

# SENATE, No. 890

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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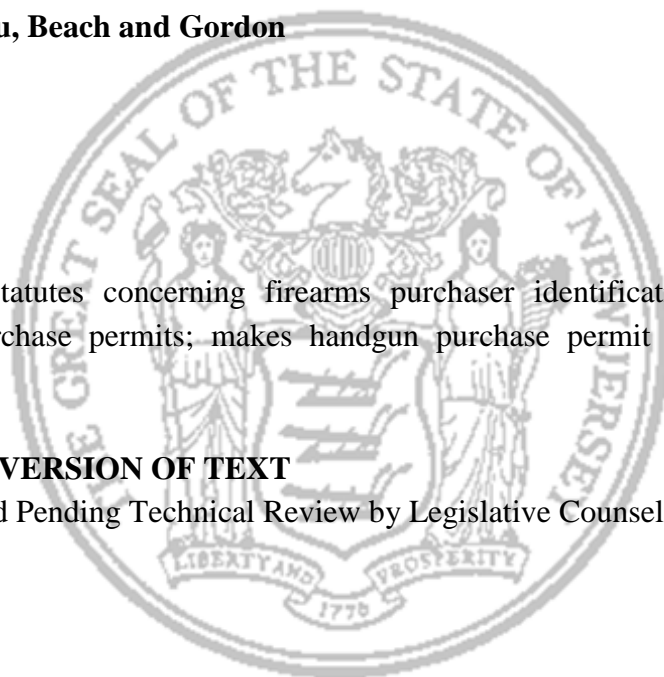
**Senators Pou, Beach and Gordon**

**SYNOPSIS**

Revises statutes concerning firearms purchaser identification cards and handgun purchase permits; makes handgun purchase permit valid for four years.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning firearms and amending and supplementing  
2 various parts of the statutory law.

3

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

6

7 1. (New section) a. As used in P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), “firearms purchaser identifier”  
9 shall mean either:

10 (1) A driver’s license issued to a resident of this State pursuant  
11 to R.S.39:3-10, a probationary driver’s license issued to a resident  
12 of this State pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4),  
13 or, in the case of a person who is not the holder of such a driver’s  
14 license or probationary driver’s license, an identification card  
15 issued to a resident of this State pursuant to the “Identification  
16 Cards for Nondrivers’ Act,” P.L.1980, c.347 (C.39:3-29.2 et seq.)  
17 embedded with information affirming that the holder is qualified  
18 and eligible to purchase a rifle, shotgun, or handgun; or

19 (2) A secure firearms purchaser identification card displaying a  
20 digitalized color picture of the holder. The card shall be of a form  
21 and design, and display such information as the superintendent shall  
22 deem appropriate, and shall be embedded with information  
23 affirming that the holder is qualified and eligible to purchase a rifle,  
24 shotgun, or handgun.

25 b. On or before the first day of the seven month following  
26 enactment, the Attorney General, after consultation with the  
27 superintendent, shall determine which documentation, be it the  
28 licenses and cards set forth in paragraph (1) of subsection a. of this  
29 section, or the card set forth in paragraph (2) of subsection a. of this  
30 section, shall serve as the firearms purchaser identifier for this  
31 State.

32 c. Upon making that determination, the Attorney General shall  
33 so notify the Governor and the Legislature and, as hereinafter  
34 provided, shall proceed to effectuate the operational implementation  
35 of that determination.

36

37 2. (New section) Sections 3 through 6 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) shall apply if the  
39 Attorney General shall determine to utilize a driver’s license,  
40 provisional driver’s license, or State issued identification card to  
41 serve as the firearms purchaser identifier for this State.

42

43 3. (New section) a. Beginning on the first day of the 25th  
44 month following the effective date of P.L. , c. (C. )  
45 (pending before the Legislature as this bill), every firearms

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is  
not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 purchaser identification card issued to a resident of this State and  
2 every permit to purchase a handgun shall be affirmed as embedded  
3 information on that resident's driver's license issued pursuant to  
4 R.S.39:3-10.

5 A resident 18 years of age or older who has been issued a  
6 firearms purchaser identification card and who is the holder of a  
7 probationary driver's license issued pursuant to section 4 of  
8 P.L.1950, c.127 (C.39:3-13.4) shall have the issuance of that card  
9 affirmed as embedded information on that probationary driver's  
10 license.

11 A resident who has been issued a firearms purchaser  
12 identification card or a permit to purchase a handgun, but who is  
13 not the holder of a New Jersey driver's license or a probationary  
14 license shall have the issuance of that card or permit affirmed as  
15 information embedded on that resident's identification card issued  
16 pursuant to the "Identification Cards for Nondrivers' Act,"  
17 P.L.1980, c.47 (C.39:3-29.2 et seq.).

18 b. The embedded information shall include such data as the  
19 superintendent and State law require.

20 The Chief Administrator of the New Jersey Motor Vehicle  
21 Commission shall provide for the use of a process or processes in  
22 the construction, preparation, and placement of the embedded  
23 information to prevent, to the greatest extent possible, the  
24 alteration, counterfeiting, forging, or other modification of the  
25 information so embedded in the cardholder or permit holder's  
26 driver's license or identification card.

27 The chief administrator shall provide that a driver's license or  
28 identification card containing embedded information concerning  
29 whether the person is a holder of a firearms purchaser identification  
30 card or a permit to purchase a handgun, to the greatest extent  
31 possible, shall be indistinguishable from a driver's license or  
32 identification card that does not contain such embedded  
33 information.

34 c. The superintendent and the chief administrator shall ensure  
35 that the firearms database and the motor vehicle and driving records  
36 databases are distinct and separate entities, and that they are housed  
37 separately, the firearm records database by the superintendent and  
38 the motor vehicle and driving records by the chief administrator.

39 The superintendent and the chief administrator, after  
40 consultation, shall adopt protocols governing the access procedures  
41 and guidelines for these databases by law enforcement.

42 Non-law enforcement entities entitled or otherwise lawfully  
43 afforded access to motor vehicle and driving records shall not be  
44 authorized or permitted access to the firearms database, or to any  
45 information therein.

46 d. The superintendent shall ensure that a driver's license or  
47 identification card embedded with information affirming the holder  
48 is qualified and eligible to purchase and receive a rifle, shotgun, or

1 handgun:

2 (1) can be and is rendered operationally disabled for the  
3 purposes of purchasing or receiving a firearm if the holder becomes  
4 subject to any of the disabilities set forth in subsection c.  
5 N.J.S.2C:58-3; and

6 (2) can effectuate the purposes of paragraph (7) of subsection a.  
7 of N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning  
8 restrictions on the number of handguns a person may purchase  
9 within any 30-day period.

10

11 4. (New section) a. Unless the holder shall otherwise become  
12 subject to any of the disabilities set forth in subsection c. of  
13 N.J.S.2C:58-3, a firearms purchaser identification card issued prior  
14 to the effective date of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) shall remain valid until the first renewal of  
16 the holder's driver's license or identification card occurring after  
17 the first day of the 25th month following the effective date of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill).

19 b. As part of the application for a renewal of a resident's  
20 driver's license or identification card after that date, applicants shall  
21 be notified that they may request to have information affirming that  
22 they are the holder of a firearms purchaser identification card, a  
23 permit to purchase a handgun, or both, embedded in their driver's  
24 license or identification card, as the case may be.

25 c. The application to have that information embedded shall  
26 provide that the issuing authority for the applicant's firearms  
27 purchaser identification card or permit to purchase a handgun, be it  
28 the chief law enforcement officer of the municipality wherein the  
29 applicant resides or the superintendent, as the case may be, shall  
30 conduct a criminal history background check and such other  
31 investigations as are required under the provisions of N.J.S.2C:58-3  
32 to ensure that the applicant is not disqualified from having an  
33 affirmation of his being the holder of a firearms purchaser  
34 identification card, a permit to purchase a handgun, or both  
35 embedded in his driver's license or identification card. Any  
36 applicant aggrieved by a denial may request a hearing in the  
37 Superior Court of the county in which he resides, as provided in  
38 subsection d. of N.J.S.2C:58-3.

39 d. The issuing authority shall notify the chief administrator, in  
40 a manner and form prescribed by the superintendent, whether the  
41 applicant is qualified for a firearms purchaser identification card, a  
42 permit to purchase a handgun, or both.

43 Upon receipt of a notice that the applicant is qualified, the chief  
44 administrator shall issue that person a driver's license or  
45 identification card with the appropriate information embedded  
46 therein.

47 e. (1) A firearms purchaser identification card shall remain  
48 valid, and the affirmation of that fact shall be embedded on a

1 holder's driver's license or identification card, and each  
2 replacement or renewal thereof, until that person becomes  
3 disqualified under the provisions of N.J.S.2C:58-3.

4 (2) An embedded permit to purchase a handgun shall remain  
5 valid until the holder's driver's license or identification card, as the  
6 case may be, expires. At that time, the holder may apply to the  
7 issuing authority for a renewal. The issuing authority shall  
8 investigate to determine whether the applicant is still qualified for a  
9 permit to purchase a handgun. The investigation shall include a  
10 criminal background check and other investigations required under  
11 N.J.S.2C:58-3, or any portion of those requirements.

12 The issuing authority shall notify the chief administrator whether  
13 an applicant is eligible to have an affirmation that he is the holder  
14 of a permit to purchase a handgun embedded in his new driver's  
15 license or identification card.

16 The chief administrator shall issue driver's licenses and  
17 identification cards in accordance with the determinations of the  
18 applicant's issuing authority.

19 f. Nothing in this section shall be construed to alter in any  
20 manner:

21 (1) the regulatory provisions of N.J.S.2C:58-3 governing the  
22 qualifications or eligibility for the issuance of a firearms purchaser  
23 identification card or permit to purchase a handgun;

24 (2) the purposes of paragraph (7) of subsection a. of  
25 N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning  
26 restrictions on the number of handguns a person may purchase  
27 within any 30 day period;

28 (3) the issuance of firearms purchaser identification cards or  
29 permits to purchase a handgun to non-residents of this State;

30 (4) the initial issuance of firearms purchaser identification cards  
31 and any permits to purchase a handgun to residents seeking to  
32 purchase a rifle, shotgun, or handgun, as the case may be, but who  
33 at the time of their application for a firearms purchaser  
34 identification card or permit to purchase a handgun are the holder of  
35 a valid driver's license or identification card that is not embedded  
36 with information affirming that they are qualified and eligible to  
37 purchase a rifle, shotgun, or handgun. Such paper cards and  
38 permits shall be issued and shall be valid only until the holder's  
39 driver's license or identification card is first subject to renewal; or

40 (5) any of the reporting and record keeping requirements  
41 imposed on retail dealers pursuant to N.J.S.2C:58-2.

42  
43 5. (New section) Beginning on the first day of the 73rd month  
44 following the effective date of P.L. , c. (C. ) (pending before  
45 the Legislature as this bill), no retail dealer shall sell, assign, or  
46 transfer any rifle, shotgun, or handgun to a resident of this State  
47 who does not present at the time of the sale, assignment, or transfer,  
48 a valid New Jersey driver's license or identification card that is

1 embedded with information affirming that the holder of that driver's  
2 license or identification card is qualified and eligible to purchase or  
3 receive such a rifle, shotgun, or handgun.  
4

5 6. (New section) The suspension or revocation of a driver's  
6 license embedded with information affirming that the holder is  
7 qualified and eligible to purchase or receive a firearm may not  
8 result in the forfeiture of that licensee's right to purchase or receive  
9 a firearm during the period of that license suspension or revocation,  
10 if, upon appeal and review, the superintendent finds that the offense  
11 leading to the suspension would not disqualify the holder from  
12 purchasing or receiving a firearm.

13 The superintendent shall adopt regulations to effectuate the  
14 purposes of this section. Those regulations may provide the  
15 issuance of a temporary firearms purchaser identification card or  
16 permit to purchase a handgun.  
17

18 7. (New section) Sections 8 through 10 of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill) shall  
20 apply if the Attorney General shall determine to utilize a secure  
21 firearms purchaser identification card displaying a digitalized color  
22 picture of the holder to serve as the firearms purchaser identifier for  
23 this State.  
24

25 8. (New section) a. In addition to the requirements for the  
26 form and content of a firearms purchaser identification card issued  
27 pursuant to N.J.S.2C:58-3, after the effective date of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill) each  
29 newly issued or renewed firearms purchaser identification card shall  
30 display a digitalized color picture of the card holder.

