

[First Reprint]

ASSEMBLY, No. 5174

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Makes various changes to address sexual assault and child abuse and neglect involving military personnel; addresses protection, penalties, enforcement, jurisdiction, and victim compensation matters.

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on March 23, 2023, with amendments.



(Sponsorship Updated As Of: 2/13/2023)

1 AN ACT concerning sexual assault involving military personnel and
2 prevention, response, and penalties, and amending and
3 supplementing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
9 read as follows:

10 2. a. (1) Any person alleging to be a victim of nonconsensual
11 sexual contact, sexual penetration, or lewdness, or any attempt at
12 such conduct, and who is not eligible for a restraining order as a
13 "victim of domestic violence" as defined by the provisions of
14 subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), may,
15 except as provided in subsection b. of this section, file an
16 application with the Superior Court pursuant to the Rules of Court
17 alleging the commission of such conduct or attempted conduct and
18 seeking a temporary protective order.

19 As used in this section and in sections 3, 4, and 8 of P.L.2015,
20 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

21 "Sexual contact" means an intentional touching by the victim or
22 actor, either directly or through clothing, of the victim's or actor's
23 intimate parts for the purpose of degrading or humiliating the victim
24 or sexually arousing or sexually gratifying the actor.

25 "Sexual penetration" means vaginal intercourse, cunnilingus,
26 fellatio or anal intercourse between persons or insertion of the hand,
27 finger or object into the anus or vagina either by the actor or upon
28 the actor's instruction.

29 "Lewdness" means the exposing of the genitals for the purpose
30 of arousing or gratifying the sexual desire of the actor or of any
31 other person.

32 "Intimate parts" means the following body parts: sexual organs,
33 genital area, anal area, inner thigh, groin, buttock or breast of a
34 person.

35 (2) Except as provided in subsection b. of this section, an
36 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
37 be filed by the alleged victim's parent or guardian on behalf of the
38 alleged victim in any case in which the alleged victim:

39 (a) is less than 18 years of age; or

40 (b) has a developmental disability as defined in section 3 of
41 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
42 renders the alleged victim temporarily or permanently incapable of
43 understanding the nature of the alleged victim's conduct, including,
44 but not limited to, being incapable of providing consent.

45 b. (1) When it is alleged that nonconsensual sexual contact,
46 sexual penetration, or lewdness, or any attempt at such conduct, has

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 AMV committee amendments adopted March 23, 2023.

1 been committed by an unemancipated minor, an applicant seeking a
2 protective order shall not proceed under the provisions of P.L.2015,
3 c.147 (C.2C:14-13 et al.), but may seek a protective order and other
4 relief under the New Jersey Code of Juvenile Justice, P.L.1982, c.77
5 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
6 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

7 (2) When it is alleged that nonconsensual sexual contact, sexual
8 penetration, or lewdness, or any attempt at such conduct, has been
9 committed against an unemancipated minor by a parent, guardian,
10 or other person having care, custody and control of that child as
11 defined in N.J.S.9:6-2, an applicant seeking a protective order shall
12 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
13 al.), but shall report the incident to the Division of Child Protection
14 and Permanency in the Department of Children and Families for
15 investigation and possible legal action by the division pursuant to
16 R.S.9:6-1 et seq. or other applicable law, including, when
17 appropriate, petitioning the Superior Court pursuant to P.L.1974,
18 c.119 (C.9:6-8.21 et seq.) for a protective order and other relief on
19 behalf of the applicant and the unemancipated minor.

20 c. (1) An applicant may seek a protective order pursuant to
21 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
22 order regardless of whether criminal charges based on the incident
23 were filed and regardless of the disposition of any such charges.

24 (2) The filing of an application pursuant to this section shall not
25 prevent the filing of a criminal complaint, or the institution or
26 maintenance of a criminal prosecution based on the same act.

27 d. The court shall waive any requirement that the applicant's or
28 alleged victim's place of residence appear on the application.

29 e. An applicant may seek a protective order pursuant to
30 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
31 over the place where the alleged conduct or attempted conduct
32 occurred, where the respondent resides, or where the alleged victim
33 resides or is sheltered.

34 f. No fees or other costs shall be assessed against an applicant
35 for seeking a protective order pursuant to P.L.2015, c.147
36 (C.2C:14-13 et al.).

37 g. The court shall issue a temporary protective order, pursuant
38 to court rules, upon complaint of an applicant who is a service
39 member of the New Jersey National Guard or any Reserve
40 Component of the United States Armed Forces serving within the
41 State who is a victim of non-consensual sexual contact who has also
42 received a military protective order, or upon complaint of the Staff
43 Judge Advocate of the New Jersey National Guard or any Reserve
44 Component of the United States Armed Forces serving in the State
45 on behalf of a named victim who is a victim of non-consensual
46 sexual contact who has also received a military protective order.

47 (cf: P.L.2016, c.93, s.1)

2. Section 5 of P.L.2015, c.147 (C.2C:14-17) is amended to read as follows

5. a. Any temporary or final protective order issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued by ¹['a military tribunal'] an appropriate military authority¹ shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

b. When a law enforcement officer finds probable cause that a respondent has committed contempt of an order entered pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued by ¹['a military tribunal'] an appropriate military authority¹, the respondent shall be arrested and taken into custody. The court shall determine whether the respondent shall be released pending trial or detained pending a pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) and applicable court rules.

(cf: P.L.2015, c.147, s.5)

3. Section 6 of P.L.2015, c.147 (C.2C:14-18) is amended to read as follows:

6. a. A respondent's violation of any protective order issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued by ¹['a military tribunal'] an appropriate military authority¹ shall constitute an offense under subsection d. of N.J.S.2C:29-9 and each order shall so state. All contempt proceedings brought pursuant to subsection d. of N.J.S.2C:29-9 shall be subject to any rules or guidelines established by the Supreme Court to promote the prompt disposition of criminal matters.

b. Where a victim alleges that a respondent has committed contempt of a protective order entered pursuant to the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued by ¹['a military tribunal'] an appropriate military authority¹, but a law enforcement officer has found that the facts are insufficient to establish probable cause to arrest the respondent, the law enforcement officer shall advise the victim of the procedure for completing and signing a criminal complaint alleging a violation of subsection d. of N.J.S.2C:29-9 through the municipal court. Nothing in this section shall be construed to prevent the court from granting any other emergency relief it deems necessary.

c. If a respondent is charged with a non-indictable offense pursuant to paragraph (2) of subsection d. of N.J.S.2C:29-9 as a result of a violation of a protective order entered pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued by ¹['a military tribunal'] an appropriate military authority¹, the contempt proceedings for the non-indictable offense shall be heard in the Superior Court.

(cf: P.L.2016, c.93, s.2)

1 4. Section 8 of P.L.2015, c.147 (C.2C:14-20) is amended as
2 follows:

3 8. The Administrative Office of the Courts shall establish and
4 maintain a central registry of all protective orders issued pursuant to
5 P.L.2015, c.147 (C.2C:14-13 et al.) and all protective orders issued
6 by ¹[a military tribunal] an appropriate military authority¹ or a
7 foreign tribunal of a foreign country, and all persons who have been
8 charged with a violation of such a protective order. All records
9 made pursuant to this section shall be kept confidential and shall be
10 released only to:

11 a. A public agency authorized to investigate a report of
12 nonconsensual sexual contact, sexual penetration, or lewdness, or
13 any attempt at such conduct, or domestic violence;

14 b. A police or other law enforcement agency for official
15 purposes;

16 c. A court, upon its finding that access to such records may be
17 necessary for determination of an issue before the court;

18 d. A surrogate, in that person's official capacity as deputy clerk
19 of the Superior Court, in order to prepare documents that may be
20 necessary for a court to determine an issue in an adoption
21 proceeding; or

22 e. The Division of Child Protection and Permanency in the
23 Department of Children and Families when the division is
24 conducting a background investigation involving:

25 (1) an allegation of child abuse or neglect, to include any adult
26 member of the same household as the individual who is the subject
27 of the abuse or neglect allegation; or

28 (2) an out-of-home placement for a child being placed by the
29 Division of Child Protection and Permanency, to include any adult
30 member of the prospective placement household.

