

SENATE, No. 2602

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 12, 2022

Sponsored by:

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Permits purchase of more than one handgun in 30-day period.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning handgun sales and purchases, amending
2 N.J.S.2C:58-2, N.J.S.2C:58-3, and N.J.S.2C:39-10 and repealing
3 section 4 of P.L.2009, c.186.

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

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

9 2C:58-2. a. Licensing of retail dealers and their employees. No
10 retail dealer of firearms nor any employee of a retail dealer shall
11 sell or expose for sale, or possess with the intent of selling, any
12 firearm unless licensed to do so as hereinafter provided. The
13 superintendent shall prescribe standards and qualifications for retail
14 dealers of firearms and their employees for the protection of the
15 public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court
19 in the county where the applicant maintains his place of business.
20 The judge shall grant a license to an applicant if he finds that the
21 applicant meets the standards and qualifications established by the
22 superintendent and that the applicant can be permitted to engage in
23 business as a retail dealer of firearms or employee thereof without
24 any danger to the public safety, health and welfare. Each license
25 shall be valid for a period of three years from the date of issuance,
26 and shall authorize the holder to sell firearms at retail in a specified
27 municipality.

28 In addition, every retail dealer shall pay a fee of \$5 for each
29 employee actively engaged in the sale or purchase of firearms. The
30 superintendent shall issue a license for each employee for whom
31 said fee has been paid, which license shall be valid for so long as
32 the employee remains in the employ of said retail dealer.

33 No license shall be granted to any retail dealer under the age of
34 21 years or to any employee of a retail dealer under the age of 18 or
35 to any person who could not qualify to obtain a permit to purchase a
36 handgun or a firearms purchaser identification card, or to any
37 corporation, partnership or other business organization in which the
38 actual or equitable controlling interest is held or possessed by such
39 an ineligible person.

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 and hearing by the issuing court:

44 (1) The business shall be carried on only in the building or
45 buildings designated in the license, provided that repairs may be
46 made by the dealer or his employees outside of such premises.

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.

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1 (2) The license or a copy certified by the issuing authority shall
2 be displayed at all times in a conspicuous place on the business
3 premises where it can be easily read.

4 (3) No firearm or imitation thereof shall be placed in any
5 window or in any other part of the premises where it can be readily
6 seen from the outside.

7 (4) No rifle or shotgun, except antique rifles or shotguns, shall
8 be delivered to any person unless such person possesses and
9 exhibits a valid firearms purchaser identification card and furnishes
10 the seller, on the form prescribed by the superintendent, a
11 certification signed by him setting forth his name, permanent
12 address, firearms purchaser identification card number and such
13 other information as the superintendent may by rule or regulation
14 require. The certification shall be retained by the dealer and shall
15 be made available for inspection by any law enforcement officer at
16 any reasonable time.

17 (5) No handgun shall be delivered to any person unless:

18 (a) Such person possesses and exhibits a valid permit to
19 purchase a firearm and at least seven days have elapsed since the
20 date of application for the permit;

21 (b) The person is personally known to the seller or presents
22 evidence of his identity;

23 (c) The handgun is unloaded and securely wrapped;

24 (d) The handgun is accompanied by a trigger lock or a locked
25 case, gun box, container or other secure facility; provided, however,
26 this provision shall not apply to antique handguns or personalized
27 handguns included in the roster pursuant to section 2 of P.L.2019,
28 c.164 (C.2C:58-2.8). The exemptions afforded under this
29 subparagraph for antique handguns and personalized handguns shall
30 be narrowly construed, limited solely to the requirements set forth
31 herein and shall not be deemed to afford or authorize any other
32 exemption from the regulatory provisions governing firearms set
33 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
34 Statutes; and

35 (e) (Deleted by amendment, P.L.2019, c.164)

36 (6) The dealer shall keep a true record of every handgun sold,
37 given or otherwise delivered or disposed of, in accordance with the
38 provisions of subsections b. through e. of this section and the record
39 shall note whether a trigger lock, locked case, gun box, container or
40 other secure facility was delivered along with the handgun.

