

[First Reprint]

SENATE, No. 1204

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

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Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 27 (Essex and Morris)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Pou, Ruiz, Cunningham, Assemblyman Tully, Assemblywoman Carter, Assemblyman Mejia, Assemblywoman Jimenez, Assemblyman McKeon, Assemblywoman McKnight, Assemblyman Atkins, Assemblywomen Reynolds-Jackson, Chaparro, Assemblymen Spearman, Wimberly, Sampson, Moen, Conaway, Moriarty, Assemblywomen Tucker, Quijano, Assemblyman Stanley, Assemblywomen Park, Speight, Lampitt and Timberlake

SYNOPSIS

Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register handguns acquired out-of-State.

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

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

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

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

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

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

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

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

22 (b) between law enforcement officers;

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

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

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

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

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

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

41 (d) any record produced pursuant to this subsection shall not be

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

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

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

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

26 (b) between law enforcement officers;

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

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

33 (3) Prior to a transaction conducted pursuant to this subsection, the
34 retail dealer shall complete a National Instant Criminal Background
35 Check of the person acquiring an antique cannon or a rifle or shotgun.
36 In 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 section which shall be maintained at the

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

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

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

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

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

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

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

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

40 (8) To any person whose firearm is seized pursuant to the
41 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261

1 firearm or ammunition issued pursuant to the "Extreme Risk Protective
2 Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

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

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

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

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

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

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

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

1 notice, upon a finding that the holder thereof no longer qualifies for
2 the issuance of the permit. The county prosecutor of any county, the
3 chief police officer of any municipality or any citizen may apply to the
4 court at any time for the revocation of the card.

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

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

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

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

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

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

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

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

40 (5) any transaction where the person has purchased a handgun
41 from a licensed retail dealer and has returned that handgun to the

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

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

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

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

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

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

40 n. For the purposes of this section, "immediate family" means a
41 spouse, domestic partner as defined in section 3 of P.L.2003, c.246

1 transports into this State a firearm that the person owned or acquired
2 while residing in another state shall apply for a firearm purchaser
3 identification card within 60 days of becoming a New Jersey resident,
4 and shall register any handgun so transported into this State within 60
5 days as provided in this subsection.

6 A person who registers a handgun pursuant to this subsection shall
7 complete a registration statement, which shall be in a form prescribed
8 by the superintendent. The information provided in the registration
9 statement shall include, but shall not be limited to, the name and
10 address of the person and the make, model, and serial number of the
11 handgun being registered. Each registration statement shall be signed
12 by the person, and the signature shall constitute a representation of the
13 accuracy of the information contained in the registration statement.

14 The registration statement shall be submitted to the law
15 enforcement agency of the municipality in which the person resides or,
16 if the municipality does not have a municipal law enforcement agency,
17 any State Police station.

18 Within 60 days prior to the effective date of P.L. , c. (pending
19 before the Legislature as this bill), the superintendent shall prepare the
20 form of registration statement as described in this subsection and shall
21 provide a suitable supply of statements to each organized full-time
22 municipal police department and each State Police station.

23 A person who fails to apply for a firearm purchaser identification
24 card or register a handgun as required pursuant to this subsection shall
25 be liable to a civil penalty of \$250 for a first offense and shall be guilty
26 of a disorderly persons offense for a second or subsequent offense.

27 If a person is in possession of multiple firearms or handguns in
28 violation of this subsection, the person shall be guilty of one offense
29 under this subsection provided the violation is a single event.

30 The civil penalty shall be collected pursuant to the "Penalty
31 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in a
32 summary proceeding before the municipal court having jurisdiction. A
33 law enforcement officer having enforcement authority in that
34 municipality may issue a summons for a violation, and may serve and
35 execute all process with respect to the enforcement of this subsection
36 consistent with the Rules of Court.

37 (cf: P.L.2018, c.36, s.1)]¹

38

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

40 2C:58-3. a. Permit to purchase a handgun.

41 (1) No person shall sell, give, transfer, assign or otherwise

1 or otherwise acquires a handgun pursuant to this section shall
2 conduct the transaction through a licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction
4 is:

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

7 (b) between law enforcement officers;

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

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

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

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

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

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

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

31 b. Firearms purchaser identification card.

32 (1) No person shall sell, give, transfer, assign or otherwise
33 dispose of nor receive, purchase or otherwise acquire an antique
34 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
35 unless the purchaser, assignee, donee, receiver or holder is licensed
36 as a dealer under this chapter or possesses a valid firearms
37 purchaser identification card, and first exhibits the card to the seller,
38 donor, transferor or assignor, and unless the purchaser, assignee,
39 donee, receiver or holder signs a written certification, on a form
40 prescribed by the superintendent, which shall indicate that he
41 presently complies with the requirements of subsection c. of this

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

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

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

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

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

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

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

28 (9) To any person named on the consolidated Terrorist Watchlist
29 maintained by the Terrorist Screening Center administered by the
30 Federal Bureau of Investigation;

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

36 (11) To any person who is subject to a court order prohibiting the
37 custody, control, ownership, purchase, possession, or receipt of a
38 firearm or ammunition issued pursuant to P.L.2021, c.327
39 (C.2C:12-14 et al.).

40 d. Issuance. The chief of police of an organized full-time
41 police department of the municipality where the applicant resides or

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

13 e. Applications. Applications for permits to purchase a
14 handgun and for firearms purchaser identification cards shall be in
15 the form prescribed by the superintendent and shall set forth the
16 name, residence, place of business, age, date of birth, occupation,
17 sex and physical description, including distinguishing physical
18 characteristics, if any, of the applicant, and shall state whether the
19 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
20 drug-dependent person as defined in section 2 of P.L.1970, c.226
21 (C.24:21-2), whether he has ever been confined or committed to a
22 mental institution or hospital for treatment or observation of a
23 mental or psychiatric condition on a temporary, interim or
24 permanent basis, giving the name and location of the institution or
25 hospital and the dates of confinement or commitment, whether he
26 has been attended, treated or observed by any doctor or psychiatrist
27 or at any hospital or mental institution on an inpatient or outpatient
28 basis for any mental or psychiatric condition, giving the name and
29 location of the doctor, psychiatrist, hospital or institution and the
30 dates of the occurrence, whether he presently or ever has been a
31 member of any organization which advocates or approves the
32 commission of acts of force and violence to overthrow the
33 Government of the United States or of this State, or which seeks to
34 deny others their rights under the Constitution of either the United
35 States or the State of New Jersey, whether he has ever been
36 convicted of a crime or disorderly persons offense, whether the
37 person is subject to a restraining order issued pursuant to the
38 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
39 (C.2C:25-17 et seq.) prohibiting the person from possessing any
40 firearm, whether the person is subject to a protective order issued
41 pursuant to the "Extreme Risk Protective Order Act of 2018",

1 application shall be signed by the applicant and shall contain as
2 references the names and addresses of two reputable citizens
3 personally acquainted with him.

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

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

21 f. Granting of permit or identification card; fee; term; renewal;
22 revocation. The application for the permit to purchase a handgun
23 together with a fee of \$2, or the application for the firearms
24 purchaser identification card together with a fee of \$5, shall be
25 delivered or forwarded to the licensing authority who shall
26 investigate the same and, unless good cause for the denial thereof
27 appears, shall grant the permit or the identification card, or both, if
28 application has been made therefor, within 30 days from the date of
29 receipt of the application for residents of this State and within 45
30 days for nonresident applicants. A permit to purchase a handgun
31 shall be valid for a period of 90 days from the date of issuance and
32 may be renewed by the issuing authority for good cause for an
33 additional 90 days. A firearms purchaser identification card shall
34 be valid until such time as the holder becomes subject to any of the
35 disabilities set forth in subsection c. of this section, whereupon the
36 card shall be void and shall be returned within five days by the
37 holder to the superintendent, who shall then advise the licensing
38 authority. Failure of the holder to return the firearms purchaser
39 identification card to the superintendent within the five days shall
40 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
41 purchaser identification card may be revoked by the Superior Court

1 for the issuance of a permit or identification card, other than those
2 that are specifically set forth in this chapter.

3 g. Disposition of fees. All fees for permits shall be paid to the
4 State Treasury if the permit is issued by the superintendent, to the
5 municipality if issued by the chief of police, and to the county
6 treasurer if issued by the judge of the Superior Court.

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

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

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

27 (2) a collector of handguns as curios or relics as defined in Title
28 18, United States Code, section 921 (a) (13) who has in his
29 possession a valid Collector of Curios and Relics License issued by
30 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

40 (6) any transaction where the superintendent issues an exemption
41 from the prohibition in this subsection pursuant to the provisions of

1 purchaser identification card and provided further that he signs the
2 certification required in subsection b. of this section for each
3 transaction.

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

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

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

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

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

1 Jersey resident, and shall register any handgun so transported into
2 this State within 60 days as provided in this subsection.

3 A person who registers a handgun pursuant to this subsection
4 shall complete a registration statement, which shall be in a form
5 prescribed by the superintendent. The information provided in the
6 registration statement shall include, but shall not be limited to, the
7 name and address of the person and the make, model, and serial
8 number of the handgun being registered. Each registration statement
9 shall be signed by the person, and the signature shall constitute a
10 representation of the accuracy of the information contained in the
11 registration statement.

12 The registration statement shall be submitted to the law
13 enforcement agency of the municipality in which the person resides
14 or, if the municipality does not have a municipal law enforcement
15 agency, any State Police station.

16 Within 60 days prior to the effective date of P.L. , c.
17 (pending before the Legislature as this bill), the superintendent shall
18 prepare the form of registration statement as described in this
19 subsection and shall provide a suitable supply of statements to each
20 organized full-time municipal police department and each State
21 Police station.

22 A person who fails to apply for a firearm purchaser identification
23 card or register a handgun as required pursuant to this subsection
24 shall be granted 30 days to comply with the provisions of this
25 subsection. If the person does not comply within 30 days, the
26 person shall be liable to a civil penalty of \$250 for a first offense
27 and shall be guilty of a disorderly persons offense for a second or
28 subsequent offense.

29 If a person is in possession of multiple firearms or handguns in
30 violation of this subsection, the person shall be guilty of one
31 offense under this subsection provided the violation is a single
32 event.

33 The civil penalty shall be collected pursuant to the "Penalty
34 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
35 a summary proceeding before the municipal court having
36 jurisdiction. A law enforcement officer having enforcement
37 authority in that municipality may issue a summons for a violation,
38 and may serve and execute all process with respect to the
39 enforcement of this subsection consistent with the Rules of Court.¹

40 (cf: P.L.2021, c.327, s.6)

41

ASSEMBLY, No. 4367

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Verrelli, Assemblywomen Tucker, Jasey, Park,

Assemblyman Stanley, Assemblywomen McKnight and Lampitt

SYNOPSIS

Upgrades certain crimes related to manufacturing firearms from third degree to second degree.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

6 1. N.J.S.2C:39-9 is amended to read as follows:

7 2C:39-9. Manufacture, Transport, Disposition and Defacement
8 of Weapons and Dangerous Instruments and Appliances.

