

SENATE, No. 2636

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 16, 2022

Sponsored by:

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Enhances self-defense protections.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning self-defense and amending and repealing
2 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. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read
8 as follows:

9 1. Disclosure of juvenile information; penalties for disclosure.

10 a. Social, medical, psychological, legal and other records of the
11 court and probation division, and records of law enforcement
12 agencies, pertaining to juveniles charged as a delinquent or found to
13 be part of a juvenile-family crisis, shall be strictly safeguarded from
14 public inspection. Such records shall be made available only to:

15 (1) Any court or probation division;

16 (2) The Attorney General or county prosecutor;

17 (3) The parents or guardian and to the attorney of the juvenile;

18 (4) The Department of Human Services or Department of
19 Children and Families, if providing care or custody of the juvenile;

20 (5) Any institution or facility to which the juvenile is currently
21 committed or in which the juvenile is placed;

22 (6) Any person or agency interested in a case or in the work of
23 the agency keeping the records, by order of the court for good cause
24 shown, except that information concerning adjudications of
25 delinquency, records of custodial confinement, payments owed on
26 assessments imposed pursuant to section 2 of P.L.1979, c.396
27 (C.2C:43-3.1) or restitution ordered following conviction of a crime
28 or adjudication of delinquency, and the juvenile's financial
29 resources, shall be made available upon request to the Victims of
30 Crime Compensation Agency established pursuant to section 2 of
31 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
32 and records confidential;

33 (7) The Juvenile Justice Commission established pursuant to
34 section 2 of P.L.1995, c.284 (C.52:17B-170);

35 (8) **[Law enforcement agencies for the purpose of reviewing**
36 **applications for a permit to purchase a handgun or firearms**
37 **purchaser identification card;]** (Deleted by amendment,
38 P.L. , c.) (pending before the Legislature as this bill)

39 (9) Any potential party in a subsequent civil action for damages
40 related to an act of delinquency committed by a juvenile, including
41 the victim or a member of the victim's immediate family, regardless
42 of whether the action has been filed against the juvenile; provided,
43 however, that records available under this paragraph shall be
44 limited to official court documents, such as complaints, pleadings
45 and orders, and that such records may be disclosed by the recipient
46 only in connection with asserting legal claims or obtaining

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 indemnification on behalf of the victim or the victim's family and
2 otherwise shall be safeguarded from disclosure to other members of
3 the public. Any potential party in a civil action related to the
4 juvenile offense may file a motion with the civil trial judge seeking
5 to have the juvenile's social, medical or psychological records
6 admitted into evidence in a civil proceeding for damages;

7 (10) Any potential party in a subsequent civil action for damages
8 related to an act of delinquency committed by a juvenile, including
9 the victim or a member of the victim's immediate family, regardless
10 of whether the action has been filed against the juvenile; provided,
11 however, that records available under this paragraph shall be
12 limited to police or investigation reports concerning acts of
13 delinquency, which shall be disclosed by a law enforcement agency
14 only with the approval of the County Prosecutor's Office or the
15 Division of Criminal Justice. Prior to disclosure, all personal
16 information regarding all individuals, other than the requesting
17 party and the arresting or investigating officer, shall be redacted.
18 Such records may be disclosed by the recipient only in connection
19 with asserting legal claims or obtaining indemnification on behalf
20 of the victim or the victim's family, and otherwise shall be
21 safeguarded from disclosure to other members of the public;

22 (11) The Office of the Child Advocate established pursuant to
23 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
24 information received by the child advocate pursuant to this
25 paragraph shall be in accordance with the provisions of section 76
26 of P.L.2005, c.155 (C.52:27EE-76);

27 (12) Law enforcement agencies with respect to information
28 available on the juvenile central registry maintained by the courts
29 pursuant to subsection g. of this section, including, but not limited
30 to: records of official court documents, such as complaints,
31 pleadings and orders for the purpose of obtaining juvenile arrest
32 information; juvenile disposition information; juvenile pretrial
33 information; and information concerning the probation status of a
34 juvenile; and

35 (13) A Court Appointed Special Advocate as defined in section 1
36 of P.L.2009, c.217 (C.2A:4A-92).

37 b. Records of law enforcement agencies may be disclosed for
38 law enforcement purposes **■**, or for the purpose of reviewing
39 applications for a permit to purchase a handgun or a firearms
40 purchaser identification card **■** to any law enforcement agency of
41 this State, another state or the United States, and the identity of a
42 juvenile under warrant for arrest for commission of an act that
43 would constitute a crime if committed by an adult may be disclosed
44 to the public when necessary to execution of the warrant.

