

# ASSEMBLY, No. 5599

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

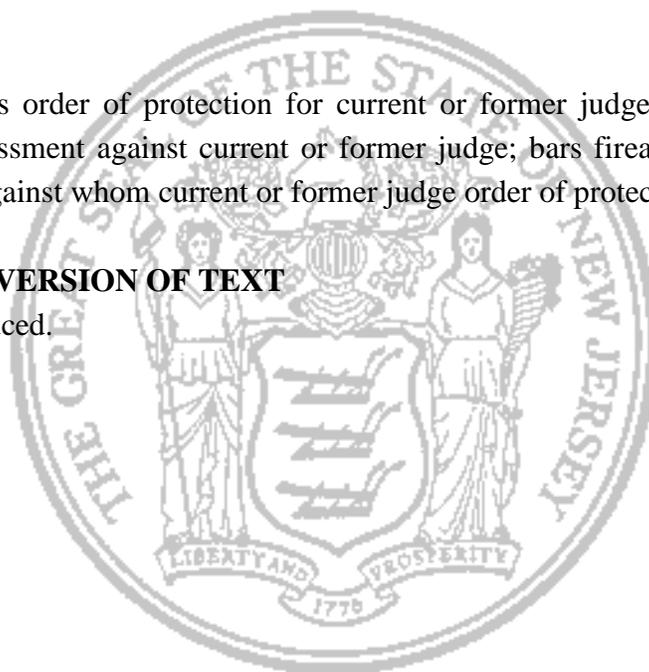
**Assemblywoman Murphy, Assemblymen Mukherji, Auth, Verrelli, Freiman, Assemblywomen Timberlake, Swain, Assemblyman Tully and Senator Pou**

**SYNOPSIS**

Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2021)**

A5599 CHIARAVALLOTI, VAINIERI HUTTLE

2

1 AN ACT concerning security for certain judges and amending  
2 N.J.S.2C:33-4, N.J.S.2C:58-3 and P.L.2013, c.272 and  
3 supplementing Title 2C of the New Jersey Statutes.

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

7  
8 1. N.J.S.2C:33-4 is amended to read as follows:  
9 2C:33-4. Harassment.

10 Except as provided in subsection e., a person commits a petty  
11 disorderly persons offense if, with purpose to harass another, he:

12 a. Makes, or causes to be made, **[a more communication or]**  
13 one or more communications anonymously or at extremely  
14 inconvenient hours, or in offensively coarse language, or any other  
15 manner likely to cause annoyance or alarm;

16 b. Subjects another to striking, kicking, shoving, or other  
17 offensive touching, or threatens to do so; or

18 c. Engages in any other course of alarming conduct or of  
19 repeatedly committed acts with purpose to alarm or seriously annoy  
20 such other person.

21 A communication under subsection a. may be deemed to have  
22 been made either at the place where it originated or at the place  
23 where it was received.

24 d. (Deleted by amendment, P.L.2001, c.443).

25 e. A person commits a crime of the fourth degree if, in  
26 committing an offense under this section, he was serving a term of  
27 imprisonment or was on parole or probation as the result of a  
28 conviction of any indictable offense under the laws of this State,  
29 any other state or the United States or he knowingly directs such  
30 action to a current or former judge that relates to the performance of  
31 the judge's public duties.

32 (cf: P.L.2001, c.443, s.3)

33  
34 2. Section 1 of P.L.2013, c.272 (2C:33-4.1) is amended to read  
35 as follows:

36 1. a. A person commits the crime of cyber-harassment if, while  
37 making **[a] one or more [communication] communications** in an  
38 online capacity via any electronic device or through a social  
39 networking site and with the purpose to harass another, the person:

40 (1) threatens to inflict injury or physical harm to any person or  
41 the property of any person;

42 (2) knowingly sends, posts, comments, requests, suggests, or  
43 proposes any lewd, indecent, or obscene material to or about a  
44 person with the intent to emotionally harm a reasonable person or  
45 place a reasonable person in fear of physical or emotional harm to  
46 his person; or

**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 (3) threatens to commit any crime against the person or the  
2 person's property.

