

SENATE, No. 3916

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

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)

S3916 SCUTARI, GILL

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.

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

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

17

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

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

42

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

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

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

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

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

12 The provisions of this paragraph shall not apply if the transaction
13 is:

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

16 (b) between law enforcement officers;

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

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

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

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

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

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

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

40 b. Firearms purchaser identification card.

41 (1) No person shall sell, give, transfer, assign or otherwise
42 dispose of nor receive, purchase or otherwise acquire an antique
43 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
44 unless the purchaser, assignee, donee, receiver or holder is licensed
45 as a dealer under this chapter or possesses a valid firearms
46 purchaser identification card, and first exhibits the card to the seller,
47 donor, transferor or assignor, and unless the purchaser, assignee,
48 donee, receiver or holder signs a written certification, on a form

1 prescribed by the superintendent, which shall indicate that he
2 presently complies with the requirements of subsection c. of this
3 section and shall contain his name, address and firearms purchaser
4 identification card number or dealer's registration number. The
5 certification shall be retained by the seller, as provided in paragraph
6 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
7 who is not a dealer, it may be filed with the chief of police of the
8 municipality in which he resides or with the superintendent.

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

14 The provisions of this paragraph shall not apply if the transaction
15 is:

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

18 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

- 1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of the offense;
- 5 (2) To any drug dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
7 mental disorder to a hospital, mental institution or sanitarium, or to
8 any person who is presently an habitual drunkard;
- 9 (3) To any person who suffers from a physical defect or disease
10 which would make it unsafe for him to handle firearms, to any
11 person who has ever been confined for a mental disorder, or to any
12 alcoholic unless any of the foregoing persons produces a certificate
13 of a medical doctor or psychiatrist licensed in New Jersey, or other
14 satisfactory proof, that he is no longer suffering from that particular
15 disability in a manner that would interfere with or handicap him in
16 the handling of firearms; to any person who knowingly falsifies any
17 information on the application form for a handgun purchase permit
18 or firearms purchaser identification card;
- 19 (4) To any person under the age of 18 years for a firearms
20 purchaser identification card and to any person under the age of 21
21 years for a permit to purchase a handgun;
- 22 (5) To any person where the issuance would not be in the
23 interest of the public health, safety or welfare;
- 24 (6) To any person who is subject to a restraining order issued
25 pursuant to the "Prevention of Domestic Violence Act of 1991,"
26 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
27 possessing any firearm;
- 28 (7) To any person who as a juvenile was adjudicated delinquent
29 for an offense which, if committed by an adult, would constitute a
30 crime and the offense involved the unlawful use or possession of a
31 weapon, explosive or destructive device or is enumerated in
32 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 33 (8) To any person whose firearm is seized pursuant to the
34 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
35 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 36 (9) To any person named on the consolidated Terrorist Watchlist
37 maintained by the Terrorist Screening Center administered by the
38 Federal Bureau of Investigation; **【or】**
- 39 (10) To any person who is subject to a court order prohibiting
40 the custody, control, ownership, purchase, possession, or receipt of
41 a firearm or ammunition issued pursuant to the "Extreme Risk
42 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.);
43 or
- 44 (11) To any person who is subject to a court order prohibiting
45 the custody, control, ownership, purchase, possession, or receipt of
46 a firearm or ammunition issued pursuant to P.L. , c. (C.)
47 (pending before the Legislature as this bill).

1 d. Issuance. The chief of police of an organized full-time
2 police department of the municipality where the applicant resides or
3 the superintendent, in all other cases, shall upon application, issue
4 to any person qualified under the provisions of subsection c. of this
5 section a permit to purchase a handgun or a firearms purchaser
6 identification card.

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

22 e. Applications. Applications for permits to purchase a
23 handgun and for firearms purchaser identification cards shall be in
24 the form prescribed by the superintendent and shall set forth the
25 name, residence, place of business, age, date of birth, occupation,
26 sex and physical description, including distinguishing physical
27 characteristics, if any, of the applicant, and shall state whether the
28 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
29 drug dependent person as defined in section 2 of P.L.1970, c.226
30 (C.24:21-2), whether he has ever been confined or committed to a
31 mental institution or hospital for treatment or observation of a
32 mental or psychiatric condition on a temporary, interim or
33 permanent basis, giving the name and location of the institution or
34 hospital and the dates of confinement or commitment, whether he
35 has been attended, treated or observed by any doctor or psychiatrist
36 or at any hospital or mental institution on an inpatient or outpatient
37 basis for any mental or psychiatric condition, giving the name and
38 location of the doctor, psychiatrist, hospital or institution and the
39 dates of the occurrence, whether he presently or ever has been a
40 member of any organization which advocates or approves the
41 commission of acts of force and violence to overthrow the
42 Government of the United States or of this State, or which seeks to
43 deny others their rights under the Constitution of either the United
44 States or the State of New Jersey, whether he has ever been
45 convicted of a crime or disorderly persons offense, whether the
46 person is subject to a restraining order issued pursuant to the
47 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
48 (C.2C:25-17 et seq.) prohibiting the person from possessing any

1 firearm, whether the person is subject to a protective order issued
2 pursuant to the "Extreme Risk Protective Order Act of 2018,"
3 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
4 a protective order issued pursuant to P.L. c. (C.) (pending
5 before the Legislature as this bill prohibiting the person from
6 possessing any firearm, and other information as the superintendent
7 shall deem necessary for the proper enforcement of this chapter.
8 For the purpose of complying with this subsection, the applicant
9 shall waive any statutory or other right of confidentiality relating to
10 institutional confinement. The application shall be signed by the
11 applicant and shall contain as references the names and addresses of
12 two reputable citizens personally acquainted with him.