45 c. At the time of charge, adjudication or disposition,
46 information as to the identity of a juvenile charged with an offense,
47 the offense charged, the adjudication and disposition shall, upon
48 request, be disclosed to:

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- 1 (1) The victim or a member of the victim's immediate family;
- 2 (2) (Deleted by amendment, P.L.2005, c.165).
- 3 (3) On a confidential basis, the principal of the school where the
4 juvenile is enrolled for use by the principal and such members of
5 the staff and faculty of the school as the principal deems
6 appropriate for maintaining order, safety or discipline in the school
7 or to planning programs relevant to the juvenile's educational and
8 social development, provided that no record of such information
9 shall be maintained except as authorized by regulation of the
10 Department of Education; or
- 11 (4) A party in a subsequent legal proceeding involving the
12 juvenile, upon approval by the court.
- 13 d. A law enforcement or prosecuting agency shall, at the time
14 of a charge, adjudication or disposition, send written notice to the
15 principal of the school where the juvenile is enrolled of the identity
16 of the juvenile charged, the offense charged, the adjudication and
17 the disposition if:
- 18 (1) The offense occurred on school property or a school bus,
19 occurred at a school-sponsored function or was committed against
20 an employee or official of the school; or
- 21 (2) The juvenile was taken into custody as a result of
22 information or evidence provided by school officials; or
- 23 (3) The offense, if committed by an adult, would constitute a
24 crime, and the offense:
- 25 (a) resulted in death or serious bodily injury or involved an
26 attempt or conspiracy to cause death or serious bodily injury; or
- 27 (b) involved the unlawful use or possession of a firearm or other
28 weapon; or
- 29 (c) involved the unlawful manufacture, distribution or
30 possession with intent to distribute a controlled dangerous
31 substance or controlled substance analog; or
- 32 (d) was committed by a juvenile who acted with a purpose to
33 intimidate an individual or group of individuals because of race,
34 color, religion, sexual orientation or ethnicity; or
- 35 (e) would be a crime of the first, second, or third degree.
- 36 Information provided to the principal pursuant to this subsection
37 shall be maintained by the school and shall be treated as
38 confidential but may be made available to such members of the staff
39 and faculty of the school as the principal deems appropriate for
40 maintaining order, safety or discipline in the school or for planning
41 programs relevant to a juvenile's educational and social
42 development.
- 43 e. Nothing in this section prohibits a law enforcement or
44 prosecuting agency from providing the principal of a school with
45 information identifying one or more juveniles who are under
46 investigation or have been taken into custody for commission of any
47 act that would constitute an offense if committed by an adult when
48 the law enforcement or prosecuting agency determines that the

1 information may be useful to the principal in maintaining order,
2 safety or discipline in the school or in planning programs relevant
3 to the juvenile's educational and social development. Information
4 provided to the principal pursuant to this subsection shall be treated
5 as confidential but may be made available to such members of the
6 staff and faculty of the school as the principal deems appropriate for
7 maintaining order, safety or discipline in the school or for planning
8 programs relevant to the juvenile's educational and social
9 development. No information provided pursuant to this section
10 shall be maintained.

11 f. Information as to the identity of a juvenile adjudicated
12 delinquent, the offense, the adjudication and the disposition shall be
13 disclosed to the public where the offense for which the juvenile has
14 been adjudicated delinquent if committed by an adult, would
15 constitute a crime of the first, second or third degree, or aggravated
16 assault, destruction or damage to property to an extent of more than
17 ~~【\$500.00】~~ \$500, unless upon application at the time of disposition
18 the juvenile demonstrates a substantial likelihood that specific and
19 extraordinary harm would result from such disclosure in the specific
20 case. Where the court finds that disclosure would be harmful to the
21 juvenile, the reasons therefor shall be stated on the record.

22 g. (1) Nothing in this section shall prohibit the establishment
23 and maintaining of a central registry of the records of law
24 enforcement agencies relating to juveniles for the purpose of
25 exchange between State and local law enforcement agencies and
26 prosecutors of this State, another state, or the United States. These
27 records of law enforcement agencies shall be available on a 24-hour
28 basis.

29 (2) Certain information and records relating to juveniles in the
30 central registry maintained by the courts, as prescribed in paragraph
31 (12) of subsection a. of this section, shall be available to State and
32 local law enforcement agencies and prosecutors on a 24-hour basis.

33 h. Whoever, except as provided by law, knowingly discloses,
34 publishes, receives, or makes use of or knowingly permits the
35 unauthorized use of information concerning a particular juvenile
36 derived from records listed in subsection a. or acquired in the
37 course of court proceedings, probation, or police duties, shall, upon
38 conviction thereof, be guilty of a disorderly persons offense.

39 i. Juvenile delinquency proceedings.

40 (1) Except as provided in paragraph (2) of this subsection, the
41 court may, upon application by the juvenile or his parent or
42 guardian, the prosecutor or any other interested party, including the
43 victim or complainant or members of the news media, permit public
44 attendance during any court proceeding at a delinquency case,
45 where it determines that a substantial likelihood that specific harm
46 to the juvenile would not result. The court shall have the authority
47 to limit and control attendance in any manner and to the extent it
48 deems appropriate;

1 (2) The court or, in cases where the county prosecutor has
2 entered an appearance, the county prosecutor shall notify the victim
3 or a member of the victim's immediate family of any court
4 proceeding involving the juvenile and the court shall permit the
5 attendance of the victim or family member at the proceeding except
6 when, prior to completing testimony as a witness, the victim or
7 family member is properly sequestered in accordance with the law
8 or the Rules Governing the Courts of the State of New Jersey or
9 when the juvenile or the juvenile's family member shows, by clear
10 and convincing evidence, that such attendance would result in a
11 substantial likelihood that specific harm to the juvenile would result
12 from the attendance of the victim or a family member at a
13 proceeding or any portion of a proceeding and that such harm
14 substantially outweighs the interest of the victim or family member
15 to attend that portion of the proceeding;

16 (3) The court shall permit a victim, or a family member of a
17 victim to make a statement prior to ordering a disposition in any
18 delinquency proceeding involving an offense that would constitute a
19 crime if committed by an adult.