3 b. Cyber-harassment is a crime of the fourth degree, unless the  
4 person is 21 years of age or older at the time of the offense and  
5 impersonates a minor for the purpose of cyber-harassing a minor, in  
6 which case it is a crime of the third degree.

7 c. If a minor under the age of 16 is adjudicated delinquent for  
8 cyber-harassment, the court may order as a condition of the  
9 sentence that the minor, accompanied by a parent or guardian,  
10 complete, in a satisfactory manner, one or both of the following:

11 (1) a class or training program intended to reduce the tendency  
12 toward cyber-harassment behavior; or

13 (2) a class or training program intended to bring awareness to  
14 the dangers associated with cyber-harassment.

15 d. A parent or guardian who fails to comply with a condition  
16 imposed by the court pursuant to subsection c. of this section is a  
17 disorderly person and shall be fined not more than \$25 for a first  
18 offense and not more than \$100 for each subsequent offense.

19 e. A person commits a crime of the fourth degree if in  
20 committing an offense under this section he knowingly directs such  
21 action to a current or former judge that relates to the performance of  
22 the judge's public duties.

23 (cf: P.L.2013, c.272, s.1)

24

25 3. (New section) a. Upon report to law enforcement of a  
26 crime, including but not limited to, Homicide, N.J.S.2C:11-1 et  
27 seq.; Assault, N.J.S.2C:12-1; Terroristic Threats, N.J.S.2C:12-3;  
28 Kidnapping, N.J.S.2C:13-1; Criminal Restraint, N.J.S.2C:13-2;  
29 False Imprisonment, N.J.S.2C:13-3; Sexual Assault, N.J.S.2C:14-2;  
30 Criminal Sexual Contact, N.J.S.2C:14-3; Lewdness, N.J.S.2C:14-4;  
31 Criminal Mischief, N.J.S.2C:17-3; Burglary, N.J.S.2C:18-2;  
32 Criminal Trespass, N.J.S.2C:18-3; Harassment, N.J.S.2C:33-4;  
33 Stalking, section 1 of P.L.1992, c.209 (C.2C:12-10); Criminal  
34 Coercion, N.J.S.2C:13-5; Robbery, N.J.S.2C:15-1; Arson,  
35 N.J.S.2C:17-1; Prohibited Weapons and Devices, N.J.S.2C:39-3;  
36 Filing or Recording False Document, Lien, Encumbrance or Court  
37 Action, section 7 of P.L.2015, c.59 (C.2C:21-42), or threat thereof,  
38 against a current or former judge and a finding by law enforcement  
39 that there is a nexus between the alleged crime reported and the  
40 performance of the current or former judge's public duties, law  
41 enforcement may petition the Superior Court for emergency, ex  
42 parte relief in the form of a temporary order of protection on behalf  
43 of the current or former judge.

44 b. The court may issue a temporary protection order upon good  
45 cause shown in sworn testimony or petition by the law enforcement  
46 officer. The temporary protection order shall remain in effect until  
47 a judge issues a further order.

48 c. Emergency relief granted in the temporary protection order  
49 may include forbidding the defendant from returning to the scene of  
50 the alleged crime, prohibiting the defendant from having any

1 contact with the judge or the judge's friends, co-workers, or  
2 relatives in any way, forbidding the defendant from possessing any  
3 firearm or other weapon enumerated in subsection r. of  
4 N.J.S.2C:39-1, ordering the search for and seizure of any firearm or  
5 other weapon at any location where the court has reasonable cause  
6 to believe the weapon is located and the seizure of any firearms  
7 purchaser identification card or permit to purchase a handgun issued  
8 to the defendant. The court shall state with specificity the reasons  
9 for and the scope of any search and seizure authorized by the order.

10 d. An order granting emergency relief, together with the  
11 petition, shall be immediately served upon the defendant and  
12 forwarded to the appropriate law enforcement agencies for the  
13 municipalities in which the victim and the defendant reside.