31 Any individual, agency, or court which receives from the
32 Administrative Office of the Courts the records referred to in this
33 section shall keep the records and reports, or parts thereof,
34 confidential and shall not disseminate or disclose such records and
35 reports, or parts thereof; provided that nothing in this section shall
36 prohibit a receiving individual, agency, surrogate or court from
37 disclosing records and reports, or parts thereof, in a manner
38 consistent with and in furtherance of the purpose for which the
39 records and reports or parts thereof were received.

40 Any individual who disseminates or discloses a record or report,
41 or parts thereof, of the central registry, other than for an official
42 purpose authorized by this section, for the investigation of an
43 alleged violation of a protective order issued pursuant to P.L.2015,
44 c.147 (C.2C:14-13 et al.), conducting a background investigation
45 involving a person's application for employment at a police or law
46 enforcement agency, making a determination of an issue before the
47 court, conducting a background investigation as specified in
48 subsection e. of this section, or for any other purpose other than that

1 which is authorized by law, the Rules of Court or court order, shall
2 be guilty of a crime of the fourth degree.

3 (cf: P.L.2015, c.147, s.8)

4
5 5. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended as
6 follows:

7 12. a. A victim may file a complaint alleging the commission of
8 an act of domestic violence with the Family Part of the Chancery
9 Division of the Superior Court in conformity with the Rules of
10 Court. The court shall not dismiss any complaint or delay
11 disposition of a case because the victim has left the residence to
12 avoid further incidents of domestic violence. Filing a complaint
13 pursuant to this section shall not prevent the filing of a criminal
14 complaint for the same act.

15 On weekends, holidays and other times when the court is closed,
16 a victim may file a complaint before a judge of the Family Part of
17 the Chancery Division of the Superior Court or a municipal court
18 judge who shall be assigned to accept complaints and issue
19 emergency, ex parte relief in the form of temporary restraining
20 orders pursuant to this act.

21 A plaintiff may apply for relief under this section in a court
22 having jurisdiction over the place where the alleged act of domestic
23 violence occurred, where the defendant resides, or where the
24 plaintiff resides or is sheltered, and the court shall follow the same
25 procedures applicable to other emergency applications. Criminal
26 complaints filed pursuant to this act shall be investigated and
27 prosecuted in the jurisdiction where the offense is alleged to have
28 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
29 shall be prosecuted in the county where the contempt is alleged to
30 have been committed and a copy of the contempt complaint shall be
31 forwarded to the court that issued the order alleged to have been
32 violated.

33 b. The court shall waive any requirement that the petitioner's
34 place of residence appear on the complaint.

35 c. (1) The clerk of the court, or other person designated by the
36 court, shall assist the parties in completing any forms necessary for
37 the filing of a summons, complaint, answer or other pleading.

38 (2) The plaintiff may provide information concerning firearms
39 to which the defendant has access, including the location of these
40 firearms, if known, on a form to be prescribed by the
41 Administrative Director of the Courts.

42 (3) Information provided by the plaintiff concerning firearms to
43 which the defendant has access shall be kept confidential and shall
44 not be disseminated or disclosed, provided that nothing in this
45 subsection shall prohibit dissemination or disclosure of this
46 information in a manner consistent with and in furtherance of the
47 purpose for which the information was provided.

1 d. Summons and complaint forms shall be readily available at
2 the clerk's office, at the municipal courts and at municipal and State
3 police stations.

4 e. As soon as the domestic violence complaint is filed, both the
5 victim and the abuser shall be advised of any programs or services
6 available for advice and counseling.

7 f. A plaintiff may seek emergency, ex parte relief in the nature
8 of a temporary restraining order. A municipal court judge or a
9 judge of the Family Part of the Chancery Division of the Superior
10 Court may enter an ex parte order when necessary to protect the
11 life, health or well-being of a victim on whose behalf the relief is
12 sought.

13 g. If it appears that the plaintiff is in danger of domestic
14 violence, the judge shall, upon consideration of the plaintiff's
15 domestic violence complaint, order emergency ex parte relief, in the
16 nature of a temporary restraining order. A decision shall be made
17 by the judge regarding the emergency relief forthwith.

18 h. A judge may issue a temporary restraining order upon sworn
19 testimony or complaint of an applicant who is not physically
20 present, pursuant to court rules, or by a person who represents a
21 person who is physically or mentally incapable of filing personally.
22 A temporary restraining order may be issued if the judge is satisfied
23 that exigent circumstances exist sufficient to excuse the failure of
24 the applicant to appear personally and that sufficient grounds for
25 granting the application have been shown.

26 The judge shall issue a temporary restraining order, pursuant to
27 court rules, upon complaint of an applicant who is a service member
28 of the New Jersey National Guard or any Reserve Component of the
29 United States Armed Forces serving within the State who is a
30 victim of non-consensual sexual contact who has also received a
31 military protective order, or upon complaint of the Staff Judge
32 Advocate of the New Jersey National Guard or any Reserve
33 Component of the United States Armed Forces serving in the State
34 on behalf of a named victim who is a victim of non-consensual
35 sexual contact who has also received a military protective order.

36 i. An order for emergency, ex parte relief shall be granted
37 upon good cause shown and shall remain in effect until a judge of
38 the Family Part issues a further order. Any temporary order
39 hereunder is immediately appealable for a plenary hearing de novo
40 not on the record before any judge of the Family Part of the county
41 in which the plaintiff resides or is sheltered if that judge issued the
42 temporary order or has access to the reasons for the issuance of the
43 temporary order and sets forth in the record the reasons for the
44 modification or dissolution. The denial of a temporary restraining
45 order by a municipal court judge and subsequent administrative
46 dismissal of the complaint shall not bar the victim from refiling a
47 complaint in the Family Part based on the same incident and
48 receiving an emergency, ex parte hearing de novo not on the record

1 before a Family Part judge, and every denial of relief by a
2 municipal court judge shall so state.

3 j. Emergency relief may include forbidding the defendant from
4 returning to the scene of the domestic violence, forbidding the
5 defendant from possessing any firearm or other weapon enumerated
6 in subsection r. of N.J.S.2C:39-1, ordering the search for and
7 seizure of any firearm or other weapon at any location where the
8 judge has reasonable cause to believe the weapon is located and the
9 seizure of any firearms purchaser identification card or permit to
10 purchase a handgun issued to the defendant and any other
11 appropriate relief.

12 If the order requires the surrender of any firearm or other
13 weapon, a law enforcement officer shall accompany the defendant,
14 or may proceed without the defendant if necessary, to the scene of
15 the domestic violence or any other location where the judge has
16 reasonable cause to believe any firearm or other weapon belonging
17 to the defendant is located, to ensure that the defendant does not
18 gain access to any firearm or other weapon, and that the firearm or
19 other weapon is appropriately surrendered in accordance with the
20 order. If the order prohibits the defendant from returning to the
21 scene of domestic violence or any other location where the judge
22 has reasonable cause to believe any firearm or other weapon
23 belonging to the defendant is located, any firearm or other weapon
24 located there shall be seized by a law enforcement officer. The
25 order shall include notice to the defendant of the penalties for a
26 violation of any provision of the order, including but not limited to
27 the penalties for contempt of court and unlawful possession of a
28 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
29 appropriate relief may include but is not limited to an order
30 directing the possession of any animal owned, possessed, leased,
31 kept, or held by either party or a minor child residing in the
32 household and providing that the animal shall not be disposed of
33 prior to entry of a final order pursuant to section 13 of P.L.1991,
34 c.261 (C.2C:25-29).

35 The judge shall state with specificity the reasons for and scope of
36 any search and seizure authorized by the order. The provisions of
37 this subsection prohibiting a defendant from possessing a firearm or
38 other weapon shall not apply to any law enforcement officer while
39 actually on duty, or to any member of the Armed Forces of the
40 United States or member of the National Guard while actually on
41 duty or traveling to or from an authorized place of duty.

42 k. The judge may permit the defendant to return to the scene of
43 the domestic violence to pick up personal belongings and effects
44 but shall, in the order granting relief, restrict the time and duration
45 of such permission and provide for police supervision of such visit.