20 j. The Department of Education, in consultation with the
21 Attorney General, shall adopt, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
23 regulations concerning the creation, maintenance and disclosure of
24 pupil records including information acquired pursuant to this
25 section.

26 (cf: P.L.2009, c.217, s.2)

27
28 2. Section 1 of P.L.1991, c.270 (C.2A:62A-16) is amended to
29 read as follows:

30 1. a. Any person who is licensed in the State of New Jersey to
31 practice psychology, psychiatry, medicine, nursing, clinical social
32 work, or marriage and family therapy, whether or not compensation
33 is received or expected, is immune from any civil liability for a
34 patient's violent act against another person or against himself unless
35 the practitioner has incurred a duty to warn and protect the potential
36 victim as set forth in subsection b. of this section and fails to
37 discharge that duty as set forth in subsection c. of this section.

38 b. A duty to warn and protect is incurred when the following
39 conditions exist:

40 (1) The patient has communicated to that practitioner a threat of
41 imminent, serious physical violence against a readily identifiable
42 individual or against himself and the circumstances are such that a
43 reasonable professional in the practitioner's area of expertise would
44 believe the patient intended to carry out the threat; or

45 (2) The circumstances are such that a reasonable professional in
46 the practitioner's area of expertise would believe the patient
47 intended to carry out an act of imminent, serious physical violence
48 against a readily identifiable individual or against himself.

1 A duty to warn and protect shall not be incurred when a qualified
2 terminally ill patient requests medication that the patient may
3 choose to self-administer in accordance with the provisions of
4 P.L.2019, c.59 (C.26:16-1 et al.).

5 c. A licensed practitioner of psychology, psychiatry, medicine,
6 nursing, clinical social work, or marriage and family therapy shall
7 discharge the duty to warn and protect as set forth in subsection b.
8 of this section by doing one or more of the following:

9 (1) Arranging for the patient to be admitted voluntarily to a
10 psychiatric unit of a general hospital, a short-term care facility, a
11 special psychiatric hospital, or a psychiatric facility, under the
12 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

13 (2) Initiating procedures for involuntary commitment to
14 treatment of the patient to an outpatient treatment provider, a short-
15 term care facility, a special psychiatric hospital, or a psychiatric
16 facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et
17 seq.);

18 (3) Advising a local law enforcement authority of the patient's
19 threat and the identity of the intended victim;

20 (4) Warning the intended victim of the threat, or, in the case of
21 an intended victim who is under the age of 18, warning the parent
22 or guardian of the intended victim; or

23 (5) If the patient is under the age of 18 and threatens to commit
24 suicide or bodily injury upon himself, warning the parent or
25 guardian of the patient.

26 d. A practitioner who is licensed in the State of New Jersey to
27 practice psychology, psychiatry, medicine, nursing, clinical social
28 work, or marriage and family therapy who, in complying with
29 subsection c. of this section, discloses a privileged communication,
30 is immune from civil liability in regard to that disclosure.

31 e. [In addition to complying with subsection c. of this section,
32 a licensed practitioner shall notify the chief law enforcement officer
33 of the municipality in which the patient resides or the
34 Superintendent of State Police if the patient resides in a
35 municipality that does not have a full-time police department that a
36 duty to warn and protect has been incurred with respect to the
37 patient and shall provide to the chief law enforcement officer or
38 superintendent, as appropriate, the patient's name and other non-
39 clinical identifying information. The chief law enforcement officer
40 or superintendent, as appropriate, shall use that information to
41 ascertain whether the patient has been issued a firearms purchaser
42 identification card, permit to purchase a handgun, or any other
43 permit or license authorizing possession of a firearm.

44 If the patient has been issued a firearms purchaser identification
45 card, permit to purchase a handgun, or any other permit or license
46 authorizing possession of a firearm, or if there is information
47 indicating that the patient otherwise may have access to a firearm,
48 the information provided may be used in determining whether the

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1 patient has become subject to any of the disabilities set forth in
2 subsection c. of N.J.S.2C:58-3. If the chief law enforcement officer
3 or superintendent, as appropriate, determines that the patient has
4 become subject to any of the disabilities set forth in subsection c. of
5 N.J.S.2C:58-3, any identification card or permit issued to the
6 patient shall be void and subject to revocation by the Superior Court
7 in accordance with the procedure established in subsection f. of
8 N.J.S.2C:58-3.