14

15 4. (New section) a. A hearing shall be held in the Superior  
16 Court within 10 days of the filing of the petition in the county  
17 where the ex parte temporary protection order was issued, unless  
18 good cause is shown for the hearing to be held elsewhere. At the  
19 hearing the standard for proving the allegations in the petition shall  
20 be a preponderance of the evidence. In determining whether a final  
21 order of protection should be granted the court shall consider but  
22 not be limited to the previous history between the current or former  
23 judge and the defendant, including threats, harassment, and physical  
24 intimidation; and the existence of immediate danger to person or  
25 property.

26 b. The court shall grant any relief necessary to protect the victim  
27 from further harm, including but not limited to forbidding the  
28 defendant from returning to the scene of the alleged crime,  
29 prohibiting the defendant from having any contact with the judge or  
30 the judge's friends, co-workers, or relatives in any way, forbidding  
31 the defendant from possessing any firearm or other weapon  
32 enumerated in subsection r. of N.J.S.2C:39-1, ordering the search  
33 for and seizure of any firearm or other weapon at any location  
34 where the court has reasonable cause to believe the weapon is  
35 located, the seizure of any firearms purchaser identification card or  
36 permit to purchase a handgun issued to the defendant, and requiring  
37 the defendant to undergo mental health evaluation and appropriate  
38 treatment.

39

40 5. (New section) A violation by the defendant of an order  
41 issued pursuant to this act shall constitute an offense under  
42 subsection b. of N.J.S.2C:29-9 and each order shall so state.

43

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

45 2C:58-3. a. Permit to purchase a handgun.

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

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

5 The provisions of this paragraph shall not apply if the transaction  
6 is:

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

9 (b) between law enforcement officers;

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

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

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

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

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

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

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

33 b. Firearms purchaser identification card.

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

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

6 The provisions of this paragraph shall not apply if the transaction  
7 is:

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

10 (b) between law enforcement officers;

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

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

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

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

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

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

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

34 c. Who may obtain. No person of good character and good  
35 repute in the community in which he lives, and who is not subject to  
36 any of the disabilities set forth in this section or other sections of  
37 this chapter, shall be denied a permit to purchase a handgun or a  
38 firearms purchaser identification card, except as hereinafter set  
39 forth. No handgun purchase permit or firearms purchaser  
40 identification card shall be issued:

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

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

49 (3) To any person who suffers from a physical defect or disease  
50 which would make it unsafe for him to handle firearms, to any

1 person who has ever been confined for a mental disorder, or to any  
2 alcoholic unless any of the foregoing persons produces a certificate  
3 of a medical doctor or psychiatrist licensed in New Jersey, or other  
4 satisfactory proof, that he is no longer suffering from that particular  
5 disability in a manner that would interfere with or handicap him in  
6 the handling of firearms; to any person who knowingly falsifies any  
7 information on the application form for a handgun purchase permit  
8 or firearms purchaser identification card;

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

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

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

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

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

26 (9) To any person named on the consolidated Terrorist Watchlist  
27 maintained by the Terrorist Screening Center administered by the  
28 Federal Bureau of Investigation; **【or】**

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

34 (11) To any person who is subject to a court order prohibiting  
35 the custody, control, ownership, purchase, possession, or receipt of  
36 a firearm or ammunition issued pursuant to P.L. , c. (C. )  
37 (pending before the Legislature as this bill).

