

[First Reprint]

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, Senator Pou, Assemblyman Stanley, Assemblywoman Speight, Assemblymen Wimberly, Mejia and Assemblywoman Lopez

SYNOPSIS

Establishes order of protection for judicial officer; upgrades and clarifies harassment against judicial officer; bars firearms possession by persons against whom judicial officer order of protection is entered.

CURRENT VERSION OF TEXT

As amended on November 8, 2021 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 12/20/2021)

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

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 amendments adopted in accordance with Governor's
recommendations November 8, 2021.

1 place a reasonable person in fear of physical or emotional harm to
2 his person; or

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

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

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

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

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

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

21 e. '[A person commits a crime of the fourth degree if in
22 committing] The trier of fact may infer that a person acted with a
23 purpose to harass another if the person knows or should have
24 known that any of the person's actions constituting¹ an offense
25 under this section '[he] are¹ knowingly '[directs such action to a
26 current or former judge that] directed to or are about a judicial
27 officer, and there is a nexus between the offense and¹ relates to the
28 performance of the judge's public duties. 'For the purposes of this
29 subsection, "judicial officer" has the same meaning as defined in
30 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹

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

32

33 3. (New section) a. '[Upon report to law enforcement of a
34 crime, including but not limited to, Homicide, N.J.S.2C:11-1 et
35 seq.; Assault, N.J.S.2C:12-1; Terroristic Threats, N.J.S.2C:12-3;
36 Kidnapping, N.J.S.2C:13-1; Criminal Restraint, N.J.S.2C:13-2;
37 False Imprisonment, N.J.S.2C:13-3; Sexual Assault, N.J.S.2C:14-2;
38 Criminal Sexual Contact, N.J.S.2C:14-3; Lewdness, N.J.S.2C:14-4;
39 Criminal Mischief, N.J.S.2C:17-3; Burglary, N.J.S.2C:18-2;
40 Criminal Trespass, N.J.S.2C:18-3; Harassment, N.J.S.2C:33-4;
41 Stalking, section 1 of P.L.1992, c.209 (C.2C:12-10); Criminal
42 Coercion, N.J.S.2C:13-5; Robbery, N.J.S.2C:15-1; Arson,
43 N.J.S.2C:17-1; Prohibited Weapons and Devices, N.J.S.2C:39-3;
44 Filing or Recording False Document, Lien, Encumbrance or Court
45 Action, section 7 of P.L.2015, c.59 (C.2C:21-42), or threat thereof,]
46 At any time following the charge or conviction of a defendant for
47 any crime directed at or committed¹ against a ¹[current or former

1 judge and a finding by law enforcement that **judicial officer**
2 where¹ there is a nexus between the alleged crime **reported**
3 charged or the crime for which the defendant was convicted, as the
4 case may be,¹ and the performance of the **current or former**
5 **judge's judicial officer's**¹ public duties, **law enforcement** a
6 petitioner¹ may petition the Superior Court for emergency, ex parte
7 relief in the form of a temporary order of protection **on behalf of**
8 **the current or former judge** if the court finds that the respondent
9 poses a threat to the safety or well-being of the judicial officer or a
10 family or household member of the judicial officer¹ .

11 b. The court may issue a temporary protection order upon good
12 cause shown in sworn testimony or petition by the **law**
13 **enforcement officer** petitioner¹. The temporary protection order
14 shall remain in effect until a judge issues a further order.

15 c. Emergency relief granted in the temporary protection order
16 may include forbidding the **defendant** respondent¹ from
17 returning to the scene of the alleged crime, prohibiting the
18 **defendant** respondent¹ from having any contact with the
19 **judge** judicial officer, family or household members of the
20 judicial officer,¹ or the **judge's** judicial officer's¹ friends, co-
21 workers, or relatives in any way, forbidding the **defendant**
22 respondent¹ from possessing any firearm or other weapon
23 enumerated in subsection r. of N.J.S.2C:39-1, ordering the search
24 for and seizure of any firearm or other weapon at any location
25 where the court has reasonable cause to believe the weapon is
26 located and the seizure of any firearms purchaser identification card
27 or permit to purchase a handgun issued to the **defendant**
28 respondent¹. The court shall state with specificity the reasons for
29 and the scope of any search and seizure authorized by the order.

30 d. An order granting emergency relief, together with the
31 petition, shall be immediately served upon the **defendant**
32 respondent¹ and forwarded to the appropriate law enforcement
33 agencies for the municipalities in which the victim and the
34 **defendant** respondent¹ reside.

