

SENATE, No. 1204

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Pou, Ruiz and Cunningham

SYNOPSIS

Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register handguns acquired out-of-State.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2022)

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

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

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

8 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

22 (b) between law enforcement officers;

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

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

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

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

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

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

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

44 b. Firearms purchaser identification card.

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

Matter underlined thus is new matter.

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

17 (2) A person who is not a licensed retail dealer and sells, gives,
18 transfers, assigns, or otherwise disposes of, or receives, purchases or
19 otherwise acquires an antique cannon or a rifle or shotgun pursuant to
20 this section shall conduct the transaction through a licensed retail
21 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 in
29 their possession a valid Collector of Curios and Relics License issued
30 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (9) To any person named on the consolidated Terrorist Watchlist
44 maintained by the Terrorist Screening Center administered by the
45 Federal Bureau of Investigation; or

46 (10) To any person who is subject to a court order prohibiting the
47 custody, control, ownership, purchase, possession, or receipt of a

1 firearm or ammunition issued pursuant to the "Extreme Risk Protective
2 Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

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

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

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

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

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

28 f. Granting of permit or identification card; fee; term; renewal;
29 revocation. The application for the permit to purchase a handgun
30 together with a fee of \$2, or the application for the firearms purchaser
31 identification card together with a fee of \$5, shall be delivered or
32 forwarded to the licensing authority who shall investigate the same
33 and, unless good cause for the denial thereof appears, shall grant the
34 permit or the identification card, or both, if application has been made
35 therefor, within 30 days from the date of receipt of the application for
36 residents of this State and within 45 days for nonresident applicants.
37 A permit to purchase a handgun shall be valid for a period of 90 days
38 from the date of issuance and may be renewed by the issuing authority
39 for good cause for an additional 90 days. A firearms purchaser
40 identification card shall be valid until such time as the holder becomes
41 subject to any of the disabilities set forth in subsection c. of this
42 section, whereupon the card shall be void and shall be returned within
43 five days by the holder to the superintendent, who shall then advise the
44 licensing authority. Failure of the holder to return the firearms
45 purchaser identification card to the superintendent within the five days
46 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
47 firearms purchaser identification card may be revoked by the Superior
48 Court of the county wherein the card was issued, after hearing upon

1 notice, upon a finding that the holder thereof no longer qualifies for
2 the issuance of the permit. The county prosecutor of any county, the
3 chief police officer of any municipality or any citizen may apply to the
4 court at any time for the revocation of the card.

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

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

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

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

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

32 (2) a collector of handguns as curios or relics as defined in Title
33 18, United States Code, section 921 (a) (13) who has in his possession
34 a valid Collector of Curios and Relics License issued by the federal
35 Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

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

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

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

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

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

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

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

46 o. Registration of handguns owned by new residents. Any person
47 who becomes a resident of this State following the effective date of
48 P.L. _____, c. (pending before the Legislature as this bill) and who

1 transports into this State a firearm that the person owned or acquired
2 while residing in another state shall apply for a firearm purchaser
3 identification card within 60 days of becoming a New Jersey resident,
4 and shall register any handgun so transported into this State within 60
5 days as provided in this subsection.

6 A person who registers a handgun pursuant to this subsection shall
7 complete a registration statement, which shall be in a form prescribed
8 by the superintendent. The information provided in the registration
9 statement shall include, but shall not be limited to, the name and
10 address of the person and the make, model, and serial number of the
11 handgun being registered. Each registration statement shall be signed
12 by the person, and the signature shall constitute a representation of the
13 accuracy of the information contained in the registration statement.

14 The registration statement shall be submitted to the law
15 enforcement agency of the municipality in which the person resides or,
16 if the municipality does not have a municipal law enforcement agency,
17 any State Police station.

18 Within 60 days prior to the effective date of P.L. , c. (pending
19 before the Legislature as this bill), the superintendent shall prepare the
20 form of registration statement as described in this subsection and shall
21 provide a suitable supply of statements to each organized full-time
22 municipal police department and each State Police station.

23 A person who fails to apply for a firearm purchaser identification
24 card or register a handgun as required pursuant to this subsection shall
25 be liable to a civil penalty of \$250 for a first offense and shall be guilty
26 of a disorderly persons offense for a second or subsequent offense.

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

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

37 (cf: P.L.2018, c.36, s.1)

38
39 2. This act shall take effect on the first day of the seventh
40 month following the date of enactment.

41 42 43 STATEMENT

44
45 This bill requires firearm owners who move to New Jersey to
46 obtain a firearm purchaser identification card (FPIC) and register
47 handguns.

1 Under current law, a person who purchases a firearm in this State
2 is required to display an FPIC, which identifies the card holder as a
3 person who meets the statutory qualifications to purchase a firearm
4 in this State. A person who legally owned a firearm while residing in
5 another state and then moves to New Jersey currently is not required to
6 obtain an FPIC. The person also is not required to register the firearm,
7 but may do so voluntarily.

8 The bill requires a firearm owner who becomes a resident of this
9 State to apply for an FPIC within 60 days and if the firearm is a
10 handgun, to register that handgun within 60 days. To register the
11 handgun, the owner is required to submit to the municipal law
12 enforcement agency or the State Police a registration statement that
13 provides the person's name and address and the make, model, and
14 serial number of the firearm being registered.

15 Under the bill, the Superintendent of State Police is required to
16 prepare the form of registration statement and provide a suitable
17 supply of statements to each organized full-time municipal police
18 department and each State Police station within 60 days prior to the
19 bill's enactment.

20 The bill provides that a person who fails to apply for a firearm
21 purchaser identification card or register a handgun as required under
22 the bill's provisions is liable to a civil penalty of \$250 for a first
23 offense and is guilty of a disorderly persons offense for a second or
24 subsequent offense. Under the bill, if a person is in possession of
25 multiple firearms or handguns in violation of the bill's provisions,
26 the person is guilty of one offense under the bill provided the
27 violation is a single event.

28 Finally, the bill provides that the civil penalty is to be collected
29 pursuant to the "Penalty Enforcement Law of 1999" in a summary
30 proceeding before the municipal court having jurisdiction. Under
31 the bill, a law enforcement officer having enforcement authority in
32 that municipality may issue a summons for a violation and may
33 serve and execute all process with respect to the enforcement
34 consistent with the Rules of Court.