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

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

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

10 e. Applications. Applications for permits to purchase a  
11 handgun and for firearms purchaser identification cards shall be in  
12 the form prescribed by the superintendent and shall set forth the  
13 name, residence, place of business, age, date of birth, occupation,  
14 sex and physical description, including distinguishing physical  
15 characteristics, if any, of the applicant, and shall state whether the  
16 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
17 drug dependent person as defined in section 2 of P.L.1970, c.226  
18 (C.24:21-2), whether he has ever been confined or committed to a  
19 mental institution or hospital for treatment or observation of a  
20 mental or psychiatric condition on a temporary, interim or  
21 permanent basis, giving the name and location of the institution or  
22 hospital and the dates of confinement or commitment, whether he  
23 has been attended, treated or observed by any doctor or psychiatrist  
24 or at any hospital or mental institution on an inpatient or outpatient  
25 basis for any mental or psychiatric condition, giving the name and  
26 location of the doctor, psychiatrist, hospital or institution and the  
27 dates of the occurrence, whether he presently or ever has been a  
28 member of any organization which advocates or approves the  
29 commission of acts of force and violence to overthrow the  
30 Government of the United States or of this State, or which seeks to  
31 deny others their rights under the Constitution of either the United  
32 States or the State of New Jersey, whether he has ever been  
33 convicted of a crime or disorderly persons offense, whether the  
34 person is subject to a restraining order issued pursuant to the  
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
36 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
37 firearm, whether the person is subject to a protective order issued  
38 pursuant to the "Extreme Risk Protective Order Act of 2018,"  
39 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to  
40 a protective order issued pursuant to P.L. c. (C. ) (pending  
41 before the Legislature as this bill prohibiting the person from  
42 possessing any firearm, and other information as the superintendent  
43 shall deem necessary for the proper enforcement of this chapter.  
44 For the purpose of complying with this subsection, the applicant  
45 shall waive any statutory or other right of confidentiality relating to  
46 institutional confinement. The application shall be signed by the  
47 applicant and shall contain as references the names and addresses of  
48 two reputable citizens personally acquainted with him.

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

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

18 f. Granting of permit or identification card; fee; term; renewal;  
19 revocation. The application for the permit to purchase a handgun  
20 together with a fee of \$2, or the application for the firearms  
21 purchaser identification card together with a fee of \$5, shall be  
22 delivered or forwarded to the licensing authority who shall  
23 investigate the same and, unless good cause for the denial thereof  
24 appears, shall grant the permit or the identification card, or both, if  
25 application has been made therefor, within 30 days from the date of  
26 receipt of the application for residents of this State and within 45  
27 days for nonresident applicants. A permit to purchase a handgun  
28 shall be valid for a period of 90 days from the date of issuance and  
29 may be renewed by the issuing authority for good cause for an  
30 additional 90 days. A firearms purchaser identification card shall  
31 be valid until such time as the holder becomes subject to any of the  
32 disabilities set forth in subsection c. of this section, whereupon the  
33 card shall be void and shall be returned within five days by the  
34 holder to the superintendent, who shall then advise the licensing  
35 authority. Failure of the holder to return the firearms purchaser  
36 identification card to the superintendent within the five days shall  
37 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
38 purchaser identification card may be revoked by the Superior Court  
39 of the county wherein the card was issued, after hearing upon  
40 notice, upon a finding that the holder thereof no longer qualifies for  
41 the issuance of the permit. The county prosecutor of any county,  
42 the chief police officer of any municipality or any citizen may apply  
43 to the court at any time for the revocation of the card.

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

48 g. Disposition of fees. All fees for permits shall be paid to the  
49 State Treasury if the permit is issued by the superintendent, to the

1 municipality if issued by the chief of police, and to the county  
2 treasurer if issued by the judge of the Superior Court.

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

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

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

23 (2) a collector of handguns as curios or relics as defined in Title  
24 18, United States Code, section 921 (a) (13) who has in his  
25 possession a valid Collector of Curios and Relics License issued by  
26 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

31 (5) any transaction where the person has purchased a handgun  
32 from a licensed retail dealer and has returned that handgun to the  
33 dealer in exchange for another handgun within 30 days of the  
34 original transaction, provided the retail dealer reports the exchange  
35 transaction to the superintendent; or

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

39 The provisions of this subsection shall not be construed to afford  
40 or authorize any other exemption from the regulatory provisions  
41 governing firearms set forth in chapter 39 and chapter 58 of Title  
42 2C of the New Jersey Statutes;