9 a. Machine guns. Any person who manufactures, causes to be
10 manufactured, transports, ships, sells or disposes of any machine
11 gun without being registered or licensed to do so as provided in
12 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a
13 crime of the third degree.

14 b. Sawed-off shotguns. Any person who manufactures, causes
15 to be manufactured, transports, ships, sells or disposes of any
16 sawed-off shotgun is guilty of a crime of the third degree.

17 c. Firearm silencers. Any person who manufactures, causes to
18 be manufactured, transports, ships, sells or disposes of any firearm
19 silencer is guilty of a crime of the fourth degree.

20 d. Weapons. Any person who manufactures, causes to be
21 manufactured, transports, ships, sells or disposes of any weapon,
22 including gravity knives, switchblade knives, ballistic knives,
23 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
24 sandclubs, slingshots, cesti or similar leather bands studded with
25 metal filings, or, except as otherwise provided in subsection i. of
26 this section, in the case of firearms if he is not licensed or registered
27 to do so as provided in chapter 58 of Title 2C of the New Jersey
28 Statutes, is guilty of a crime of the fourth degree. Any person who
29 manufactures, causes to be manufactured, transports, ships, sells or
30 disposes of any weapon or other device which projects, releases or
31 emits tear gas or other substances intended to produce temporary
32 physical discomfort or permanent injury through being vaporized or
33 otherwise dispensed in the air, which is intended to be used for any
34 purpose other than for authorized military or law enforcement
35 purposes by duly authorized military or law enforcement personnel
36 or the device is for the purpose of personal self-defense, is pocket-
37 sized and contains not more than three-quarters of an ounce of
38 chemical substance not ordinarily capable of lethal use or of
39 inflicting serious bodily injury, or other than to be used by any
40 person permitted to possess such weapon or device under the
41 provisions of subsection d. of N.J.S.2C:39-5, which is intended for

1 e. Defaced firearms. Any person who defaces any firearm is
2 guilty of a crime of the third degree. Any person who knowingly
3 buys, receives, disposes of or conceals a defaced firearm, except an
4 antique firearm or an antique handgun, is guilty of a crime of the
5 fourth degree.

6 f. (1) Any person who manufactures, causes to be
7 manufactured, transports, ships, sell, or disposes of any armor
8 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,
9 which is intended to be used for any purpose other than for
10 authorized military or law enforcement purposes by duly authorized
11 military or law enforcement personnel, is guilty of a crime of the
12 fourth degree.

13 (2) Nothing in this subsection shall be construed to prevent a
14 licensed collector of ammunition as defined in paragraph (2) of
15 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
16 in paragraph (1) of this subsection from (a) any licensed retail or
17 wholesale firearms dealer's place of business to the collector's
18 dwelling, premises, or other land owned or possessed by him, or (b)
19 to or from the collector's dwelling, premises or other land owned or
20 possessed by him to any gun show for the purposes of display, sale,
21 trade, or transfer between collectors, or (c) to or from the collector's
22 dwelling, premises or other land owned or possessed by him to any
23 rifle or pistol club organized in accordance with the rules prescribed
24 by the National Board for the Promotion of Rifle Practice; provided
25 that the club has filed a copy of its charter with the superintendent
26 of the State Police and annually submits a list of its members to the
27 superintendent, and provided further that the ammunition being
28 transported shall be carried not loaded in any firearm and contained
29 in a closed and fastened case, gun box, or locked in the trunk of the
30 automobile in which it is being transported, and the course of travel
31 shall include only such deviations as are reasonably necessary under
32 the circumstances.

33 g. Assault firearms. Any person who manufactures, causes to
34 be manufactured, transports, ships, sells or disposes of an assault
35 firearm without being registered or licensed to do so pursuant to
36 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

37 h. Large capacity ammunition magazines. Any person who
38 manufactures, causes to be manufactured, transports, ships, sells or
39 disposes of a large capacity ammunition magazine which is
40 intended to be used for any purpose other than for authorized
41 military or law enforcement purposes by duly authorized military or

1 shall be subject to forfeiture in accordance with the provisions of
2 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
3 shall not apply to innocent owners, nor shall it affect the rights of a
4 holder of a valid lien.

5 The temporary transfer of a firearm shall not constitute a
6 violation of this subsection if that firearm is transferred:

7 (1) while hunting or target shooting in accordance with the
8 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

9 (2) for shooting competitions sponsored by a licensed dealer,
10 law enforcement agency, legally recognized military organization,
11 or a rifle or pistol club which has filed a copy of its charter with the
12 superintendent in accordance with the provisions of section 1 of
13 P.L.1992, c.74 (C.2C:58-3.1); or

14 (3) for participation in a training course conducted by a certified
15 instructor in accordance with the provisions of section 1 of
16 P.L.1997, c.375 (C.2C:58-3.2).

17 The transfer of any firearm that uses air or carbon dioxide to
18 expel a projectile; or the transfer of an antique firearm shall not
19 constitute a violation of this subsection.

20 j. Any person who manufactures, causes to be manufactured,
21 transports, ships, sells, or disposes of a bump stock as defined in
22 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
23 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
24 degree.

25 k. Purchasing firearm parts to manufacture a firearm without a
26 serial number. In addition to any other criminal penalties provided
27 under law, a person who, with the purpose to manufacture or
28 otherwise assemble a firearm and without being registered or
29 licensed do so as provided in chapter 58 of Title 2C of the New
30 Jersey Statutes, purchases or otherwise obtains separately or as part
31 of a kit a firearm frame or firearm receiver which is not imprinted
32 with a serial number registered with a federally licensed
33 manufacturer or any combination of parts from which a firearm
34 without a serial number may be readily manufactured or otherwise
35 assembled, but which does not have the capacity to function as a
36 firearm unless manufactured or otherwise assembled is guilty of a
37 crime of the ~~third~~ second degree. Notwithstanding the provisions
38 of N.J.S.2C:1-8 or any other law, a conviction under this subsection
39 shall not merge with a conviction for any other criminal offense and
40 the court shall impose separate sentences upon a violation of this
41 subsection and any other criminal offense.

1 1. Manufacturing or facilitating the manufacture of a firearm
2 using a three-dimensional printer. In addition to any other criminal
3 penalties provided under law it is a **【third】 second** degree crime for:

4 (1) a person who is not registered or licensed to do so as a
5 manufacturer as provided in chapter 58 of Title 2C of the New
6 Jersey Statutes, to use a three-dimensional printer or similar device
7 to manufacture or produce a firearm, firearm receiver, magazine, or
8 firearm component; or

9 (2) a person to distribute by any means, including the Internet,
10 to a person in New Jersey who is not registered or licensed as a
11 manufacturer as provided in chapter 58 of Title 2C of the New
12 Jersey Statutes, digital instructions in the form of computer-aided
13 design files or other code or instructions stored and displayed in
14 electronic format as a digital model that may be used to program a
15 three-dimensional printer to manufacture or produce a firearm,
16 firearm receiver, magazine, or firearm component.

17 As used in this subsection: "three-dimensional printer" means a
18 computer or computer-driven machine or device capable of
19 producing a three-dimensional object from a digital model; and
20 "distribute" means to sell, or to manufacture, give, provide, lend,
21 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
22 display, share, advertise, offer, or make available via the Internet or
23 by any other means, whether for pecuniary gain or not, and includes
24 an agreement or attempt to distribute.

25 m. Covert or undetectable firearms. Any person who
26 manufactures, causes to be manufactured, transports, ships, sells or
27 disposes of any covert firearm as defined in subsection hh. of
28 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection
29 ii. of N.J.S.2C:39-1 is guilty of a crime of the **【third】 second**
30 degree.

31 n. Transporting a manufactured firearm without a serial
32 number. In addition to any other criminal penalties provided under
33 law, a person who transports, ships, sells, or disposes of a firearm
34 manufactured or otherwise assembled using a firearm frame or
35 firearm receiver as defined in subsection k. of this section which is
36 not imprinted with a serial number registered with a federally
37 licensed manufacturer, including but not limited to a firearm
38 manufactured or otherwise assembled from parts purchased or
39 otherwise obtained in violation of subsection k. of this section, is
40 guilty of a crime of the **【third】 second** degree.

41 (cf: P.L.2019, c.165, s3)

1 three-dimensional printer; manufacturing a covert or undetectable
2 firearm; and transporting a manufactured firearm without a serial
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise
6 obtain separately or as part of a kit a firearm frame or
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or
9 certain components of a firearm using a three-dimensional
10 printer;
- 11 • to distribute to an unlicensed person, including via the
12 Internet, digital instructions to manufacture a firearm or
13 certain components of a firearm using a three-dimensional
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second
18 degree crimes. A crime of the third degree is punishable by three to
19 five years imprisonment, a fine of up to \$15,000, or both. A crime
20 of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.

[First Reprint]

SENATE, No. 2905

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Co-Sponsored by:

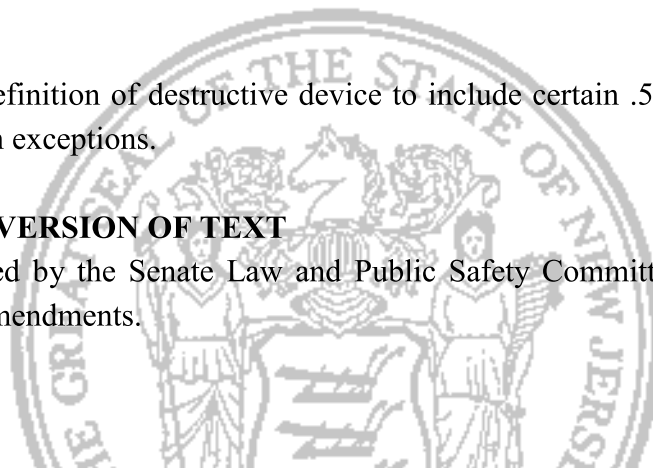
Senators Gill, Pou, Assemblyman McKeon, Assemblywomen Jasey, Tucker, Park, Assemblyman Stanley, Assemblywoman McKnight and Assemblyman Wimberly

SYNOPSIS

Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 23, 2022, with amendments.