35 ¹e. For purposes of this section and section 4 of
36 P.L. , c. (C.) (pending before the Legislature as this bill):

37 (1) "Judicial officer" means any active, formerly active, or
38 retired federal, state, county, or municipal judge, including a judge
39 of the Tax Court and any other court of limited jurisdiction
40 established, altered, or abolished by law, a judge of the Office of
41 Administrative Law, a judge of the Division of Workers'
42 Compensation, and any other judge established by law who serves
43 in the executive branch;

44 (2) "Law enforcement officer" means a person whose public
45 duties include the power to act as an officer for the detection,

1 apprehension, arrest, and conviction of offenders against the laws of
2 this State;

3 (3) “Petitioner” means a law enforcement officer, a formerly
4 active or retired judicial officer or a family or household member of
5 such judicial officer, or an active judicial officer on behalf of whom
6 a law enforcement officer has declined to petition the Superior
7 Court pursuant to this section or a family or household member of
8 such judicial officer; and

9 (4) “Family or household member” means a spouse, domestic
10 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3),
11 partner in a civil union couple as defined in section 2 of P.L.2006,
12 c.103 (C.37:1-29), or former spouse, former domestic partner, or
13 former partner in a civil union couple, or any other person who is a
14 present household member or was at any time a household member;
15 a person with whom the respondent has a child in common, or with
16 whom the respondent anticipates having a child in common if one
17 of the parties is pregnant; or a current or former dating partner.”¹
18

19 4. (New section) a. A hearing shall be held in the Superior
20 Court within 10 days of the filing of the petition in the county
21 where the ex parte temporary protection order was issued, unless
22 good cause is shown for the hearing to be held elsewhere. At the
23 hearing the standard for proving the allegations in the petition shall
24 be a preponderance of the evidence ¹which petition shall be granted
25 if the court finds by a preponderance of evidence that there is a
26 nexus between the alleged crime charged or the crime for which the
27 respondent was convicted, as the case may be, and the performance
28 of the judicial officer’s public duties and that the respondent poses a
29 threat to the safety or well-being of the judicial officer or a family
30 or household member of the judicial officer¹ . In determining
31 whether a final order of protection should be granted the court shall
32 consider but not be limited to the previous history between the
33 ¹**【current or former judge】** judicial officer¹ and the ¹**【defendant】**
34 respondent¹, including threats, harassment, and physical
35 intimidation; and the existence of immediate danger to person or
36 property.

37 b. The court shall grant any relief necessary to protect the victim
38 from further harm, including but not limited to forbidding the
39 ¹**【defendant】** respondent¹ from returning to the scene of the alleged
40 crime, prohibiting the ¹**【defendant】** respondent¹ from having any
41 contact with the ¹**【judge】** judicial officer, family or household
42 members of the judicial officer¹ or the ¹**【judge’s】** judicial officer’s¹
43 friends, co-workers, or relatives in any way, forbidding the
44 ¹**【defendant】** respondent¹ from possessing any firearm or other
45 weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the
46 search for and seizure of any firearm or other weapon at any
47 location where the court has reasonable cause to believe the weapon

1 is located, the seizure of any firearms purchaser identification card
2 or permit to purchase a handgun issued to the **1[defendant]**
3 respondent¹, and requiring the **1[defendant]** respondent¹ to undergo
4 mental health evaluation and appropriate treatment.

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

9
10 6. N.J.S.2C:58-3 is amended to read as follows:

11 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

25 (b) between law enforcement officers;

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

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

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

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

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

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

46 (d) any record produced pursuant to this subsection shall not be
47 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
48 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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
2 the custody, control, ownership, purchase, possession, or receipt of
3 a 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 or

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

10 d. Issuance. The chief of police of an organized full-time
11 police department of the municipality where the applicant resides or
12 the superintendent, in all other cases, shall upon application, issue
13 to any person qualified under the provisions of subsection c. of this
14 section a permit to purchase a handgun or a firearms purchaser
15 identification card.

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

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

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

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

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

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

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

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

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

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

45 (2) a collector of handguns as curios or relics as defined in Title
46 18, United States Code, section 921 (a) (13) who has in his
47 possession a valid Collector of Curios and Relics License issued by
48 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

5 (5) any transaction where the person has purchased a handgun
6 from a licensed retail dealer and has returned that handgun to the
7 dealer in exchange for another handgun within 30 days of the
8 original transaction, provided the retail dealer reports the exchange
9 transaction to the superintendent; or

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

13 The provisions of this subsection shall not be construed to afford
14 or authorize any other exemption from the regulatory provisions
15 governing firearms set forth in chapter 39 and chapter 58 of Title
16 2C of the New Jersey Statutes;

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

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

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

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

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

8 n. For the purposes of this section, "immediate family" means a
9 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
10 (C.26:8A-3), partner in a civil union couple as defined in section 2
11 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
12 sibling, stepsibling, child, stepchild, and grandchild, as related by
13 blood or by law.
14 (cf: P.L.2018, c.36, s.1)

15

16 7. This act shall take effect immediately.