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

48 j. Firearms passing to heirs or legatees. Notwithstanding any  
49 other provision of this section concerning the transfer, receipt or  
50 acquisition of a firearm, a permit to purchase or a firearms

1 purchaser identification card shall not be required for the passing of  
2 a firearm upon the death of an owner thereof to his heir or legatee,  
3 whether the same be by testamentary bequest or by the laws of  
4 intestacy. The person who shall so receive, or acquire the firearm  
5 shall, however, be subject to all other provisions of this chapter. If  
6 the heir or legatee of the firearm does not qualify to possess or carry  
7 it, he may retain ownership of the firearm for the purpose of sale for  
8 a period not exceeding 180 days, or for a further limited period as  
9 may be approved by the chief law enforcement officer of the  
10 municipality in which the heir or legatee resides or the  
11 superintendent, provided that the firearm is in the custody of the  
12 chief law enforcement officer of the municipality or the  
13 superintendent during that period.

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

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

24 m. The provisions of subsections a. and b. of this section and  
25 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
26 apply to the purchase of firearms by a law enforcement agency for  
27 use by law enforcement officers in the actual performance of the  
28 current or former judge's duties, which purchase may be made  
29 directly from a manufacturer or from a licensed dealer located in  
30 this State or any other state.

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

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

38

39 7. This act shall take effect immediately.

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41

42

#### STATEMENT

43

44 This bill establishes a process for law enforcement to obtain an  
45 order of protection on behalf of a current or former judge upon  
46 report of an enumerated crime and the finding by law enforcement  
47 of a nexus between the crime, attempt to commit a crime or credible  
48 threat and the performance of the judge or former judge's public  
49 duties.

1 The bill authorizes a law enforcement agency acting on a report  
2 of a crime, an attempt to commit a crime, or a credible threat to  
3 commit a crime against a current or former judge, to petition the  
4 Superior Court for emergency, ex parte relief in the form of a  
5 temporary order of protection.

6 Under the bill, the court may issue the temporary order of  
7 protection upon good cause shown, and the order shall remain in  
8 effect until a judge issues a further order. Emergency relief granted  
9 in the temporary protection order may include forbidding the  
10 defendant from returning to the scene of the alleged crime,  
11 prohibiting the defendant from having any contact with the judge or  
12 the judge's friends, co-workers, or relatives in any way, and  
13 forbidding the defendant from possessing any firearm or other  
14 weapon.

15 The court shall consider whether a final protective order should  
16 be issued during a hearing to be held within 10 days of the filing of  
17 the temporary protective order. At the hearing the standard for  
18 proving the allegations in the petition shall be a preponderance of  
19 the evidence. In determining whether a final order of protection  
20 should be granted the court shall consider but not be limited to the  
21 previous history between the current or former judge and the  
22 defendant, including threats, harassment and physical intimidation;  
23 and the existence of immediate danger to person or property. A  
24 final order of relief shall include any relief necessary to protect the  
25 victim from further harm, including but not limited to forbidding  
26 the defendant from returning to the scene of the alleged crime,  
27 prohibiting the defendant from having any contact with the judge or  
28 the judge's friends, co-workers, or relatives in any way, and  
29 forbidding the defendant from possessing any firearm or other  
30 weapon. Under the bill, a violation by the defendant of an order of  
31 protection constitutes an offense under N.J.S.2C:29-9, Contempt.

32 The bill amends N.J.S.2C:33-4, Harassment, to upgrade  
33 harassment against a current or former judge to a crime of the  
34 fourth degree, and clarify that cyber harassment is a crime of the  
35 fourth degree. A crime of the fourth degree is punishable by up to  
36 18 months imprisonment, a fine of up to \$10,000, or both.

37 The bill further amends N.J.S.2C:58-3, permit to purchase a  
38 handgun, to include persons subject to a court order under this bill  
39 among those persons barred from obtaining a handgun purchase  
40 permit or firearms purchaser identification card.