a nonresident or employee of an armored car
42 company. The court shall issue the permit to the applicant if, but
43 only if, it is satisfied that the applicant is a person of good character
44 who is not subject to any of the disabilities set forth in subsection c.
45 of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
46 handling and use of handguns, and that he has a justifiable need to
47 carry a handgun in accordance with the provisions of subsection c.
48 of this section. The court may at its discretion issue a limited-type

1 permit which would restrict the applicant as to the types of
2 handguns he may carry and where and for what purposes the
3 handguns may be carried. **【At】** Except as otherwise provided in
4 this subsection, at the time of issuance, the applicant shall pay to
5 the county clerk of the county where the permit was issued a permit
6 fee of \$20.

7 The fee set forth in this subsection shall not apply to a permit
8 issued to a qualified veteran. For the purposes of this subsection, a
9 “qualified veteran” means a resident of this State who is: (1)
10 certified by the federal Department of Veterans Affairs as having
11 any degree of service-connected disability; (2) the recipient of the
12 Medal of Honor; or (3) the recipient of a Purple Heart Medal.

13 e. Appeals from denial of applications. Any person aggrieved
14 by the denial by the chief police officer or the superintendent of
15 approval for a permit to carry a handgun may request a hearing in
16 the Superior Court of the county in which he resides or in any
17 county in which he intends to carry a handgun, in the case of a
18 nonresident, by filing a written request for a hearing within 30 days
19 of the denial. Copies of the request shall be served upon the
20 superintendent, the county prosecutor, and the chief police officer
21 of the municipality where the applicant resides, if he is a resident of
22 this State. The hearing shall be held within 30 days of the filing of
23 the request, and no formal pleading or filing fee shall be required.
24 Appeals from the determination at the hearing shall be in
25 accordance with law and the rules governing the courts of this State.

26 If the superintendent or chief police officer approves an
27 application and the Superior Court denies the application and
28 refuses to issue a permit, the applicant may appeal the denial in
29 accordance with law and the rules governing the courts of this State.

30 f. Revocation of permits. Any permit issued under this section
31 shall be void at the time the holder thereof becomes subject to any
32 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
33 the holder of a void permit shall immediately surrender the permit
34 to the superintendent who shall give notice to the licensing
35 authority.

36 Any permit may be revoked by the Superior Court, after hearing
37 upon notice to the holder, if the court finds that the holder is no
38 longer qualified for the issuance of a permit. The county prosecutor
39 of any county, the chief police officer of any municipality, the
40 superintendent, or any citizen may apply to the court at any time for
41 the revocation of any permit issued pursuant to this section.

42 (cf: P.L.2018, c.37, s.1)

43
44 3. N.J.S.2C:58-5 is amended to read as follows:

45 2C:58-5. Licenses to Possess and Carry Machine Guns and
46 Assault Firearms.

47 a. Any person who desires to purchase, possess and carry a
48 machine gun or assault firearm in this State may apply for a license

1 to do so by filing in the Superior Court in the county in which he
2 resides, or conducts his business if a nonresident, a written
3 application setting forth in detail his reasons for desiring such a
4 license. The Superior Court shall refer the application to the county
5 prosecutor for investigation and recommendation. A copy of the
6 prosecutor's report, together with a copy of the notice of the hearing
7 on the application, shall be served upon the superintendent and the
8 chief police officer of every municipality in which the applicant
9 intends to carry the machine gun or assault firearm, unless, for good
10 cause shown, the court orders notice to be given wholly or in part
11 by publication.

12 b. No license shall be issued to any person who would not
13 qualify for a permit to carry a handgun under section 2C:58-4, and
14 no license shall be issued unless the court finds that the public
15 safety and welfare so require. Any person aggrieved by the decision
16 of the court in granting or denying an application, including the
17 applicant, the prosecutor, or any law enforcement officer entitled to
18 notice under subsection a. who appeared in opposition to the
19 application, may appeal said decision in accordance with law and
20 the rules governing the courts of this State.

21 c. Upon the issuance of any license under this section, true
22 copies of such license shall be filed with the superintendent and the
23 chief police officer of the municipality where the licensee resides or
24 has his place of business.