46 l. An order granting emergency relief, together with the
47 complaint or complaints, shall immediately be forwarded to the
48 appropriate law enforcement agency for service on the defendant,
49 and to the police of the municipality in which the plaintiff resides or

1 is sheltered, and shall immediately be served upon the defendant by
2 the police, except that an order issued during regular court hours
3 may be forwarded to the sheriff for immediate service upon the
4 defendant in accordance with the Rules of Court. If personal
5 service cannot be effected upon the defendant, the court may order
6 other appropriate substituted service. At no time shall the plaintiff
7 be asked or required to serve any order on the defendant.

8 m. (Deleted by amendment, P.L.1994, c.94.)

9 n. Notice of temporary restraining orders issued pursuant to
10 this section shall be sent by the clerk of the court or other person
11 designated by the court to the appropriate chiefs of police, members
12 of the State Police and any other appropriate law enforcement
13 agency or court.

14 o. (Deleted by amendment, P.L.1994, c.94.)

15 p. Any temporary or final restraining order issued pursuant to
16 this act shall be in effect throughout the State, and shall be enforced
17 by all law enforcement officers.

18 q. Prior to the issuance of any temporary or final restraining
19 order issued pursuant to this section, the court shall order that a
20 search be made of the domestic violence central registry with regard
21 to the defendant's record.

22 (cf: P.L.2016, c.91, s.2)

23
24 6. Section 1 of P.L.1978, c.95 (C.2C:33-4) is amended to read
25 as follows:

26 1. Except as provided in subsection e., a person commits a
27 petty disorderly persons offense if, with purpose to harass another,
28 he:

29 a. Makes, or causes to be made, one or more communications
30 anonymously or at extremely inconvenient hours, or in offensively
31 coarse language, or any other manner likely to cause annoyance or
32 alarm;

33 b. Subjects another to striking, kicking, shoving, or other
34 offensive touching, or threatens to do so; or

35 c. Engages in any other course of alarming conduct or of
36 repeatedly committed acts with purpose to alarm or seriously annoy
37 such other person.

38 A communication under subsection a. may be deemed to have
39 been made either at the place where it originated or at the place
40 where it was received.

41 d. (Deleted by amendment, P.L.2001, c.443).

42 e. A person commits a crime of the fourth degree if, in
43 committing an offense under this section, he was serving a term of
44 imprisonment or was on parole or probation as the result of a
45 conviction of any indictable offense under the laws of this State,
46 any other state or the United States or he knowingly directs such
47 action to a current or former judge that relates to the performance of
48 the judge's public duties.

1 f. Engages in conduct after having been notified, in writing or
2 otherwise, while the person was a member of the National Guard,
3 not to engage in such conduct by a commanding officer. A person
4 violates this paragraph regardless of whether the person is a
5 member of the National Guard when the person engages in the
6 conduct and regardless of where the conduct occurs. The
7 notification not to engage in such conduct expires one year from the
8 date of issuance.

9 (cf: P.L.2021, c.327, s.1)

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

12 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

26 (b) between law enforcement officers;

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

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

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

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

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

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

47 (d) any record produced pursuant to this subsection shall not be
48 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
49 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, and first exhibits the card to the seller,
8 donor, transferor or assignor, and unless the purchaser, assignee,
9 donee, receiver or holder signs a written certification, on a form
10 prescribed by the superintendent, which shall indicate that he
11 presently complies with the requirements of subsection c. of this
12 section and shall contain his name, address and firearms purchaser
13 identification card number or dealer's registration number. The
14 certification shall be retained by the seller, as provided in paragraph
15 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
16 who is not a dealer, it may be filed with the chief of police of the
17 municipality in which he resides or with the superintendent.

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

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

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

27 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (6) To any person who is subject to a restraining order issued
35 pursuant to the "Prevention of Domestic Violence Act of 1991",
36 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
37 possessing any firearm or a substantially similar order issued by the
38 court of another state, tribe, United States territory, or military
39 tribunal;

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

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

1 (9) To any person named on the consolidated Terrorist Watchlist
2 maintained by the Terrorist Screening Center administered by the
3 Federal Bureau of Investigation;

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

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

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

22 The applicant shall not be required to demonstrate completion of
23 a course of instruction in order to obtain any subsequent permit to
24 purchase a handgun, to replace an existing firearms purchaser
25 identification card, or to renew a firearms purchaser identification
26 card.

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

35 A person who obtained a permit to purchase a handgun or a
36 firearms purchaser identification card prior to the effective date of
37 P.L.2022, c.58 shall not be required to complete a course of
38 instruction pursuant to this subsection.

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

45 A firearms purchaser identification card issued following the
46 effective date of P.L.2022, c.58 shall display a color photograph
47 and a thumb print of the card holder. A person who obtained a
48 firearms purchaser identification card prior to the effective date of
49 P.L.2022, c.58 shall not be required to obtain a firearm purchaser

1 identification card that displays a color photograph and a thumb
2 print. The superintendent shall establish guidelines as necessary to
3 effectuate the issuance of firearms purchaser identification cards
4 that display a color photograph and a thumb print of the card
5 holder.

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

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

1 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
2 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
3 et al.) prohibiting the person from possessing any firearm, and other
4 information as the superintendent shall deem necessary for the
5 proper enforcement of this chapter. For the purpose of complying
6 with this subsection, the applicant shall waive any statutory or other
7 right of confidentiality relating to institutional confinement. The
8 application shall be signed by the applicant and shall contain as
9 references the names and addresses of two reputable citizens
10 personally acquainted with him.

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

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

30 f. Granting of permit or identification card; fee; term; renewal;
31 revocation. The application for the permit to purchase a handgun
32 together with a fee of \$2, or the application for the firearms
33 purchaser identification card together with a fee of \$5, shall be
34 delivered or forwarded to the licensing authority who shall
35 investigate the same and, unless good cause for the denial thereof
36 appears, shall grant the permit or the identification card, or both, if
37 application has been made therefor, within 30 days from the date of
38 receipt of the application for residents of this State and within 45
39 days for nonresident applicants. A permit to purchase a handgun
40 shall be valid for a period of 90 days from the date of issuance and
41 may be renewed by the issuing authority for good cause for an
42 additional 90 days. A firearms purchaser identification card issued
43 or renewed after the effective date of P.L.2022, c.58 shall expire
44 during the tenth calendar year following its date of issuance and on
45 the same calendar day as the person's date of birth.

46 If the date of birth of the firearms purchaser identification card
47 holder does not correspond to a calendar day of the tenth calendar
48 year, the card shall expire on the last day of the birth month of the
49 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
4 to any of the disabilities set forth in subsection c. of this section and
5 complies with all other applicable requirements as set forth in
6 statute and regulation.

7 A firearms purchaser identification card issued prior to the
8 effective date of P.L.2022, c.58 shall not expire.

9 A firearms purchaser identification card shall be void if the
10 holder becomes subject to any of the disabilities set forth in
11 subsection c. of this section, whereupon the card shall be returned
12 within five days by the holder to the superintendent, who shall then
13 advise the licensing authority. Failure of the holder to return the
14 firearms purchaser identification card to the superintendent within
15 the five days shall be an offense under subsection a. of N.J.S.2C:39-
16 10. Any firearms purchaser identification card may be revoked by
17 the Superior Court of the county wherein the card was issued, after
18 hearing upon notice, upon a finding that the holder thereof no
19 longer qualifies for the issuance of the permit. The county
20 prosecutor of any county, the chief police officer of any
21 municipality or any citizen may apply to the court at any time for
22 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 or renewal of a permit or identification card, other
26 than those 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. (1)
32 Except as otherwise provided in paragraph (2) of this subsection,
33 the 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 (2) The requirements of this subsection concerning the delivery
46 and form of permit and disposition of copies shall not be applicable
47 when these functions may be completed by utilizing an electronic
48 system as described in paragraph (2) of subsection b. of
49 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

8 (2) a collector of handguns as curios or relics as defined in Title
9 18, United States Code, section 921 (a) (13) who has in his
10 possession a valid Collector of Curios and Relics License issued by
11 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

24 The provisions of this subsection shall not be construed to afford
25 or authorize any other exemption from the regulatory provisions
26 governing firearms set forth in chapter 39 and chapter 58 of Title
27 2C of the New Jersey Statutes;

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

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

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

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

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

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

24 o. Registration of handguns owned by new residents. Any
25 person who becomes a resident of this State following the effective
26 date of P.L.2022, c.52 and who transports into this State a firearm
27 that the person owned or acquired while residing in another state
28 shall apply for a firearm purchaser identification card within 60
29 days of becoming a New Jersey resident, and shall register any
30 handgun so transported into this State within 60 days as provided in
31 this subsection.

