

**SENATE, No. 2490**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MAY 12, 2022

**Sponsored by:**

**Senator EDWARD DURR**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Repeals “Extreme Risk Protective Order Act of 2018”

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning extreme risk protective orders, and amending  
2 and repealing various parts of the statutory law.

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:29-9 is amended to read as follows:

8 2C:29-9. Contempt. a. A person is guilty of a crime of the fourth  
9 degree if the person purposely or knowingly disobeys a judicial  
10 order or protective order, pursuant to section 1 of P.L.1985, c.250  
11 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation of  
12 a judicial order or the exercise of jurisdiction over any person,  
13 thing, or controversy by a court, administrative body, or  
14 investigative entity.

15 b. (1) Except as provided in paragraph (2) of this subsection, a  
16 person is guilty of a crime of the fourth degree if that person  
17 purposely or knowingly violates any provision in an order entered  
18 under the provisions of the "Prevention of Domestic Violence Act  
19 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered  
20 under the provisions of a substantially similar statute under the laws  
21 of another state or the United States when the conduct which  
22 constitutes the violation could also constitute a crime or a  
23 disorderly persons offense.

24 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of  
25 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
26 substantially similar orders entered under the laws of another state  
27 or the United States shall be excluded from the provisions of this  
28 paragraph.

29 (2) In all other cases a person is guilty of a disorderly persons  
30 offense if that person purposely or knowingly violates an order  
31 entered under the provisions of the "Prevention of Domestic  
32 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an  
33 order entered under the provisions of a substantially similar statute  
34 under the laws of another state or the United States.

35 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of  
36 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
37 substantially similar orders entered under the laws of another state  
38 or the United States shall be excluded from the provisions of this  
39 paragraph.

40 c. A person is guilty of a crime of the third degree if that  
41 person purposely or knowingly violates any provision in an order  
42 entered under the provisions of section 3 of P.L.1996, c.39  
43 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an  
44 order entered under the provisions of a substantially similar statute  
45 under the laws of another state or the United States when the

**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 conduct which constitutes the violation could also constitute a  
2 crime or a disorderly persons offense.

3 d. (1) Except as provided in paragraph (2) of this subsection, a  
4 person is guilty of a crime of the fourth degree if that person  
5 purposely or knowingly violates any provision in an order entered  
6 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an  
7 order entered under the provisions of a substantially similar statute  
8 under the laws of another state or the United States when the  
9 conduct which constitutes the violation could also constitute a  
10 crime or a disorderly persons offense.

11 (2) In all other cases a person is guilty of a disorderly persons  
12 offense if that person purposely or knowingly violates an order  
13 entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.)  
14 or an order entered under the provisions of a substantially similar  
15 statute under the laws of another state or the United States.

16 e. **【**A person is guilty of a crime of the fourth degree if the  
17 person purposely or knowingly violates any provision of an order  
18 entered under the provisions of the "Extreme Risk Protective Order  
19 Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.) or an order entered  
20 under the provisions of a substantially similar statute under the laws  
21 of another state or the United States.**】** (Deleted by amendment,  
22 P.L. , c. ) (pending before the Legislature as this bill)

23 As used in this section, "state" means a state of the United States,  
24 the District of Columbia, Puerto Rico, the United States Virgin  
25 Islands, or any territory or insular possession subject to the  
26 jurisdiction of the United States. The term includes an Indian tribe  
27 or band, or Alaskan native village, which is recognized by a federal  
28 law or formally acknowledged by a state.

29 (cf: P.L.2018, c.35, s.12)

30

31 2. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read  
32 as follows:

33 6. Certain Persons Not to Have Weapons or Ammunition.

34 a. Except as provided in subsection b. of this section, any  
35 person, having been convicted in this State or elsewhere of the  
36 crime, or an attempt or conspiracy to commit the crime, of  
37 aggravated assault, arson, burglary, escape, extortion, homicide,  
38 kidnapping, robbery, aggravated sexual assault, sexual assault, bias  
39 intimidation in violation of N.J.S.2C:16-1, carjacking in violation of  
40 section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in  
41 violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering  
42 in violation of N.J.S.2C:41-2, terroristic threats in violation of  
43 N.J.S.2C:12-3, unlawful possession of a machine gun in violation of  
44 subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in  
45 violation of paragraph (1) of subsection b. of N.J.S.2C:39-5,  
46 unlawful possession of an assault firearm in violation of subsection  
47 f. of N.J.S.2C:39-5, leader of firearms trafficking network in

