

ASSEMBLY, No. 4370

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblyman McKeon

SYNOPSIS

Requires training prior to issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provides that firearms purchaser identification card is valid for four years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2022)

A4370 REYNOLDS-JACKSON, GREENWALD

2

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

2

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

5

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

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

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

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

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

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

21 (b) between law enforcement officers;

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

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

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

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

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

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

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

43 b. Firearms purchaser identification card.

44 (1) No person shall sell, give, transfer, assign or otherwise dispose
45 of nor receive, purchase or otherwise acquire an antique cannon or a

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

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

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

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

24 (b) between law enforcement officers;

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

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

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

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

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

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

47 c. Who may obtain. No person of good character and good
48 repute in the community in which he lives, and who is not subject to

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

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

5 In order to obtain a permit to purchase a handgun or a firearms
6 purchaser identification card, the applicant shall demonstrate that,
7 within four years prior to the date of the application, the applicant
8 satisfactorily completed a course of instruction approved by the
9 superintendent in the lawful and safe handling and storage of
10 firearms. The applicant shall be required to demonstrate completion
11 of a course of instruction only once prior to obtaining either a
12 firearms purchaser identification card or the applicant's first permit
13 to purchase a handgun. The applicant shall not be required to
14 demonstrate completion of a course of instruction in order to obtain
15 any subsequent permit to purchase a handgun or a firearms purchaser
16 identification card, to replace an existing firearms purchaser
17 identification card, or to renew a firearms purchaser identification
18 card. An applicant who is a law enforcement officer who has
19 satisfied the requirements of subsection j. of N.J.S.2C:39-6, a retired
20 law enforcement officer who has satisfied the requirements of
21 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
22 discharged as a member of the United States Armed Forces or
23 National Guard who received substantially equivalent training shall
24 not be required to complete the course of instruction required
25 pursuant to the provisions of this subsection. A person who obtained
26 a permit to purchase a handgun or a firearms purchaser identification
27 card prior to the effective date of P.L. , c. (C.) (pending before
28 the Legislature as this bill) shall not be required to complete a course
29 of instruction pursuant to this subsection.

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

36 Any person aggrieved by the denial of a permit or identification
37 card may request a hearing in the Superior Court of the county in
38 which he resides if he is a resident of New Jersey or in the Superior
39 Court of the county in which his application was filed if he is a
40 nonresident. The request for a hearing shall be made in writing
41 within 30 days of the denial of the application for a permit or
42 identification card. The applicant shall serve a copy of his request
43 for a hearing upon the chief of police of the municipality in which he
44 resides, if he is a resident of New Jersey, and upon the superintendent
45 in all cases. The hearing shall be held and a record made thereof
46 within 30 days of the receipt of the application for a hearing by the
47 judge of the Superior Court. No formal pleading and no filing fee

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

3 e. Applications. Applications for permits to purchase a handgun
4 and for firearms purchaser identification cards shall be in the form
5 prescribed by the superintendent and shall set forth the name,
6 residence, place of business, age, date of birth, occupation, sex and
7 physical description, including distinguishing physical
8 characteristics, if any, of the applicant, and shall state whether the
9 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
10 drug-dependent person as defined in section 2 of P.L.1970, c.226
11 (C.24:21-2), whether he has ever been confined or committed to a
12 mental institution or hospital for treatment or observation of a mental
13 or psychiatric condition on a temporary, interim or permanent basis,
14 giving the name and location of the institution or hospital and the
15 dates of confinement or commitment, whether he has been attended,
16 treated or observed by any doctor or psychiatrist or at any hospital or
17 mental institution on an inpatient or outpatient basis for any mental
18 or psychiatric condition, giving the name and location of the doctor,
19 psychiatrist, hospital or institution and the dates of the occurrence,
20 whether he presently or ever has been a member of any organization
21 which advocates or approves the commission of acts of force and
22 violence to overthrow the Government of the United States or of this
23 State, or which seeks to deny others their rights under the
24 Constitution of either the United States or the State of New Jersey,
25 whether he has ever been convicted of a crime or disorderly persons
26 offense, whether the person is subject to a restraining order issued
27 pursuant to the "Prevention of Domestic Violence Act of 1991",
28 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
29 possessing any firearm, whether the person is subject to a protective
30 order issued pursuant to the "Extreme Risk Protective Order Act of
31 2018", P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is
32 subject to a protective order issued pursuant to P.L.2021, c.327
33 (C.2C:12-14 et al.) prohibiting the person from possessing any
34 firearm, and other information as the superintendent shall deem
35 necessary for the proper enforcement of this chapter. For the purpose
36 of complying with this subsection, the applicant shall waive any
37 statutory or other right of confidentiality relating to institutional
38 confinement. The application shall be signed by the applicant and
39 shall contain as references the names and addresses of two reputable
40 citizens personally acquainted with him.