32 A person who registers a handgun pursuant to this subsection
33 shall complete a registration statement, which shall be in a form
34 prescribed by the superintendent. The information provided in the
35 registration statement shall include, but shall not be limited to, the
36 name and address of the person and the make, model, and serial
37 number of the handgun being registered. Each registration
38 statement shall be signed by the person, and the signature shall
39 constitute a representation of the accuracy of the information
40 contained in the registration statement.

41 The registration statement shall be submitted to the law
42 enforcement agency of the municipality in which the person resides
43 or, if the municipality does not have a municipal law enforcement
44 agency, any State Police station.

45 Within 60 days prior to the effective date of P.L.2022, c.52, the
46 superintendent shall prepare the form of registration statement as
47 described in this subsection and shall provide a suitable supply of
48 statements to each organized full-time municipal police department
49 and each State Police station.

1 A person who fails to apply for a firearm purchaser identification
2 card or register a handgun as required pursuant to this subsection
3 shall be granted 30 days to comply with the provisions of this
4 subsection. If the person does not comply within 30 days, the
5 person shall be liable to a civil penalty of \$250 for a first offense
6 and shall be guilty of a disorderly persons offense for a second or
7 subsequent offense.

8 If a person is in possession of multiple firearms or handguns in
9 violation of this subsection, the person shall be guilty of one
10 offense under this subsection provided the violation is a single
11 event.

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

19 (cf: P.L.2022, c.58, s.1)】¹

20

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

22 2C:58-3. a. Permit to purchase a handgun.

23 (1) A person shall not sell, give, transfer, assign or otherwise
24 dispose of, nor receive, purchase, or otherwise acquire a handgun
25 unless the purchaser, assignee, donee, receiver or holder is licensed as
26 a dealer under this chapter or has first secured a permit to purchase a
27 handgun as provided by this section.

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

32 The provisions of this paragraph shall not apply if the transaction
33 is:

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

36 (b) between law enforcement officers;

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

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

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

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

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

5 (c) a retail dealer may charge a fee for a transaction conducted
6 pursuant 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 b. Firearms purchaser identification card.

11 (1) A person shall not sell, give, transfer, assign or otherwise
12 dispose of nor receive, purchase or otherwise acquire an antique
13 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
14 unless the purchaser, assignee, donee, receiver or holder is licensed as
15 a dealer under this chapter or possesses a valid firearms purchaser
16 identification card, and first exhibits the card to the seller, donor,
17 transferor or assignor, and unless the purchaser, assignee, donee,
18 receiver or holder signs a written certification, on a form prescribed by
19 the superintendent, which shall indicate that the person presently
20 complies with the requirements of subsection c. of this section and
21 shall contain the person's name, address and firearms purchaser
22 identification card number or dealer's registration number. The
23 certification shall be retained by the seller, as provided in paragraph
24 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is
25 not a dealer, it may be filed with the chief police officer of the
26 municipality in which the person resides or with the superintendent.

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

32 The provisions of this paragraph shall not apply if the transaction
33 is:

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

36 (b) between law enforcement officers;

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

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

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

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

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

5 (c) a retail dealer may charge a fee, not to exceed \$70, for a
6 transaction conducted pursuant 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. Except as hereinafter provided, a person
11 shall not be denied a permit to purchase a handgun or a firearms
12 purchaser identification card, unless the person is known in the
13 community in which the person lives as someone who has engaged in
14 acts or made statements suggesting the person is likely to engage in
15 conduct, other than justified self-defense, that would pose a danger to
16 self or others, or is subject to any of the disabilities set forth in this
17 section or other sections of this chapter. A handgun purchase permit
18 or firearms purchaser identification card shall not be issued:

19 (1) To any person who has been convicted of: (a) any crime in this
20 State or its felony counterpart in any other state or federal jurisdiction;
21 or (b) a disorderly persons offense in this State involving an act of
22 domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-
23 19) or its felony or misdemeanor counterpart involving an act of
24 domestic violence as defined under a comparable statute in any other
25 state or federal jurisdiction, whether or not armed with or possessing a
26 weapon at the time of the offense;

27 (2) To any person who is presently confined for a mental disorder
28 as a voluntary admission as defined in section 2 of P.L.1987, c.116
29 (C.30:4-27.2) or who is presently involuntarily committed to inpatient
30 or outpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et
31 seq.);

32 (3) To any person who suffers from a physical defect or disease
33 which would make it unsafe for that person to handle firearms, to any
34 person with a substance use disorder involving drugs as defined in
35 section 2 of P.L.1970, c.226 (C.24:21-2), or to any alcoholic as
36 defined in section 2 of P.L.1975, c.305 (C.26:2B-8) unless any of the
37 foregoing persons produces a certificate of a medical doctor, treatment
38 provider, or psychiatrist licensed in New Jersey, or other satisfactory
39 proof, that the person is no longer suffering from that particular
40 disability in a manner that would interfere with or handicap that person
41 in the handling of firearms; to any person who knowingly falsifies any
42 information on the application form for a handgun purchase permit or
43 firearms purchaser identification card;

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

47 (5) To any person where the issuance would not be in the interest
48 of the public health, safety or welfare because the person is found to be

1 lacking the essential character of temperament necessary to be
2 entrusted with a firearm;

3 (6) To any person who is subject to or has violated a temporary or
4 final restraining order issued pursuant to the "Prevention of Domestic
5 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)
6 prohibiting the person from possessing any firearm **【or】**, a temporary
7 or final domestic violence restraining order issued in another
8 jurisdiction prohibiting the person from possessing any firearm, or a
9 substantially similar order issued by the court of another state, tribe,
10 United States territory, appropriate military authority, or military
11 tribunal;

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

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

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

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

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

32 (12) To any person who is subject to or has violated a temporary
33 or final restraining order issued pursuant to the "Sexual Assault
34 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et al.);

35 (13) To any person who has previously been voluntarily admitted
36 to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.)
37 or involuntarily committed to inpatient or outpatient treatment
38 pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court has
39 expunged the person's record pursuant to P.L.1953, c.268 (C.30:4-80.8
40 et seq.);

41 (14) To any person who is subject to an outstanding arrest warrant
42 for an indictable crime in this State or for a felony, other than a felony
43 to which section 1 of P.L.2022, c.50 (C.2A:160-14.1) would apply, in
44 any other state or federal jurisdiction; or

45 (15) To any person who is a fugitive from justice due to having
46 fled from any state or federal jurisdiction to avoid prosecution for a
47 crime, other than a crime to which section 1 of P.L.2022, c.50
48 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
49 criminal proceeding.

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

10 The applicant shall not be required to demonstrate completion of a
11 course of instruction in order to obtain any subsequent permit to
12 purchase a handgun, to replace an existing firearms purchaser
13 identification card, or to renew a firearms purchaser identification
14 card.

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

23 A person who obtained a permit to purchase a handgun or a
24 firearms purchaser identification card prior to the effective date of
25 P.L.2022, c.58 shall not be required to complete a course of instruction
26 pursuant to this subsection.

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

33 A firearms purchaser identification card issued following the
34 effective date of P.L.2022, c.58 shall display a color photograph and
35 be electronically linked to the fingerprints of the card holder. A
36 person who obtained a firearms purchaser identification card prior to
37 the effective date of P.L.2022, c.58 shall not be required to obtain a
38 firearms purchaser identification card that displays a color photograph
39 and is electronically linked to fingerprints. The superintendent shall
40 establish guidelines as necessary to effectuate the issuance of firearms
41 purchaser identification cards that display a color photograph and
42 which are electronically linked to the fingerprints of the card holder.