31 b. The superintendent shall provide for the use of a process or  
32 processes in the construction, manufacture or preparation of  
33 firearms purchaser identification cards which display a digitalized  
34 color picture of the card holder that prevent, to the greatest extent  
35 possible, the alteration, duplication, counterfeiting, photographing,  
36 forging or other modification of the card and prevent the  
37 superimposition of a picture other than the authorized original on  
38 the card.

39 The digitalized color picture displayed on a person's firearms  
40 purchaser identification card shall be obtained in a manner and at a  
41 location prescribed by the superintendent.

42 c. The card shall be embedded with information indicating  
43 whether the holder is qualified and eligible to purchase and receive  
44 a rifle and shotgun, and upon application and approval by the  
45 issuing authority, information indicating whether the holder is  
46 qualified and eligible to purchase and receive a handgun. The  
47 application shall be in a manner and form prescribed by the  
48 superintendent.

1 d. Nothing in this section shall be construed to invalidate a  
2 firearms purchaser identification card issued prior to the effective  
3 date of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill) unless that firearms purchaser identification is expired and  
5 void pursuant to section 10 of P.L. , c. (C. ) (pending before  
6 the Legislature as this bill) and the card holder has not obtained a  
7 firearms purchaser identification card that displays a digitalized  
8 color picture of the applicant, or that the card holder has otherwise  
9 become subject to any of the disabilities set forth in subsection c. of  
10 N.J.S.2C:58-3.

11 e. The superintendent shall ensure that a firearms purchaser  
12 identifier:

13 (1) can be, and is rendered operationally disabled for the  
14 purposes of purchasing or receiving a firearm if the holder becomes  
15 subject to any of the disabilities set forth in subsection c. of  
16 N.J.S.2C:58-3; and

17 (2) can effectuate the purposes of P.L.2009, c.104, concerning  
18 restrictions on the number of handguns a person may purchase  
19 within any 30-day period.  
20

21 9. (New section) a. When a person applies for a firearms  
22 purchaser identification card, or renews a firearms purchaser  
23 identification card, or a permit to purchase a handgun pursuant to  
24 N.J.S.2C:58-3 and section 10 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill), the chief law enforcement officer  
26 of the municipality wherein the applicant resides, or the  
27 superintendent if the applicant's municipality of residence has no  
28 chief law enforcement officer, shall conduct a criminal history  
29 record background check to determine if the applicant is subject to  
30 any of the disabilities set forth in N.J.S.2C:58-3 and issue a  
31 firearms purchaser identifier embedded with information indicating  
32 the holder is qualified and eligible to purchase and receive a rifle,  
33 shotgun, or handgun, as the case may be, if the applicant so  
34 qualifies.

35 b. Whenever an applicant who has been issued a firearms  
36 purchaser identifier that displays a digitalized color picture of the  
37 applicant subsequently has reconstructive or cosmetic surgery  
38 which significantly alters the applicant's facial features, that  
39 applicant shall notify the chief law enforcement officer of the  
40 municipality wherein the applicant resides, or the superintendent if  
41 the applicant's municipality of residence has no chief law  
42 enforcement officer, who may require that the picture of the  
43 applicant be updated.  
44

45 10. (New section) a. The superintendent shall implement a  
46 phase-in program that provides for the issuance of firearms  
47 purchaser identifiers that display a digitalized color picture to  
48 applicants who have obtained a firearms purchaser identification

1 card prior to the effective date of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill) which does not meet the  
3 requirements set forth pursuant to P.L. , c. (C. ) (pending  
4 before the Legislature as this bill). Under the phase-in program,  
5 any firearms purchaser identification card issued prior to the  
6 effective date of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill) shall be set to expire on a date fixed by the  
8 superintendent. Prior to the expiration date fixed by the  
9 superintendent, each card holder, and each applicant who wishes to  
10 have information embedded indicating that he is qualified and  
11 eligible to purchase or receive a handgun, shall be required to  
12 submit to a criminal history background check in accordance with  
13 subsection a. of section 9 of P.L. , c. (C. ) (pending before  
14 the Legislature as this bill) and obtain a firearms purchaser  
15 identifier that displays a digitalized color picture of the card holder  
16 and is embedded with the appropriate information.

17 b. The superintendent shall implement a procedure to notify the  
18 holders of a firearms purchaser identification card issued prior to  
19 the effective date of P.L. , c. (C. ) (pending before the  
20 Legislature as this bill) of the date that the card is set to expire as  
21 well as the manner and location at which the card holder may obtain  
22 a firearms purchaser identifier that displays a digitalized color  
23 picture of the card holder and is appropriately embedded.

24 c. The phase-in program shall begin on the first day of the  
25 seventh month following the effective date of P.L. , c. (C. )  
26 (pending before the Legislature as this bill), and shall be completed  
27 no later than the first day of the 24th month following the effective  
28 date of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill).

30 d. A firearms purchaser identifier that displays a digitalized  
31 color picture of the card holder and issued pursuant to P.L. ,  
32 c. (C. ) (pending before the Legislature as this bill), shall be  
33 valid for a period of four years, unless the holder shall otherwise  
34 become subject to any of the disabilities set forth in subsection c. of  
35 N.J.S.2C:58-3. A firearms purchaser identifier issued pursuant to  
36 this section shall expire on the last day of the 48th calendar month  
37 following the calendar month in which it was issued, at which time  
38 the firearms purchaser identifier may be renewed in the same  
39 manner and under the same conditions that applied to original  
40 applications required under P.L. , c. (C. ) (pending before  
41 the Legislature as this bill) and N.J.S.2C:58-3.

42  
43 11. (New section) The superintendent shall develop and  
44 implement a public education program to notify the holders of  
45 firearms purchaser identification cards and permits to purchase a  
46 handgun, and prospective applicants for such cards or permits, of  
47 the provisions of P.L. , c. (C. ) (pending before the  
48 Legislature as this bill).

1        12. (New section) a. Not later than the first day of the 25th  
2 month following the effective date of P.L.     , c.     (C.     )  
3 (pending before the Legislature as this bill), the Attorney General  
4 shall develop and implement a system that allows a retail dealer of  
5 firearms to instantly determine, through the use of the information  
6 embedded in a prospective firearms purchaser's firearms purchaser  
7 identifier, whether that purchaser is qualified and eligible to  
8 purchase a firearm.

9        b. On and after the first day of the 73rd month following the  
10 effective date of P.L.     , c.     (C.     ) (pending before the  
11 Legislature as this bill), and except as otherwise provided in  
12 paragraph (4) of subsection f. of section 4 of P.L.     , c.     (C.     )  
13 (pending before the Legislature as this bill) concerning the issuance  
14 of initial firearms purchaser identification cards and, if appropriate,  
15 permits to purchase a handgun in certain cases, as herein provided,  
16 no retail dealer of firearms or agent or employee of a retail dealer of  
17 firearms shall sell, transfer, or assign any firearm to a resident of  
18 this State whose firearms purchaser identifier is not embedded with  
19 the information required under the provisions of P.L.     ,  
20 c.     (C.     ) (pending before the Legislature as this bill) and that  
21 dealer or agent utilizes the system established pursuant to  
22 subsection a. of this section to ensure that the purchaser is qualified  
23 and eligible to purchase or receive the firearm. The system shall  
24 affirm that the purchaser is qualified and eligible to purchase or  
25 receive the firearm by authorizing the dealer or agent to proceed  
26 with the sale or transfer. If the system affirms that the purchaser is  
27 not qualified and eligible to purchase or receive the firearm, it shall  
28 notify the dealer or agent that the purchase or transfer of the firearm  
29 is denied. If the system is unable to instantly affirm whether a sale  
30 or transfer may proceed or shall be denied, it shall notify the dealer  
31 or agent to put a hold on the sale or transfer pending further review  
32 and investigation. The State shall give priority status to all such  
33 reviews and investigations so that a final determination on the  
34 pending sale or transfer shall be rendered in a timely fashion.

35        The system also shall be of a design and with a capacity to  
36 facilitate the record keeping and reporting information a dealer is  
37 required to perform concerning firearms transactions under  
38 N.J.S.2C:58-2 and to ensure that the purchaser or transferee is in  
39 compliance with the provisions of paragraph (7) of subsection a. of  
40 N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning  
41 limitations on the number of handguns that may be lawfully  
42 purchased within a 30 day period.

43        c. Between the first day of the 25th month and the first day of  
44 the 73rd month following the effective date of P.L.     , c.     (C.     )  
45 (pending before the Legislature as this bill), the superintendent shall  
46 test and evaluate the system developed by the Attorney General to  
47 facilitate firearms sales, transfers, and assignments by instantly  
48 determining whether a prospective purchaser or assignee is

1 qualified and eligible to purchase or receive a firearm. The  
2 superintendent shall select, and over time expand, the number of the  
3 retail licensees to participate in the test.

4 If, after 36 months of testing, the superintendent determines that  
5 the system is seriously flawed and is incapable of reliably  
6 facilitating lawful firearms sales, transfers, and assignments, the  
7 superintendent shall so report to the Governor and the Legislature  
8 recommending that the provisions of section 10 of P.L. ,  
9 c. (C. ) (pending before the Legislature of this bill) and  
10 subsection b. of this section be postponed until such time as the  
11 Attorney General and the superintendent shall determine that the  
12 system is fully operational and capable of reliably facilitating  
13 lawful firearms sales, transfers, and assignments for the residents of  
14 this State.

15  
16 13. (New section) a. On and after the effective date of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill), an  
18 applicant shall not be issued his initial permit to purchase a  
19 handgun or his first firearms purchaser identification card unless the  
20 applicant presents evidence of successfully completing a firearms  
21 safety class or course of a type approved by the superintendent or  
22 has received such training through law enforcement or military  
23 service. Acceptable evidence of successfully completing a firearms  
24 safety class or course shall include, but not be limited to, a  
25 certificate indicating satisfactory completion of a National Rifle  
26 Association firearms course, a certificate that the applicant is a  
27 certified National Rifle Association Firearms Instructor, a copy of a  
28 firearms or hunting license or permit from any other jurisdiction  
29 that requires the holder to successfully complete an equivalent  
30 firearms safety class or course, or any other such documentation,  
31 certificate, or certification that the superintendent deems equivalent.

32 The course or class, which shall be not more than four hours in  
33 total, may be offered by the National Rifle Association, a State or  
34 local law enforcement agency, junior college, college, university,  
35 firearms training school, or any other entity approved by the  
36 superintendent.

37 The superintendent shall prescribe the basic curriculum for the  
38 firearms safety class or course required under this section.

39 In developing that curriculum, the superintendent shall consult  
40 with a firearms safety panel which shall consist of four members.  
41 Two of the members shall be appointed by the Senate President;  
42 one shall represent organizations, associations, or clubs promoting  
43 hunting, shooting sports or competitions and one of whom shall  
44 represent organizations, associations, or other entities advocating  
45 gun violence prevention. Two of the members shall be appointed  
46 by the Speaker of the General Assembly; one shall represent  
47 organizations, associations, or clubs promoting hunting, shooting  
48 sports or competitions and one shall represent organizations,

1 associations, or other entities advocating gun violence prevention.  
2 The superintendent shall serve as chair of the panel. The panel  
3 shall meet at those times and in those places as the chair shall  
4 determine.

5 The curriculum shall include, but not be limited to, classes  
6 relating to responsible firearms ownership, safe storage, restricting  
7 access to firearms by unsupervised minors, and any other matters  
8 relating to protecting the safety and well being of New Jersey's  
9 families and children.

10 The basic curriculum shall be adopted within 60 days of the  
11 appointment of the panel's members. Should the panel fail to adopt  
12 the basic curriculum within that timeframe, the superintendent shall  
13 act independently in prescribing the provisions of the basic  
14 curriculum.