S2905 [1R] SCUTARI

2

1 AN ACT concerning destructive devices, amending N.J.S.2C:39-1
2 and supplementing chapter 39 of Title 2C of the New Jersey
3 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:39-1 is amended to read as follows:

9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

11 a. "Antique firearm" means any rifle or shotgun and "antique
12 cannon" means a destructive device defined in paragraph (3) of
13 subsection c. of this section, if the rifle, shotgun or destructive
14 device, or replica thereof, as the case may be, is incapable of being
15 fired or discharged, or which does not fire fixed ammunition,
16 regardless of date of manufacture, or was manufactured before 1898
17 for which cartridge ammunition is not commercially available, and
18 is possessed as a curiosity or ornament or for its historical
19 significance or value.

20 b. "Deface" means to remove, deface, cover, alter or destroy
21 the name of the maker, model designation, manufacturer's serial
22 number or any other distinguishing identification mark or number
23 on any firearm.

24 c. "Destructive device" means any device, instrument or object
25 designed to explode or produce uncontrolled combustion, including:
26 (1) any explosive or incendiary bomb, mine or grenade;

27 (2) any rocket having a propellant charge of more than four
28 ounces or any missile having an explosive or incendiary charge of
29 more than one-quarter of an ounce;

30 (3) any weapon capable of firing a projectile of a caliber greater
31 than 60 caliber, except a shotgun or shotgun ammunition generally
32 recognized as suitable for sporting purposes;

33 (4) any Molotov cocktail or other device consisting of a
34 breakable container containing flammable liquid and having a wick
35 or similar device capable of being ignited. The term **【does】** shall
36 not include any device manufactured for the purpose of
37 illumination, distress signaling, line-throwing, safety, or similar
38 purposes ; or

39 (5) any center-fire rifle that is capable of firing a .50 BMG
40 cartridge as defined in subsection ee. of this section.

41 The provisions of this paragraph shall not apply to any antique

1 solely used to fire blank ammunition for the purpose of a living
2 historical reenactment as defined in subsection ff. of this section.

3 d. "Dispose of" means to give, give away, lease, loan, keep for
4 sale, offer, offer for sale, sell, transfer, or otherwise transfer
5 possession.

6 e. "Explosive" means any chemical compound or mixture that
7 is commonly used or is possessed for the purpose of producing an
8 explosion and which contains any oxidizing and combustible
9 materials or other ingredients in such proportions, quantities or
10 packing that an ignition by fire, by friction, by concussion or by
11 detonation of any part of the compound or mixture may cause such
12 a sudden generation of highly heated gases that the resultant
13 gaseous pressures are capable of producing destructive effects on
14 contiguous objects. The term shall not include small arms
15 ammunition, or explosives in the form prescribed by the official
16 United States Pharmacopoeia.

17 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
18 automatic or semi-automatic rifle, or any gun, device or instrument
19 in the nature of a weapon from which may be fired or ejected any
20 solid projectable ball, slug, pellet, missile or bullet, or any gas,
21 vapor or other noxious thing, by means of a cartridge or shell or by
22 the action of an explosive or the igniting of flammable or explosive
23 substances. It shall also include, without limitation, any firearm
24 which is in the nature of an air gun, spring gun or pistol or other
25 weapon of a similar nature in which the propelling force is a spring,
26 elastic band, carbon dioxide, compressed or other gas or vapor, air
27 or compressed air, or is ignited by compressed air, and ejecting a
28 bullet or missile smaller than three-eighths of an inch in diameter,
29 with sufficient force to injure a person.

30 g. "Firearm silencer" means any instrument, attachment,
31 weapon or appliance for causing the firing of any gun, revolver,
32 pistol or other firearm to be silent, or intended to lessen or muffle
33 the noise of the firing of any gun, revolver, pistol or other firearm.

34 h. "Gravity knife" means any knife which has a blade which is
35 released from the handle or sheath thereof by the force of gravity or
36 the application of centrifugal force.

37 i. "Machine gun" means any firearm, mechanism or instrument
38 not requiring that the trigger be pressed for each shot and having a
39 reservoir, belt or other means of storing and carrying ammunition
40 which can be loaded into the firearm, mechanism or instrument and
41 fired therefrom.

- 1 k. "Handgun" means any pistol, revolver or other firearm
2 originally designed or manufactured to be fired by the use of a
3 single hand.
- 4 l. "Retail dealer" means any person including a gunsmith,
5 except a manufacturer or a wholesale dealer, who sells, transfers or
6 assigns for a fee or profit any firearm or parts of firearms or
7 ammunition which he has purchased or obtained with the intention,
8 or for the purpose, of reselling or reassigning to persons who are
9 reasonably understood to be the ultimate consumers, and includes
10 any person who is engaged in the business of repairing firearms or
11 who sells any firearm to satisfy a debt secured by the pledge of a
12 firearm.
- 13 m. "Rifle" means any firearm designed to be fired from the
14 shoulder and using the energy of the explosive in a fixed metallic
15 cartridge to fire a single projectile through a rifled bore for each
16 single pull of the trigger.
- 17 n. "Shotgun" means any firearm designed to be fired from the
18 shoulder and using the energy of the explosive in a fixed shotgun
19 shell to fire through a smooth bore either a number of ball shots or a
20 single projectile for each pull of the trigger, or any firearm designed
21 to be fired from the shoulder which does not fire fixed ammunition.
- 22 o. "Sawed-off shotgun" means any shotgun having a barrel or
23 barrels of less than 18 inches in length measured from the breech to
24 the muzzle, or a rifle having a barrel or barrels of less than 16
25 inches in length measured from the breech to the muzzle, or any
26 firearm made from a rifle or a shotgun, whether by alteration, or
27 otherwise, if such firearm as modified has an overall length of less
28 than 26 inches.
- 29 p. "Switchblade knife" means any knife or similar device
30 which has a blade which opens automatically by hand pressure
31 applied to a button, spring or other device in the handle of the knife.
- 32 q. "Superintendent" means the Superintendent of the State
33 Police.
- 34 r. "Weapon" means anything readily capable of lethal use or of
35 inflicting serious bodily injury. The term includes, but is not
36 limited to, all (1) firearms, even though not loaded or lacking a clip
37 or other component to render them immediately operable; (2)
38 components which can be readily assembled into a weapon; (3)
39 gravity knives, switchblade knives, daggers, dirks, stiletos, or other
40 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
41 sandclubs, slingshots, cesti or similar leather bands studded with

S2905 [1R] SCUTARI

5

1 firearms, to persons who are reasonably understood not to be the
2 ultimate consumers, and includes persons who receive finished
3 parts of firearms and assemble them into completed or partially
4 completed firearms, in furtherance of such purpose, except that it
5 shall not include those persons dealing exclusively in grips, stocks
6 and other nonmetal parts of firearms.

7 t. "Stun gun" means any weapon or other device which emits
8 an electrical charge or current intended to temporarily or
9 permanently disable a person.

10 u. "Ballistic knife" means any weapon or other device capable
11 of lethal use and which can propel a knife blade.

12 v. "Imitation firearm" means an object or device reasonably
13 capable of being mistaken for a firearm.

14 w. "Assault firearm" means:

15 (1) The following firearms:

16 Algimec AGM1 type

17 Any shotgun with a revolving cylinder such as the "Street
18 Sweeper" or "Striker 12"

19 Armalite AR-180 type

20 Australian Automatic Arms SAR

21 Avtomat Kalashnikov type semi-automatic firearms

22 Beretta AR-70 and BM59 semi-automatic firearms

23 Bushmaster Assault Rifle

24 Calico M-900 Assault carbine and M-900

25 CETME G3

26 Chartered Industries of Singapore SR-88 type

27 Colt AR-15 and CAR-15 series

28 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

29 Demro TAC-1 carbine type

30 Encom MP-9 and MP-45 carbine types

31 FAMAS MAS223 types

32 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

33 Franchi SPAS 12 and LAW 12 shotguns

34 G3SA type

35 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

36 Intratec TEC 9 and 22 semi-automatic firearms

37 M1 carbine type

38 M14S type

39 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

40 PJK M-68 carbine type

41 Plainfield Machine Company Carbine

S2905 [1R] SCUTARI

6

1 USAS 12 semi-automatic type shotgun

2 Uzi type semi-automatic firearms

3 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

4 Weaver Arm Nighthawk.

5 (2) Any firearm manufactured under any designation which is
6 substantially identical to any of the firearms listed above.

7 (3) A semi-automatic shotgun with either a magazine capacity
8 exceeding six rounds, a pistol grip, or a folding stock.

9 (4) A semi-automatic rifle with a fixed magazine capacity
10 exceeding 15 rounds.

11 (5) A part or combination of parts designed or intended to
12 convert a firearm into an assault firearm, or any combination of
13 parts from which an assault firearm may be readily assembled if
14 those parts are in the possession or under the control of the same
15 person.

16 x. "Semi-automatic" means a firearm which fires a single
17 projectile for each single pull of the trigger and is self-reloading or
18 automatically chambers a round, cartridge, or bullet.

19 y. "Large capacity ammunition magazine" means a box, drum,
20 tube or other container which is capable of holding more than 15
21 rounds of ammunition to be fed continuously and directly therefrom
22 into a semi-automatic firearm.

23 z. "Pistol grip" means a well-defined handle, similar to that
24 found on a handgun, that protrudes conspicuously beneath the
25 action of the weapon, and which permits the shotgun to be held and
26 fired with one hand.

27 aa. "Antique handgun" means a handgun manufactured before
28 1898, or a replica thereof, which is recognized as being historical in
29 nature or of historical significance and either (1) utilizes a match,
30 friction, flint, or percussion ignition, or which utilizes a pin-fire
31 cartridge in which the pin is part of the cartridge or (2) does not fire
32 fixed ammunition or for which cartridge ammunition is not
33 commercially available.

34 bb. "Trigger lock" means a commercially available device
35 approved by the Superintendent of State Police which is operated
36 with a key or combination lock that prevents a firearm from being
37 discharged while the device is attached to the firearm. It may
38 include, but need not be limited to, devices that obstruct the barrel
39 or cylinder of the firearm, as well as devices that immobilize the
40 trigger.

41 cc. "Trigger locking device" means a device that, if installed on

1 dd. "Personalized handgun" means a handgun which
2 incorporates within its design, and as part of its original
3 manufacture, technology which automatically limits its operational
4 use and which cannot be readily deactivated, so that it may only be
5 fired by an authorized or recognized user. The technology limiting
6 the handgun's operational use may include, but not be limited to:
7 radio frequency tagging, touch memory, remote control, fingerprint,
8 magnetic encoding and other automatic user identification systems
9 utilizing biometric, mechanical or electronic systems. No make or
10 model of a handgun shall be deemed to be a "personalized handgun"
11 unless the Attorney General has determined, through testing or
12 other reasonable means, that the handgun meets any reliability
13 standards that the manufacturer may require for its commercially
14 available handguns that are not personalized or, if the manufacturer
15 has no such reliability standards, the handgun meets the reliability
16 standards generally used in the industry for commercially available
17 handguns.

