

[First Reprint]

## **ASSEMBLY, No. 4370**

# **STATE OF NEW JERSEY**

## **220th LEGISLATURE**

INTRODUCED JUNE 20, 2022

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

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

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

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

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

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

2

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

5

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

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

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

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

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

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

21 (b) between law enforcement officers;

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

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

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

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 23, 2022.

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

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

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

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

24 (b) between law enforcement officers;

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

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

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

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

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

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 repute  
48 in the community in which he lives, and who is not subject to any of

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

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

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

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

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

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

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

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

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

41 (9) To any person named on the consolidated Terrorist Watchlist  
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 Protective  
47 Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.); or

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

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

The applicant shall not be required to demonstrate completion of a course of instruction in order to obtain any subsequent permit to purchase a handgun <sup>1</sup>or a firearms purchaser identification card<sup>1</sup>, to replace an existing firearms purchaser identification card, or to renew a firearms purchaser identification card.

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

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

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

<sup>1</sup>A firearms purchaser identification card issued following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall display a color photograph and a thumb print of the card holder. A person who obtained a firearms purchaser identification card prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall not be required to obtain a firearm purchaser identification card that displays a color photograph and a thumb print. The superintendent shall establish guidelines as necessary to effectuate the issuance of firearms purchaser identification cards that display a color photograph and a thumb print of the card holder.<sup>1</sup>

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

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

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

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

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

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

39 **'[A firearms purchaser identification card issued prior to the**  
40 **effective date of P.L. , c. (pending before the Legislature as this**  
41 **bill) shall expire during the fourth calendar year following the**  
42 **effective date of P.L. , c. (pending before the Legislature as this**  
43 **bill) and on the same calendar day as the person's date of birth.】'**

44 If the date of birth of the firearms purchaser identification card  
45 holder does not correspond to a calendar day of the **'[fourth] tenth'**  
46 calendar year, the card shall expire on the last day of the birth month  
47 of the card holder.

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

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

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

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

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

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

45    i. Restriction on number of firearms person may purchase.  
46    Only one handgun shall be purchased or delivered on each permit  
47    and no more than one handgun shall be purchased within any 30-  
48    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  
18 exemption from the prohibition in this subsection pursuant to the  
19 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

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

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

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

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

46 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the  
47 sale or purchase of a visual distress signalling device approved by the  
48 United States Coast Guard, solely for possession on a private or

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

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

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

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

18

19 2. This act shall take effect immediately.