41 (7) **[**A dealer shall not knowingly deliver more than one
42 handgun to any person within any 30-day period. This limitation
43 shall not apply to:

44 (a) a federal, State, or local law enforcement officer or agency
45 purchasing handguns for use by officers in the actual performance
46 of their law enforcement duties;

47 (b) a collector of handguns as curios or relics as defined in Title
48 18, United States Code, section 921 (a) (13) who has in his

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- 1 possession a valid Collector of Curios and Relics License issued by
2 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 3 (c) transfers of handguns among licensed retail dealers,
4 registered wholesale dealers and registered manufacturers;
- 5 (d) any transaction where the person has purchased a handgun
6 from a licensed retail dealer and has returned that handgun to the
7 dealer in exchange for another handgun within 30 days of the
8 original transaction, provided the retail dealer reports the exchange
9 transaction to the superintendent; or
- 10 (e) any transaction where the superintendent issues an
11 exemption from the prohibition in this subsection pursuant to the
12 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4). Deleted
13 by amendment, P.L. , c.) (pending before the Legislature as this
14 bill).
- 15 b. Records. Every person engaged in the retail business of
16 selling, leasing or otherwise transferring a handgun, as a retail
17 dealer or otherwise, shall keep a register in which shall be entered
18 the time of the sale, lease or other transfer, the date thereof, the
19 name, age, date of birth, complexion, occupation, residence and a
20 physical description including distinguishing physical
21 characteristics, if any, of the purchaser, lessee or transferee, the
22 name and permanent home address of the person making the sale,
23 lease or transfer, the place of the transaction, and the make, model,
24 manufacturer's number, caliber and other marks of identification on
25 such handgun and such other information as the superintendent
26 shall deem necessary for the proper enforcement of this chapter.
27 The register shall be retained by the dealer and shall be made
28 available at all reasonable hours for inspection by any law
29 enforcement officer.
- 30 c. Forms of register. The superintendent shall prepare the form
31 of the register as described in subsection b. of this section and
32 furnish the same in triplicate to each person licensed to be engaged
33 in the business of selling, leasing or otherwise transferring firearms.
- 34 d. Signatures in register. The purchaser, lessee or transferee of
35 any handgun shall sign, and the dealer shall require him to sign his
36 name to the register, in triplicate, and the person making the sale,
37 lease or transfer shall affix his name, in triplicate, as a witness to
38 the signature. The signatures shall constitute a representation of the
39 accuracy of the information contained in the register.
- 40 e. Copies of register entries; delivery to chief of police or
41 county clerk. Within five days of the date of the sale, assignment or
42 transfer, the dealer shall deliver or mail by certified mail, return
43 receipt requested, legible copies of the register forms to the office
44 of the chief of police of the municipality in which the purchaser
45 resides, or to the office of the captain of the precinct of the
46 municipality in which the purchaser resides, and to the
47 superintendent. If hand delivered a receipt shall be given to the
48 dealer therefor.

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1 Where a sale, assignment or transfer is made to a purchaser who
2 resides in a municipality having no chief of police, the dealer shall,
3 within five days of the transaction, mail a duplicate copy of the
4 register sheet to the clerk of the county within which the purchaser
5 resides.

6 (cf: P.L.2019, c.164, s.7)

7

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

9 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

23 (b) between law enforcement officers;

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

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

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

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

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

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

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

47 b. Firearms purchaser identification card.

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

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

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- 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 interest
33 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;
- 38 (7) To any person who as a juvenile was adjudicated delinquent
39 for an offense which, if committed by an adult, would constitute a
40 crime and the offense involved the unlawful use or possession of a
41 weapon, explosive or destructive device or is enumerated in
42 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 43 (8) To any person whose firearm is seized pursuant to the
44 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
45 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 46 (9) To any person named on the consolidated Terrorist Watchlist
47 maintained by the Terrorist Screening Center administered by the
48 Federal Bureau of Investigation;