18 ee. “.50 BMG cartridge” means a cartridge that is designed and
19 intended to be fired from a center-fire rifle and that meets all of the
20 following criteria:

21 (1) it has an overall length of 5.54 inches from the base to the tip
22 of the bullet;

23 (2) the bullet diameter for the cartridge is from .510 inches to
24 and including .511 inch;

25 (3) the case base diameter for the cartridge is from .800 inches to
26 and including .804 inch; and

27 (4) the cartridge case length is 3.91 inches.

28 ff. “Living historical reenactment” means a depiction of
29 historical characters, scenes, historical life, or events for
30 entertainment, education, or historical documentation through the
31 wearing or use of period, historical, antique or vintage clothing,
32 accessories, firearms, weapons, and other implements of the
33 historical period.

34 (cf: P.L.2019, c.164, s.6)

35

36 2. (New section) a. A person who lawfully owned a center-
37 fire rifle that is capable of firing a .50 BMG cartridge before the
38 rifle was prohibited under the provisions of paragraph (5) of
39 subsection c. of N.J.S.2C:39-1 by the enactment of P.L. ,
40 c. (C.) (pending before the Legislature as this bill) shall
41 register that firearm within one year of the enactment of P.L. ,

1 the chief law enforcement officer of the municipality. All other
2 applicants shall register the firearm with the Superintendent of State
3 Police.

4 c. Within 60 days of the effective date of P.L. , c. (C.)
5 (pending before the Legislature as this bill), the superintendent shall
6 prepare the form of registration statement required under subsection
7 a. of this section and shall provide a suitable supply of statements to
8 each organized full-time municipal police department and each
9 State Police station.

10 d. One copy of the completed prohibited firearm registration
11 statement shall be returned to the registrant, a second copy shall be
12 sent to the superintendent, and, if the registration takes place at a
13 municipal police department, a third copy shall be retained by that
14 municipal police department.

15 e. If the owner of a prohibited firearm that has been registered
16 pursuant to this section dies, the owner's heirs or estate shall, within
17 90 days, dispose of that firearm in accordance with the provisions
18 of section 3 of P.L. , c. (C.) (pending before the Legislature
19 as this bill).

20 f. If a prohibited firearm registered pursuant to this section is
21 used in the commission of a crime, the registrant of that prohibited
22 firearm shall be civilly liable for any damages resulting from that
23 crime.

24 The liability imposed by this subsection shall not apply^{1,1} (1) if
25 the firearm used in the commission of that crime was stolen and the
26 registrant reported the theft of the weapon to law enforcement
27 authorities within 36 hours of ¹【the registrant's knowledge of the
28 theft】 discovering that the firearm was stolen;¹ or (2) prior to the
29 commission of the crime, the registrant lawfully transferred the
30 firearm to another person.

31 g. The provisions of this paragraph shall not apply to any
32 antique firearm, curio or relic, or weapon solely used to fire blank
33 ammunition for the purpose of a living historical reenactment in
34 accordance with the provisions of paragraph (5) of subsection c. of
35 N.J.S.2C:39-1^{1,1}
36

37 3. (New section) a. A person who lawfully owned a center-
38 fire rifle that is capable of firing a .50 BMG cartridge prohibited
39 under the provisions of paragraph (5) of subsection c. of
40 N.J.S.2C:39-1 on the effective date of P.L. , c. (C.) (pending
41 before the Legislature as this bill) and does not register it pursuant

S2905 [1R] SCUTARI

1 (3) voluntarily surrender the prohibited firearm pursuant to
2 N.J.S.2C:39-12.

3 b. If the owner of the prohibited firearm elects to render the
4 weapon inoperable, the owner shall file a certification on a form
5 prescribed by the superintendent indicating the date on which the
6 weapon was rendered inoperable. This certification shall be filed
7 with either the chief law enforcement officer of the municipality in
8 which the owner resides or, in the case of an owner who resides in a
9 municipality which does not have a full-time police department,
10 with the superintendent.

11 c. As used in this section, "inoperable" means that the firearm
12 is altered in such a manner that it cannot be immediately fired and
13 that the owner or possessor of the firearm does not possess or have
14 control over the parts necessary to make the firearm operable.

15 d. The provisions of this paragraph shall not apply to any
16 antique firearm, curio or relic, or weapon solely used to fire blank
17 ammunition for purpose of a living historical reenactment in
18 accordance with the provisions of paragraph (5) of subsection c. of
19 N.J.S.2C:39-1¹.

20

21 4. This act shall take effect on the first day of the third month
22 next following the date of enactment, but the Superintendent of
23 State Police may take any anticipatory action in advance thereof as
24 shall be necessary for the implementation of this act.

[Second Reprint]

ASSEMBLY, No. 1302

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblywoman Jasey, Assemblymen McKeon, Tully, Assemblywomen Chaparro, Swain, Carter, McKnight, Jimenez, Assemblyman Spearman, Assemblywoman Jaffer, Assemblymen Wimberly, Sampson, Moen, Conaway, Assemblywoman Quijano, Assemblyman Stanley, Assemblywomen Park, Tucker, Senators Gill, Johnson and Pou

SYNOPSIS

Regulates sale of handgun ammunition and develops system of electronic reporting of handgun ammunition sales.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 23, 2022.

1 AN ACT concerning the sale of ammunition, amending N.J.S.2C:58-
2 1, N.J.S.2C:58-2, N.J.S.2C:58-3, and P.L.2007, c.318, 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:58-1 is amended to read as follows:

9 2C:58-1. Registration of manufacturers and wholesale dealers of
10 firearms

11 a. Registration. Every manufacturer and wholesale dealer of
12 firearms shall register with the superintendent as provided in this
13 section. No person shall engage in the business of, or act as a
14 manufacturer or wholesale dealer of firearms, or manufacture or sell
15 at wholesale any firearm, until he has so registered.

16 Applications for registration shall be made on such forms as
17 shall be prescribed by the superintendent, and the applicant shall
18 furnish such information and other particulars as may be prescribed
19 by law or by any rules or regulations promulgated by the
20 superintendent. Each application for registration or renewal shall
21 be accompanied by a fee of \$150.00.

22 The superintendent shall prescribe standards and qualifications
23 for the registration of manufacturers and wholesalers of firearms,
24 for the protection of the public safety, health and welfare. He shall
25 refuse to register any applicant for registration unless he is satisfied
26 that the applicant can be permitted to engage in business as a
27 manufacturer or wholesale dealer of firearms without any danger to
28 the public safety, health or welfare.

29 The superintendent shall issue a certificate of registration to
30 every person registered under this section, and such certificate shall
31 be valid for a period of 3 years from the date of issuance.

32 b. Wholesale dealer's agent. Every registered wholesale dealer
33 of firearms shall cause each of his agents or employees actively
34 engaged in the purchase or sale of firearms to be licensed with the
35 superintendent as a wholesale dealer's agent. Applications for
36 agents' licenses shall be submitted on such forms as shall be
37 prescribed by the superintendent, and shall be signed by the
38 registered wholesale dealer and by the agent. Each application shall
39 be accompanied by a fee of \$5.00, and each license shall be valid
40 for so long as the agent or employee remains in the employ of the
41 wholesale dealer and the wholesale dealer remains validly

1 c. Revocation of certificate of registration or license.
2 The superintendent may, after reasonable notice to all affected
3 parties and a hearing if requested, revoke any certificate of
4 registration or agent's license if he finds that the registered or
5 licensed person is no longer engaged in the business of
6 manufacturing or wholesaling firearms in this State or that he can
7 no longer be permitted to carry on such business without
8 endangering the public safety, health or welfare. A certificate or
9 license may be canceled at any time at the request of the registered
10 or licensed person.

11 d. Appeals. Any person aggrieved by the refusal of the
12 superintendent to register him as a manufacturer or wholesale dealer
13 or a wholesale dealer's agent, or by revocation of his certificate or
14 license, may appeal to the Appellate Division of the Superior Court.

15 e. Records of sales. Every manufacturer and wholesale dealer
16 shall keep a detailed record of each firearm and all handgun
17 ammunition sold by **him** the manufacturer and dealer. The
18 firearm record shall include the date of sale, the name and address
19 of the purchaser, a description of each firearm and the firearm's
20 serial number [thereof]. The handgun ammunition record shall be
21 in electronic form and shall contain the date of the transaction; the
22 type, caliber, or gauge of the ammunition; the quantity of
23 ammunition sold; the name and address of the purchaser; and any
24 other information the superintendent shall deem necessary for the
25 proper enforcement of this chapter. The records shall be available
26 for inspection at all reasonable times by any law enforcement
27 officer.

28 Every manufacturer and wholesale dealer shall establish a system
29 for maintaining electronic records pursuant to this subsection within
30 12 months of the effective date of P.L. , c. (C.) (pending
31 before the Legislature as this bill).

32 (cf: N.J.S.2C:58-1)

33

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

35 2C:58-2. a. Licensing of retail dealers and their employees. No
36 retail dealer of firearms nor any employee of a retail dealer shall
37 sell or expose for sale, or possess with the intent of selling, any
38 firearm unless licensed to do so as hereinafter provided. The
39 superintendent shall prescribe standards and qualifications for retail
40 dealers of firearms and their employees for the protection of the

A1302 [2R] GREENWALD, REYNOLDS-JACKSON

1 business as a retail dealer of firearms or employee thereof without
2 any danger to the public safety, health and welfare. Each license
3 shall be valid for a period of three years from the date of issuance,
4 and shall authorize the holder to sell firearms at retail in a specified
5 municipality.

6 In addition, every retail dealer shall pay a fee of \$5 for each
7 employee actively engaged in the sale or purchase of firearms. The
8 superintendent shall issue a license for each employee for whom
9 said fee has been paid, which license shall be valid for so long as
10 the employee remains in the employ of said retail dealer.

11 No license shall be granted to any retail dealer under the age of
12 21 years or to any employee of a retail dealer under the age of 18 or
13 to any person who could not qualify to obtain a permit to purchase a
14 handgun or a firearms purchaser identification card, or to any
15 corporation, partnership or other business organization in which the
16 actual or equitable controlling interest is held or possessed by such
17 an ineligible person.

18 All licenses shall be granted subject to the following conditions,
19 for breach of any of which the license shall be subject to revocation
20 on the application of any law enforcement officer and after notice
21 and hearing by the issuing court:

22 (1) The business shall be carried on only in the building or
23 buildings designated in the license, provided that repairs may be
24 made by the dealer or his employees outside of such premises.