25 d. In issuing any license under this section, the court shall
26 attach thereto such conditions and limitations as it deems to be in
27 the public interest. Unless otherwise provided by court order at the
28 time of issuance, each license shall expire one year from the date of
29 issuance, and may be renewed in the same manner and under the
30 same conditions as apply to original applications.

31 e. Any license may be revoked by the Superior Court, after a
32 hearing upon notice to the holder thereof, if the court finds that the
33 holder is no longer qualified for the issuance of such a license or
34 that revocation is necessary for the public safety and welfare. Any
35 citizen may apply to the court for revocation of a license issued
36 under this section.

37 f. **[A]** Except as otherwise provided in this subsection, a filing
38 fee of \$75.00 shall be required for each application filed pursuant to
39 the provisions of this section. Of this filing fee, \$25.00 shall be
40 forwarded to the State Treasury for deposit in the account used by
41 the Violent Crimes Compensation Board in satisfying claims and
42 for related administrative costs pursuant to the provisions of the
43 "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317
44 (C.52:4B-1 et seq.).

45 The fee set forth in this subsection shall not apply to an
46 application filed by a qualified veteran. For the purposes of this
47 subsection, a "qualified veteran" means a resident of this State who
48 is: (1) certified by the federal Department of Veterans Affairs as

1 having any degree of service-connected disability; (2) the recipient
2 of the Medal of Honor; or (3) the recipient of a Purple Heart Medal.

3 g. Any license granted pursuant to the provisions of this
4 section shall expire two years from the date of issuance and may be
5 renewed in the same manner and under the same conditions as apply
6 to original applications. If the holder of a license dies, the holder's
7 heirs or estate shall have 90 days to dispose of that firearm as
8 provided in section 12 of P.L.1990, c.32 (C.2C:58-13).

9 h. If an assault firearm licensed pursuant to the provisions of
10 this section is used in the commission of a crime, the holder of the
11 license for that assault firearm shall be civilly liable for any
12 damages resulting from that crime. The liability imposed by this
13 subsection shall not apply if the assault firearm used in the
14 commission of the crime was stolen and the license holder reported
15 the theft of the firearm to law enforcement authorities within 24
16 hours of the license holder's knowledge of the theft.

17 i. Nothing in P.L.1990, c.32 (C.2C:58-12 et al.) shall be
18 construed to abridge any exemptions provided under N.J.S.2C:39-6.
19 (cf: P.L.1990, c.32, s.9)

20
21 4. This act shall take effect immediately.
22
23

24 STATEMENT

25
26 This bill exempts qualified veterans from paying the application
27 and issuance fees associated with applying for a firearms purchaser
28 identification card, a permit to purchase a handgun, a permit to
29 carry a handgun, and a license to possess and carry a machine gun
30 or assault firearm.

31 Current law requires an applicant to submit the following fees
32 associated with firearms:

- 33 • Firearms purchaser identification card - \$5 submitted upon
34 application to the chief of police of the municipality where
35 the applicant resides or the Superintendent of State Police, as
36 the case may be.
- 37 • Permit to purchase a handgun - \$2 per handgun permit
38 requested, submitted upon application to the chief of police
39 of the municipality where the applicant resides or the
40 Superintendent of State Police, as the case may be.
- 41 • Permit to carry a handgun - \$20 submitted upon issuance of
42 the permit to the county clerk of the county where the permit
43 was issued.
- 44 • License to possess and carry a machine gun or assault
45 firearm - \$75 submitted to the Superior Court upon
46 application.

47 Under the provisions of this bill, the fees would be waived for
48 applicants who are qualified veterans. The bill defines a "qualified

1 veteran” as a resident of this State who is: (1) certified by the
2 federal Department of Veterans Affairs as having any degree of
3 service-connected disability; (2) the recipient of the Medal of
4 Honor; or (3) the recipient of a Purple Heart Medal.

5 The bill additionally provides that a qualified veteran applicant
6 would submit an application for a permit to purchase a handgun and
7 a firearm purchaser identification card to the Superintendent of
8 State Police, irrespective of whether the applicant resides in a
9 municipality with an organized full-time police department. Under
10 the bill, if the superintendent issues either the permit or the
11 identification card to a qualified veteran residing in a municipality
12 with a chief of police, the chief would be notified of the issuance.