

[First Reprint]

ASSEMBLY, No. 509

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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District 33 (Hudson)

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

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SYNOPSIS

Increases from 18 to 21 age at which person is eligible to receive firearms purchaser identification.

CURRENT VERSION OF TEXT

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

(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning the purchase and possession of firearms,
2 amending N.J.S.2C:58-3 and P.L.1979, c.179, and supplementing
3 Title 2C of the New Jersey Statutes.

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

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

9 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

23 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 23, 2022.

1 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
2 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

3 b. Firearms purchaser identification card.

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

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

25 The provisions of this paragraph shall not apply if the transaction
26 is:

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

29 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

31 (4) **【To】** Except as provided by section 3 of P.L. _____,
32 c. (C.)(pending before the Legislature as this bill), to any person
33 under **【the age of 18 years for a firearms purchaser identification**
34 **card and to any person under】** the age of 21 years **【for a permit to**
35 **purchase a handgun】**;

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

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

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

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

4 (9) To any person named on the consolidated Terrorist Watchlist
5 maintained by the Terrorist Screening Center administered by the
6 Federal Bureau of Investigation;

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

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

16 d. Issuance. The chief of police of an organized full-time
17 police department of the municipality where the applicant resides or
18 the superintendent, in all other cases, shall upon application, issue
19 to any person qualified under the provisions of subsection c. of this
20 section a permit to purchase a handgun or a firearms purchaser
21 identification card.

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

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

1 hospital and the dates of confinement or commitment, whether he
2 has been attended, treated or observed by any doctor or psychiatrist
3 or at any hospital or mental institution on an inpatient or outpatient
4 basis for any mental or psychiatric condition, giving the name and
5 location of the doctor, psychiatrist, hospital or institution and the
6 dates of the occurrence, whether he presently or ever has been a
7 member of any organization which advocates or approves the
8 commission of acts of force and violence to overthrow the
9 Government of the United States or of this State, or which seeks to
10 deny others their rights under the Constitution of either the United
11 States or the State of New Jersey, whether he has ever been
12 convicted of a crime or disorderly persons offense, whether the
13 person is subject to a restraining order issued pursuant to the
14 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
15 (C.2C:25-17 et seq.) prohibiting the person from possessing any
16 firearm, whether the person is subject to a protective order issued
17 pursuant to the "Extreme Risk Protective Order Act of 2018",
18 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
19 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
20 et al.) prohibiting the person from possessing any firearm, and other
21 information as the superintendent shall deem necessary for the
22 proper enforcement of this chapter. For the purpose of complying
23 with this subsection, the applicant shall waive any statutory or other
24 right of confidentiality relating to institutional confinement. The
25 application shall be signed by the applicant and shall contain as
26 references the names and addresses of two reputable citizens
27 personally acquainted with him.

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

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

45 f. Granting of permit or identification card; fee; term; renewal;
46 revocation. The application for the permit to purchase a handgun
47 together with a fee of \$2, or the application for the firearms
48 purchaser identification card together with a fee of \$5, shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22
23 2. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
24 read as follows:

25 14. a. **[No]** A person under the age of **[18]** 21 years shall not
26 purchase, barter or otherwise acquire a firearm **[and no person**
27 under the age of 21 years shall purchase, barter or otherwise acquire
28 **a]** or handgun, unless the person is authorized to possess the
29 handgun in connection with the performance of official duties under
30 the provisions of N.J.S.2C:39-6.

31 b. **[No person under the age of 18 years shall possess, carry,**
32 fire or use a firearm except as provided under paragraphs (1), (2),
33 (3) and (4) of this subsection; and, unless] Unless authorized in
34 connection with the performance of official duties under the
35 provisions of N.J.S.2C:39-6, **[no]** a person under the age of 21
36 years shall not possess, carry, fire or use a firearm or handgun
37 except under the following circumstances:

38 (1) In the actual presence or under the direct supervision of **[his**
39 father, mother] the person's parent or guardian, or some other
40 person who holds a permit to carry a handgun or a firearms
41 purchaser identification card, as the case may be; or

42 (2) For the purpose of military drill under the auspices of a
43 legally recognized military organization and under competent
44 supervision; or

45 (3) For the purpose of competition, target practice, instruction,
46 and training in and upon a firing range approved by the governing
47 body of the municipality in which the range is located or the

1 National Rifle Association and which is under competent
2 supervision at the time of such supervision or target practice or
3 instruction and training at any location; or

4 (4) For the purpose of hunting during the regularly designated
5 hunting season, provided that he possesses a valid hunting license
6 and has successfully completed a hunter's safety course taught by a
7 qualified instructor or conservation police officer and possesses a
8 certificate indicating the successful completion of such a course.

9 c. A person who violates this section shall be guilty of a crime
10 of the fourth degree. For purposes of this section the fact that the
11 act would not constitute a crime if committed by an adult shall not
12 be deemed to prohibit or require waiver of family court jurisdiction
13 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
14 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
15 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
16 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
17 70 et seq.).

18 (cf: P.L.2019, c.407, s.3)

19
20 3. (New section) a. A person who is at least 18 years of age
21 and who is authorized to carry a firearm in connection with the
22 performance of official duties under the provisions of N.J.S.2C:39-6
23 or ¹**【demonstrates evidence of military training】** is active duty
24 military or a member of a reserve component of the Armed Forces
25 of the United States or the National Guard of this State¹ may obtain
26 a firearms purchaser identification card pursuant to N.J.S.2C:58-3.

27 b. A person who is at least 18 years of age and obtained a
28 firearms purchaser identification card or owned firearms prior to the
29 effective date of ¹**【this act】** P.L. , c. (pending before the
30 Legislature as this bill)¹ may continue to purchase and possess
31 firearms following the effective date of P.L. , c. ¹**【(C.)】**¹
32 (pending before the Legislature as this bill).

33
34 4. This act shall take effect immediately.