25 (2) The license or a copy certified by the issuing authority shall
26 be displayed at all times in a conspicuous place on the business
27 premises where it can be easily read.

28 (3) No firearm or imitation thereof shall be placed in any
29 window or in any other part of the premises where it can be readily
30 seen from the outside.

31 (4) No rifle or shotgun, except antique rifles or shotguns, shall
32 be delivered to any person unless such person possesses and
33 exhibits a valid firearms purchaser identification card and furnishes
34 the seller, on the form prescribed by the superintendent, a
35 certification signed by him setting forth his name, permanent
36 address, firearms purchaser identification card number and such
37 other information as the superintendent may by rule or regulation
38 require. The certification shall be retained by the dealer and shall
39 be made available for inspection by any law enforcement officer at
40 any reasonable time.

41 (5) No handgun shall be delivered to any person unless:

1 (d) The handgun is accompanied by a trigger lock or a locked
2 case, gun box, container or other secure facility; provided, however,
3 this provision shall not apply to antique handguns or personalized
4 handguns included in the roster pursuant to section 2 of P.L.2019,
5 c.164 (C.2C:58-2.8). The exemptions afforded under this
6 subparagraph for antique handguns and personalized handguns shall
7 be narrowly construed, limited solely to the requirements set forth
8 herein and shall not be deemed to afford or authorize any other
9 exemption from the regulatory provisions governing firearms set
10 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
11 Statutes; and

12 (e) (Deleted by amendment, P.L.2019, c.164)

13 (6) The dealer shall keep a true record of every handgun sold,
14 given or otherwise delivered or disposed of, in accordance with the
15 provisions of subsections b. through e. of this section and the record
16 shall note whether a trigger lock, locked case, gun box, container or
17 other secure facility was delivered along with the handgun.

18 (7) A dealer shall not knowingly deliver more than one handgun
19 to any person within any 30-day period. This limitation shall not
20 apply to:

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

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

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

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

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

38 b. Records. (1) Every person engaged in the retail business of
39 selling, leasing or otherwise transferring a handgun, as a retail
40 dealer or otherwise, shall keep a register in which shall be entered
41 the time of the sale, lease or other transfer, the date thereof, the

1 proper enforcement of this chapter. The register shall be retained by
2 the dealer and shall be made available at all reasonable hours for
3 inspection by any law enforcement officer.

4 (2) Every person engaged in the retail business of selling,
5 leasing, or otherwise transferring handgun ammunition, as a retail
6 dealer or otherwise, shall keep an electronic record in which shall
7 be entered the name of the manufacturer; the date of the transaction;
8 the type; caliber or gauge of the ammunition; the quantity of the
9 ammunition sold; the name, address, and date of birth of the
10 purchaser; the identification used to establish the identity of the
11 purchaser; and any other information the superintendent shall deem
12 necessary for the proper enforcement of this chapter.

13 The electronic records shall be retained by the dealer and shall be
14 made available at all reasonable hours for inspection by any law
15 enforcement officer, and additionally shall be electronically
16 reported to the superintendent in accordance with section¹[4] 5¹ of
17 P.L. , c. (C.) (pending before the Legislature as this bill).

18 ¹(3) Every retail dealer in the business of selling or otherwise
19 transferring handgun ammunition shall immediately electronically
20 report to the State Police any transaction involving the sale,
21 transfer, assignment, or disposition of 2,000 or more rounds of
22 handgun ammunition and information relating to each transaction in
23 accordance with this subsection.

24 Until the implementation of the electronic record system
25 described in paragraph (2) of subsection b. of this section or section
26 5 of P.L. , c. (C.) (pending before the Legislature as this
27 bill), the retail dealer shall immediately contact the State Police
28 regarding the sale, transfer, assignment, or disposition of 2,000 or
29 more rounds of handgun ammunition in accordance with guidelines
30 established by the superintendent.¹

31 c. Forms of register.

32 **【The】** (1) Until the implementation of the electronic record
33 system described in paragraph (2) of subsection b. of this section or
34 section¹[4] 5¹ of P.L. , c. (C.) (pending before the
35 Legislature as this bill), the superintendent shall prepare the form of
36 the register as described in paragraph (1) of subsection b. of this
37 section and furnish the same in triplicate to each person licensed to
38 be engaged in the business of selling, leasing or otherwise
39 transferring firearms.

40 (2) All retail dealers of handgun ammunition shall establish a

1 transferee of any handgun shall sign, and the dealer shall require
2 him to sign his name to the register, in triplicate, and the person
3 making the sale, lease or transfer shall affix his name, in triplicate,
4 as a witness to the signature. The signatures, or the entry of an
5 electronic signature in the electronic record system pursuant to
6 paragraph (2) of subsection b. of this section or section '1[4] 5' of
7 P.L. , c. (C.) (pending before the Legislature as this bill),
8 shall constitute a representation of the accuracy of the information
9 contained in the register.

10 e. Copies of register entries; delivery to chief of police or
11 county clerk.

12 **【Within】** (1) Except as otherwise provided in paragraph (2) of
13 this subsection, within five days of the date of the sale, assignment
14 or transfer, the dealer shall deliver or mail by certified mail, return
15 receipt requested, legible copies of the register forms to the office
16 of the chief of police of the municipality in which the purchaser
17 resides, or to the office of the captain of the precinct of the
18 municipality in which the purchaser resides, and to the
19 superintendent. If hand delivered a receipt shall be given to the
20 dealer therefor.

21 Where a sale, assignment or transfer is made to a purchaser who
22 resides in a municipality having no chief of police, the dealer shall,
23 within five days of the transaction, mail a duplicate copy of the
24 register sheet to the clerk of the county within which the purchaser
25 resides.

26 (2) A dealer shall not be required to use the triplicate form after
27 the dealer establishes an electronic reporting system pursuant to
28 paragraph (2) of subsection b. of this section or section '1[4] 5' of
29 P.L. , c. (C.) (pending before the Legislature as this bill).
30 (cf: P.L.2019, c.164, s.7)

31

32 **1[3]** N.J.S.2C:58-3 is amended to read as follows:

33 2C:58-3. a. Permit to purchase a handgun.

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

39 (2) A person who is not a licensed retail dealer and sells, gives,
40 transfers, assigns, or otherwise disposes of, or receives, purchases

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

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

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

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

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

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

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

24 b. Firearms purchaser identification card.

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

41 (2) A person who is not a licensed retail dealer and sells, gives,

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

3 (b) between law enforcement officers;

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

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

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

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

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

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

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

27 c. Who may obtain. No person of good character and good
28 repute in the community in which he lives, and who is not subject to
29 any of the disabilities set forth in this section or other sections of
30 this chapter, shall be denied a permit to purchase a handgun or a
31 firearms purchaser identification card, except as hereinafter set
32 forth. No handgun purchase permit or firearms purchaser
33 identification card shall be issued:

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

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

1 the handling of firearms; to any person who knowingly falsifies any
2 information on the application form for a handgun purchase permit
3 or firearms purchaser identification card;

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

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

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

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

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

22 (9) To any person named on the consolidated Terrorist Watchlist
23 maintained by the Terrorist Screening Center administered by the
24 Federal Bureau of Investigation; or

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

29 d. Issuance. The chief of police of an organized full-time
30 police department of the municipality where the applicant resides or
31 the superintendent, in all other cases, shall upon application, issue
32 to any person qualified under the provisions of subsection c. of this
33 section a permit to purchase a handgun or a firearms purchaser
34 identification card.

35 Any person aggrieved by the denial of a permit or identification
36 card may request a hearing in the Superior Court of the county in
37 which he resides if he is a resident of New Jersey or in the Superior
38 Court of the county in which his application was filed if he is a
39 nonresident. The request for a hearing shall be made in writing
40 within 30 days of the denial of the application for a permit or
41 identification card. The applicant shall serve a copy of his request

1 Appeals from the results of a hearing shall be in accordance with
2 law.

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

41 Application blanks shall be obtainable from the superintendent.

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

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

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

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

12 (2) The requirements of this subsection concerning the delivery
13 and form of permit and disposition of copies shall not be applicable
14 when these functions may be completed by utilizing an electronic
15 system as described in paragraph (2) of subsection b. of
16 N.J.S.2C:58-2 or section 4 of P.L. , c. (C.) (pending before
17 the Legislature as this bill).

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

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

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

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

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

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

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

41 The provisions of this subsection shall not be construed to afford

1 certification required in subsection b. of this section for each
2 transaction.

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

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

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

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

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

1 as a dealer under this chapter or has first secured a permit to
2 purchase a handgun as provided by this section.

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

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

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

11 (b) between law enforcement officers;

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

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

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

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

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

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

32 (d) any record produced pursuant to this subsection shall not be
33 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
34 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

35 b. Firearms purchaser identification card.

36 (1) No person shall sell, give, transfer, assign or otherwise
37 dispose of nor receive, purchase or otherwise acquire an antique
38 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
39 unless the purchaser, assignee, donee, receiver or holder is licensed
40 as a dealer under this chapter or possesses a valid firearms
41 purchaser identification card, and first exhibits the card to the seller.

1 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
2 who is not a dealer, it may be filed with the chief of police of the
3 municipality in which he resides or with the superintendent.

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

9 The provisions of this paragraph shall not apply if the transaction
10 is:

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

13 (b) between law enforcement officers;

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

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

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

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

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

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

34 (d) any record produced pursuant to this subsection shall not be
35 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
36 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

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

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

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

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

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

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

32 (9) To any person named on the consolidated Terrorist Watchlist
33 maintained by the Terrorist Screening Center administered by the
34 Federal Bureau of Investigation;

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

39 or

40 (11) To any person who is subject to a court order prohibiting the
41 custody, control, ownership, purchase, possession, or receipt of a

1 section a permit to purchase a handgun or a firearms purchaser
2 identification card.

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

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

1 14 et al.) prohibiting the person from possessing any firearm, and
2 other information as the superintendent shall deem necessary for the
3 proper enforcement of this chapter. For the purpose of complying
4 with this subsection, the applicant shall waive any statutory or other
5 right of confidentiality relating to institutional confinement. The
6 application shall be signed by the applicant and shall contain as
7 references the names and addresses of two reputable citizens
8 personally acquainted with him.

9 Application blanks shall be obtainable from the superintendent,
10 from any other officer authorized to grant a permit or identification
11 card, and from licensed retail dealers, or shall be made available
12 through an online process established or made available by the
13 superintendent.