9 If the court determines that the patient is subject to any of the
10 disabilities set forth in subsection c. of N.J.S.2C:58-3 and revokes
11 the patient's firearms purchaser identification card in accordance
12 with the procedure established in subsection f. of N.J.S.2C:58-3, the
13 court may order the patient to surrender to the county prosecutor
14 any firearm owned by or accessible to the patient and order the
15 prosecutor to dispose of the firearms. When the court orders the
16 county prosecutor to dispose of the firearms, the prosecutor shall
17 dispose of the firearms as provided in N.J.S.2C:64-6.

18 If the court, upon motion of the prosecutor, finds probable cause
19 that the patient has failed to surrender any firearm, card, or permit,
20 the court may order a search for and removal of these items at any
21 location where the judge has reasonable cause to believe these items
22 are located. The judge shall state with specificity the reasons and
23 the scope of the search and seizure authorized by the order.

24 A firearm surrendered or seized pursuant to this subsection
25 which is not legally owned by the patient shall be immediately
26 returned to the legal owner of the firearm if the legal owner submits
27 a written request to the prosecutor attesting that the patient does not
28 have access to the firearm.

29 A law enforcement officer or agency shall not be held liable in
30 any civil action brought by any person for failing to learn of, locate,
31 or seize a firearm pursuant to this subsection.

32 A patient who is determined to be subject to any of the
33 disabilities established in paragraph (3) of subsection c. of
34 N.J.S.2C:58-3 and submits a certificate of a medical doctor or
35 psychiatrist licensed in New Jersey, or other satisfactory proof in
36 accordance with that paragraph shall be entitled to the reinstatement
37 of any firearms purchaser identification cards, permits to purchase a
38 handgun, and any other permit or license authorizing possession of
39 a firearm seized pursuant to this subsection. ~~](Deleted by~~
40 amendment, P.L. , c. (pending before the Legislature as this bill)
41 (cf: P.L.2019, c.59, s.27)

42

43 3. N.J.S.2C:3-4 is amended to read as follows:

44 2C:3-4. Use of Force in Self-Protection. a. Use of force
45 justifiable for protection of the person. Subject to the provisions of
46 this section and of section 2C:3-9, the use of force upon or toward
47 another person is justifiable when the actor reasonably believes that
48 such force is immediately necessary for the purpose of protecting

1 himself against the use of unlawful force by such other person on
2 the present occasion.

3 b. Limitations on justifying necessity for use of force.

4 (1) The use of force is not justifiable under this section:

5 (a) To resist an arrest which the actor knows is being made by a
6 peace officer in the performance of his duties, although the arrest is
7 unlawful, unless the peace officer employs unlawful force to effect
8 such arrest; or

9 (b) To resist force used by the occupier or possessor of property
10 or by another person on his behalf, where the actor knows that the
11 person using the force is doing so under a claim of right to protect
12 the property, except that this limitation shall not apply if:

13 (i) The actor is a public officer acting in the performance of his
14 duties or a person lawfully assisting him therein or a person making
15 or assisting in a lawful arrest;

16 (ii) The actor has been unlawfully dispossessed of the property
17 and is making a reentry or recaption justified by section 2C:3-6; or

18 (iii) The actor reasonably believes that such force is necessary to
19 protect himself against death or serious bodily harm.

20 (2) The use of deadly force is not justifiable under this section
21 unless the actor reasonably believes that such force is necessary to
22 protect himself against death or serious bodily harm【; nor is it
23 justifiable if:】 and the actor did not, with the purpose of causing
24 death or serious bodily harm, provoke the use of force against
25 himself in the same encounter.

26 (a) 【The actor, with the purpose of causing death or serious
27 bodily harm, provoked the use of force against himself in the same
28 encounter; or】 (Deleted by amendment, P.L. , c.) (pending
29 before the Legislature as this bill)

30 (b) 【The actor knows that he can avoid the necessity of using
31 such force with complete safety by retreating or by surrendering
32 possession of a thing to a person asserting a claim of right thereto or
33 by complying with a demand that he abstain from any action which
34 he has no duty to take, except that:】 (Deleted by amendment,
35 P.L. , c.) (pending before the Legislature as this bill)

36 (i) 【The actor is not obliged to retreat from his dwelling, unless
37 he was the initial aggressor; and】 (Deleted by amendment,
38 P.L. , c.) (pending before the Legislature as this bill)

39 (ii) 【A public officer justified in using force in the performance
40 of his duties or a person justified in using force in his assistance or
41 a person justified in using force in making an arrest or preventing
42 an escape is not obliged to desist from efforts to perform such duty,
43 effect such arrest or prevent such escape because of resistance or
44 threatened resistance by or on behalf of the person against whom
45 such action is directed.】 (Deleted by amendment, P.L. , c.)
46 (pending before the Legislature as this bill)

1 (3) Except as required by paragraphs (1) and (2) of this
2 subsection, a person employing protective force may estimate the
3 necessity of using force when the force is used, without retreating,
4 surrendering possession, doing any other act which he has no legal
5 duty to do or abstaining from any lawful action.