15 b. The superintendent shall prescribe the form or certificate an  
16 applicant shall receive, evidencing the successful completion of the  
17 firearms safety course required under this section and the manner in  
18 which that form or certificate shall be presented in order to qualify  
19 for a permit to purchase a handgun, a firearms purchaser  
20 identification card, or the embedding of information affirming that a  
21 person is the holder of such a card or permit in his firearms  
22 purchaser identifier.

23 The form or certificate issued pursuant to this subsection shall be  
24 valid, and shall be used, for each renewal of the holder's firearms  
25 purchaser identifier and for any application for a firearms purchaser  
26 identification card or permit to purchase a handgun. An applicant  
27 who has successfully completed a firearms safety class or course  
28 pursuant to this subsection shall not be required to repeat that class  
29 or course as part of any application for any renewal of a firearms  
30 purchaser identifier, firearms purchaser identification card, or  
31 permit to purchase a handgun.

32

33 14. N.J.S.2C:39-10 is amended to read as follows:

34 2C:39-10. Violation of the regulatory provisions relating to  
35 firearms; false representation in applications.

36 a. (1) Except as otherwise provided in paragraph (2) of this  
37 subsection, any person who knowingly violates the regulatory  
38 provisions relating to manufacturing or wholesaling of firearms  
39 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to  
40 purchase certain firearms (section 2C:58-3), permits to carry certain  
41 firearms (section 2C:58-4), licenses to procure machine guns or  
42 assault firearms (section 2C:58-5), or incendiary or tracer  
43 ammunition (section 2C:58-10), except acts which are punishable  
44 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the  
45 fourth degree.

46 (2) A licensed dealer who knowingly violates the provisions of  
47 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
48 is a disorderly person.

1       b. Any person who knowingly violates the regulatory  
2 provisions relating to notifying the authorities of possessing certain  
3 items of explosives (section 2C:58-7), or of certain wounds (section  
4 2C:58-8) is a disorderly person.

5       c. (1) Any person who gives or causes to be given any false  
6 information, or signs a fictitious name or address, in applying for a  
7 firearms purchaser identification card, a permit to purchase a  
8 handgun, a permit to carry a handgun, a permit to possess a machine  
9 gun, a permit to possess an assault firearm, or in completing the  
10 certificate or any other instrument required by law in purchasing or  
11 otherwise acquiring delivery of any rifle, shotgun, handgun,  
12 machine gun, or assault firearm or any other firearm, is guilty of a  
13 crime of the third degree.

14       (2) Any person who gives or causes to be given any false  
15 information on the form or certificate an applicant receives  
16 evidencing that person's successful completion of the firearms  
17 safety course required pursuant to section 13 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill) is guilty of a crime of  
19 the third degree.

20       d. Any person who gives or causes to be given any false  
21 information in registering an assault firearm pursuant to section 11  
22 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
23 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
24 c.32 (C.2C:58-13) commits a crime of the fourth degree.

25       e. Any person who knowingly sells, gives, transfers, assigns or  
26 otherwise disposes of a firearm to a person who is under the age of  
27 18 years, except as permitted in section 14 of P.L.1979, c.179  
28 (C.2C:58-6.1), is guilty of a crime of the third degree.  
29 Notwithstanding any other provision of law to the contrary, the  
30 sentence imposed for a conviction under this subsection shall  
31 include a mandatory minimum three-year term of imprisonment,  
32 during which the defendant shall be ineligible for parole.

33       f. Unless the recipient is authorized to possess the handgun in  
34 connection with the performance of official duties under the  
35 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
36 gives, transfers, assigns or otherwise disposes of a handgun to a  
37 person who is under the age of 21 years, except as permitted in  
38 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
39 the third degree.

40       g. Any person who knowingly gives or causes to be given any  
41 false information or knowingly engages in any other fraudulent  
42 conduct in applying for an exemption to purchase more than one  
43 handgun in a 30-day period in violation of the provisions of section  
44 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
45 third degree. The presumption of nonimprisonment set forth in  
46 N.J.S.2C:44-1 shall not apply to persons convicted under the  
47 provisions of this subsection.

48 (cf: P.L.2009, c.186, s.3)

1       15. (New section) a. As used in this section, “rifle ammunition”  
2 means ammunition specifically designed to be used in a rifle.  
3 “Shotgun ammunition” means ammunition specifically designed to  
4 be used in a shotgun. Blank ammunition, air gun pellets, flare gun  
5 ammunition, nail gun ammunition, paint ball ammunition, or any  
6 non-fixed ammunition shall not be construed to be rifle ammunition  
7 or shotgun ammunition for the purposes of this section.

8       b. (1) No person shall sell, give, transfer, assign or otherwise  
9 dispose of, receive, purchase, or otherwise acquire rifle ammunition  
10 or shotgun ammunition unless the purchaser, assignee, donee,  
11 receiver, or holder is licensed as a manufacturer, wholesaler, or  
12 dealer under this chapter or is the holder of and possesses a valid  
13 firearms purchaser identification card, a valid copy of a permit to  
14 purchase a handgun, a valid permit to carry a handgun, a valid New  
15 Jersey hunting license, or a valid New Jersey firearms purchaser  
16 identifier card embedded with information affirming that the holder  
17 is qualified and eligible to purchase and receive a firearm and first  
18 exhibits such card, permit, or identifier to the seller, donor,  
19 transferor or assignor.

20       (2) On or before the first day of the tenth month following  
21 enactment, the superintendent shall develop a program for the  
22 electronic reporting by dealers, on a real-time basis, of all <sup>1</sup>Internet<sup>1</sup>  
23 rifle and shotgun ammunition sales and transfers, and information  
24 relating to each such sale and transfer. The reported information  
25 shall include the name, age, address, type of firearms identifier  
26 exhibited or possessed by the purchaser or transferee, the caliber  
27 and numerical amount of ammunition sold or transferred in the  
28 transaction, the date of the transaction, and such other information  
29 as the superintendent shall deem necessary for the proper  
30 enforcement of this section. The superintendent shall establish an  
31 electronic data base containing all such reported information, which  
32 shall be available to all law enforcement officers on a real-time  
33 basis. The superintendent shall establish security procedures to  
34 protect the confidentiality of the information contained in this data  
35 base, which shall preclude access to the information to any person  
36 not lawfully entitled to it. For the purposes of P.L.1963, c.73  
37 (C.47:1A-1 et seq.), the information contained in the data base  
38 established pursuant to this subsection shall not be deemed a  
39 government record.

40       c. (1) No person shall sell, give, transfer, assign or otherwise  
41 dispose of rifle ammunition or shotgun ammunition to a person who  
42 is under 18 years of age.

43       (2) No rifle ammunition or shotgun ammunition shall be shipped  
44 to an address other than that appearing on the purchaser or  
45 transferee’s valid firearms purchaser identification card, valid copy  
46 of a permit to purchase a handgun, valid permit to carry a handgun,  
47 valid New Jersey hunting license, or valid New Jersey firearms  
48 purchaser identifier embedded with information affirming that the

1 person is qualified and eligible to purchase and receive a firearm  
2 that was exhibited to consummate the sale or transfer.

3 d. The provisions of this section shall not apply to a collector  
4 of firearms or ammunition as curios or relics who purchases,  
5 receives, acquires, possesses, or transfers rifle ammunition or  
6 shotgun ammunition which is recognized as being historical in  
7 nature or of historical significance.

8 e. A person who violates this section shall be guilty of a crime  
9 of the fourth degree, except that nothing contained herein shall be  
10 construed to prohibit the sale, transfer, assignment or disposition of  
11 rifle ammunition or shotgun ammunition to, or the purchase, receipt  
12 or acceptance of ammunition by, a law enforcement agency or law  
13 enforcement official for law enforcement purposes.

14 f. Nothing in this section shall be construed to prohibit the  
15 transfer of ammunition for use in a lawfully transferred firearm in  
16 accordance with the provisions of section 1 of P.L.1992, c.74  
17 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2), or section  
18 14 of P.L.1979, c.179 (C.2C:58-6.1).

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

25

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

28 1. a. As used in this **[act]** section, "handgun ammunition"  
29 means ammunition specifically designed to be used only in a  
30 handgun. "Handgun ammunition" shall not include blank  
31 ammunition, air gun pellets, flare gun ammunition, nail gun  
32 ammunition, paint ball ammunition, or any non-fixed ammunition.

33 b. No person shall sell, give, transfer, assign or otherwise  
34 dispose of, or receive, purchase, or otherwise acquire handgun  
35 ammunition unless the purchaser, assignee, donee, receiver or  
36 holder is licensed as a manufacturer, wholesaler, or dealer under  
37 this chapter or is the holder of and possesses a valid firearms  
38 purchaser identification card **[.]** and a valid copy of a permit to  
39 purchase a handgun **[.]** or a valid permit to carry a handgun, or a  
40 valid New Jersey firearms purchaser identifier card embedded with  
41 information affirming that the person is qualified and eligible to  
42 purchase and receive a handgun issued in accordance with P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill) and first  
44 exhibits such card **[or]**, permit, or identifier to the seller, donor,  
45 transferor or assignor.

46 On or before the first day of the tenth month following the  
47 enactment of P.L. , c. (C. ) (pending before the Legislature  
48 as this bill), the superintendent shall develop a program for the

1 electronic reporting by dealers, on a real-time basis, of all Internet  
2 handgun ammunition sales and transfers, and information relating to  
3 each such sale and transfer. The reported information shall include  
4 the name, age, address, type of firearms identifier exhibited or  
5 possessed by the purchaser or transferee, the caliber and numerical  
6 amount of ammunition sold or transferred in the transaction, the  
7 date of the transaction, and such other information as the  
8 superintendent shall deem necessary for the proper enforcement of  
9 this section. The superintendent shall establish an electronic data  
10 base containing all such reported information, which shall be  
11 available to all law enforcement officers on a real-time basis. The  
12 superintendent shall establish security procedures to protect the  
13 confidentiality of the information contained in this data base, which  
14 shall preclude access to the information to any person not lawfully  
15 entitled to it. For the purposes of P.L.1963, c.73 (C.47:1A-1 et  
16 seq.), the information contained in the data base established  
17 pursuant to this subsection shall not be deemed a government  
18 record.

19 c. (1) No person shall sell, give, transfer, assign or otherwise  
20 dispose of handgun ammunition to a person who is under 21 years  
21 of age.

22 (2) No handgun ammunition shall be shipped to an address other  
23 than that appearing on the purchaser or transferee's valid firearms  
24 purchaser identification card, valid copy of a permit to purchase a  
25 handgun, valid permit to carry a handgun, or valid New Jersey  
26 firearms purchaser identifier embedded with information affirming  
27 that the person is qualified and eligible to purchase and receive a  
28 handgun that was exhibited to consummate the sale or transfer.

29 d. The provisions of this section shall not apply to a collector  
30 of firearms or ammunition as curios or relics who purchases,  
31 receives, acquires, possesses, or transfers handgun ammunition  
32 which is recognized as being historical in nature or of historical  
33 significance.

34 e. A person who violates this section shall be guilty of a crime  
35 of the fourth degree, except that nothing contained herein shall be  
36 construed to prohibit the sale, transfer, assignment or disposition of  
37 handgun ammunition to or the purchase, receipt or acceptance of  
38 ammunition by a law enforcement agency or law enforcement  
39 official for law enforcement purposes.

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

45 g. Nothing in this section shall be construed to prohibit the sale  
46 of a de minimis amount of handgun ammunition at a firearms range  
47 operated by a licensed dealer; a law enforcement agency; a legally  
48 recognized military organization; or a rifle or pistol club which has

1 filed a copy of its charter with the superintendent for immediate use  
2 at that range.