43 The requirements of this subsection concerning firearms purchaser
44 identification cards issued following the effective date of P.L.2022,
45 c.58 shall remain inoperative until such time as the superintendent
46 establishes a system to produce cards that comply with this
47 requirement and, until such time, applicants issued a firearms
48 purchaser identification card shall be provided with cards that do not
49 conform to the requirements of this section, which shall be afforded

1 full force and effect until such time as the system is established and a
2 compliant card is issued in accordance with this subsection. An
3 applicant issued a non-compliant firearms purchaser identification card
4 shall obtain a card, at no cost to the applicant, which conforms to the
5 requirements of this section no later than one year after receiving
6 notice that the system to produce cards that comply with this
7 requirement is operational.

8 If an application for a permit or identification card is denied, the
9 applicant shall be provided with a written statement of the reasons for
10 the denial. Any person aggrieved by the denial of a permit or
11 identification card may request a hearing in the Superior Court of the
12 county in which the person resides if the person is a resident of New
13 Jersey or in the Superior Court of the county in which the person's
14 application was filed if the person is a nonresident. The request for a
15 hearing shall be made in writing within 30 days of the denial of the
16 application for a permit or identification card. The applicant shall
17 serve a copy of the request for a hearing upon the chief police officer
18 of the municipality in which the person resides, if the person is a
19 resident of New Jersey, and upon the superintendent in all cases. The
20 hearing shall be held and a record made thereof within 60 days of the
21 receipt of the application for a hearing by the judge of the Superior
22 Court. No formal pleading and no filing fee shall be required as a
23 preliminary to a hearing. Appeals from the results of a hearing shall
24 be in accordance with law.

25 The Administrative Director of the Courts shall coordinate with the
26 superintendent in the development of an electronic filing system to
27 receive requests for hearings and serve the chief police officer and
28 superintendent as required in this section.

29 e. Applications. Applications for permits to purchase a handgun
30 and for firearms purchaser identification cards shall be in the form
31 prescribed by the superintendent and shall set forth the name,
32 residence, place of business, age, date of birth, occupation, sex, any
33 aliases or other names previously used by the applicant, gender, and
34 physical description, including distinguishing physical characteristics,
35 if any, of the applicant, and shall state whether the applicant is a
36 citizen, whether the applicant is an alcoholic as defined in section 2 of
37 P.L.1975, c. 305 (C. 26:2B-8) or is a drug-dependent person as defined
38 in section 2 of P.L.1970, c.226 (C.24:21-2), whether the applicant has
39 ever been confined or committed to a mental institution or hospital for
40 treatment or observation of a mental or psychiatric condition on a
41 temporary, interim or permanent basis, giving the name and location of
42 the institution or hospital and the dates of confinement or commitment,
43 whether the applicant has been attended, treated or observed by any
44 doctor or psychiatrist or at any hospital or mental institution on an
45 inpatient or outpatient basis for any mental or psychiatric condition,
46 giving the name and location of the doctor, psychiatrist, hospital or
47 institution and the dates of the occurrence, whether the applicant
48 presently or ever has been a member of any organization which
49 advocates or approves the commission of acts of force and violence to

1 overthrow the Government of the United States or of this State, or
2 which seeks to deny others their rights under the Constitution of either
3 the United States or the State of New Jersey, whether the applicant has
4 ever been convicted of a crime or disorderly persons offense in this
5 State or felony or misdemeanor in any other state or federal
6 jurisdiction, whether the applicant is subject to a restraining order
7 issued pursuant to the "Prevention of Domestic Violence Act of 1991",
8 P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered under the
9 provisions of a substantially similar statute under the laws of another
10 jurisdiction prohibiting the applicant from possessing any firearm,
11 whether the applicant is subject to a restraining order issued pursuant
12 to the "Sexual Assault Survivor Protection Act of 2015," P.L.2015,
13 c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a
14 substantially similar statute under the laws of another jurisdiction,
15 whether the applicant is subject to a protective order issued pursuant to
16 the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
17 (C.2C:58-20 et al.), whether the applicant is subject to a protective
18 order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.)
19 prohibiting the applicant from possessing any firearm, and other
20 information as the superintendent shall deem necessary for the proper
21 enforcement of this chapter. For the purpose of complying with this
22 subsection, the applicant shall waive any statutory or other right of
23 confidentiality relating to institutional confinement. The application
24 shall be signed by the applicant and shall contain as references the
25 names and addresses of two reputable citizens personally acquainted
26 with the applicant.

27 An applicant for a permit to purchase a handgun shall also certify,
28 with respect to each handgun listed on the form, whether the applicant
29 is purchasing the handgun on the applicant's own behalf or, if not, that
30 the purchase is being made on behalf of a third party to whom the
31 applicant may lawfully transfer the handgun.

32 Application blanks shall be obtainable from the superintendent,
33 from any other officer authorized to grant a permit or identification
34 card, and from licensed retail dealers, or shall be made available
35 through an online process established or made available by the
36 superintendent.

37 The chief police officer or the superintendent shall obtain the
38 fingerprints of the applicant and shall have them compared with any
39 and all records of fingerprints in the municipality and county in which
40 the applicant resides and also the records of the State Bureau of
41 Identification and the Federal Bureau of Investigation, provided that an
42 applicant for a handgun purchase permit who possesses a valid
43 firearms purchaser identification card, or who has previously obtained
44 a handgun purchase permit from the same licensing authority for
45 which the applicant was previously fingerprinted, and who provides
46 other reasonably satisfactory proof of the applicant's identity, need not
47 be fingerprinted again; however, the chief police officer or the
48 superintendent shall proceed to investigate the application to determine

1 whether or not the applicant has become subject to any of the
2 disabilities set forth in this chapter.

3 f. Granting of permit or identification card; fee; term; renewal;
4 revocation. The application for the permit to purchase a handgun
5 together with a fee of \$25, or the application for the firearms purchaser
6 identification card together with a fee of \$50, shall be delivered or
7 forwarded to the licensing authority who, upon determining that the
8 application is complete, shall investigate the same and, provided the
9 requirements of this section are met, shall grant the permit or the
10 identification card, or both, if application has been made therefor,
11 within 30 days from the date of receipt of the completed application
12 for residents of this State and within 45 days for nonresident
13 applicants. A permit to purchase a handgun shall be valid for a period
14 of 90 days from the date of issuance and may be renewed by the
15 issuing authority for good cause for an additional 90 days. A firearms
16 purchaser identification card issued or renewed after the effective date
17 of P.L.2022, c.58 shall expire during the tenth calendar year following
18 its date of issuance and on the same calendar day as the person's date
19 of birth.

20 If the date of birth of the firearms purchaser identification card
21 holder does not correspond to a calendar day of the tenth calendar
22 year, the card shall expire on the last day of the birth month of the card
23 holder.

24 A firearms purchaser identification card issued pursuant to this
25 section may be renewed upon filing of a renewal application and
26 payment of the required fee, provided that the holder is not subject to
27 any of the disabilities set forth in subsection c. of this section and
28 complies with all other applicable requirements as set forth in statute
29 and regulation. If an application for renewal of a firearms purchaser
30 identification card is denied, the applicant shall be provided with a
31 written statement of the reasons for the denial. Any person aggrieved
32 by the denial of an application for renewal of a firearms purchaser
33 identification card may request a hearing in the Superior Court of the
34 county in which the person resides if the person is a resident of New
35 Jersey or in the Superior Court of the county in which the person's
36 application was filed if the person is a nonresident. The request for a
37 hearing shall be made in writing within 30 days of the denial of the
38 application for renewal of the firearms purchaser identification card.
39 The applicant shall serve a copy of the request for a hearing upon the
40 chief police officer of the municipality in which the applicant resides,
41 if the person is a resident of New Jersey, and upon the superintendent
42 in all cases. The hearing shall be held and a record made thereof
43 within 60 days of the receipt of the application for a hearing by the
44 judge of the Superior Court. A formal pleading and filing fee shall not
45 be required as a preliminary to a hearing. Appeals from the results of
46 a hearing shall be in accordance with law.