6 c. (1) Notwithstanding the provisions of N.J.S.2C:3-5,
7 N.J.S.2C:3-9, or this section, the use of force or deadly force upon
8 or toward an intruder who is unlawfully in a dwelling is justifiable
9 when the actor reasonably believes that the force is immediately
10 necessary for the purpose of protecting himself or other persons in
11 the dwelling against the use of unlawful force by the intruder on the
12 present occasion.

13 (2) A reasonable belief exists when the actor, to protect himself
14 or a third person, was in his own dwelling at the time of the offense
15 or was privileged to be thereon and the encounter between the actor
16 and intruder was sudden and unexpected, compelling the actor to
17 act instantly and:

18 (a) The actor reasonably believed that the intruder would inflict
19 personal injury upon the actor or others in the dwelling; or

20 (b) The actor demanded that the intruder disarm, surrender or
21 withdraw, and the intruder refused to do so.

22 (3) An actor employing protective force may estimate the
23 necessity of using force when the force is used, without retreating,
24 surrendering possession, withdrawing or doing any other act which
25 he has no legal duty to do or abstaining from any lawful action.

26 (cf: P.L.1999, c.73, s.1)

27

28 4. Section 3 of P.L.2021, c.327 (C.2C:12-14) is amended to read
29 as follows:

30 3. a. At any time following the charge or conviction of a
31 defendant for any crime directed at or committed against a judicial
32 officer where there is a nexus between the alleged crime charged or
33 the crime for which the defendant was convicted, as the case may
34 be, and the performance of the judicial officer's public duties, a
35 petitioner may petition the Superior Court for emergency, ex parte
36 relief in the form of a temporary order of protection if the court
37 finds that the respondent poses a threat to the safety or well-being
38 of the judicial officer or a family or household member of the
39 judicial officer.

40 b. The court may issue a temporary protection order upon good
41 cause shown in sworn testimony or petition by the petitioner. The
42 temporary protection order shall remain in effect until a judge
43 issues a further order.

44 c. Emergency relief granted in the temporary protection order
45 may include forbidding the respondent from returning to the scene
46 of the alleged crime, prohibiting the respondent from having any
47 contact with the judicial officer, family or household members of
48 the judicial officer, or the judicial officer's friends, co-workers, or

1 relatives in any way, forbidding the respondent from possessing any
2 firearm or other weapon enumerated in subsection r. of
3 N.J.S.2C:39-1, ordering the search for and seizure of any firearm or
4 other weapon at any location where the court has reasonable cause
5 to believe the weapon is located [and the seizure of any firearms
6 purchaser identification card or permit to purchase a handgun issued
7 to the respondent]. The court shall state with specificity the
8 reasons for and the scope of any search and seizure authorized by
9 the order.

10 d. An order granting emergency relief, together with the
11 petition, shall be immediately served upon the respondent and
12 forwarded to the appropriate law enforcement agencies for the
13 municipalities in which the victim and the respondent reside.

14 e. For purposes of this section and section 4 of P.L.2021, c.327
15 (C.2C:12-15):

16 (1) "Judicial officer" means any active, formerly active, or
17 retired federal, state, county, or municipal judge, including a judge
18 of the Tax Court and any other court of limited jurisdiction
19 established, altered, or abolished by law, a judge of the Office of
20 Administrative Law, a judge of the Division of Workers'
21 Compensation, and any other judge established by law who serves
22 in the executive branch;

23 (2) "Law enforcement officer" means a person whose public
24 duties include the power to act as an officer for the detection,
25 apprehension, arrest, and conviction of offenders against the laws of
26 this State;

27 (3) "Petitioner" means a law enforcement officer, a formerly
28 active or retired judicial officer or a family or household member of
29 such judicial officer, or an active judicial officer on behalf of whom
30 a law enforcement officer has declined to petition the Superior
31 Court pursuant to this section or a family or household member of
32 such judicial officer; and

33 (4) "Family or household member" means a spouse, domestic
34 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3),
35 partner in a civil union couple as defined in section 2 of P.L.2006,
36 c.103 (C.37:1-29), or former spouse, former domestic partner, or
37 former partner in a civil union couple, or any other person who is a
38 present household member or was at any time a household member;
39 a person with whom the respondent has a child in common, or with
40 whom the respondent anticipates having a child in common if one
41 of the parties is pregnant; or a current or former dating partner.

42 (cf: P.L.2021, c.327, s.3)

43

44 5. Section 4 of P.L.2021, c.327 (C.2C:12-15) is amended to read
45 as follows:

46 4. a. A hearing shall be held in the Superior Court within 10 days
47 of the filing of the petition in the county where the ex parte
48 temporary protection order was issued, unless good cause is shown

1 for the hearing to be held elsewhere. At the hearing the standard for
2 proving the allegations in the petition shall be a preponderance of
3 the evidence which petition shall be granted if the court finds by a
4 preponderance of evidence that there is a nexus between the alleged
5 crime charged or the crime for which the respondent was convicted,
6 as the case may be, and the performance of the judicial officer's
7 public duties and that the respondent poses a threat to the safety or
8 well-being of the judicial officer or a family or household member
9 of the judicial officer. In determining whether a final order of
10 protection should be granted the court shall consider but not be
11 limited to the previous history between the judicial officer and the
12 respondent, including threats, harassment, and physical
13 intimidation; and the existence of immediate danger to person or
14 property.