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1 violation of section 1 of P.L.1995, c.405 (C.2C:39-16), or  
2 endangering the welfare of a child pursuant to N.J.S.2C:24-4,  
3 whether or not armed with or having in the person's possession any  
4 weapon enumerated in subsection r. of N.J.S.2C:39-1, or any person  
5 convicted of a crime, or an attempt or conspiracy to commit a  
6 crime, pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4  
7 or N.J.S.2C:39-9, or any person who has ever been committed for a  
8 mental disorder to any hospital, mental institution or sanitarium  
9 unless the person possesses a certificate of a medical doctor or  
10 psychiatrist licensed to practice in New Jersey or other satisfactory  
11 proof that the person is no longer suffering from a mental disorder  
12 which interferes with or handicaps the person in the handling of a  
13 firearm, or any person who has been convicted of an offense, or an  
14 attempt or conspiracy to commit an offense, for the unlawful use,  
15 possession or sale of a controlled dangerous substance as defined in  
16 N.J.S.2C:35-2, other than a disorderly persons or petty disorderly  
17 persons offense, who purchases, owns, possesses or controls any of  
18 the specified weapons or any ammunition as defined in section 2 of  
19 P.L.2018, c.35 (C.2C:58-21) is guilty of a crime of the fourth  
20 degree.

21 b. (1) A person having been convicted in this State or  
22 elsewhere of the crime, or an attempt or conspiracy to commit the  
23 crime, of aggravated assault, arson, burglary, escape, extortion,  
24 homicide, kidnapping, robbery, aggravated sexual assault, sexual  
25 assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking  
26 in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang  
27 criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-  
28 29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in  
29 violation of N.J.S.2C:12-3, unlawful possession of a machine gun in  
30 violation of subsection a. of N.J.S.2C:39-5, unlawful possession of  
31 a handgun in violation of paragraph (1) of subsection b. of  
32 N.J.S.2C:39-5, unlawful possession of an assault firearm in  
33 violation of subsection f. of N.J.S.2C:39-5, leader of firearms  
34 trafficking network in violation of section 1 of P.L.1995, c.405  
35 (C.2C:39-16), endangering the welfare of a child pursuant to  
36 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)  
37 or a crime, or an attempt or conspiracy to commit a crime,  
38 involving domestic violence as defined in section 3 of P.L.1991,  
39 c.261 (C.2C:25-19), whether or not armed with or having in the  
40 person's possession a weapon enumerated in subsection r. of  
41 N.J.S.2C:39-1, or a person having been convicted of a crime, or an  
42 attempt or conspiracy to commit a crime, pursuant to the provisions  
43 of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of  
44 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;  
45 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or  
46 controls a firearm is guilty of a crime of the second degree and  
47 upon conviction thereof, the person shall be sentenced to a term of

1 imprisonment by the court. The term of imprisonment shall include  
2 the imposition of a minimum term, which shall be fixed at five  
3 years, during which the defendant shall be ineligible for parole. If  
4 the defendant is sentenced to an extended term of imprisonment  
5 pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall  
6 include the imposition of a minimum term, which shall be fixed at,  
7 or between, one-third and one-half of the sentence imposed by the  
8 court or five years, whichever is greater, during which the  
9 defendant shall be ineligible for parole.

10 (2) A person having been convicted in this State or elsewhere of  
11 a disorderly persons offense involving domestic violence, whether  
12 or not armed with or having in the person's possession a weapon  
13 enumerated in subsection r. of N.J.S.2C:39-1, who purchases, owns,  
14 possesses or controls a firearm or ammunition is guilty of a crime of  
15 the third degree.

16 (3) A person whose firearm is seized pursuant to the "Prevention  
17 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
18 seq.) and whose firearm has not been returned, or who is subject to  
19 a court order prohibiting the possession of firearms issued pursuant  
20 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
21 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or  
22 controls a firearm or ammunition is guilty of a crime of the third  
23 degree, except that the provisions of this paragraph shall not apply  
24 to any law enforcement officer while actually on duty, or to any  
25 member of the Armed Forces of the United States or member of the  
26 National Guard while actually on duty or traveling to or from an  
27 authorized place of duty.

28 (4) **【**A person who is subject to a court order prohibiting the  
29 custody, control, ownership, purchase, possession, or receipt of a  
30 firearm or ammunition issued pursuant to the "Extreme Risk  
31 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)  
32 who purchases, acquires, owns, possesses, or controls a firearm or  
33 ammunition is guilty of a crime of the third degree.**】** (Deleted by  
34 amendment, P.L. , c. ) (pending before the Legislature as this  
35 bill)

36 c. Whenever any person shall have been convicted in another  
37 state, territory, commonwealth or other jurisdiction of the United  
38 States, or any country in the world, in a court of competent  
39 jurisdiction, of a crime, or an attempt or conspiracy to commit a  
40 crime, which in the other jurisdiction or country is comparable to  
41 one of the crimes enumerated in subsection a. or b. of this section,  
42 then that person shall be subject to the provisions of this section.