47 The Administrative Director of the Courts shall coordinate with the
48 superintendent in the development of an electronic filing system to

1 receive requests for hearings and serve the chief police officer and
2 superintendent as required in this section.

3 A firearms purchaser identification card issued prior to the
4 effective date of P.L.2022, c.58 shall not expire.

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

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

22 g. Disposition of fees. All fees for permits shall be paid to the
23 State Treasury for deposit into the Victims of Crime Compensation
24 Office account if the permit is issued by the superintendent, to the
25 municipality if issued by the chief police officer, and to the county
26 treasurer if issued by the judge of the Superior Court.

27 h. Form of permit; establishment of a web portal; disposition of
28 the completed information. (1) Except as otherwise provided in
29 paragraph (2) of this subsection, the permit shall be in the form
30 prescribed by the superintendent and shall be issued to the applicant
31 electronically through e-mail or the web portal established or
32 designated for this purpose by the superintendent or in such form or
33 manner as may be authorized by the superintendent. Prior to the time
34 the applicant receives the handgun from the seller, the applicant shall
35 provide to the seller an acknowledgement of the permit in the form
36 required under the process established by the superintendent, and the
37 seller shall complete all of the information required on the web portal.
38 This information shall be forwarded to the superintendent through the
39 web portal, or in such other manner as may be authorized by the
40 superintendent, and to the chief police officer of the municipality in
41 which the purchaser resides, except that in a municipality having no
42 chief police officer, the information shall be forwarded to the
43 superintendent. The purchaser shall retain a copy of the completed
44 information and the seller shall retain a copy of the completed
45 information as a permanent record.

46 A transfer of a handgun between or among immediate family
47 members, law enforcement officers, or collectors of firearms or
48 ammunition as curios or relics shall be conducted via the web portal
49 established or designated by the superintendent, which shall include

1 among other things a certification that the seller and purchaser are in
2 fact immediate family members, law enforcement officers, or
3 collectors of firearms or ammunition as curios or relics.

4 (2) The requirements of this subsection concerning the delivery
5 and form of permit and disposition of copies shall not be applicable
6 when these functions may be completed by utilizing an electronic
7 system as described in paragraph (2) of subsection b. of N.J.S.2C:58-2
8 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

16 (2) a collector of handguns as curios or relics as defined in Title
17 18, United States Code, section 921 (a) (13) who has in the collector's
18 possession a valid Collector of Curios and Relics License issued by the
19 federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

24 (5) any transaction where the person has purchased a handgun
25 from a licensed retail dealer and has returned that handgun to the
26 dealer in exchange for another handgun within 30 days of the original
27 transaction, provided the retail dealer reports the exchange transaction
28 to the superintendent; or

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

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

36 A person shall not be restricted as to the number of rifles or
37 shotguns the person may purchase, provided the person possesses a
38 valid firearms purchaser identification card and provided further that
39 the person signs the certification required in subsection b. of this
40 section for each transaction.

41 j. Firearms passing to heirs or legatees. Notwithstanding any
42 other provision of this section concerning the transfer, receipt or
43 acquisition of a firearm, a permit to purchase or a firearms purchaser
44 identification card shall not be required for the passing of a firearm
45 upon the death of an owner thereof to the owner's heir or legatee,
46 whether the same be by testamentary bequest or by the laws of
47 intestacy. The person who shall so receive, or acquire the firearm
48 shall, however, be subject to all other provisions of this chapter. If the
49 heir or legatee of the firearm does not qualify to possess or carry it, the

1 heir or legatee may retain ownership of the firearm for the purpose of
2 sale for a period not exceeding 180 days, or for a further limited period
3 as may be approved by the chief law enforcement officer of the
4 municipality in which the heir or legatee resides or the superintendent,
5 provided that the firearm is in the custody of the chief law enforcement
6 officer of the municipality or the superintendent during that period.

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

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

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

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

28 o. Registration of handguns owned by new residents. Any person
29 who becomes a resident of this State following the effective date of
30 P.L.2022, c.52 and who transports into this State a firearm that the
31 person owned or acquired while residing in another state shall apply
32 for a firearms purchaser identification card within 60 days of
33 becoming a New Jersey resident, and shall register any handgun so
34 transported into this State within 60 days as provided in this
35 subsection.

36 A person who registers a handgun pursuant to this subsection shall
37 complete a registration statement, which shall be in a form prescribed
38 by the superintendent. The information provided in the registration
39 statement shall include, but shall not be limited to, the name and
40 address of the person and the make, model, and serial number of the
41 handgun being registered. Each registration statement shall be signed
42 by the person, and the signature shall constitute a representation of the
43 accuracy of the information contained in the registration statement.

44 The registration statement shall be submitted to the law
45 enforcement agency of the municipality in which the person resides or,
46 if the municipality does not have a municipal law enforcement agency,
47 any State Police station.

48 Within 60 days prior to the effective date of P.L.2022, c.52, the
49 superintendent shall prepare the form of registration statement as

1 described in this subsection and shall provide a suitable supply of
2 statements to each organized full-time municipal police department
3 and each State Police station.

4 A person who fails to apply for a firearms purchaser identification
5 card or register a handgun as required pursuant to this subsection shall
6 be granted 30 days to comply with the provisions of this subsection. If
7 the person does not comply within 30 days, the person shall be liable
8 to a civil penalty of \$250 for a first offense and shall be guilty of a
9 disorderly persons offense for a second or subsequent offense.

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

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

20 p. A chief police officer or the superintendent may delegate to
21 subordinate officers or employees of the law enforcement agency the
22 responsibilities established pursuant to this section.¹

23 (cf: P.L.2022, c.131, s.2)

24
25 8. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
26 as follows:

27 3. a. Any employee of an employer in the State who was a
28 victim of an incident of domestic violence as defined in section 3 of
29 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
30 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
31 parent-in-law, sibling, grandparent, grandchild, child, parent,
32 spouse, domestic partner, or civil union partner individual, or any
33 other individual related by blood to the employee, and any other
34 individual that the employee shows to have a close association with
35 the employee which is the equivalent of a family relationship, was a
36 victim shall be entitled to unpaid leave of no more than 20 days in
37 one 12-month period, to be used in the 12-month period next
38 following any incident of domestic violence or any sexually violent
39 offense as provided in this section. For purposes of this section,
40 each incident of domestic violence or any sexually violent offense
41 shall constitute a separate offense for which an employee is entitled
42 to unpaid leave, provided that the employee has not exhausted the
43 allotted 20 days for the 12-month period. The unpaid leave may be
44 taken intermittently in intervals of no less than one day, as needed
45 for the purpose of engaging in any of the following activities as
46 they relate to the incident of domestic violence or sexually violent
47 offense:

48 (1) seeking medical attention for, or recovering from, physical
49 or psychological injuries caused by domestic or sexual violence to

1 the employee or the employee's parent-in-law, sibling, grandparent,
2 grandchild, child, parent, spouse, domestic partner, or civil union
3 partner individual, or any other individual related by blood to the
4 employee, and any other individual that the employee shows to
5 have a close association with the employee which is the equivalent
6 of a family relationship;

7 (2) obtaining services from a victim services organization for
8 the employee or the employee's parent-in-law, sibling, grandparent,
9 grandchild, child, parent, spouse, domestic partner, or civil union
10 partner individual, or any other individual related by blood to the
11 employee, and any other individual that the employee shows to
12 have a close association with the employee which is the equivalent;

13 (3) obtaining psychological or other counseling for the
14 employee or the employee's parent-in-law, sibling, grandparent,
15 grandchild, child, parent, spouse, domestic partner, or civil union
16 partner individual, or any other individual related by blood to the
17 employee, and any other individual that the employee shows to
18 have a close association with the employee which is the equivalent
19 of a family relationship;

20 (4) participating in safety planning, temporarily or permanently
21 relocating, or taking other actions to increase the safety of the
22 employee or the employee's parent-in-law, sibling, grandparent,
23 grandchild, child, parent, spouse, domestic partner, or civil union
24 partner individual, or any other individual related by blood to the
25 employee, and any other individual that the employee shows to
26 have a close association with the employee which is the equivalent
27 of a family relationship, from future domestic or sexual violence or
28 to ensure economic security;

29 (5) seeking legal assistance or remedies to ensure the health and
30 safety of the employee or the employee's parent-in-law, sibling,
31 grandparent, grandchild, child, parent, spouse, domestic partner, or
32 civil union partner, individual, or any other individual related by
33 blood to the employee, and any other individual that the employee
34 shows to have a close association with the employee which is the
35 equivalent of a family relationship, including preparing for, or
36 participating in, any civil **[or]** , criminal, or military legal
37 proceeding related to or derived from domestic or sexual violence;
38 or

39 (6) attending, participating in, or preparing for a criminal **[or]** ,
40 civil court, or military proceeding relating to an incident of
41 domestic or sexual violence of which the employee or the
42 employee's parent-in-law, sibling, grandparent, grandchild, child,
43 parent, spouse, domestic partner, or civil union partner, or any other
44 individual related by blood to the employee, and any other
45 individual that the employee shows to have a close association with
46 the employee which is the equivalent of a family relationship, was a
47 victim.