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

4

5 17. (New section) a. A person who has been convicted of any  
6 of the following crimes or a substantially similar offense in any  
7 other jurisdiction who subsequently purchases, owns, possesses or  
8 controls firearms ammunition is guilty of a crime of the fourth  
9 degree:

10 (1) aggravated assault pursuant to N.J.S.2C:12-1;

11 (2) arson pursuant to N.J.S.2C:17-1;

12 (3) burglary pursuant to N.J.S.2C:18-2;

13 (4) escape pursuant to N.J.S.2C:29-5;

14 (5) extortion pursuant to N.J.S.2C:20-5;

15 (6) murder pursuant to N.J.S.2C:11-3;

16 (7) aggravated manslaughter or manslaughter pursuant to  
17 N.J.S.2C:11-4;

18 (8) kidnapping pursuant to N.J.S.2C:13-1;

19 (9) robbery pursuant to N.J.S.2C:15-1;

20 (10) aggravated sexual assault pursuant to N.J.S.2C:14-2;

21 (11) sexual assault pursuant to N.J.S.2C:14-2;

22 (12) bias intimidation pursuant to N.J.S.2C:16-1;

23 (13) endangering the welfare of a child pursuant to N.J.S.2C:24-  
24 4;

25 (14) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

26 (15) a crime involving domestic violence as defined in section 3  
27 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or  
28 having in his possession a weapon enumerated in subsection r. of  
29 N.J.S.2C:39-1;

30 (16) leader of a narcotics trafficking network pursuant to  
31 N.J.S.2C:35-3;

32 (17) maintaining or operating a controlled dangerous substance  
33 production facility pursuant to N.J.S.2C:35-4;

34 (18) manufacturing, distributing or dispensing controlled  
35 dangerous substances pursuant to N.J.S.2C:35-5;

36 (19) employing a juvenile in a drug distribution scheme pursuant  
37 to N.J.S.2C:35-6;

38 (20) distributing or dispensing on or near school property  
39 pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);

40 (21) distributing imitation controlled dangerous substances  
41 pursuant to N.J.S.2C:35-11;

42 (22) possession of prohibited weapons and devices pursuant to  
43 N.J.S.2C:39-3;

44 (23) possession of weapons for unlawful purposes pursuant to  
45 N.J.S.2C:39-4;

46 (24) manufacture, transport, disposition or defacement of  
47 weapons and dangerous instruments and appliances pursuant to  
48 N.J.S.2C:39-9;

1 (25) disarming a law enforcement officer pursuant to subsection  
2 b. of section 1 of P.L. 1996, c.14 (C.2C:12-11);

3 (26) carjacking pursuant to section 1 of P.L.1993, c.221  
4 (C.2C:15-2);

5 (27) human trafficking pursuant to section 1 of P.L.2005, c.77  
6 (C.2C:13-8);

7 (28) racketeering pursuant to N.J.S.2C:41-1 et seq.;

8 (29) producing or possessing chemical weapons, biological  
9 agents or nuclear or radiological devices pursuant to section 3 of  
10 P.L.2002, c.26 (C.2C:38-3); or

11 (30) terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-  
12 2).

13 b. The provisions of this section shall not apply to a person  
14 convicted of an offense enumerated in paragraphs (22) or (23) of  
15 subsection a. of this section involving any firearm which is in the  
16 nature of an air gun, spring gun or pistol or other weapon of a  
17 similar nature in which the propelling force is a spring, elastic band,  
18 carbon dioxide, compressed or other gas or vapor, air or compressed  
19 air, or is ignited by compressed air, and ejecting a bullet or missile  
20 smaller than three-eighths of an inch in diameter, with sufficient  
21 force to injure a person.

22 c. Notwithstanding the provisions of this section, a person who  
23 has been convicted of an offense enumerated in subsection a. of this  
24 section who receives an acquittal on appeal, an expungement, a  
25 pardon, or any other reversal of the conviction may purchase, own,  
26 possess, or control ammunition without a judicial proceeding being  
27 required.

28  
29 18. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to  
30 read as follows:

31 1. a. A person who knows or reasonably should know that a  
32 minor is likely to gain access to a loaded firearm at a premises  
33 under the person's control commits a disorderly persons offense if a  
34 minor gains access to the firearm, unless the person:

35 (1) Stores the firearm in a securely locked box or container;

36 (2) Stores the firearm in a location which a reasonable person  
37 would believe to be secure; or

38 (3) Secures the firearm with a trigger lock.

39 b. This section shall not apply:

40 (1) To activities authorized by section 14 of P.L.1979, c.179,  
41 (C.2C:58-6.1), concerning the lawful use of a firearm by a minor; or

42 (2) Under circumstances where a minor obtained a firearm as a  
43 result of an unlawful entry by any person.

44 c. As used in **[this act]** P.L.1991, c.397 (C.2C:58-15 et seq.),  
45 "minor" means a person under the age of 16.

46 d. A person is guilty of a crime of the fourth degree if a  
47 violation of this section results in bodily injury or death.

48 (cf: P.L.1991, c.397, s.1)

1       19. (New section) a. A law enforcement officer, who has seized  
2 any firearm or other weapon, or firearms purchaser identification  
3 card, valid permit to purchase a handgun, or New Jersey firearms  
4 purchaser identifier embedded with information affirming that the  
5 person is qualified and eligible to purchase and receive a firearm  
6 pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-  
7 27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-  
8 27.15), shall deliver the seized weapon, firearms purchaser  
9 identification card, and permit to purchase a handgun, or embedded  
10 New Jersey firearms purchaser identifier to the county prosecutor,  
11 who shall prepare a report that identifies the name and address of  
12 the owner of the weapon, card, permit, or license and provide an  
13 inventory of the seized items.

14       b. Upon an administrative or court order for the discharge of a  
15 person from whom a firearm or other weapon, firearms purchaser  
16 identification card, valid permit to purchase a handgun, or New  
17 Jersey firearms purchaser identifier has been seized or disabled  
18 pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-  
19 27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-  
20 27.15), the court or treatment team authorizing discharge of the  
21 person shall give written notice of the discharge to the appropriate  
22 county prosecutor.

23       c. The seized weapons shall be returned to the owner except  
24 upon order of the Superior Court. The prosecutor who has  
25 possession of the seized weapons may, upon notice to the owner,  
26 petition a judge of the Superior Court, within 45 days of the owner's  
27 discharge, to obtain title to the seized weapons, or to revoke or  
28 disable any and all valid cards, permits, identifiers, and other  
29 authorizations for the use, possession, or ownership of such  
30 weapons pursuant to the law governing such use, possession, or  
31 ownership, or may object to the return of the weapons on such  
32 grounds as are provided for the initial rejection or later revocation  
33 of the authorizations, or on the grounds that the owner is unfit, or  
34 that the owner poses a threat to the public in general, or a person or  
35 persons in particular.

36       d. A hearing shall be held and a record made thereof within 45  
37 days of the notice provided for in subsection c. of this section. No  
38 formal pleading and no filing fee shall be required as a preliminary  
39 to such hearing. The hearing shall be summary in nature. Appeals  
40 from the results of the hearing shall be to the Superior Court,  
41 Appellate Division, in accordance with the law.

42       e. If the prosecutor does not institute an action within 45 days  
43 of the owner's discharge, a seized weapon, card, permit, or  
44 identifier shall be returned to the owner or in the case of a disabled  
45 New Jersey firearms purchaser identifier, enabled.

46       f. (1) If, after the hearing, the court determines that the  
47 possession of any weapons or authorizations to purchase them does  
48 not pose a threat to the owner's own safety or the safety of others, or

1 that the owner is not subject to any of the disabilities set forth in  
2 subsection c. of N.J.S.2C:58-3, the court shall order the return of  
3 the weapons, firearms, and any permits, cards, or identifiers related  
4 thereto to the owner or the enabling of those identifiers, as  
5 appropriate.

6 Nothing in P.L. , c. (C. ) (pending before the Legislature  
7 as this bill) shall be construed to limit the authority of the State or a  
8 law enforcement officer to seize, retain, or forfeit property pursuant  
9 to chapter 64 of Title 2C of the New Jersey Statutes.

10 (2) If, after the hearing, the court determines that the weapons  
11 are not to be returned to the owner, the court may:

12 (a) with respect to weapons other than firearms, order the  
13 prosecutor to dispose of the weapons if the owner does not arrange  
14 for the transfer or sale of the weapons to an appropriate person  
15 within 60 days; or

16 (b) order the revocation of the owner's firearms purchaser  
17 identification card and any valid permit to purchase a handgun, or  
18 the operational disabling of any embedded firearms purchaser  
19 identifier, in which case the court shall order the owner to surrender  
20 any firearm seized and all other firearms possessed to the  
21 prosecutor and shall order the prosecutor to dispose of the firearms  
22 if the owner does not arrange for the sale of the firearms to a  
23 registered dealer of the firearms within 60 days; or

24 (c) order such other relief as it may deem appropriate. When  
25 the court orders the weapons forfeited to the State or the prosecutor  
26 is required to dispose of the weapons, the prosecutor shall dispose  
27 of the property as provided in N.J.S.2C:64-6.

28 g. A civil suit may be brought to enjoin a wrongful failure to  
29 return a seized firearm where the prosecutor refuses to return the  
30 weapon after receiving a written request to do so and notice of the  
31 owner's intent to bring a civil action pursuant to this section.  
32 Failure of the prosecutor to comply with the provisions of this  
33 section shall entitle the prevailing party in the civil suit to  
34 reasonable costs, including attorney's fees, provided that the court  
35 finds that the prosecutor failed to act in good faith in retaining the  
36 seized weapon.

37 h. A law enforcement officer or agency shall not be held liable  
38 in any civil action brought by any person for failing to learn of,  
39 locate, or seize a weapon, firearms purchaser identification card,  
40 valid permit to purchase a handgun, or embedded New Jersey  
41 firearms purchaser identifier issued pursuant to P.L. , c. (C. )  
42 (pending before the Legislature as this bill), or for returning a  
43 seized weapon, card, permit, or identifier to its owner.

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

46 2C:58-2. a. Licensing of retail dealers and their employees. No  
47 retail dealer of firearms nor any employee of a retail dealer shall  
48 sell or expose for sale, or possess with the intent of selling, any

1 firearm unless licensed to do so as hereinafter provided. The  
2 superintendent shall prescribe standards and qualifications for retail  
3 dealers of firearms and their employees for the protection of the  
4 public safety, health and welfare.

5 Applications shall be made in the form prescribed by the  
6 superintendent, accompanied by a fee of \$50 payable to the  
7 superintendent, and shall be made to a judge of the Superior Court  
8 in the county where the applicant maintains his place of business.  
9 The judge shall grant a license to an applicant if he finds that the  
10 applicant meets the standards and qualifications established by the  
11 superintendent and that the applicant can be permitted to engage in  
12 business as a retail dealer of firearms or employee thereof without  
13 any danger to the public safety, health and welfare. Each license  
14 shall be valid for a period of three years from the date of issuance,  
15 and shall authorize the holder to sell firearms at retail in a specified  
16 municipality.

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

22 No license shall be granted to any retail dealer under the age of  
23 21 years or to any employee of a retail dealer under the age of 18 or  
24 to any person who could not qualify to obtain a permit to purchase a  
25 handgun **[or]**, a firearms purchaser identification card, or a firearms  
26 purchaser identifier or to any corporation, partnership or other  
27 business organization in which the actual or equitable controlling  
28 interest is held or possessed by such an ineligible person.

29 All licenses shall be granted subject to the following conditions,  
30 for breach of any of which the license shall be subject to revocation  
31 on the application of any law enforcement officer and after notice  
32 and hearing by the issuing court:

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

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

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

42 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
43 be delivered to any person unless such person possesses and  
44 exhibits a valid firearms purchaser identification card or a valid  
45 New Jersey firearms purchaser identifier embedded with  
46 information that the holder is qualified and eligible to receive a rifle  
47 or shotgun and furnishes the seller, on the form prescribed by the  
48 superintendent, a certification signed by him setting forth his name,

1 permanent address, firearms purchaser identification card number  
2 and such other information as the superintendent may by rule or  
3 regulation require. The certification shall be retained by the dealer  
4 and shall be made available for inspection by any law enforcement  
5 officer at any reasonable time.