43 (cf: P.L.2019, c.165, s.1)

44

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

46 2C:58-3. a. Permit to purchase a handgun.

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

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

10 The provisions of this paragraph shall not apply if the transaction  
11 is:

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

14 (b) between law enforcement officers;

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

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

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

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

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

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

35 (d) any record produced pursuant to this subsection shall not be  
36 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-  
37 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

38 b. Firearms purchaser identification card.

39 (1) No person shall sell, give, transfer, assign or otherwise  
40 dispose of nor receive, purchase or otherwise acquire an antique  
41 cannon or a rifle or shotgun, other than an antique rifle or shotgun,  
42 unless the purchaser, assignee, donee, receiver or holder is licensed  
43 as a dealer under this chapter or possesses a valid firearms  
44 purchaser identification card, and first exhibits the card to the seller,  
45 donor, transferor or assignor, and unless the purchaser, assignee,  
46 donee, receiver or holder signs a written certification, on a form  
47 prescribed by the superintendent, which shall indicate that he

1 presently complies with the requirements of subsection c. of this  
2 section and shall contain his name, address and firearms purchaser  
3 identification card number or dealer's registration number. The  
4 certification shall be retained by the seller, as provided in paragraph  
5 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person  
6 who is not a dealer, it may be filed with the chief of police of the  
7 municipality in which he resides or with the superintendent.

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

13 The provisions of this paragraph shall not apply if the transaction  
14 is:

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

17 (b) between law enforcement officers;

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

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

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

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

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

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

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

41 c. Who may obtain. No person of good character and good  
42 repute in the community in which he lives, and who is not subject to  
43 any of the disabilities set forth in this section or other sections of  
44 this chapter, shall be denied a permit to purchase a handgun or a  
45 firearms purchaser identification card, except as hereinafter set  
46 forth. No handgun purchase permit or firearms purchaser  
47 identification card shall be issued:

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



1 firearm or ammunition issued pursuant to P.L.2021, c.327  
2 (C.2C:12-14 et al.).

3 d. Issuance. The chief of police of an organized full-time  
4 police department of the municipality where the applicant resides or  
5 the superintendent, in all other cases, shall upon application, issue  
6 to any person qualified under the provisions of subsection c. of this  
7 section a permit to purchase a handgun or a firearms purchaser  
8 identification 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  
14 within 30 days of the denial of the application for a permit or  
15 identification card. The applicant shall serve a copy of his request  
16 for a hearing upon the chief of police of the municipality in which  
17 he resides, if he is a resident of New Jersey, and upon the  
18 superintendent in all cases. The hearing shall be held and a record  
19 made thereof within 30 days of the receipt of the application for a  
20 hearing by the judge of the Superior Court. No formal pleading and  
21 no filing fee shall be required as a preliminary to a hearing.  
22 Appeals from the results of a hearing shall be in accordance with  
23 law.

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

1 person is subject to a restraining order issued pursuant to the  
2 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261  
3 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
4 firearm, [whether the person is subject to a protective order issued  
5 pursuant to the "Extreme Risk Protective Order Act of 2018",  
6 P.L.2018, c.35 (C.2C:58-20 et al.),] whether the person is subject to  
7 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-  
8 14 et al.) prohibiting the person from possessing any firearm, and  
9 other information as the superintendent shall deem necessary for the  
10 proper enforcement of this chapter. For the purpose of complying  
11 with this subsection, the applicant shall waive any statutory or other  
12 right of confidentiality relating to institutional confinement. The  
13 application shall be signed by the applicant and shall contain as  
14 references the names and addresses of two reputable citizens  
15 personally acquainted with him.