15 b. The court shall grant any relief necessary to protect the
16 victim from further harm, including but not limited to forbidding
17 the respondent from returning to the scene of the alleged crime,
18 prohibiting the respondent from having any contact with the judicial
19 officer, family or household members of the judicial officer or the
20 judicial officer's friends, co-workers, or relatives in any way,
21 forbidding the respondent from possessing any firearm or other
22 weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the
23 search for and seizure of any firearm or other weapon at any
24 location where the court has reasonable cause to believe the weapon
25 is located **■**, the seizure of any firearms purchaser identification
26 card or permit to purchase a handgun issued to the respondent, **■** and
27 requiring the respondent to undergo mental health evaluation and
28 appropriate treatment.

29 (cf: P.L.2021, c.327, s.4)

30

31 6. Section 1 of P.L.1997, c.123 (C.23:4-42.1) is amended to read
32 as follows:

33 1. Notwithstanding the provisions of R.S.23:4-45 or any other
34 law, rule, regulation, or provision of the State Fish and Game Code
35 to the contrary, whenever a permit is issued by the State to a person
36 to kill deer causing crop damage on land under cultivation pursuant
37 to R.S.23:4-42, it shall be lawful for the permittee or authorized
38 agent thereof, for the purposes authorized by the permit and only
39 while on the land or lands under cultivation which are owned or
40 leased by that permittee, but not on or along any public highway
41 adjacent thereto, and for which the permit is issued, to:

42 a. Kill either sex deer at any time of day or night , except that
43 the Fish and Game Council may impose such restrictions thereon as
44 may be necessary to protect the general public;

45 b. Transport, possess, have in the permittee's or agent's control,
46 or keep firearms authorized pursuant to R.S.23:4-44 uncased,
47 unloaded, and outside the trunk while in or on a motor vehicle or
48 any other kind of vehicle;

1 c. Utilize an illuminating device or devices, including but not
2 limited to a spotlight, flashlight, floodlight, or headlight, whether
3 portable or fixed to a motor vehicle or any other kind of vehicle, to
4 locate and stun deer; and

5 d. Be assisted by the use of a driver for the motor vehicle or
6 other kind of vehicle, and by a person or persons operating the
7 illuminating device or devices **】, none of whom shall be required to**
8 **possess a firearms purchaser identification card while providing**
9 **such assistance】.**

10 (cf: P.L.1997, c.123, s.1)

11

12 7. Section 3 of P.L.2000, c.46 (23:4-42.5) is amended to read as
13 follows:

14 3. a. The Fish and Game Council may authorize an exemption
15 or variation from the following laws, rules or regulations to the
16 extent necessary and appropriate to implement the alternative
17 control methods set forth in an approved community based deer
18 management plan:

19 (1) any provision of the State Fish and Game Code;

20 (2) any rule or regulation adopted by the council;

21 (3) the following provisions of Title 23 of the Revised Statutes:

22 (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)
23 P.L.1939, c.172 (C.23:4-24.1); (d) section 11 of P.L.1990, c.29
24 (C.23:4-24.1a); (e) R.S.23:4-44; (f) R.S.23:4-45; and (g)R.S.23:4-
25 48; and

26 (4) the provisions of subsection c. of N.J.S. 2C:39-3.

27 b. The council shall authorize an exemption or variation from
28 one or more of the laws, rules or regulations set forth in subsection
29 a. of this section only upon a determination that the approved
30 community based deer management plan adequately provides for
31 the safety of the public. The council may condition the exemption
32 or variation from one or more of the laws, rules or regulations set
33 forth in subsection a. of this section on the implementation of one
34 or more specific measures it determines to be reasonably necessary
35 to ensure public safety, including but not limited to the on-site
36 presence of law enforcement officers or on-site inspection by
37 division personnel.

38 c. The council may authorize an exemption or variation from
39 subsection c. of N.J.S. 2C:39-3 only upon the prior written approval
40 of the county prosecutor of the county in which the municipality in
41 which the special deer management area is located. The council
42 may authorize an exemption or variation from R.S.23:4-13 and
43 R.S.23:4-44 only upon the receipt of documentation that each
44 individual authorized to administer the alternate control method
45 possesses a valid firearm hunting license, a valid rifle permit issued
46 by the division, and **【a valid New Jersey firearm purchaser**
47 **identification card or】** proof that the person is in compliance with
48 the applicable laws of the person's state of residence. The council

1 may authorize an exemption or variation from subsection c. of
2 R.S.23:4-16 only if, for public safety reasons, it is conditioned upon
3 the road or highway being properly closed by law enforcement
4 officers for the time authorized in the special deer management
5 permit issued pursuant to section 4 of this act.