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

7 (a) Such person possesses and exhibits a firearms purchaser  
8 identification card and a valid permit to purchase a firearm or a  
9 valid New Jersey firearms purchaser identifier embedded with  
10 information that the holder is qualified and eligible to receive a  
11 handgun and at least seven days have elapsed since the [date of  
12 application for the permit] calendar date of the sale;

13 (b) The person is personally known to the seller or presents  
14 evidence of his identity;

15 (c) The handgun is unloaded and securely wrapped;

16 (d) Except as otherwise provided in subparagraph (e) of this  
17 paragraph, the handgun is accompanied by a trigger lock or a locked  
18 case, gun box, container or other secure facility; provided, however,  
19 this provision shall not apply to antique handguns. The exemption  
20 afforded under this subparagraph for antique handguns shall be  
21 narrowly construed, limited solely to the requirements set forth  
22 herein and shall not be deemed to afford or authorize any other  
23 exemption from the regulatory provisions governing firearms set  
24 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
25 Statutes; and

26 (e) On and after the first day of the sixth month following the  
27 date on which the list of personalized handguns is prepared and  
28 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),  
29 the handgun is identified as a personalized handgun and included on  
30 that list or is an antique handgun. The provisions of subparagraph  
31 (d) of this section shall not apply to the delivery of a personalized  
32 handgun.

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

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

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

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

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

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

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

11 b. Records. Every person engaged in the retail business of  
12 selling, leasing or otherwise transferring a handgun, as a retail  
13 dealer or otherwise, shall keep a register in which shall be entered  
14 the time of the sale, lease or other transfer, the date thereof, the  
15 name, age, date of birth, complexion, occupation, residence and a  
16 physical description including distinguishing physical  
17 characteristics, if any, of the purchaser, lessee or transferee, the  
18 name and permanent home address of the person making the sale,  
19 lease or transfer, the place of the transaction, and the make, model,  
20 manufacturer's number, caliber and other marks of identification on  
21 such handgun and such other information as the superintendent  
22 shall deem necessary for the proper enforcement of this chapter.  
23 The register shall be retained by the dealer and shall be made  
24 available at all reasonable hours for inspection by any law  
25 enforcement officer.

26 c. Forms of register. The superintendent shall prepare the form  
27 of the register as described in subsection b. of this section and  
28 furnish the same in triplicate to each person licensed to be engaged  
29 in the business of selling, leasing or otherwise transferring firearms.

30 d. Signatures in register. The purchaser, lessee or transferee of  
31 any handgun shall sign, and the dealer shall require him to sign his  
32 name to the register, in triplicate, and the person making the sale,  
33 lease or transfer shall affix his name, in triplicate, as a witness to  
34 the signature. The signatures shall constitute a representation of the  
35 accuracy of the information contained in the register.

36 e. Copies of register entries; delivery to chief of police or  
37 county clerk. Within five days of the date of the sale, assignment or  
38 transfer, the dealer shall deliver or mail by certified mail, return  
39 receipt requested, legible copies of the register forms to the office  
40 of the chief of police of the municipality in which the purchaser  
41 resides, or to the office of the captain of the precinct of the  
42 municipality in which the purchaser resides, and to the  
43 superintendent. If hand delivered a receipt shall be given to the  
44 dealer therefor.

45 Where a sale, assignment or transfer is made to a purchaser who  
46 resides in a municipality having no chief of police, the dealer shall,  
47 within five days of the transaction, mail a duplicate copy of the

1 register sheet to the clerk of the county within which the purchaser  
2 resides.

3 (cf: P.L.2009, c.186, s.1)  
4

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

6 2C:58-3. a. (1) Permit to purchase a handgun. No person shall  
7 sell, give, transfer, assign or otherwise dispose of, nor receive,  
8 purchase, or otherwise acquire a handgun unless the purchaser,  
9 assignee, donee, receiver or holder is licensed as a dealer under this  
10 chapter or has first secured a firearms purchaser identification card  
11 and a permit to purchase a handgun as provided by this section or  
12 possesses a valid New Jersey firearms purchaser identifier  
13 embedded with information affirming that the holder is qualified  
14 and eligible to purchase a handgun.

15 (2) A person shall sell, give, transfer, assign, or otherwise  
16 dispose of, or receive, purchase or otherwise acquire a handgun  
17 pursuant to the provisions of this section only if the transaction is  
18 conducted by or through a retail dealer licensed under State law or a  
19 Federal Firearms Licensee. The provisions of this paragraph shall  
20 not apply if the transaction is:

21 (a) between members of an immediate family as defined in  
22 subsection m. of this section, including a temporary transfer  
23 between a member of the military being deployed and a family  
24 member;

25 (b) between law enforcement officers;

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

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

33 (3) Before a transaction under this subsection is conducted, the  
34 licensee shall complete a National Instant Criminal Background  
35 Check (NICS) of the person acquiring the handgun. In addition:

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

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

43 (c) in addition to any fee the person receiving the handgun is  
44 required to pay for a NICS check, a licensee may charge a fee of up  
45 to \$15 for a transaction conducted pursuant to this subsection; and

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

1       b. Firearms purchaser identification card.

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

22       (2) A person shall sell, give, transfer, assign, or otherwise  
23 dispose of, or receive, purchase or otherwise acquire an antique  
24 cannon or a rifle or shotgun pursuant to the provisions of this  
25 subsection only if the transaction is conducted by or through a retail  
26 dealer licensed under State law or a Federal Firearms Licensee.  
27 The provisions of this paragraph shall not apply if the transaction is:

28       (a) between members of an immediate family as defined in  
29 subsection m. of this section, including a temporary transfer  
30 between a member of the military being deployed and a family  
31 member;

32       (b) between law enforcement officers;

33       (c) between collectors of firearms or ammunition as curios or  
34 relics as defined in Title 18, United States Code, section 921 (a)  
35 (13) who have in their possession a valid Collector of Curios and  
36 Relics License issued by the Bureau of Alcohol, Tobacco, Firearms  
37 and Explosives; or

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

40       (3) Before a transaction under this subsection is conducted, the  
41 licensee shall complete a NICS check of the person acquiring the  
42 canon, rifle or shotgun. In addition:

43       (a) the licensee shall submit to the Superintendent of State  
44 Police, on a form approved by the superintendent, information  
45 identifying and confirming the background check;

46       (b) every licensee shall maintain a record of transactions  
47 conducted pursuant to this section which shall be maintained at the

1 address set forth on the licensee's license for inspection by a law  
2 enforcement officer during reasonable hours;

3 (c) in addition to any fee the person receiving the rifle, shotgun,  
4 or antique cannon is required to pay for a NICS check, a licensee  
5 may charge a fee of up to \$15 for a transaction conducted pursuant  
6 to this subsection; and

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

10 c. Who may obtain. No person of good character and good  
11 repute in the community in which he lives, and who is not subject to  
12 any of the disabilities set forth in this section or other sections of  
13 this chapter, shall be denied a permit to purchase a handgun or a  
14 firearms purchaser identification card, except as hereinafter set  
15 forth. No handgun purchase or firearms purchaser identification  
16 card shall be issued, and no New Jersey firearms purchaser  
17 identifier shall be embedded with information affirming that the  
18 holder is qualified and eligible to purchase and receive such  
19 firearms pursuant to P.L. , c. (C. ) (pending before the  
20 Legislature as this bill):

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

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

29 (3) To any person who suffers from a physical defect or disease  
30 which would make it unsafe for him to handle firearms, to any  
31 person who has ever been confined for a mental disorder, or to any  
32 alcoholic unless any of the foregoing persons produces a certificate  
33 of a medical doctor or psychiatrist licensed in New Jersey, or other  
34 satisfactory proof, that he is no longer suffering from that particular  
35 disability in such a manner that would interfere with or handicap  
36 him in the handling of firearms; to any person who knowingly  
37 falsifies any information on the application form for a handgun  
38 purchase permit or firearms purchaser identification card;

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

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

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

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

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

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

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

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

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

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

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

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

1 handgun shall be valid for a period of 90 days from the date of  
2 issuance and may be renewed by the issuing authority for good  
3 cause for an additional 90 days. A permit to purchase a handgun  
4 issued for the purposes of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill) shall be valid until the holder's firearms  
6 purchaser identifier expires, or until such time as the holder  
7 becomes subject to any of the disabilities set forth in subsection c.  
8 of this section and at that time be operationally disabled. A  
9 firearms purchaser identification card shall be valid until such time  
10 as the holder becomes subject to any of the disabilities set forth in  
11 subsection c. of this section, whereupon the card shall be void and  
12 shall be returned within five days by the holder to the  
13 superintendent, who shall then advise the licensing authority. In the  
14 case of a firearms purchaser identifier embedded pursuant to  
15 P.L. , c. (C, ) (pending before the Legislature as this bill),  
16 the information affirming the holder is qualified and eligible to  
17 purchase and receive a rifle or shotgun shall be valid and shall be  
18 embedded in each replacement or renewal of that person's license  
19 or card, until such time as the holder becomes subject to any of the  
20 disabilities set forth in subsection c. of this section and at that time  
21 shall be operationally disabled. Failure of the holder to return the  
22 firearms purchaser identification card to the superintendent within  
23 the said five days shall be an offense under subsection a. of  
24 N.J.S.2C:39-10. Any firearms purchaser identification card or  
25 affirmation embedded in a firearms purchaser identifier may be  
26 revoked or operationally disabled by the Superior Court of the  
27 county wherein the card was issued, after hearing upon notice, upon  
28 a finding that the holder thereof no longer qualifies for the issuance  
29 of such permit or for such an affirmation. The county prosecutor of  
30 any county, the chief police officer of any municipality or any  
31 citizen may apply to such court at any time for the revocation of  
32 such card or the operational disabling of any such affirmation. In  
33 any case where a person has been convicted of a crime, the court,  
34 upon motion of the county prosecutor, shall determine whether the  
35 person possesses a firearms purchaser identification card, a valid  
36 permit to purchase a handgun, or holds a New Jersey firearms  
37 purchaser identifier embedded with information affirming the  
38 holder's qualification and eligibility to purchase or receive a rifle,  
39 shotgun, or handgun. Upon determining that the convicted person  
40 possesses such a card, permit, or identifier, the court at sentencing  
41 either shall revoke the card or permit, or in the case of an embedded  
42 firearms purchaser identifier, shall direct the superintendent to  
43 operationally disable the license or card, after notice and a hearing.

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

1     A person shall apply for a duplicate firearms purchaser  
2     identification card in the case of a change of residence. The  
3     application, in a form prescribed by the superintendent, shall be  
4     submitted to the chief of police of the municipality in which he  
5     resides or with the superintendent, as the case may be. A driver's  
6     license or a State-issued non-driver identification card, which  
7     includes a photograph of the holder, shall be used to provide proof  
8     of the change of address. The person shall certify that he is not  
9     subject to any of the disabilities set forth in this section or other  
10    sections of this chapter. The duplicate card shall be issued without  
11    a criminal history record background check or mental health records  
12    check first being conducted if the applicant is a full-time member of  
13    a municipal, county, State or federal law enforcement agency.

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

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

32    i. Restriction on number of firearms person may purchase.  
33    Only one handgun shall be purchased or delivered on each paper  
34    permit **【and no】 issued pursuant to this section. No more than one**  
35    handgun shall be purchased within any 30-day period, regardless of  
36    whether the purchaser presents a paper permit or an embedded  
37    firearms purchaser identifier to the seller or transferor, but this  
38    limitation shall not apply to:

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

42    (2) a collector of handguns as curios or relics as defined in Title  
43    18, United States Code, section 921 (a) (13) who has in his  
44    possession a valid Collector of Curios and Relics License issued by  
45    the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

1 (4) transfers of handguns from any person to a licensed retail  
2 dealer or a registered wholesale dealer or registered manufacturer  
3 **[.]**;

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

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

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

16 A person shall not be restricted as to the number of rifles or  
17 shotguns he may purchase, provided he possesses a valid firearms  
18 purchaser identification card or a firearms purchaser identifier  
19 embedded with information affirming that the holder is qualified  
20 and eligible to purchase and possess a rifle or shotgun and provided  
21 further that he signs the certification required in subsection b. of  
22 this section for each transaction.

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

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

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

1 sell to a person under the age of 18 years such a visual distress  
2 signalling device.