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

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

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

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

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

1 member of any organization which advocates or approves the
2 commission of acts of force and violence to overthrow the
3 Government of the United States or of this State, or which seeks to
4 deny others their rights under the Constitution of either the United
5 States or the State of New Jersey, whether he has ever been
6 convicted of a crime or disorderly persons offense, whether the
7 person is subject to a restraining order issued pursuant to the
8 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
9 (C.2C:25-17 et seq.) prohibiting the person from possessing any
10 firearm, whether the person is subject to a protective order issued
11 pursuant to the "Extreme Risk Protective Order Act of 2018",
12 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
13 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
14 et al.) prohibiting the person from possessing any firearm, and other
15 information as the superintendent shall deem necessary for the
16 proper enforcement of this chapter. For the purpose of complying
17 with this subsection, the applicant shall waive any statutory or other
18 right of confidentiality relating to institutional confinement. The
19 application shall be signed by the applicant and shall contain as
20 references the names and addresses of two reputable citizens
21 personally acquainted with him.

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

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

39 f. Granting of permit or identification card; fee; term; renewal;
40 revocation. The application for the permit to purchase a handgun
41 together with a fee of \$2, or the application for the firearms
42 purchaser identification card together with a fee of \$5, shall be
43 delivered or forwarded to the licensing authority who shall
44 investigate the same and, unless good cause for the denial thereof
45 appears, shall grant the permit or the identification card, or both, if
46 application has been made therefor, within 30 days from the date of
47 receipt of the application for residents of this State and within 45
48 days for nonresident applicants. A permit to purchase a handgun

1 shall be valid for a period of 90 days from the date of issuance and
2 may be renewed by the issuing authority for good cause for an
3 additional 90 days. A firearms purchaser identification card shall
4 be valid until such time as the holder becomes subject to any of the
5 disabilities set forth in subsection c. of this section, whereupon the
6 card shall be void and shall be returned within five days by the
7 holder to the superintendent, who shall then advise the licensing
8 authority. Failure of the holder to return the firearms purchaser
9 identification card to the superintendent within the five days shall
10 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
11 purchaser identification card may be revoked by the Superior Court
12 of the county wherein the card was issued, after hearing upon
13 notice, upon a finding that the holder thereof no longer qualifies for
14 the issuance of the permit. The county prosecutor of any county,
15 the chief police officer of any municipality or any citizen may apply
16 to the court at any time for the revocation of the card.

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

21 g. Disposition of fees. All fees for permits shall be paid to the
22 State Treasury if the permit is issued by the superintendent, to the
23 municipality if issued by the chief of police, and to the county
24 treasurer if issued by the judge of the Superior Court.

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

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

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

45 (2) a collector of handguns as curios or relics as defined in Title
46 18, United States Code, section 921 (a) (13) who has in his
47 possession a valid Collector of Curios and Relics License issued by
48 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

13 The provisions of this subsection shall not be construed to afford
14 or authorize any other exemption from the regulatory provisions
15 governing firearms set forth in chapter 39 and chapter 58 of Title
16 2C of the New Jersey Statutes;

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

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

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

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

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

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

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

15

16 3. N.J.S.2C:39-10 is amended to read as follows:

17 2C:39-10. Violation of the regulatory provisions relating to
18 firearms; false representation in applications.

19 a. (1) Except as otherwise provided in paragraph (2) and
20 paragraph (4) of this subsection, any person who knowingly violates
21 the regulatory provisions relating to manufacturing or wholesaling
22 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,
23 permits to purchase certain firearms N.J.S.2C:58-3, permits to carry
24 certain firearms N.J.S.2C:58-4, licenses to procure machine guns or
25 assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition
26 N.J.S.2C:58-10, except acts which are punishable under section
27 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the
28 fourth degree.

29 (2) A licensed dealer who knowingly violates the provisions of
30 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
31 is a disorderly person.

32 (3) If, upon review, a law enforcement agency determines that a
33 licensed dealer has sold, transferred, assigned, or otherwise
34 disposed of an inordinate number of firearms and that licensed
35 dealer knew, or should have known, that the firearms would be used
36 in the commission of a crime or would be transferred to a person in
37 order for the firearms to be used for an unlawful purpose, that
38 dealer's license shall, after a hearing, be permanently revoked.