6 (cf: P.L.2000, c.46, s.3)

7

8 8. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to read
9 as follows:

10 5. a. When a person claims to be a victim of domestic violence,
11 and where a law enforcement officer responding to the incident
12 finds probable cause to believe that domestic violence has occurred,
13 the law enforcement officer shall arrest the person who is alleged to
14 be the person who subjected the victim to domestic violence and
15 shall sign a criminal complaint if:

16 (1) The victim exhibits signs of injury caused by an act of
17 domestic violence;

18 (2) A warrant is in effect;

19 (3) There is probable cause to believe that the person has
20 violated N.J.S.2C:29-9, and there is probable cause to believe that
21 the person has been served with the order alleged to have been
22 violated. If the victim does not have a copy of a purported order,
23 the officer may verify the existence of an order with the appropriate
24 law enforcement agency; or

25 (4) There is probable cause to believe that a weapon as defined
26 in N.J.S.2C:39-1 has been involved in the commission of an act of
27 domestic violence.

28 b. A law enforcement officer may arrest a person; or may sign
29 a criminal complaint against that person, or may do both, where
30 there is probable cause to believe that an act of domestic violence
31 has been committed, but where none of the conditions in subsection
32 a. of this section applies.

33 c. (1) As used in this section, the word "exhibits" is to be
34 liberally construed to mean any indication that a victim has suffered
35 bodily injury, which shall include physical pain or any impairment
36 of physical condition. Where the victim exhibits no visible sign of
37 injury, but states that an injury has occurred, the officer should
38 consider other relevant factors in determining whether there is
39 probable cause to make an arrest.

40 (2) In determining which party in a domestic violence incident
41 is the victim where both parties exhibit signs of injury, the officer
42 should consider the comparative extent of the injuries, the history of
43 domestic violence between the parties, if any, and any other
44 relevant factors.

45 (3) No victim shall be denied relief or arrested or charged under
46 this act with an offense because the victim used reasonable force in
47 self defense against domestic violence by an attacker.

1 d. (1) In addition to a law enforcement officer's authority to
2 seize any weapon that is contraband, evidence or an instrumentality
3 of crime, a law enforcement officer who has probable cause to
4 believe that an act of domestic violence has been committed shall:

5 (a) question persons present to determine whether there are
6 weapons on the premises; and

7 (b) upon observing or learning that a weapon is present on the
8 premises, seize any weapon that the officer reasonably believes
9 would expose the victim to a risk of serious bodily injury. **【If a law**
10 **enforcement officer seizes any firearm pursuant to this paragraph,**
11 **the officer shall also seize any firearm purchaser identification card**
12 **or permit to purchase a handgun issued to the person accused of the**
13 **act of domestic violence.】**

14 (2) A law enforcement officer shall deliver all weapons **【,**
15 **firearms purchaser identification cards and permits to purchase a**
16 **handgun】** seized pursuant to this section to the county prosecutor
17 and shall append an inventory of all seized items to the domestic
18 violence report.

19 (3) Weapons seized in accordance with the "Prevention of
20 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
21 seq.) shall be returned to the owner except upon order of the
22 Superior Court. The prosecutor who has possession of the seized
23 weapons may, upon notice to the owner, petition a judge of the
24 Family Part of the Superior Court, Chancery Division, within 45
25 days of seizure, to obtain title to the seized weapons, or to revoke
26 any and all permits, licenses and other authorizations for the use,
27 possession, or ownership of such weapons pursuant to the law
28 governing such use, possession, or ownership, or may object to the
29 return of the weapons on such grounds as are provided for the initial
30 rejection or later revocation of the authorizations, or on the grounds
31 that the owner is unfit or that the owner poses a threat to the public
32 in general or a person or persons in particular.

33 A hearing shall be held and a record made thereof within 45 days
34 of the notice provided above. No formal pleading and no filing fee
35 shall be required as a preliminary to such hearing. The hearing
36 shall be summary in nature. Appeals from the results of the hearing
37 shall be to the Superior Court, Appellate Division, in accordance
38 with the law.

39 If the prosecutor does not institute an action within 45 days of
40 seizure, the seized weapons shall be returned to the owner.

41 After the hearing the court shall order the return of the firearms,
42 weapons and any authorization papers relating to the seized
43 weapons to the owner if the court determines the owner is not
44 subject to any of the disabilities set forth in subsection c. of
45 N.J.S.2C:58-3 and finds that the complaint has been dismissed at
46 the request of the complainant and the prosecutor determines that
47 there is insufficient probable cause to indict; or if the defendant is
48 found not guilty of the charges; or if the court determines that the

1 domestic violence situation no longer exists. At least 10 days prior
2 to returning the seized weapons, the prosecutor shall notify each
3 claimant or victim that the weapons will be returned to the owner.

4 Nothing in this act shall impair the right of the State to retain
5 evidence pending a criminal prosecution. Nor shall any provision
6 of this act be construed to limit the authority of the State or a law
7 enforcement officer to seize, retain or forfeit property pursuant to
8 chapter 64 of Title 2C of the New Jersey Statutes.