3 m. 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 aunt, uncle, sibling, stepsibling, child, stepchild, and grandchild, as  
8 related by blood or by law.  
9 (cf: P.L.2009, c.186, s.2)

10

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

12 2C:58-4. Permits to carry handguns

13 a. Scope and duration of authority. Any person who holds a  
14 valid permit to carry a handgun issued pursuant to this section shall  
15 be authorized to carry a handgun in all parts of this State, except as  
16 prohibited by **[section 2C:39-5e]** subsection e. of N.J.S.2C:39-5.  
17 One permit shall be sufficient for all handguns owned by the holder  
18 thereof, but the permit shall apply only to a handgun carried by the  
19 actual and legal holder of the permit.

20 All permits to carry handguns shall expire **[2]** two years from  
21 the date of issuance or, in the case of an employee of an armored  
22 car company, upon termination of his employment by the company  
23 occurring prior thereto whichever is earlier in time, and they may  
24 thereafter be renewed every **[2]** two years in the same manner and  
25 subject to the same conditions as in the case of original  
26 applications.

27 b. Application forms. All applications for permits to carry  
28 handguns, and all applications for renewal of such permits, shall be  
29 made on the forms prescribed by the superintendent. Each  
30 application shall set forth the full name, date of birth, sex,  
31 residence, occupation, place of business or employment, and  
32 physical description of the applicant, and such other information as  
33 the superintendent may prescribe for the determination of the  
34 applicant's eligibility for a permit and for the proper enforcement of  
35 this chapter. The application shall be signed by the applicant under  
36 oath, and shall be indorsed by three reputable persons who have  
37 known the applicant for at least **[3]** three years preceding the date  
38 of application, and who shall certify thereon that the applicant is a  
39 person of good moral character and behavior.

40 c. Investigation and approval. Each application shall in the  
41 first instance be submitted to the chief police officer of the  
42 municipality in which the applicant resides, or to the  
43 superintendent, (1) if the applicant is an employee of an armored  
44 car company, or (2) if there is no chief police officer in the  
45 municipality where the applicant resides, or (3) if the applicant does  
46 not reside in this State. The chief police officer, or the  
47 superintendent, as the case may be, shall cause the fingerprints of  
48 the applicant to be taken and compared with any and all records

1 maintained by the municipality, the county in which it is located,  
2 the State Bureau of Identification and the Federal Bureau of  
3 Identification. He shall also determine and record a complete  
4 description of each handgun the applicant intends to carry.

5 No application shall be approved by the chief police officer or  
6 the superintendent unless the applicant demonstrates that he is not  
7 subject to any of the disabilities set forth in **【2C:58-3c.】** subsection  
8 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe  
9 handling and use of handguns, and that he has a justifiable need to  
10 carry a handgun. If the application is not approved by the chief  
11 police officer or the superintendent within 60 days of filing, it shall  
12 be deemed to have been approved, unless the applicant agrees to an  
13 extension of time in writing.

14 d. Issuance by Superior Court; fee. If the application has been  
15 approved by the chief police officer or the superintendent, as the  
16 case may be, the applicant shall forthwith present it to the Superior  
17 Court of the county in which the applicant resides, or to the  
18 Superior Court in any county where he intends to carry a handgun,  
19 in the case of a nonresident or employee of an armored car  
20 company. The court shall issue the permit to the applicant if, but  
21 only if, it is satisfied that the applicant is a person of good character  
22 who is not subject to any of the disabilities set forth in **【section**  
23 **2C:58-3c.】** subsection c. of N.J.S.2C:58-3, that he is thoroughly  
24 familiar with the safe handling and use of handguns, and that he has  
25 a justifiable need to carry a handgun. The court may at its  
26 discretion issue a limited-type permit which would restrict the  
27 applicant as to the types of handguns he may carry and where and  
28 for what purposes such handguns may be carried. At the time of  
29 issuance, the applicant shall pay to the county clerk of the county  
30 where the permit was issued a permit fee of **【\$20.00】** \$20.

31 e. Appeals from denial of applications. Any person aggrieved  
32 by the denial by the chief police officer or the superintendent of  
33 approval for a permit to carry a handgun may request a hearing in  
34 the Superior Court of the county in which he resides or in any  
35 county in which he intends to carry a handgun, in the case of a  
36 nonresident, by filing a written request for such a hearing within 30  
37 days of the denial. Copies of the request shall be served upon the  
38 superintendent, the county prosecutor and the chief police officer of  
39 the municipality where the applicant resides, if he is a resident of  
40 this State. The hearing shall be held within 30 days of the filing of  
41 the request, and no formal pleading or filing fee shall be required.  
42 Appeals from the determination at such a hearing shall be in  
43 accordance with law and the rules governing the courts of this State.

44 If the superintendent or chief police officer approves an  
45 application and the Superior Court denies the application and  
46 refuses to issue a permit, the applicant may appeal such denial in  
47 accordance with law and the rules governing the courts of this State.

1 f. Revocation of permits. Any permit issued under this section  
2 shall be void at such time as the holder thereof becomes subject to  
3 any of the disabilities set forth in ~~section 2C:58-3c.~~ subsection c.  
4 of N.J.S.2C:58-3, and the holder of such a void permit shall  
5 immediately surrender the permit to the superintendent who shall  
6 give notice to the licensing authority.

7 Any permit may be revoked by the Superior Court, after hearing  
8 upon notice to the holder, if the court finds that the holder is no  
9 longer qualified for the issuance of such a permit. The county  
10 prosecutor of any county, the chief police officer of any  
11 municipality, the superintendent or any citizen may apply to the  
12 court at any time for the revocation of any permit issued pursuant to  
13 this section. In any case where a person has been convicted of a  
14 crime, the court, upon motion of the county prosecutor, shall  
15 determine whether the person possesses a permit to carry a  
16 handgun. Upon determining that the convicted person possesses  
17 such a permit, the court shall revoke the permit at sentencing, after  
18 notice and a hearing.

19 (cf: P.L.1981, c.135, s.1)

20  
21 23. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to  
22 read as follows:

23 5. The commissioner shall adopt rules and regulations pursuant  
24 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
25 1 et seq.) regarding a screening service and its staff that effectuate  
26 the following purposes and procedures:

27 a. A screening service shall serve as the facility in the public  
28 mental health care treatment system wherein a person believed to be  
29 in need of involuntary commitment to outpatient treatment, a short-  
30 term care facility, psychiatric facility or special psychiatric hospital  
31 undergoes an assessment to determine what mental health services  
32 are appropriate for the person and where those services may be  
33 most appropriately provided in the least restrictive environment.

34 The screening service may provide emergency and consensual  
35 treatment to the person receiving the assessment and may transport  
36 the person or detain the person up to 24 hours for the purposes of  
37 providing the treatment and conducting the assessment.

38 b. When a person is assessed by a mental health screener and  
39 involuntary commitment to treatment seems necessary, the screener  
40 shall provide, on a screening document prescribed by the division,  
41 information regarding the person's history and available alternative  
42 facilities and services that are deemed inappropriate for the person.  
43 When appropriate and available, and as permitted by law, the  
44 screener shall make reasonable efforts to gather information from  
45 the person's family or significant others for the purposes of  
46 preparing the screening document. The screener shall also ask  
47 whether the person is an owner of a firearm or other weapon  
48 enumerated in subsection r. of N.J.S.2C:39-1, and the location of

1 that firearm or weapon, and whether the person possesses a firearms  
2 purchaser identification card, a valid permit to purchase a handgun,  
3 or a firearms purchaser identifier embedded with information  
4 affirming that the holder is qualified and eligible to purchase a rifle,  
5 shotgun, or handgun and the location of any such card, permit, or  
6 identifier. Any such information acquired by the screener shall be  
7 included in the screening document. If a psychiatrist, in  
8 consideration of this document and in conjunction with the  
9 psychiatrist's own complete assessment, concludes that the person is  
10 in need of commitment to treatment, the psychiatrist shall complete  
11 the screening certificate. The screening certificate shall be  
12 completed by a psychiatrist except in those circumstances where the  
13 division's contract with the screening service provides that another  
14 physician may complete the certificate. If a psychiatrist or  
15 physician reasonably believes the person is an owner of a firearm or  
16 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or  
17 possesses a firearms purchaser identification card, valid permit to  
18 purchase a handgun, or a firearms purchaser identifier embedded  
19 with information affirming that the holder is qualified and eligible  
20 to purchase a rifle, shotgun, or handgun, that information, including  
21 the reported location of any weapon, card, permit, or identifier shall  
22 be included on the screening certificate.

23 Upon completion of the screening certificate, screening service  
24 staff shall determine, in consultation with the psychiatrist or another  
25 physician, as appropriate, the least restrictive environment for the  
26 appropriate treatment to which the person shall be assigned or  
27 admitted, taking into account the person's prior history of  
28 hospitalization and treatment and the person's current mental health  
29 condition. Screening service staff shall designate:

30 (1) inpatient treatment for the person if he is immediately or  
31 imminently dangerous or if outpatient treatment is deemed  
32 inadequate to render the person unlikely to be dangerous to self,  
33 others or property within the reasonably foreseeable future; and

34 (2) outpatient treatment for the person when outpatient  
35 treatment is deemed sufficient to render the person unlikely to be  
36 dangerous to self, others or property within the reasonably  
37 foreseeable future.

38 If the screening service staff determines that the person is in  
39 need of involuntary commitment to outpatient treatment, the  
40 screening service staff shall consult with an outpatient treatment  
41 provider to arrange, if possible, for an appropriate interim plan of  
42 outpatient treatment in accordance with section 9 of P.L.2009, c.112  
43 (C.30:4-27.8a).

44 If a person has been admitted three times or has been an inpatient  
45 for 60 days at a short-term care facility during the preceding 12  
46 months, consideration shall be given to not placing the person in a  
47 short-term care facility.

1 The person shall be admitted to the appropriate facility or  
2 assigned to the appropriate outpatient treatment provider, as  
3 appropriate for treatment, as soon as possible. Screening service  
4 staff are authorized to coordinate initiation of outpatient treatment  
5 or transport the person or arrange for transportation of the person to  
6 the appropriate facility.

7 c. If the mental health screener determines that the person is  
8 not in need of assignment or commitment to an outpatient treatment  
9 provider, or admission or commitment to a short-term care facility,  
10 psychiatric facility or special psychiatric hospital, the screener shall  
11 refer the person to an appropriate community mental health or  
12 social services agency or appropriate professional or inpatient care  
13 in a psychiatric unit of a general hospital.

14 d. A mental health screener shall make a screening outreach  
15 visit if the screener determines, based on clinically relevant  
16 information provided by an individual with personal knowledge of  
17 the person subject to screening, that the person may need  
18 involuntary commitment to treatment and the person is unwilling or  
19 unable to come to the screening service for an assessment.

20 e. If the mental health screener pursuant to this assessment  
21 determines that there is reasonable cause to believe that a person is  
22 in need of involuntary commitment to treatment, the screener shall  
23 so certify the need on a form prepared by the division.

24 (cf: P.L.2009, c.112, s.5)

25  
26 24. Section 7 of P.L.1987, c.116 (C.30:4-27.7) is amended to  
27 read as follows:

28 7. a. A law enforcement officer, screening service, outpatient  
29 treatment provider or short-term care facility designated staff  
30 person or their respective employers, acting in good faith pursuant  
31 to P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009, c.112 who  
32 takes reasonable steps to assess, take custody of, detain or transport  
33 an individual for the purposes of mental health assessment or  
34 treatment is immune from civil and criminal liability.

35 b. An emergency services or medical transport person or their  
36 respective employers, acting in good faith pursuant to **[this act]**  
37 P.L.1987, c.116 (C.30:4-27.1 et seq.) and pursuant to the direction  
38 of a person designated in subsection a. of this section, who takes  
39 reasonable steps to take custody of, detain or transport an individual  
40 for the purpose of mental health assessment or treatment is immune  
41 from civil and criminal liability.

42 For the purposes of this subsection, "emergency services or  
43 medical transport person" means a member of a first aid,  
44 ambulance, rescue squad or fire department, whether paid or  
45 volunteer, auxiliary police officer or paramedic.