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

44 The chief police officer or the superintendent shall obtain the
45 fingerprints of the applicant and shall have them compared with any
46 and all records of fingerprints in the municipality and county in
47 which the applicant resides and also the records of the State Bureau
48 of Identification and the Federal Bureau of Investigation, provided

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

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

27 A firearms purchaser identification card issued prior to the
28 effective date of P.L. , c. (pending before the Legislature as this
29 bill) shall expire during the fourth calendar year following the effective
30 date of P.L. , c. (pending before the Legislature as this bill) and on
31 the same calendar day as the person's date of birth.

32 If the date of birth of the firearms purchaser identification card holder
33 does not correspond to a calendar day of the fourth calendar year, the
34 card shall expire on the last day of the birth month of the card holder.

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

41 The firearms purchaser identification card shall be void if the
42 holder becomes subject to any of the disabilities set forth in
43 subsection c. of this section, whereupon the card shall be void and
44 shall be returned within five days by the holder to the superintendent,
45 who shall then advise the licensing authority. Failure of the holder
46 to return the firearms purchaser identification card to the
47 superintendent within the five days shall be an offense under
48 subsection a. of N.J.S.2C:39-10. Any firearms purchaser

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 n. For the purposes of this section, "immediate family" means a
45 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
46 (C.26:8A-3), partner in a civil union couple as defined in section 2 of
47 P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent, sibling,

1 stepsibling, child, stepchild, and grandchild, as related by blood or
2 by law.

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

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill requires certain applicants for a permit to purchase a
11 handgun (PPH) or a firearms purchaser identification card (FPIC) to
12 demonstrate that, within four years prior to the date of the
13 application, the applicant satisfactorily completed a course of
14 instruction approved by the Superintendent of State Police in the
15 lawful and safe handling and storage of firearms.

16 An applicant for a PPH or an FPIC is required to demonstrate
17 compliance with this bill only once prior to obtaining either a PPH or
18 an FPIC. An applicant for a PPH is required to demonstrate
19 compliance with the provisions of this bill prior to obtaining the
20 applicant's first PPH, but only if the applicant has not already
21 demonstrated compliance prior to receiving an FPIC; an applicant is
22 not required to demonstrate compliance in order to obtain any
23 subsequent PPHs. In addition, an applicant for an FPIC is not
24 required to demonstrate compliance in order to replace an existing
25 FPIC or to renew an FPIC.

26 A person who obtained a PPH or an FPIC prior to the bill's
27 effective date would not be required to complete a course of
28 instruction.

29 The provisions of this bill are not applicable to an active or retired
30 law enforcement officer or a veteran who was honorably discharged
31 as a member of the United States Armed Forces or National Guard
32 and who received substantially equivalent training.

33 In addition, the bill provides that a firearms purchaser
34 identification card issued or renewed after the bill's effective date
35 would expire during the fourth calendar year following its date of
36 issuance and on the same calendar day as the card holder's date of
37 birth. The holder of a firearms purchaser identification card issued
38 prior to the bill's effective date would expire within four years of the
39 bill's enactment and on the same calendar day as the card holder's
40 date of birth. The bill further provides that a firearms purchaser
41 identification card may be renewed if the holder is not subject to any
42 of the statutory disabilities and after filing of a renewal application
43 and payment of the required fee.

44 Under current law, a firearms purchaser identification card is valid
45 indefinitely, unless the holder becomes subject to any of the
46 disabilities that disqualify a person for firearms ownership.