48 An eligible employee may elect to use any of the accrued paid
49 vacation leave, personal leave, or medical or sick leave of the

1 employee, or any family temporary disability leave benefits
2 provided pursuant to section 3 of P.L.1948, c.110 (C.43:21-27),
3 during any part of the 20-day period of unpaid leave provided under
4 this subsection. In such case, any paid leave provided by the
5 employer, and accrued pursuant to established policies of the
6 employer, or family temporary disability leave benefits, shall run
7 concurrently with the unpaid leave provided under this subsection
8 and, accordingly, the employee shall receive pay pursuant to the
9 employer's applicable paid leave policy, or family temporary
10 disability leave benefits, during the period of otherwise unpaid
11 leave. If an employee requests leave for a reason covered by both
12 this subsection and the "Family Leave Act," P.L.1989, c.261
13 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act
14 of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.), the leave shall
15 count simultaneously against the employee's entitlement under each
16 respective law.

17 Leave granted under this section shall not conflict with any
18 rights pursuant to the "Family Leave Act," P.L.1989, c.261
19 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law,"
20 P.L.1948, c.110 (C.43:21-25 et al.), or the federal "Family and
21 Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et
22 seq.).

23 b. Prior to taking the leave provided for in this section, an
24 employee shall, if the necessity for the leave is foreseeable, provide
25 the employer with written notice of the need for the leave, unless an
26 emergency or other unforeseen circumstances precludes prior
27 notice. The notice shall be provided to the employer as far in
28 advance as is reasonable and practical under the circumstances.

29 c. Nothing contained in this act shall be construed to prohibit
30 an employer from requiring that a period of leave provided pursuant
31 to this section be supported by the employee with documentation of
32 the domestic violence or sexually violent offense which is the basis
33 for the leave. If the employer requires the documentation, the
34 employee shall be regarded as having provided sufficient
35 documentation if the employee provides one or more of the
36 following:

37 (1) a domestic violence restraining order or other documentation
38 of equitable relief issued by a court of competent jurisdiction or
39 military protective order issued by ¹["a military tribunal"] an
40 appropriate military authority¹;

41 (2) a letter or other written documentation from the county or
42 municipal prosecutor documenting the domestic violence or
43 sexually violent offense;

44 (3) documentation of the conviction of a person for the domestic
45 violence or sexually violent offense;

46 (4) medical documentation of the domestic violence or sexually
47 violent offense;

48 (5) certification from a certified Domestic Violence Specialist or
49 the director of a designated domestic violence agency or Rape

1 Crisis Center, that the employee or employee's parent-in-law,
2 sibling, grandparent, grandchild, child, parent, spouse, domestic
3 partner, or civil union partner, or any other individual related by
4 blood to the employee, and any other individual that the employee
5 shows to have a close association with the employee which is the
6 equivalent of a family relationship, is a victim of domestic violence
7 or a sexually violent offense; or

8 (6) other documentation or certification of the domestic violence
9 or sexually violent offense provided by a social worker, member of
10 the clergy, shelter worker, military family advocacy program, or
11 other professional who has assisted the employee or employee's
12 parent-in-law, sibling, grandparent, grandchild, child, parent,
13 spouse, domestic partner, or civil union partner, or any other
14 individual related by blood to the employee, and any other
15 individual that the employee shows to have a close association with
16 the employee which is the equivalent of a family relationship, in
17 dealing with the domestic violence or sexually violent offenses.

18 For the purposes of this subsection:

19 "Certified Domestic Violence Specialist" means a person who
20 has fulfilled the requirements of certification as a Domestic
21 Violence Specialist established by the New Jersey Association of
22 Domestic Violence Professionals; and "designated domestic
23 violence agency" means a county-wide organization with a primary
24 purpose to provide services to victims of domestic violence, and
25 which provides services that conform to the core domestic violence
26 services profile as defined by the Division of Child Protection and
27 Permanency in the Department of Children and Families and is
28 under contract with the division for the express purpose of
29 providing the services.

30 "Rape Crisis Center" means an office, institution, or center
31 offering assistance to victims of sexual offenses through crisis
32 intervention, medical and legal information, and follow-up
33 counseling.

34 d. An employer shall display conspicuous notice of its
35 employees' rights and obligations pursuant to the provisions of this
36 act, in such form and in such manner as the Commissioner of Labor
37 and Workforce Development shall prescribe, and use other
38 appropriate means to keep its employees so informed.

39 e. No provision of this act shall be construed as requiring or
40 permitting an employer to reduce employment benefits provided by
41 the employer or required by a collective bargaining agreement
42 which are in excess of those required by this act. Nor shall any
43 provision of this act be construed to prohibit the negotiation and
44 provision through collective bargaining agreements of leave
45 policies or benefit programs which provide benefits in excess of
46 those required by this act. This provision shall apply irrespective of
47 the date that a collective bargaining agreement takes effect.

48 Nothing contained in this act shall be construed as permitting an
49 employer to:

1 (1) rescind or reduce any employment benefit accrued prior to
2 the date on which the leave taken pursuant to this act commenced;
3 or

4 (2) rescind or reduce any employment benefit, unless the
5 rescission or reduction of the benefit is based on changes that would
6 have occurred if an employee continued to work without taking the
7 leave provided pursuant to this section.

8 f. All information provided to an employer pursuant to
9 subsection c. of this section, and any information regarding a leave
10 taken pursuant to this section and any failure of an employee to
11 return to work, shall be retained in the strictest confidentiality,
12 unless the disclosure is voluntarily authorized in writing by the
13 employee or is required by a federal or State law, rule, or
14 regulation.

15 (cf: P.L.2019, c.37, s.4)

16
17 9. Section 2 of P.L.1993, c.281 (C.38A:3-2b3) is amended to
18 read as follows

19 2. The Adjutant General of the Department of Military and
20 Veterans' Affairs shall:

21 a. develop economic criteria for determining eligibility for
22 financial assistance pursuant to the program established by this act;

23 **[and]**

24 b. promulgate rules and regulations pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.) necessary to implement the provisions of this act; and

27 c. provide current and former members of the National Guard
28 who were the victims of sexual assault or sexual harassment while
29 members of the National Guard and who are involved in
30 administrative or New Jersey Code of Military Justice proceedings
31 related to the sexual assault or sexual harassment with financial
32 assistance to fully cover the expenses of traveling to and from and
33 participating in those proceedings.

34 (cf: P.L.1993, c.281, s.2)

35
36 10. (New section) (Supplementing P.L.1991, c.261; C.2C:25-
37 17 et seq.)

38 a. A person entitled to protection under an order of protection
39 issued by the court of another state, tribe, **'[or]'** United States
40 territory, **'[or]'** military tribunal **'**, or military protective order
41 issued by an appropriate military authority' may file a certified copy
42 of the order of protection with the clerk of the Superior Court
43 pursuant to the Rules of Court in a judicial vicinage in which the
44 person believes that enforcement may be necessary.