46 c. A mental health screener completing a screening document  
47 or a psychiatrist or physician completing a screening certificate or  
48 clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.),

1 shall, with regard to whether a person is an owner of a firearm or  
2 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or  
3 possesses a firearms purchaser identification card, valid permit to  
4 purchase a handgun, or firearms purchaser identifier embedded with  
5 information affirming that the holder is qualified and eligible to  
6 purchase a rifle, shotgun or handgun, or the location of such  
7 weapon, card, permit, or identifier, not be held liable in any civil  
8 action brought by any person for failing to learn of a weapon or any  
9 firearms purchaser identification card, valid permit to purchase a  
10 handgun, or firearms purchaser identifier embedded with  
11 information affirming the holder is qualified and eligible to  
12 purchase a rifle, shotgun, or handgun, or of the location of any such  
13 firearm, weapon, card, permit, or identifier.

14 (cf: P.L.2009, c.112, s.7)

15  
16 25. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to  
17 read as follows:

18 10. a. (1) A short-term care or psychiatric facility or a special  
19 psychiatric hospital shall initiate court proceedings for involuntary  
20 commitment to inpatient or outpatient treatment by submitting to  
21 the court a clinical certificate completed by a psychiatrist on the  
22 patient's treatment team and the screening certificate which  
23 authorized admission of the patient to the facility; provided,  
24 however, that both certificates shall not be signed by the same  
25 psychiatrist unless the psychiatrist has made a reasonable but  
26 unsuccessful attempt to have another psychiatrist conduct the  
27 evaluation and execute the certificate.

28 (2) A screening service or outpatient treatment provider shall  
29 initiate court proceedings for commitment to outpatient treatment  
30 by submitting to the court a clinical certificate completed by a  
31 psychiatrist on the patient's treatment team and the screening  
32 certificate which authorized assignment of the patient to outpatient  
33 treatment with the outpatient treatment provider; provided,  
34 however, that both certificates shall not be signed by the same  
35 psychiatrist unless the psychiatrist has made a reasonable but  
36 unsuccessful attempt to have another psychiatrist conduct the  
37 evaluation and execute the certificate.

38 b. Court proceedings for the involuntary commitment to  
39 treatment of any person not referred by a screening service may be  
40 initiated by the submission to the court of two clinical certificates,  
41 at least one of which is prepared by a psychiatrist. A psychiatrist or  
42 physician shall ask whether the person is an owner of a firearm or  
43 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or  
44 possesses a firearms purchaser identification card, a valid permit to  
45 purchase a handgun, or a firearms purchaser identifier embedded  
46 with information affirming the holder is qualified and eligible to  
47 purchase a rifle, shotgun, or handgun, and the location of any such

1 firearm, weapon, card, permit, or identifier and shall include that  
2 information on the clinical certificate.

3 The person shall not be involuntarily committed before the court  
4 issues a temporary court order.

5 c. A court proceeding for involuntary commitment to treatment  
6 of an inmate who is scheduled for release upon expiration of a  
7 maximum term of incarceration shall be initiated by the Attorney  
8 General or county prosecutor by submission to the court of two  
9 clinical certificates, at least one of which is prepared by a  
10 psychiatrist.

11 d. The Attorney General, in exercise of the State's authority as  
12 parens patriae, may initiate a court proceeding for the involuntary  
13 commitment to treatment of any person in accordance with the  
14 procedures set forth in subsection a. or b. of this section. When the  
15 Attorney General determines that the public safety requires  
16 initiation of a proceeding pursuant to subsection b. of this section,  
17 the Attorney General may apply to the court for an order  
18 compelling the psychiatric evaluation of the person. The court shall  
19 grant the Attorney General's application if the court finds that there  
20 is reasonable cause to believe that the person may be in need of  
21 involuntary commitment to treatment. The Attorney General may  
22 delegate the authority granted pursuant to this subsection, on a case  
23 by case basis, to the county prosecutor.

24 e. Any person who is a relative by blood or marriage of the  
25 person being screened who executes a clinical certificate, or any  
26 person who signs a clinical certificate for any purpose or motive  
27 other than for purposes of care, treatment and confinement of a  
28 person in need of involuntary commitment to treatment, shall be  
29 guilty of a crime of the fourth degree.

30 f. Upon receiving these documents the court shall immediately  
31 review them in order to determine whether there is probable cause  
32 to believe that the person is in need of involuntary commitment to  
33 treatment.

34 g. (1) If the court finds that there is probable cause to believe  
35 that the person, other than a person whose commitment is sought  
36 pursuant to subsection c. of this section, is in need of involuntary  
37 commitment to treatment, it shall issue a temporary order  
38 authorizing the assignment of the person to an outpatient treatment  
39 provider or the admission to or retention of the person in the  
40 custody of the facility, that is both appropriate to the person's  
41 condition and is the least restrictive environment, pending a final  
42 hearing.

43 (2) If the court finds that there is probable cause to believe that  
44 a person is in need of involuntary commitment to treatment, the  
45 court may order a law enforcement officer to search for any firearm  
46 or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or  
47 any firearms purchaser identification card, valid permit to purchase  
48 a handgun, or firearms purchaser identifier embedded with

1 information affirming that the holder is qualified and eligible to  
2 purchase a rifle, shotgun, or handgun at any location where the  
3 court has reasonable cause to believe any such firearm, weapon,  
4 card, permit, or identifier may be located and seize that firearm,  
5 weapon, identification card, or permit or, in the case of an  
6 embedded identifier, direct the superintendant to operationally  
7 disable that identifier.

8 h. If the court finds that there is probable cause to believe that  
9 a person whose commitment is sought pursuant to subsection c. of  
10 this section is in need of involuntary commitment to treatment, it  
11 shall issue an order setting a date for a final hearing and authorizing  
12 the Commissioner of the Department of Corrections to arrange for  
13 temporary commitment pursuant to section 2 of P.L.1986, c.71  
14 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other  
15 facility designated for the criminally insane pending the final  
16 hearing and prior to the expiration of the person's term. The order  
17 shall specifically provide for transfer of custody to the Ann Klein  
18 Forensic Center in Trenton or other facility designated for the  
19 criminally insane if the person's maximum term will expire prior to  
20 the final hearing.

21 i. In the case of a person committed to treatment at a short-  
22 term care facility or special psychiatric hospital, after the facility's  
23 treatment team conducts a mental and physical examination,  
24 administers appropriate treatment and prepares a discharge  
25 assessment, the facility may transfer the patient to a psychiatric  
26 facility prior to the final hearing; provided that: (1) the patient, his  
27 family and his attorney are given 24 hours' advance notice of the  
28 pending transfer; and (2) the transfer is accomplished in a manner  
29 which will give the receiving facility adequate time to examine the  
30 patient, become familiar with his behavior and condition and  
31 prepare for the hearing. In no event shall the transfer be made less  
32 than five days prior to the date of the hearing unless an unexpected  
33 transfer is dictated by a change in the person's clinical condition.

34 (cf: P.L.2009, c.112, s.11)

35  
36 26. Section 15 of P.L.1987, c.116 (C.30:4-27.15) is amended to  
37 read as follows:

38 15. a. If the court finds by clear and convincing evidence that  
39 the patient needs continued involuntary commitment to treatment, it  
40 **【shall】** :

41 (1) shall issue an order authorizing the involuntary commitment  
42 of the patient and the assignment or admission of the patient  
43 pursuant to section 17 of P.L.2009, c.112 (C.30:4-27.15a) **【and**  
44 **shall】**;

45 (2) shall schedule a subsequent court hearing in the event the  
46 patient is not administratively discharged pursuant to section 17 of  
47 P.L.1987, c.116 (C.30:4-27.17) prior thereto; and

1     (3) may order a law enforcement officer to search for any  
2     firearm or other weapon enumerated in subsection r. of  
3     N.J.S.2C:39-1 or any firearms purchaser identification card, valid  
4     permit to purchase a handgun, or firearms purchaser identifier  
5     embedded with information affirming that the holder is qualified  
6     and eligible to purchase a rifle, shotgun, or handgun at any location  
7     where the court has reasonable cause to believe any such firearm,  
8     weapon, card, permit, or identifier may be located and seize that  
9     firearm, weapon, identification card, or permit or, in the case of an  
10    embedded identifier, direct the superintendant to operationally  
11    disable that identifier, unless this has already occurred pursuant to  
12    section 10 of P.L.1987, c.116 (C.30:4-27.10).

13    b. If the court finds that the patient does not need continued  
14    involuntary commitment to treatment, the court shall so order. A  
15    patient who is serving a term of incarceration shall be returned to  
16    the appropriate State, county or local authority to complete service  
17    of the term of incarceration imposed until released in accordance  
18    with law, and any other patient shall be discharged by the facility  
19    within 48 hours of the court's verbal order or by the end of the next  
20    working day, whichever is longer, with a discharge plan prepared  
21    pursuant to section 18 of P.L.1987, c.116 (C.30:4-27.18).

22    c. (1) The court may discharge the patient subject to  
23    conditions, if the court finds that the person does not need  
24    involuntary or continued involuntary commitment to treatment and  
25    the court finds:

26    (a) that the patient's history indicates a high risk of  
27    rehospitalization because of the patient's failure to comply with  
28    discharge plans; or

29    (b) that there is substantial likelihood that by reason of mental  
30    illness the patient will be dangerous to himself, others or property if  
31    the patient does not receive other appropriate and available services  
32    that render involuntary commitment to treatment unnecessary.

33    (2) Conditions imposed pursuant to this section shall include  
34    those recommended by the facility and mental health agency and  
35    developed with the participation of the patient. Conditions imposed  
36    on the patient shall be specific and their duration shall not exceed  
37    90 days unless the court determines, in a case in which the Attorney  
38    General or a county prosecutor participated, that the conditions  
39    should be imposed for a longer period. If the court imposes  
40    conditions for a period exceeding six months, the court shall  
41    provide for a review hearing on a date the court deems appropriate  
42    but in no event later than six months from the date of the order.  
43    The review hearing shall be conducted in the manner provided in  
44    this section, and the court may impose any order authorized  
45    pursuant to this section.

46    (3) The designated mental health agency staff person shall  
47    notify the court if the patient fails to meet the conditions of the  
48    discharge plan, and the court shall issue an order directing that the

1 person be taken to a screening service for an assessment. The court  
2 shall determine, in conjunction with the findings of a screening  
3 service, if the patient needs to be rehospitalized and, if so, the  
4 patient shall be returned to the facility. The court shall hold a  
5 hearing within 20 days of the day the patient was returned to the  
6 facility to determine if the order of conditional discharge should be  
7 vacated.

8 d. Notwithstanding subsection a. of this section, or any  
9 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,  
10 30:4-27.17 or 30:4-27.18), no person committed while serving a  
11 term of incarceration shall be discharged by the court or  
12 administratively discharged prior to the date on which the person's  
13 maximum term would have expired had he not been committed. If  
14 the person is no longer in need of involuntary commitment to  
15 treatment, the person shall be returned to the appropriate State,  
16 county or local authority to complete service of the term of  
17 incarceration imposed until released in accordance with law, and  
18 the person shall be given day for day credit for all time during  
19 which the person was committed.

20 e. Notwithstanding subsection a. of this section, or any  
21 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,  
22 30:4-27.17 or 30:4-27.18), no person committed pursuant to  
23 N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of  
24 insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental  
25 competence to stand trial shall be discharged by the court or  
26 administratively discharged unless the prosecuting attorney in the  
27 case receives prior notice and an opportunity to be heard.

28 (cf: P.L.2009, c.112, s.16)

29  
30 27. Section 2 of P.L.1999, c.255 (C.2C:58-17) is amended to  
31 read as follows:

32 2. a. There is established a "KeepSafe" program to encourage  
33 and stimulate the safe storage of firearms in the State of New Jersey  
34 by providing instant rebates to firearms purchasers who purchase  
35 trigger locking devices.

36 Under the program, a person who purchases a firearm from a  
37 retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be  
38 eligible for a \$5 instant rebate when a compatible trigger locking  
39 device is purchased along with that firearm. The licensed retail  
40 dealer shall deduct the rebate from the price of the compatible  
41 locking device in order to reduce by \$5 the cost of the device for the  
42 purchaser.