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

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

33 f. Granting of permit or identification card; fee; term; renewal;  
34 revocation. The application for the permit to purchase a handgun  
35 together with a fee of \$2, or the application for the firearms  
36 purchaser identification card together with a fee of \$5, shall be  
37 delivered or forwarded to the licensing authority who shall  
38 investigate the same and, unless good cause for the denial thereof  
39 appears, shall grant the permit or the identification card, or both, if  
40 application has been made therefor, within 30 days from the date of  
41 receipt of the application for residents of this State and within 45  
42 days for nonresident applicants. A permit to purchase a handgun  
43 shall be valid for a period of 90 days from the date of issuance and  
44 may be renewed by the issuing authority for good cause for an  
45 additional 90 days. A firearms purchaser identification card shall  
46 be valid until such time as the holder becomes subject to any of the  
47 disabilities set forth in subsection c. of this section, whereupon the

1 card shall be void and shall be returned within five days by the  
2 holder to the superintendent, who shall then advise the licensing  
3 authority. Failure of the holder to return the firearms purchaser  
4 identification card to the superintendent within the five days shall  
5 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
6 purchaser identification card may be revoked by the Superior Court  
7 of the county wherein the card was issued, after hearing upon  
8 notice, upon a finding that the holder thereof no longer qualifies for  
9 the issuance of the permit. The county prosecutor of any county,  
10 the chief police officer of any municipality or any citizen may apply  
11 to the court at any time for the revocation of the card.

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

16 g. Disposition of fees. All fees for permits shall be paid to the  
17 State Treasury if the permit is issued by the superintendent, to the  
18 municipality if issued by the chief of police, and to the county  
19 treasurer if issued by the judge of the Superior Court.

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

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

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

40 (2) a collector of handguns as curios or relics as defined in Title  
41 18, United States Code, section 921 (a) (13) who has in his  
42 possession a valid Collector of Curios and Relics License issued by  
43 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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1 (5) any transaction where the person has purchased a handgun  
2 from a licensed retail dealer and has returned that handgun to the  
3 dealer in exchange for another handgun within 30 days of the  
4 original transaction, provided the retail dealer reports the exchange  
5 transaction to the superintendent; or

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

9 The provisions of this subsection shall not be construed to afford  
10 or authorize any other exemption from the regulatory provisions  
11 governing firearms set forth in chapter 39 and chapter 58 of Title  
12 2C of the New Jersey Statutes;

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

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

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

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

44 m. The provisions of subsections a. and b. of this section and  
45 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
46 apply to the purchase of firearms by a law enforcement agency for  
47 use by law enforcement officers in the actual performance of the

1 current or former judge's duties, which purchase may be made  
2 directly from a manufacturer or from a licensed dealer located in  
3 this State or any other state.

4 n. For the purposes of this section, "immediate family" means a  
5 spouse, domestic partner as defined in section 3 of P.L.2003, c.246  
6 (C.26:8A-3), partner in a civil union couple as defined in section 2  
7 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,  
8 sibling, stepsibling, child, stepchild, and grandchild, as related by  
9 blood or by law.  
10 (cf: P.L.2021, c.327, s.6)

11  
12 4. The following sections are repealed:  
13 Sections 1 through 11 of P.L.2018, c.35 (C.2C:58-20 through  
14 C.2C:58-30); and Sections 15 and 16 of P.L.2018, c.35 (C.2C:58-31  
15 and C.2C:58-32).

16  
17 5. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill repeals the "Extreme Risk Protective Order Act of  
23 2018," which prohibits a person from possessing or purchasing a  
24 firearm or ammunition and from holding a firearms purchaser  
25 identification card (FPIC), permit to purchase a handgun (PPH), and  
26 permit to carry a handgun (PCH) if the person is deemed to pose a  
27 significant danger of bodily injury to themselves or others by  
28 possessing or purchasing a firearm.

29 Under the Act, the court may issue a temporary extreme risk  
30 protective order (T-ERPO) if it finds good cause to believe that the  
31 person poses an immediate and present danger of causing bodily  
32 injury to themselves or others by having access to a firearm. While  
33 a T-ERPO is in effect, the person is prohibited from possessing or  
34 purchasing firearms or ammunition, as well as obtaining or holding  
35 a FPIC, PPH, or PCH. Firearms, ammunition, FPICs, PPHs, and  
36 PCHs are to be surrendered, and the FPICs, PPHs, and PCHs are  
37 revoked. Within 10 days, the court is required to hold a hearing to  
38 determine whether a final extreme risk protective order should be  
39 issued.

40 The sponsor notes that, according to the Attorney General's  
41 office, in more than half of the cases where a T-ERPO is issued, the  
42 court has subsequently declined to issue an F-ERPO. Accordingly,  
43 most of the people impacted by this law ultimately have their  
44 firearms returned to them because the court is unable to substantiate  
45 the claim that the person poses a danger to themselves or others.  
46 This practice denies people the presumption of innocence that is  
47 essential to ensuring fairness in our country's justice system. It is

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14

- 1 the sponsor's view that this law threatens to deprive people of their
- 2 federal constitutional right to keep and bear arms and for that
- 3 reason it should be repealed.