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

28 f. Granting of permit or identification card; fee; term; renewal;
29 revocation. The application for the permit to purchase a handgun
30 together with a fee of \$2, or the application for the firearms
31 purchaser identification card together with a fee of \$5, shall be
32 delivered or forwarded to the licensing authority who shall
33 investigate the same and, unless good cause for the denial thereof
34 appears, shall grant the permit or the identification card, or both, if
35 application has been made therefor, within 30 days from the date of
36 receipt of the application for residents of this State and within 45
37 days for nonresident applicants. A permit to purchase a handgun
38 shall be valid for a period of 90 days from the date of issuance and
39 may be renewed by the issuing authority for good cause for an
40 additional 90 days. A firearms purchaser identification card shall
41 be valid until such time as the holder becomes subject to any of the

1 of the county wherein the card was issued, after hearing upon
2 notice, upon a finding that the holder thereof no longer qualifies for
3 the issuance of the permit. The county prosecutor of any county,
4 the chief police officer of any municipality or any citizen may apply
5 to the court at any time for the revocation of the card.

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

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

14 h. Form of permit; quadruplicate; disposition of copies.

15 **【The】** (1) Except as otherwise provided in paragraph (2) of this
16 subsection, the permit shall be in the form prescribed by the
17 superintendent and shall be issued to the applicant in quadruplicate.
18 Prior to the time he receives the handgun from the seller, the
19 applicant shall deliver to the seller the permit in quadruplicate and
20 the seller shall complete all of the information required on the form.
21 Within five days of the date of the sale, the seller shall forward the
22 original copy to the superintendent and the second copy to the chief
23 of police of the municipality in which the purchaser resides, except
24 that in a municipality having no chief of police, the copy shall be
25 forwarded to the superintendent. The third copy shall then be
26 returned to the purchaser with the pistol or revolver and the fourth
27 copy shall be kept by the seller as a permanent record.

28 (2) The requirements of this subsection concerning the delivery
29 and form of permit and disposition of copies shall not be applicable
30 when these functions may be completed by utilizing an electronic
31 system as described in paragraph (2) of subsection b. of
32 N.J.S.2C:58-2 or section 5 of P.L. , c. (C.) (pending before
33 the Legislature as this bill).

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

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

41 (2) ...

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

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

9 The provisions of this subsection shall not be construed to afford
10 or authorize any other exemption from the regulatory provisions
11 governing firearms set forth in chapter 39 and chapter 58 of Title
12 2C of the New Jersey Statutes;

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

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

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

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

1 directly from a manufacturer or from a licensed dealer located in
2 this State or any other state.

3 n. For the purposes of this section, "immediate family" means a
4 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
5 (C.26:8A-3), partner in a civil union couple as defined in section 2
6 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
7 sibling, stepsibling, child, stepchild, and grandchild, as related by
8 blood or by law.¹
9 (cf: P.L.2021, c.327, s.6)

10

11 4. Section 1 of P.L.2007, c.318 (C.2C:58-3.3) is amended to
12 read as follows:

13 1. a. As used in this act **["handgun"]**:

14 "Ammunition" means an object consisting of all of the following
15 components: a fixed metallic or nonmetallic hull casing containing
16 a primer; one or more projectiles, one or more bullets, or shot; and
17 gunpowder. All of the specified components shall be present for an
18 object to be ammunition. As used in this section, ammunition shall
19 not include, without limitation, blank ammunition, air gun pellets,
20 flare gun ammunition, nail gun ammunition, paint ball ammunition,
21 or any non-fixed ammunition.

22 "Handgun ammunition" means ammunition **[specifically]**
23 designed **[to]** such that it may be used **[only]** in a handgun,
24 including ammunition specifically designed to be used only in a
25 handgun, as well as ammunition intended for use in any other
26 firearm and which may be interchangeable between rifles and
27 handguns. "Handgun ammunition" shall not include **[blank**
28 ammunition, air gun pellets, flare gun ammunition, nail gun
29 ammunition, paint ball ammunition, or any non-fixed**]** ammunition
30 specifically designed to be used only in a rifle or shotgun.

31 b. **[No]** A person shall not sell, give, transfer, assign or
32 otherwise dispose of, or receive, purchase, or otherwise acquire
33 handgun ammunition unless the purchaser, assignee, donee, receiver
34 or holder is licensed as a manufacturer, wholesaler, or dealer under
35 this chapter or is the holder of and possesses a valid firearms
36 purchaser identification card, a valid copy of a permit to purchase a
37 handgun, or a valid permit to carry a handgun and first exhibits
38 **[such]** the card or permit to the seller, donor, transferor, or assignor
39 along with a valid, current driver's license; valid, current nondriver
40 identification card; or other valid, current government-issued form

1 which is recognized as being historical in nature or of historical
2 significance.

3 e. A person who violates this section shall be guilty of a crime
4 of the fourth degree, except that nothing contained herein shall be
5 construed to prohibit the sale, transfer, assignment or disposition of
6 handgun ammunition to or the purchase, receipt or acceptance of
7 ammunition by a law enforcement agency or law enforcement
8 official for law enforcement purposes.

9 f. Nothing in this section shall be construed to prohibit the
10 transfer of ammunition for use in a lawfully transferred firearm in
11 accordance with the provisions of section 1 of P.L.1992,
12 c.74 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (C.2C:58-3.2) or
13 section 14 of P.L.1979, c.179 (C.2C:58-6.1).

14 g. Nothing in this section shall be construed to prohibit the sale
15 of a de minimis amount of handgun ammunition at a firearms range
16 operated by a licensed dealer; a law enforcement agency; a legally
17 recognized military organization; or a rifle or pistol club which has
18 filed a copy of its charter with the superintendent for immediate use
19 at that range.

20 (cf: P.L.2007, c.318, s.1)

21

22 5. (New section) a. (1) The Superintendent of State Police
23 shall develop a program for retail dealers of handgun ammunition to
24 electronically report a record of any transaction involving the sale,
25 transfer, assignment, or disposition of handgun ammunition and
26 information relating to each transaction. The reported information
27 shall include: the date of the transaction; the name of the
28 manufacturer, the caliber or gauge, and the quantity of ammunition
29 sold or transferred; the name, address, and date of birth of the
30 purchaser; the identification used to establish the identity of the
31 purchaser; and any other information the superintendent may
32 require.

33 (2) Subject to the time limitations established in paragraph (2)
34 of subsection c. of ¹section 2 of P.L. , c. (C.) (pending
35 before the Legislature as this bill) N.J.S.2C:58-2¹, every retail
36 dealer of ammunition as defined in section 1 of P.L.2007, c.318
37 (C.2C:58-3.3) shall electronically report to the superintendent a
38 record of any transaction involving the sale, transfer, assignment, or
39 disposition of handgun ammunition by utilizing the program
40 developed pursuant to this subsection.

1 ²**[b. (1)]** The superintendent shall develop a program for retail
2 dealers to electronically report a record of any transaction involving
3 the sale, transfer, assignment, or disposition of a firearm and
4 information relating to each transaction.

5 (2) Within a timeframe as determined by the superintendent,
6 every retail dealer of firearms shall electronically report to the
7 superintendent a record of any transaction involving the sale,
8 transfer, assignment, or disposition of a firearm by utilizing the
9 program developed pursuant to this subsection.

10 **c.] b.**² The superintendent shall establish a searchable,
11 electronic database containing the information reported pursuant
12 ²**[subsections]** to subsection² a. ²**[and b.]**² of this section, which
13 shall be available to law enforcement officers. ¹The Attorney
14 General shall have access to the information stored in the database
15 which shall be used for law enforcement purposes.¹ The
16 superintendent also shall establish security procedures to protect the
17 confidentiality of the information contained in the database, which
18 shall prevent access to the information by any person or entity that
19 is not lawfully entitled to it.

20 ²**[d.] c.**² The superintendent shall develop an Internet-based or
21 other electronic system to process or facilitate the processing of any
22 or all of the following: application for and issuance of firearms
23 purchaser identification cards, permits to purchase a handgun, or
24 other permits authorized under this chapter.

25 ²**[e.] d.**² Any record reported or produced pursuant to this
26 section shall not be considered a public record or government
27 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,
28 c.404 (C.47:1A-5 et al.).

29

30 6. This act shall take effect ¹**[immediately]** on the first day of
31 the seventh month next following the date of enactment, except the
32 Attorney General may take such anticipatory administrative action
33 in advance as shall be necessary for the implementation of this act¹.

[First Reprint]

ASSEMBLY, No. 1765

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson, Chaparro, Assemblymen Spearman, Wimberly, Stanley, Moen, Moriarty, Assemblywomen Jimenez, Tucker, Park, Quijano and Senator Gill

SYNOPSIS

Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on June 23, 2022, with amendments.

1 AN ACT concerning public safety and supplementing Title 2C of the
2 New Jersey Statutes.

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

6
7 1. a. In cases involving the common law tort of public nuisance,
8 New Jersey courts have issued decisions which have limited the
9 ability of public officials to pursue civil actions for abatement,
10 damages, and other relief from the negligent, reckless and, in some
11 cases, illegal conduct of bad actors in the gun industry, whose
12 misconduct results in harm to the public and fuels the epidemic of
13 gun violence in New Jersey and across the nation. Since the passage
14 of Protection of Lawful Commerce in Arms Act (PLCAA), federal
15 law has created an additional barrier to this relief and shielded ¹the
16 firearm] gun¹ industry members¹ from being held accountable for
17 misconduct.

18 b. The practical result of those decisions is that the people of
19 New Jersey have been deprived in many cases of adequate
20 protection from and appropriate redress for injuries to public health
21 and safety resulting from gun violence.

22 c. With respect to gun violence, the unavailability of a robust
23 public nuisance statute has limited the State's ability to seek legal
24 redress in situations where firearms manufacturers and retail dealers
25 may have knowingly or recklessly taken actions that have
26 endangered the safety and health of New Jersey residents through
27 the sale, manufacture, distribution, and marketing of lethal, but
28 nonetheless legal, ¹firearms] gun-related products¹. Even as
29 manufacturers have incorporated features and technology resulting
30 in more deadly and destructive firearms, some actors in the
31 ¹firearm] gun¹ industry have implemented sales, distribution and
32 marketing practices that have contributed to the development of an
33 illegal secondary market for these increasingly dangerous
34 instrumentalities.