43 b. The Superintendent of State Police, in conjunction with the  
44 Attorney General, shall adopt guidelines in accordance with the  
45 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et  
46 seq.), to effectuate the purposes of **[this act]** P.L.1999, c.255  
47 (C.2C:58-17 et seq.).

1       In addition, the superintendent shall prepare and deliver to each  
2 licensed retail firearms dealer in the State the forms necessary to  
3 record and report participation in the program. The forms, which  
4 shall set forth the name, address, telephone number, State tax  
5 number and State license number of the retail firearms dealer, the  
6 name of the firearms purchaser and his firearms purchaser  
7 identification card number or permit to purchase a handgun number,  
8 the make and model number of the compatible trigger locking  
9 device purchased and the date of the sale, shall be in duplicate. One  
10 copy shall be retained by the retail dealer for his records. The other  
11 shall be submitted to the Attorney General for reimbursement. The  
12 reimbursement copies shall be submitted monthly at a time  
13 prescribed by the superintendent. The submitting retail dealer shall  
14 be entitled to a reimbursement of \$5 for each trigger locking device  
15 sold as part of the KeepSafe program. To help defray any  
16 administrative costs, each participating retail dealer shall receive, in  
17 addition to the reimbursement, \$0.50 for each valid reimbursement  
18 copy submitted.

19       The superintendent also shall provide each licensed retail  
20 firearms dealer with a sign to be prominently displayed at a  
21 conspicuous place on the dealer's business premises where firearms  
22 are offered for sale. In addition, the superintendent shall provide  
23 signs to be placed in public buildings as determined appropriate by  
24 the superintendent. As used in this section, "public building"  
25 means any building, structure, facility or complex used by the  
26 general public, including but not limited to, theaters, concert halls,  
27 auditoriums, museums, schools, libraries, recreation facilities,  
28 public transportation terminals and stations, factories, office  
29 buildings, business establishments, passenger vehicle service  
30 stations, shopping centers, hotels or motels and public eating places,  
31 owned by any State, county or municipal government agency or  
32 instrumentality or any private individual, partnership, association or  
33 corporation.

34       The sign shall state substantially the following:

35       "KEEP NEW JERSEY FIREARMS SAFE.  
36       TO ENCOURAGE NEW JERSEY GUN OWNERS TO  
37       STORE THEIR FIREARMS SAFELY, THE STATE IS  
38       OFFERING A \$5 INSTANT REBATE WHEN YOU  
39       PURCHASE A COMPATIBLE TRIGGER LOCK ALONG  
40       WITH YOUR FIREARM.  
41       REMEMBER--THE USE OF A TRIGGER LOCK IS  
42       ONLY ONE ASPECT OF RESPONSIBLE FIREARM  
43       STORAGE. FIREARMS SHOULD BE STORED,  
44       UNLOADED AND LOCKED IN A LOCATION THAT IS  
45       BOTH SEPARATE FROM THEIR AMMUNITION  
46       AND INACCESSIBLE TO CHILDREN.  
47       NEW JERSEY'S FAMILIES AND CHILDREN ARE

1           PRECIOUS--KEEP THEM SAFE!!"

2       (cf: P.L.1999, c.255, s.2)

3  
4       28. (New section) a. The Superintendent of State Police shall  
5       promulgate guidelines to effectuate the purposes of P.L.       ,       ,  
6       c. (C.       ) (pending before the Legislature as this bill). Those  
7       guidelines shall include, but not be limited to, policies and  
8       procedures governing the regular periodic review of the information  
9       stored in the firearms database to ensure that the information is  
10      current and accurate, policies and procedures governing the  
11      disabling of embedded driver's licenses and identification cards  
12      should their holders be determined to no longer be lawfully  
13      qualified and eligible to purchase or receive a rifle, shotgun or  
14      handgun, and such other matters as the superintendent deems to be  
15      appropriate and necessary to effectuate the purposes of P.L.       ,       ,  
16      c. (C.       ) (pending before the Legislature as this bill).

17      b. The Commissioner of Human Services, in accordance with  
18      the provisions of the "Administrative Procedure Act," P.L.1968,  
19      c.410 (C.52:14B-1 et seq.), and after consultation with the  
20      Superintendent of State Police, may adopt rules and regulations  
21      necessary to effectuate the purposes of P.L.       , c.       (C.       )  
22      (pending before the Legislature as this bill).

23      c. The Supreme Court of New Jersey may adopt court rules to  
24      effectuate the purposes of this P.L.       , c.       (C.       ) (pending  
25      before the Legislature as this bill).

26  
27      29. This act shall take effect the first day of the seventh month  
28      following enactment, but the Superintendent of State Police and the  
29      Commissioner of Human Services may take such anticipatory  
30      administrative action in advance as shall be necessary for the  
31      implementation of the act.

#### 32 33 34   STATEMENT

35  
36      This bill revises various statutes concerning the regulation of  
37      firearms.

38      *Firearms Purchaser Identification* Under this bill, the current  
39      paper firearms purchaser identification card (FPIC) would no longer  
40      be issued to New Jersey residents. The information on the FPIC  
41      would be embedded in a firearms purchaser identifier with a  
42      picture. On or before the first day of the seventh month after the  
43      bill's enactment, the Attorney General and the Superintendent of  
44      State Police are charged with determining whether this information  
45      would be embedded in the driver's license or be a separate,  
46      independent card. The provisions of the bill would not affect the  
47      way firearms purchaser identification cards are issued to  
48      nonresidents.

1       If the driver's license is adopted as the firearms purchaser  
2 identifier, the bill requires that the firearms database and the motor  
3 vehicle database be maintained as distinct and separate entities, the  
4 firearms database by the superintendent and the motor vehicles  
5 database by the Chief Administrator of the Motor Vehicle  
6 Commission. The superintendent and the chief administrator also  
7 are required to adopt protocols for access to these databases by law  
8 enforcement. Non-law enforcement entities would not be permitted  
9 access to the firearms database.

10       The bill outlines similar requirements the superintendent is to  
11 follow if the Attorney General selects a separate, independent card  
12 with a digitalized photograph to serve as the State's firearms  
13 purchaser identifier.

14       A FPIC would remain valid until the first renewal of the person's  
15 firearms purchaser identifier occurring after the first day of the 25th  
16 month after the bill's effective date. The transition from the current  
17 paper card to having this information embedded in a firearms  
18 identifier would take place over a two to five year phase-in period,  
19 depending upon which system is selected. Residents who do not  
20 have a driver's license would have their FPIC information  
21 embedded on the identification cards that are issued by the Motor  
22 Vehicle Commission under the "Identification Cards for  
23 Nondrivers' Act," P.L.1980, c.47 (C.39:3-29.2).

24       Beginning on the first day of the 75th month after the bill's  
25 effective date, all retail dealers of firearms would be required to use  
26 this system.

27       The superintendent would be able to operationally disable the  
28 identifier for purposes of purchasing or receiving a firearm if the  
29 holder becomes subject to any of the statutory disabilities.

30       This bill does not alter the qualifications and requirements for  
31 the issuance of a FPIC or embedded driver's license or  
32 identification card. A person who applies for a FPIC or embedded  
33 firearms purchaser identifier is still required to submit to a criminal  
34 history background check to determine if the applicant is  
35 disqualified from owning a firearm under the law.

36       *Permit to Purchase a Handgun* This bill clarifies that any person  
37 who purchases a handgun is also required obtain a FPIC in addition  
38 to a permit to purchase a handgun (PPH). The PPH information  
39 would be embedded on the identifier and would be valid for four  
40 years. Current law requires handgun purchasers to possess a valid  
41 PPH for every handgun purchased. Any paper FPIC or PPH issued  
42 under current law would remain valid until the holder's driver's  
43 license or identification card is subject to renewal; the information  
44 thereafter would be embedded on the license or card.

45       The bill requires the Attorney General to develop and implement  
46 the system that will allow retail firearms dealers to use the  
47 embedded firearms purchaser identifier to instantly determine  
48 whether that buyer is qualified to purchase a firearm. Between the

1 first day of the 25th month and the first day of the 73rd month  
2 following the bill's effective date, the superintendent is to test and  
3 evaluate the system. The superintendent also is to select, and over  
4 time expand, the number of the retail licensees to participate in the  
5 test.

6 If the superintendent determines after 36 months of testing that  
7 the system is seriously flawed, the superintendent is to report to the  
8 Governor and the Legislature recommending that implementation  
9 be postponed until the Attorney General and the superintendent  
10 determine that the system is fully operational.

11 After the Attorney General has implemented this system, all  
12 retail firearms dealers would be required to use the system. In the  
13 case of a handgun purchase, the system would enable a retail dealer  
14 to determine whether the transaction violates the State's prohibition  
15 on purchasing more than one handgun in a 30-day period.

16 *Firearms Safety Course* The bill requires applicants for the  
17 firearms purchaser identifier to present evidence of the successful  
18 completion of a firearms safety class or course approved by the  
19 superintendent as a condition for being issued the card, license, or  
20 permit. This requirement only would be applicable to persons who  
21 apply for a card or permit or embedded license or identification card  
22 after the bill's effective date. Applicants who have received  
23 firearms training through any of the training programs specified in  
24 the bill may bill that experience for the required class or course  
25 training.

26 In developing the curriculum, the superintendent is to work in  
27 cooperation with a firearms safety panel. If the panel does not  
28 develop the curriculum within 60 days of the appointment of its  
29 members, the superintendent is required to develop the curriculum.  
30 The panel is to consist of four members, with two members  
31 appointed by the Senate President and two members by the Speaker  
32 of the General Assembly.

33 The bill's provisions also require the court, upon motion of the  
34 prosecutor, to determine whether a person who has been convicted  
35 of a crime possesses a FPIC, a permit to carry a handgun or a  
36 firearms identifier. If the court determines that the convicted  
37 person possesses such a card, license, or permit, the court is to  
38 revoke the card, license, or permit at sentencing, after notice and a  
39 hearing. Currently, failure to comply with any of the regulatory  
40 provisions relating to firearms is a crime of the fourth degree under  
41 subsection a. of N.J.S.2C:39-10.

42 The bill also:

- 43 • Requires the superintendent to establish an electronic  
44 reporting program for dealers to record their sales and  
45 transfers of ammunition on a real-time basis. The  
46 superintendent is to establish an electronic data base  
47 containing all of the dealer reported information, which is to  
48 be available to all law enforcement officers on a real time

1 basis. The reporting system would include the name,  
2 address, age, type of documentation used to establish  
3 eligibility to purchase, caliber or gauge of the ammunition  
4 sold, numerical amount of ammunition transferred in the  
5 sale, and any other information deemed necessary by the  
6 superintendent.

- 7 • Requires a person to apply for a duplicate firearms identifier  
8 in the case of a change of residence. A driver's license or a  
9 State-issued non-driver identification card, which includes a  
10 photograph of the holder, must be used to provide proof of  
11 the change of address. The person must certify that he is not  
12 subject to any of the statutory disabilities. The duplicate  
13 card will be issued without a criminal history records check  
14 or mental health records check first being conducted if the  
15 applicant is a full-time member of a municipal, county, State  
16 or federal law enforcement agency.
- 17 • Mandates that the seven day waiting period for a handgun  
18 purchase permit under current law would be applicable to  
19 sales of handguns under the system implemented by this bill.
- 20 • Requires a person to possess an FPIC and a PPH or a permit  
21 to carry a handgun, or the identifier created under this bill, to  
22 purchase or acquire handgun ammunition.
- 23 • Provides a mechanism for a court to authorize law  
24 enforcement officers to search for and seize weapons from a  
25 person whom a court has determined is in need of  
26 involuntary commitment to mental health treatment pursuant  
27 to P.L.1987, c.116 (C.30:4-27.1 et seq.). The procedures  
28 established in the bill are modeled on the "Prevention of  
29 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-  
30 17 et seq.).
- 31 • Requires mental health screeners, psychiatrists, and doctors,  
32 who screen a person believed to be in need of involuntary  
33 commitment to mental health treatment, to ask the person  
34 being screened whether the person owned a firearm or  
35 possessed an FPIC, permit to purchase, or firearms purchaser  
36 identifier.