45 b. The New Jersey National Guard shall file a certified copy of
46 any military order of protection with the clerk of the Superior Court
47 pursuant to the Rules of Court in a judicial vicinage in which the
48 person entitled to protection resides or if the person entitled to

1 protection is not a State resident, in a judicial vicinage in which it is
2 believed that enforcement may be necessary.

3 c. The clerk shall:

4 (1) treat the order of protection in the same manner as a
5 judgment of the Superior Court in accordance with the provisions of
6 the Uniform Enforcement of Foreign Judgments Act (2A:49A-25),
7 except that the clerk shall not mail notice of the filing of the order
8 to the respondent named in the order; and

9 (2) on the same day that an order of protection is filed, file a
10 certified copy of that order with the sheriff or other law
11 enforcement officials charged with maintaining New Jersey State
12 Police records.

13 d. Neither residence in this State nor filing of an order of
14 protection shall be required for enforcement of the order by this
15 State. Failure to file the order shall not be an impediment to its
16 treatment in all respects as a New Jersey protective order.

17 e. The clerk shall not charge a fee to file an order of protection
18 under this section.

19

20 11. (New section) (Supplementing chapter 154 of Title 2A of
21 the New Jersey Statutes)

22 Full-time civilian law enforcement officers employed by the
23 Defense Criminal Investigative Service, Army Criminal
24 Investigation Division, Naval Criminal Investigative Service, or Air
25 Force Office of Special Investigations who are empowered to effect
26 an arrest with or without a warrant for violations of the United
27 States Code and who are authorized to carry firearms in the
28 performance of their duties shall be empowered to act as an officer
29 for the arrest of offenders against the laws of this State:

30 a. when the person reasonably believes that a crime of the first,
31 second, or third degree is or is about to be committed or attempted
32 in the officer's presence; and

33 b. when the person reasonably believes that a crime of the fourth
34 degree relating to criminal sexual contact, harassment, or stalking is
35 or is about to be committed or attempted in the officer's presence
36 on a military installation, or off a military installation by a service
37 member against another person, regardless of whether or not either
38 person was on or off duty at the time of the alleged assault, while
39 that officer is in the performance of official duties.

40

41 12. (New section) (Supplementing chapter 10 of Title 38A of
42 the New Jersey Statutes)

43 Any person subject the provisions of chapter 10 of Title 38A of
44 the New Jersey Statutes who commits an offense prohibited under
45 N.J.S. 2C:33-4 shall be found guilty of that offense by a military
46 court in accordance with chapter 10 of Title 38A of the New Jersey
47 Statutes. Any person found guilty of an offense prohibited under
48 N.J.S. 2C:33-4 shall be punished as a court-martial may direct.

1 13. (New section) (Supplementing P.L.1971, c. 317; C.52:4B-
2 3.5) a. An application submitted to the Victims of Crime
3 Compensation Office for a claim by a military personnel victim
4 based on a sexual assault by another military personnel shall not be
5 denied solely because it was not reported to a superior officer or
6 law enforcement officer at the time of the crime.

7 b. Factors that the office shall consider for purposes of
8 determining if a claim qualifies for compensation include, but are
9 not limited to, evidence of the following:

10 (1) restricted or unrestricted reports to a military victim
11 advocate, sexual assault response coordinator, chaplain, attorney, or
12 other military personnel.

13 (2) medical or physical evidence consistent with sexual assault.

14 (3) a written or oral report from military law enforcement or a
15 civilian law enforcement agency concluding that a sexual assault
16 crime was committed against the victim.

17 (4) a letter or other written statement from a sexual assault
18 counselor, licensed therapist, or mental health counselor, stating
19 that the victim is seeking services related to the allegation of sexual
20 assault.

21 (5) a credible witness to whom the victim disclosed the details
22 that a sexual assault crime occurred.

23 (6) a restraining order from a military or civilian court against
24 the perpetrator of the sexual assault.

25 (7) other behavior by the victim consistent with sexual assault.

26 c. For purposes of this section, the sexual assault at issue shall
27 have occurred during military service including deployment.

28 d. For purposes of this section, the sexual assault may have been
29 committed off base.

30 e. For purposes of this section, a “perpetrator” means an
31 individual who is any of the following at the time of the sexual
32 assault:

33 (1) an active duty military personnel from the United States
34 Army, Navy, Marine Corps, Air Force, Space Force, or Coast
35 Guard.

36 (2) a civilian employee of any military branch specified in
37 paragraph (1), military base or installation, or military deployment.

38 (3) a contractor or agent of a private military or private security
39 company.

40 (4) a member of the New Jersey National Guard.

41
42 14. (New section) (Supplementing P.L.1971, c.437; C.9:6-
43 8.8.10g.)

44 a. If a report is accepted as a credible allegation of domestic
45 abuse or child abuse or neglect as defined by the Department of
46 Children and Families, the department shall collect information
47 concerning the military status of the spouse, intimate partner,
48 parent, or guardian of the child who is the subject of the report and
49 shall share information about the allegation with the appropriate

1 military authorities in accordance with the memorandum or
2 understanding described in this section.

3 b. The department shall enter into a memorandum of
4 understanding with the military family advocacy program at a local
5 military installation with respect to interpersonal violence and child
6 abuse and neglect investigations.

7 c. For the purposes of this section, “military family advocacy
8 program” means the program established by the United States
9 Department of Defense to address child abuse and neglect in
10 military families.

11 d. Such memorandum of understanding shall establish
12 procedures and protocols for matters including, but not limited to:
13 (1) identifying an individual credibly alleged to have committed
14 abuse or neglect as military personnel; (2) identifying appropriate
15 circumstances for reporting to the military family advocacy
16 program without reducing likelihood of reporting or creating undue
17 risk to the health or wellbeing of the spouse, intimate partner,
18 parent, guardian, or child; (3) reporting to a military family
19 advocacy program when an investigation implicating military
20 personnel has been initiated; and 4) maintaining confidentiality
21 requirements under State and federal law.

22

23 15. (New section) (Supplementing chapter 10 of the Title 38A of
24 the New Jersey Statutes)

25 Notwithstanding any other provision of law to the contrary, the
26 State may exercise concurrent jurisdiction with the United States
27 over a military installation of the United States Department of
28 Defense located within the State in any matter relating to a violation
29 of federal law or the Uniform Code of Military Justice, if all the
30 following criteria are met:

31 (1) the United States waives exclusive jurisdiction;

32 (2) the case or allegation pertains to sexual assault; and

33 (3) the violation of federal law is also a crime or offense under
34 Title 2C of the New Jersey Statutes.

35 The Sexual Assault Response Coordinator of the Department of
36 Military and Veterans Affairs may enter into a memorandum of
37 understanding with the appropriate military authorities to effectuate
38 the purposes of this subsection.

39

40 16. (New section) (Supplementing chapter 30 of Title 52 of the
41 Revised Statutes)

42 a. Notwithstanding any other provision of law to the contrary,
43 upon acceptance by the Governor or any other State official
44 department or agency of relinquishment by the United States, the
45 State shall exercise concurrent jurisdiction with the United States
46 over a military installation of the United States within the State on
47 and over land or lands ceded in any matter related to a violation of
48 federal or State law involving any child or juvenile, within the
49 limits and extent of those lands.

1 b. The State of New Jersey shall retain concurrent jurisdiction
2 over a military installation of the United States in all civil, juvenile,
3 and domestic relations processes in all cases, and such criminal,
4 juvenile, and domestic relations or other processes as may issue
5 under the laws or authority of the State of New Jersey against any
6 person may be executed therein in the same way and manner as if
7 the consent had not been given or jurisdiction ceded. The provisions
8 of this section shall apply to the relinquishment of jurisdiction
9 acquired by the United States under the provisions of any cessions
10 enacted for a military purpose of the United States.

11
12 17. This act shall take effect immediately but shall be
13 inoperative until the first day of the fourth ¹month¹ next following
14 enactment, except the Department of Military and Veterans Affairs,
15 Department of Children and Families, and the Department of Law
16 and Public Safety may take any anticipatory administrative action in
17 advance as shall be necessary for the implementation of this act.