35 d. Therefore, it is necessary and proper to promote and protect
36 the health, safety, and welfare of the people of New Jersey by
37 requiring gun industry members to establish and implement
38 reasonable procedures, safeguards, and business practices for the
39 sale, manufacture, distribution, importing, and marketing of gun-
40 related products and¹ establishing a statutory cause of action for

1 2. As used in this act:

2 “Gun industry member” means a person ¹【, firm, corporation,
3 company, partnership, society, joint stock company, or any other
4 entity or association】¹ engaged in the sale, manufacturing,
5 distribution, importing or marketing of ¹【firearms, ammunition,
6 ammunition magazines, or firearm accessories】 a gun-related
7 product, and any officer, agent, employee, or other person
8 authorized to act on behalf of that person or who acts in active
9 concert or participation with one or more such persons.

10 “Gun-related product” means any firearm, ammunition,
11 ammunition magazine, firearm component or part including, but not
12 limited to, a firearm frame and a firearm receiver, or firearm
13 accessory, which product was, or was intended to be, sold,
14 manufactured, distributed, imported, or marketed in this State, or
15 which product was possessed in this State and as to which it was
16 reasonably foreseeable that the product would be possessed or used
17 in this State.

18 “Person” means any natural person, firm, corporation, company,
19 partnership, society, joint stock company, or any other entity or
20 association¹.

21 “Public Nuisance” means any condition which injures,
22 endangers, or threatens to injure or endanger or contributes to the
23 injury or endangerment of the health, safety, peace, comfort, or
24 convenience of others ¹or which otherwise constitutes a public
25 nuisance under common law¹.

26 ¹【“Qualified product” shall have the same meaning as defined in
27 15 USC §7903(4)】

28 “Reasonable controls” means reasonable procedures, safeguards,
29 and business practices that are designed to:

30 (1) prevent the sale or distribution of a gun-related product to a
31 straw purchaser, a firearm trafficker, a person prohibited from
32 possessing a firearm under State or federal law, or a person who the
33 gun industry member has reasonable cause to believe is at
34 substantial risk of using a gun-related product to harm themselves
35 or unlawfully harm another or of unlawfully possessing or using a
36 gun-related product;

37 (2) prevent the loss of a gun-related product or theft of a gun-
38 related product from a gun industry member;

39 (3) ensure that a gun industry member complies with all
40 provisions of State and federal law and does not otherwise promote

1 violation of P.L.1960, c.39 (C.56:8-2) or any regulations
2 promulgated thereunder.

3 “Straw purchaser” means an individual who purchases, or
4 attempts or conspires to purchase, a gun-related product at the
5 request, order, or demand of another or for the purpose of selling or
6 transferring to another person, knowing or reasonably believing that
7 such other person is not authorized to either purchase or possess a
8 gun-related product, or both, by the laws of this State, the United
9 States, or of the state in which the other person resides by virtue of
10 having a conviction of a crime, or for any other reason¹.

11

12 3. a. ¹(1)¹ A gun industry member shall not, by conduct either
13 unlawful in itself or unreasonable under all the circumstances,
14 knowingly or recklessly create, maintain, or contribute to a public
15 nuisance in this State through the sale, manufacturing,
16 ¹distribution,¹ importing, or marketing of a ¹[qualified] gun-
17 related¹ product.

18 ¹(2) A gun industry member shall establish, implement, and
19 enforce reasonable controls regarding its manufacture, sale,
20 distribution, importing, and marketing of gun-related products.

21 (3) It shall be a public nuisance to engage in conduct that
22 violates paragraphs (1) or (2) of this subsection.¹

23 b. Whenever it appears to the Attorney General that a gun
24 industry member has engaged in or is engaging in conduct that
25 violates subsection a. of this section, the Attorney General may
26 commence an action to seek and obtain: an injunction prohibiting
27 the gun industry member from continuing that conduct or engaging
28 therein or doing any acts in furtherance thereof; an order providing
29 for abatement of the nuisance at the expense of the defendant;
30 restitution; damages; reasonable attorneys' fees, filing fees, and
31 reasonable costs of suit; and any other appropriate relief.

32 c. To prevail in an action under this section, the Attorney
33 General shall not be required to demonstrate that the gun industry
34 member acted with the purpose to engage in any public nuisance or
35 otherwise cause harm to the public. The Attorney General shall not
36 be required to demonstrate any special injury to be granted the
37 relief authorized by this section.

38 d. When it appears to the Attorney General that a gun industry
39 member has engaged in, is engaging in, or is about to engage in
40 conduct that violates subsection a. of this section, or when the

1 facts and circumstances concerning conduct, and other data and
2 information as the Attorney General deems necessary;

3 (2) examine under oath any gun industry member ¹or any other
4 person¹ concerning the act or omission;

5 (3) examine any record, object, book, document, account, or
6 paper as the Attorney General deems necessary; and

7 (4) pursuant to an order of the Superior Court, impound and
8 retain in the Attorney General's possession any record, book,
9 document, account, object, or paper that is produced in accordance
10 with this act until the completion of all proceedings in connection
11 with impounded items.

12 e. ¹**【The】** To the extent causation is applicable, the¹ conduct of a
13 gun industry member shall be deemed to constitute a proximate
14 cause of the public nuisance if the harm to the public was a
15 reasonably foreseeable effect of such conduct, notwithstanding any
16 intervening actions, including but not limited to criminal actions by
17 third parties.

18 f. ¹The Attorney General may establish or designate within the
19 Department of Law and Public Safety a unit, bureau, office or
20 division to exercise all functions, powers, and duties of the Attorney
21 General established under or deriving from P.L. , c. (C.)
22 (pending before the Legislature as this bill) and which may perform
23 such other functions, powers, and duties vested in the Department
24 of Law and Public Safety as the Attorney General may deem
25 appropriate.

26 g.¹ Nothing in P.L. , c. (C.) (pending before the
27 Legislature as this bill) shall be construed to deny, abrogate, or
28 impair any statutory or common law right, remedy, or prohibition
29 otherwise available to any party, including the Attorney General.

30

31 4. The provisions of P.L.1987, c.197 (C.2A:58C-1 et seq.) shall
32 not apply to any public nuisance action brought by the Attorney
33 General pursuant to section 3 of P.L. , c. (C.) (pending
34 before the Legislature as this bill).

35

36 5. This act shall take effect immediately and shall apply to all
37 actions instituted on or after the effective date of this act, and to all
38 proceedings taken subsequent to the effective date of this act in all
39 actions pending on the act's effective date, except that judgments
40 entered or awards made pursuant to law from which no appeal is

[First Reprint]

ASSEMBLY, No. 4368

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Speight, Park, Assemblyman Stanley, Assemblywomen

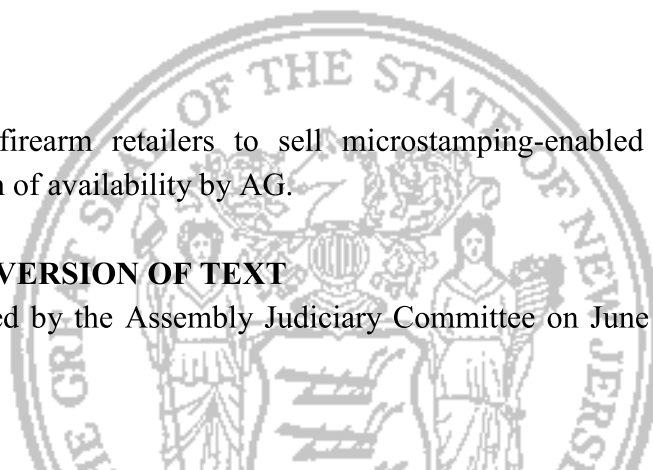
Tucker, Swain, Assemblymen Tully, Conaway and Senator Gill

SYNOPSIS

Requires firearm retailers to sell microstamping-enabled firearms upon determination of availability by AG.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on June 23, 2022, with amendments.



1 AN ACT concerning microstamping-enabled firearms, and
2 supplementing Title 2C of the New Jersey Statutes and Title 52
3 of the Revised Statutes.

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

7
8 1. a. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Microstamp” means a unique alphanumeric or geometric code
11 that identifies the make, model, and serial number of a firearm.

12 “Microstamp roster” means the roster of firearms that have been
13 designated as microstamping-enabled firearms, pursuant to section
14 2 of P.L. , c. (C.) (pending before the Legislature as this
15 bill).

16 “Microstamping component” means a component of a firearm
17 that will produce a microstamp on at least one location of the
18 expended cartridge case each time the firearm is fired.

19 “Microstamping-enabled firearm” means a firearm that contains
20 a microstamping component.

21 b. (1) Within 180 days of the date of enactment of
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 the Attorney General or a designee shall: establish performance
24 standards and qualifying criteria for determining whether a firearm
25 constitutes a microstamping-enabled firearm; establish a process by
26 which to determine whether a firearm constitutes a microstamping-
27 enabled firearm; and complete the investigation required pursuant
28 to paragraph (2) of this subsection.

29 (2) Based on the standards, criteria, and process established
30 pursuant to paragraph (1) of this subsection, the Attorney General
31 shall complete an investigation concerning the technological
32 viability of microstamping-enabled firearms. The investigation shall
33 include, but need not be limited to, live-fire testing evidence. At the
34 conclusion of the investigation, the Attorney General shall certify
35 whether viable microstamping-enabled technology exists. If the
36 Attorney General certifies that the technology does not exist, the
37 microstamping examiner designated pursuant to subsection c. of
38 this section shall examine firearms submitted pursuant to subsection
39 e. of this section and make technological viability certification
40 recommendations to the Attorney General until such time as the
41 Attorney General certifies that microstamping-enabled firearms are

1 submitted pursuant to subsection e. of this section in a manner
2 proscribed by the Attorney General and shall:

3 (1) make microstamping-enabled technology viability
4 recommendations, pursuant to subsection b. of this section;

5 (2) following certification by the Attorney General that
6 microstamping-enabled firearms are technologically viable,
7 determine whether a firearm meets the performance standards and
8 qualifying criteria established by the Attorney General to be
9 designated as a microstamping-enabled firearm.

10 d. Upon designation of the first microstamping-enabled
11 firearm, the examiner shall create a microstamp roster, which shall
12 include each firearm so designated. The roster shall be updated as
13 necessary and shall be published on a website maintained by the
14 New Jersey State Police. A copy of the roster shall be made
15 available every six months to licensed retail firearms dealers in this
16 State.

17 e. Any person seeking to include a firearm on the
18 microstamping roster may apply to the microstamping examiner for
19 a determination of whether the make and model of firearm proposed
20 by the applicant may be designated as a microstamping-enabled
21 firearm.