39 (4) A licensed dealer who sells or transfers a firearm to a person
40 knowing that person intends to sell, transfer, assign, or otherwise
41 dispose of that firearm to a person who is disqualified from
42 possessing a firearm under State or federal law is guilty of a crime
43 of the second degree. Notwithstanding any other provisions of law
44 to the contrary, the sentence imposed for a conviction under this
45 subsection shall include a mandatory minimum term of
46 imprisonment of 18 months, during which the defendant shall be
47 ineligible for parole; provided however, if the firearm was used in
48 the commission of a crime, the sentence imposed under this

1 subsection shall include a mandatory minimum term of
2 imprisonment of three years, during which the defendant shall be
3 ineligible for parole. Further, a person convicted under this
4 subsection shall be permanently disqualified from holding a retail
5 license under N.J.S.2C:58-2.

6 (5) A person who is disqualified from possessing a firearm
7 under State or federal law who knowingly solicits, persuades,
8 encourages, or entices a licensed dealer or other person to sell, give,
9 transfer, or assign a firearm to the disqualified person under
10 circumstances which the disqualified person knows would violate
11 State or federal law is guilty of a crime of the third degree.
12 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
13 conviction under this subsection shall not merge with a conviction
14 for any other criminal offense and the court shall impose separate
15 sentences upon a violation of this subsection and any other criminal
16 offense.

17 b. Any person who knowingly violates the regulatory
18 provisions relating to notifying the authorities of possessing certain
19 items of explosives N.J.S.2C:58-7, or of certain wounds
20 N.J.S.2C:58-8 is a disorderly person.

21 c. Any person who gives or causes to be given any false
22 information, or signs a fictitious name or address, in applying for a
23 firearms purchaser identification card, a permit to purchase a
24 handgun, a permit to carry a handgun, a permit to possess a machine
25 gun, a permit to possess an assault firearm, or in completing the
26 certificate or any other instrument required by law in purchasing or
27 otherwise acquiring delivery of any rifle, shotgun, handgun,
28 machine gun, or assault firearm or any other firearm, is guilty of a
29 crime of the third degree.

30 d. Any person who gives or causes to be given any false
31 information in registering an assault firearm pursuant to section 11
32 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
33 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
34 c.32 (C.2C:58-13) commits a crime of the fourth degree.

35 e. Any person who knowingly sells, gives, transfers, assigns or
36 otherwise disposes of a firearm to a person who is under the age of
37 18 years, except as permitted in section 14 of P.L.1979, c.179
38 (C.2C:58-6.1), is guilty of a crime of the second degree.
39 Notwithstanding any other provision of law to the contrary, the
40 sentence imposed for a conviction under this subsection shall
41 include a mandatory minimum five-year term of imprisonment,
42 during which the defendant shall be ineligible for parole.

43 f. Unless the recipient is authorized to possess the handgun in
44 connection with the performance of official duties under the
45 provisions of N.J.S.2C:39-6, any person who knowingly sells,
46 gives, transfers, assigns or otherwise disposes of a handgun to a
47 person who is under the age of 21 years, except as permitted in

1 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
2 the third degree.

3 g. **【**Any person who knowingly gives or causes to be given any
4 false information or knowingly engages in any other fraudulent
5 conduct in applying for an exemption to purchase more than one
6 handgun in a 30-day period in violation of the provisions of section
7 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
8 third degree. The presumption of nonimprisonment set forth in
9 N.J.S.2C:44-1 shall not apply to persons convicted under the
10 provisions of this subsection. **】** (Deleted by amendment, P.L. _____,
11 c.) (pending before the Legislature as this bill).
12 (cf: P.L.2019, c.166, s.1)

13
14 4. Section 4 of P.L.2009, c.186 (C.2C:58-3.4) is repealed.

15
16 5. This act shall take effect immediately.

17
18

19 STATEMENT

20
21 This bill repeals the statute that prohibits a person from
22 purchasing more than one handgun within a 30-day period,
23 commonly known as the “one-handgun-per-month law.”

24 Under State law, the holder of a handgun purchaser permit may
25 buy only one handgun in a calendar month, with limited exemptions
26 for certain persons, such as collectors and participants in
27 competitive shooting.

28 This bill eliminates the 30-day waiting period between handgun
29 purchases.