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

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

30 f. Granting of permit or identification card; fee; term; renewal;
31 revocation. The application for the permit to purchase a handgun
32 together with a fee of \$2, or the application for the firearms
33 purchaser identification card together with a fee of \$5, shall be
34 delivered or forwarded to the licensing authority who shall
35 investigate the same and, unless good cause for the denial thereof
36 appears, shall grant the permit or the identification card, or both, if
37 application has been made therefor, within 30 days from the date of
38 receipt of the application for residents of this State and within 45
39 days for nonresident applicants. A permit to purchase a handgun
40 shall be valid for a period of 90 days from the date of issuance and
41 may be renewed by the issuing authority for good cause for an
42 additional 90 days. A firearms purchaser identification card shall
43 be valid until such time as the holder becomes subject to any of the
44 disabilities set forth in subsection c. of this section, whereupon the
45 card shall be void and shall be returned within five days by the
46 holder to the superintendent, who shall then advise the licensing
47 authority. Failure of the holder to return the firearms purchaser
48 identification card to the superintendent within the five days shall

1 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
2 purchaser identification card may be revoked by the Superior Court
3 of the county wherein the card was issued, after hearing upon
4 notice, upon a finding that the holder thereof no longer qualifies for
5 the issuance of the permit. The county prosecutor of any county,
6 the chief police officer of any municipality or any citizen may apply
7 to the court at any time for the revocation of the card.

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

12 g. Disposition of fees. All fees for permits shall be paid to the
13 State Treasury if the permit is issued by the superintendent, to the
14 municipality if issued by the chief of police, and to the county
15 treasurer if issued by the judge of the Superior Court.

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

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

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

36 (2) a collector of handguns as curios or relics as defined in Title
37 18, United States Code, section 921 (a) (13) who has in his
38 possession a valid Collector of Curios and Relics License issued by
39 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

44 (5) any transaction where the person has purchased a handgun
45 from a licensed retail dealer and has returned that handgun to the
46 dealer in exchange for another handgun within 30 days of the
47 original transaction, provided the retail dealer reports the exchange
48 transaction to the superintendent; or

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

4 The provisions of this subsection shall not be construed to afford
5 or authorize any other exemption from the regulatory provisions
6 governing firearms set forth in chapter 39 and chapter 58 of Title
7 2C of the New Jersey Statutes;

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

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

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

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

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

46 n. For the purposes of this section, "immediate family" means a
47 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
48 (C.26:8A-3), partner in a civil union couple as defined in section 2

1 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
2 sibling, stepsibling, child, stepchild, and grandchild, as related by
3 blood or by law.
4 (cf: P.L.2018, c.36, s.1)

5

6 7. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill establishes a process for law enforcement to obtain an
12 order of protection on behalf of a current or former judge upon
13 report of an enumerated crime and the finding by law enforcement
14 of a nexus between the crime, attempt to commit a crime or credible
15 threat and the performance of the judge or former judge's public
16 duties.

17 The bill authorizes a law enforcement agency acting on a report
18 of a crime, an attempt to commit a crime, or a credible threat to
19 commit a crime against a current or former judge, to petition the
20 Superior Court for emergency, ex parte relief in the form of a
21 temporary order of protection.

22 Under the bill, the court may issue the temporary order of
23 protection upon good cause shown, and the order shall remain in
24 effect until a judge issues a further order. Emergency relief granted
25 in the temporary protection order may include forbidding the
26 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.

31 The court shall consider whether a final protective order should
32 be issued during a hearing to be held within 10 days of the filing of
33 the temporary protective order. At the hearing the standard for
34 proving the allegations in the petition shall be a preponderance of
35 the evidence. In determining whether a final order of protection
36 should be granted the court shall consider but not be limited to the
37 previous history between the current or former judge and the
38 defendant, including threats, harassment and physical intimidation;
39 and the existence of immediate danger to person or property. A
40 final order of relief shall include any relief necessary to protect the
41 victim from further harm, including but not limited to forbidding
42 the defendant from returning to the scene of the alleged crime,
43 prohibiting the defendant from having any contact with the judge or
44 the judge's friends, co-workers, or relatives in any way, and
45 forbidding the defendant from possessing any firearm or other
46 weapon. Under the bill, a violation by the defendant of an order of
47 protection constitutes an offense under N.J.S.2C:29-9, Contempt.

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13

1 The bill amends N.J.S.2C:33-4, Harassment, to upgrade
2 harassment against a current or former judge to a crime of the
3 fourth degree, and clarify that cyber harassment is a crime of the
4 fourth degree. A crime of the fourth degree is punishable by up to
5 18 months imprisonment, a fine of up to \$10,000, or both.

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