22 f. If one or more firearms are included on the microstamp
23 roster, the Attorney General shall determine the commercial
24 availability of microstamping-enabled firearms. Upon certification
25 that microstamping-enabled firearms are commercially available,
26 each licensed retail dealer of firearms shall:

27 (1) make available for purchase at least one firearm included on
28 the roster and display the firearm in a conspicuous manner that
29 makes it easily visible to customers and distinguishable from
30 traditional firearms;

31 (2) post in one or more locations in the licensed retail dealer's
32 place or places of business in a conspicuous manner that makes
33 them easily visible and accessible to customers:

34 (a) copies of the microstamp roster; and

35 (b) a sign that includes a clear and conspicuous statement
36 disclosing the features of microstamping-enabled firearms that are
37 not offered by traditional firearms and advising customers that such
38 firearms may be purchased through the licensed retail dealer;

39 (3) accept and process orders to enable customers to purchase
40 through the licensed retail dealer any firearms included on the
41 microstamp roster;

1 (a) place an order for at least one firearm on the microstamp
2 roster within 21 days of the sale of the last firearm on the
3 microstamp roster;

4 (b) maintain written records of the licensed retail dealer's efforts
5 to place an order and maintain those records on the premises and
6 allow them to be open for inspection at all times; and

7 (c) post a sign on the premises indicating that microstamping-
8 enabled firearms are sold routinely on the licensed retail dealer's
9 premises and will soon be available for purchase.

10 g. If at least one firearm is listed on the microstamp roster, the
11 Superintendent of State Police shall designate officers to inspect the
12 microstamping-enabled firearm inventory and records of all
13 licensed retail dealers of firearms to determine whether a licensed
14 retail dealer is in compliance with the provisions of subsection f. of
15 this section. The inspections shall be conducted at least once every
16 two years at any time during the normal business hours of the
17 licensed retail dealer's place of business.

18

19 2. a. A licensed retail dealer who violates section 1 of
20 P.L. , c. (C.) (pending before the Legislature as this bill)
21 shall be subject to the following penalties:

22 (1) for a first offense, a fine of up to \$500;

23 (2) for a second offense, a fine of up to \$1,000; or

24 (3) for a third or subsequent offense, a six-month license
25 suspension following notice to the licensed retail dealer and
26 opportunity to be heard.

27 b. Any person who, without license or privilege to do so,
28 willfully removes, damages, alters, or otherwise tampers with a
29 microstamping enabled firearm to prevent or alter the production of
30 a microstamp shall be guilty of a third degree crime.

31 For the purposes of this subsection, tampering with a
32 microstamping component shall not include: replacing a firing pin
33 when the pin is damaged or otherwise in need of replacement for
34 the safe use of the firearm; or replacing a firing pin for a legitimate
35 sporting purpose, provided that the firearm remains a
36 microstamping-enabled firearm.

37

38 13. a. A person who purchases a microstamping-enabled firearm
39 pursuant to section 1 of P.L. , c. (C.) (pending before the
40 Legislature as this bill) from a licensed retail dealer shall be eligible
41 for an instant rebate of 10 percent of the purchase price up to a

1 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
2 seq.), to effectuate the purposes of this section.

3 In addition, the superintendent shall prepare and deliver to each
4 licensed retail dealer in the State the forms necessary to record and
5 report participation in the rebate program established in this section.
6 The form shall be in duplicate and set forth: the name, address,
7 telephone number, State tax number, and State license number of
8 the licensed retail dealer; the name of the purchaser and the
9 purchaser's firearms purchaser identification card number or permit
10 to purchase a handgun number; the make and model number of the
11 microstamping-enabled firearm purchased; and the date of sale.
12 One copy shall be retained by the retail dealer for the retail dealer's
13 records. The other shall be submitted to the Attorney General for
14 reimbursement. The reimbursement copies shall be submitted
15 monthly at a time prescribed by the superintendent. The submitting
16 retail dealer shall be entitled to a reimbursement of 10 percent of
17 the purchase price of the microstamping-enabled firearm up to a
18 maximum of \$30 as part of the rebate program. To help defray any
19 administrative costs, each participating retail dealer shall receive, in
20 addition to the reimbursement, \$0.50 for each valid reimbursement
21 copy submitted.

22 The superintendent also shall provide each licensed retail dealer
23 with a sign to be prominently displayed at a conspicuous place on
24 the dealer's business premises where firearms are offered for sale.
25 The sign shall state substantially the following:

26
27 "MICROSTAMPING-ENABLED FIREARMS REBATE
28 PROGRAM. TO ENCOURAGE NEW JERSEY GUN OWNERS
29 TO PURCHASE MICROSTAMPING-ENABLED FIREARMS,
30 THE STATE IS OFFERING AN INSTANT REBATE WHEN
31 YOU PURCHASE A MICROSTAMPING-ENABLED FIREARM.
32 THE REBATE AMOUNT IS 10 PERCENT OF THE PURCHASE
33 PRICE UP TO A MAXIMUM OF \$30."¹

34
35 **'[3.] 4.'**¹ a. There is created in the Department of the Treasury
36 a nonlapsing fund entitled the "Microstamp Fund." The fund shall
37 be the depository for any State appropriations or other monies
38 provided for the purchase of microstamping-enabled firearms by
39 law enforcement agencies. The fund shall be administered by the
40 State Treasurer.

41 b. Funds within the Microstamp Fund may be used to purchase

A4368 [1R] GREENWALD, MCKEON

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1 include information on the intended use and estimated cost of the
2 firearms request. The Attorney General or a designee shall select
3 grant recipients. Any funds awarded shall be used within one year
4 of receipt or the funds shall be returned.

5

6 **¹[4.] 5.¹** This act shall take effect immediately.

[First Reprint]

ASSEMBLY, No. 4370

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

**Assemblymen McKeon, Verrelli, Assemblywomen Jasey, Tucker,
Assemblyman Stanley, Assemblywomen Park, McKnight, Lampitt,
Timberlake, Swain, Assemblyman Tully, Senators Gill and Pou**

SYNOPSIS

Requires training for issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provide firearms purchaser identification card include photograph and thumb print and remain valid for ten years.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 23, 2022, with amendments.

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

2

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

5

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

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

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

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

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

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

21 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

24 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (9) To any person named on the consolidated Terrorist Watchlist

1 (11) To any person who is subject to a court order prohibiting the
2 custody, control, ownership, purchase, possession, or receipt of a
3 firearm or ammunition issued pursuant to P.L.2021, c.327 (C.2C:12-14
4 et al.).

5 In order to obtain a permit to purchase a handgun or a firearms
6 purchaser identification card, the applicant shall demonstrate that,
7 within four years prior to the date of the application, the applicant
8 satisfactorily completed a course of instruction approved by the
9 superintendent in the lawful and safe handling and storage of firearms.
10 The applicant shall be required to demonstrate completion of a course
11 of instruction only once prior to obtaining either a firearms purchaser
12 identification card or the applicant's first permit to purchase a
13 handgun.

14 The applicant shall not be required to demonstrate completion of a
15 course of instruction in order to obtain any subsequent permit to
16 purchase a handgun ¹ [or a firearms purchaser identification card] ¹ , to
17 replace an existing firearms purchaser identification card, or to renew
18 a firearms purchaser identification card.

19 An applicant who is a law enforcement officer who has satisfied
20 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
21 enforcement officer who has satisfied the requirements of subsection l.
22 of N.J.S.2C:39-6, or a veteran who was honorably discharged as a
23 member of the United States Armed Forces or National Guard who
24 received substantially equivalent training shall not be required to
25 complete the course of instruction required pursuant to the provisions
26 of this subsection.

27 A person who obtained a permit to purchase a handgun or a
28 firearms purchaser identification card prior to the effective date of
29 P.L. , c. (C.) (pending before the Legislature as this bill) shall
30 not be required to complete a course of instruction pursuant to this
31 subsection.

32 d. Issuance. The chief of police of an organized full-time police
33 department of the municipality where the applicant resides or the
34 superintendent, in all other cases, shall upon application, issue to any
35 person qualified under the provisions of subsection c. of this section a
36 permit to purchase a handgun or a firearms purchaser identification
37 card.

38 ¹A firearms purchaser identification card issued following the
39 effective date of P.L. , c. (C.) (pending before the Legislature as
40 this bill) shall display a color photograph and a thumb print of the card
41 holder. A person who obtained a firearms purchaser identification card

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

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

1 institutional confinement. The application shall be signed by the
2 applicant and shall contain as references the names and addresses of
3 two reputable citizens personally acquainted with him.

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

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

21 f. Granting of permit or identification card; fee; term; renewal;
22 revocation. The application for the permit to purchase a handgun
23 together with a fee of \$2, or the application for the firearms
24 purchaser identification card together with a fee of \$5, shall be
25 delivered or forwarded to the licensing authority who shall
26 investigate the same and, unless good cause for the denial thereof
27 appears, shall grant the permit or the identification card, or both, if
28 application has been made therefor, within 30 days from the date of
29 receipt of the application for residents of this State and within 45
30 days for nonresident applicants. A permit to purchase a handgun
31 shall be valid for a period of 90 days from the date of issuance and
32 may be renewed by the issuing authority for good cause for an
33 additional 90 days. A firearms purchaser identification card issued
34 or renewed after the effective date of P.L. , c. (C.) (pending
35 before the Legislature as this bill) shall **be valid until such time as**
36 expire during the ¹**fourth** tenth¹ calendar year following its date
37 of issuance and on the same calendar day as the person's date of
38 birth.

39 ¹A firearms purchaser identification card issued prior to the
40 effective date of P.L. , c. (pending before the Legislature as this
41 bill) shall expire during the fourth calendar year following the

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

7 ¹~~【The】~~ A firearms purchaser identification card issued prior to
8 the effective date of P.L. , c. (pending before the Legislature as
9 this bill) shall not expire.

10 A¹ firearms purchaser identification card shall be void if the
11 holder becomes subject to any of the disabilities set forth in
12 subsection c. of this section, whereupon the card shall ¹~~【be void~~
13 ~~and shall】~~¹ be returned within five days by the holder to the
14 superintendent, who shall then advise the licensing authority.
15 Failure of the holder to return the firearms purchaser identification
16 card to the superintendent within the five days shall be an offense
17 under subsection a. of N.J.S.2C:39-10. Any firearms purchaser
18 identification card may be revoked by the Superior Court of the
19 county wherein the card was issued, after hearing upon notice, upon
20 a finding that the holder thereof no longer qualifies for the issuance
21 of the permit. The county prosecutor of any county, the chief police
22 officer of any municipality or any citizen may apply to the court at
23 any time for the revocation of the card.

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

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

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

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

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

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

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

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

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

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

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

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

1 commercial aircraft or any boat; provided, however, that no person
2 under the age of 18 years shall purchase nor shall any person sell to a
3 person under the age of 18 years a visual distress signalling device.

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

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

17 (cf: P.L.2021, c.327, s.6)

18

19 2. This act shall take effect immediately.