9 If, after the hearing, the court determines that the weapons are
10 not to be returned to the owner, the court may:

11 (a) With respect to weapons other than firearms, order the
12 prosecutor to dispose of the weapons if the owner does not arrange
13 for the transfer or sale of the weapons to an appropriate person
14 within 60 days; or

15 (b) Order the revocation of **the** owner's firearms purchaser
16 identification card or **any** permit, license or authorization, in which
17 case the court shall order the owner to surrender any firearm seized
18 and all other firearms possessed to the prosecutor and shall order
19 the prosecutor to dispose of the firearms if the owner does not
20 arrange for the sale of the firearms to a registered dealer of the
21 firearms within 60 days; or

22 (c) Order such other relief as it may deem appropriate. When
23 the court orders the weapons forfeited to the State or the prosecutor
24 is required to dispose of the weapons, the prosecutor shall dispose
25 of the property as provided in N.J.S.2C:64-6.

26 (4) A civil suit may be brought to enjoin a wrongful failure to
27 return a seized firearm where the prosecutor refuses to return the
28 weapon after receiving a written request to do so and notice of the
29 owner's intent to bring a civil action pursuant to this section.
30 Failure of the prosecutor to comply with the provisions of this act
31 shall entitle the prevailing party in the civil suit to reasonable costs,
32 including attorney's fees, provided that the court finds that the
33 prosecutor failed to act in good faith in retaining the seized weapon.

34 (5) No law enforcement officer or agency shall be held liable in
35 any civil action brought by any person for failing to learn of, locate
36 or seize a weapon pursuant to this act, or for returning a seized
37 weapon to its owner.

38 (cf: P.L.2021, c.358, s.1)

39

40 9. Section 11 of P.L.1991, c.261 (C.2C:25-27) is amended to
41 read as follows:

42 11. a. When a defendant is found guilty of a crime or offense
43 involving domestic violence and a condition of sentence restricts
44 the defendant's ability to have contact with the victim, the victim's
45 friends, co-workers, or relatives, or an animal owned, possessed,
46 leased, kept, or held by either party or a minor child residing in the
47 household, that condition shall be recorded in an order of the court
48 and a written copy of that order shall be provided to the victim by

1 the clerk of the court or other person designated by the court. In
2 addition to restricting a defendant's ability to have contact with the
3 victim, the victim's friends, co-workers, or relatives, or an animal
4 owned, possessed, leased, kept, or held by either party or a minor
5 child residing in the household, the court may require the defendant
6 to receive professional counseling from either a private source or a
7 source appointed by the court, and if the court so orders, the court
8 shall require the defendant to provide documentation of attendance
9 at the professional counseling. In any case where the court order
10 contains a requirement that the defendant receive professional
11 counseling, no application by the defendant to dissolve the
12 restraining order shall be granted unless, in addition to any other
13 provisions required by law or conditions ordered by the court, the
14 defendant has completed all required attendance at such counseling.

15 b. In addition the court may enter an order directing the
16 possession of an animal owned, possessed, leased, kept, or held by
17 either party or a minor child residing in the household. Where a
18 person has abused or threatened to abuse such animal, there shall be
19 a presumption that possession of the animal shall be awarded to the
20 non-abusive party.

21 c. (1) When a defendant is found guilty of a crime or offense
22 involving domestic violence, the court shall inform the defendant
23 that the defendant is prohibited from purchasing, owning,
24 possessing, or controlling a firearm pursuant to section 6 of
25 P.L.1979, c.179 (C.2C:39-7) **【and from receiving or retaining a**
26 **firearms purchaser identification card or permit to purchase a**
27 **handgun pursuant to N.J.S.2C:58-3】**. The court shall order the
28 defendant to arrange for the immediate surrender to a law
29 enforcement officer of any firearm that has not already been seized
30 or surrendered **【and any firearms purchaser identification card or**
31 **permit to purchase a handgun possessed by the defendant】**. No
32 later than five business days after the order is entered, however, the
33 defendant may arrange to sell any surrendered firearm to a licensed
34 retail dealer of firearms who shall be authorized to take possession
35 of that purchased firearm from the law enforcement agency to
36 which it was surrendered no later than 10 business days after the
37 order is entered. **【Any card or permit issued to the defendant shall**
38 **be deemed immediately revoked. The court shall establish a**
39 **process for notifying the appropriate authorities of the conviction**
40 **requiring the revocation of the card or permit.】** A law enforcement
41 officer accepting a surrendered firearm shall provide the defendant
42 with a receipt listing the date of surrender, the name of the
43 defendant, and any item that has been surrendered, including the
44 serial number, manufacturer, and model of the surrendered firearm.
45 The defendant shall provide a copy of this receipt to the prosecutor
46 within 48 hours of service of the order, and shall attest under
47 penalty that any firearms owned or possessed at the time of the

1 order have been transferred in accordance with this section and that
2 the defendant currently does not possess any firearms. The
3 defendant alternatively may attest under penalty that he did not own
4 or possess a firearm at the time of the order and currently does not
5 possess a firearm. If the court, upon motion of the prosecutor, finds
6 probable cause that the defendant has failed to surrender any
7 firearm [, card, or permit], the court may order a search for and
8 removal of [these items] firearm at any location where the judge
9 has reasonable cause to believe [these items are] a firearm is
10 located. The judge shall state with specificity the reasons for and
11 the scope of the search and seizure authorized by the order.

12 (2) A law enforcement officer who receives a firearm that is
13 surrendered, but not purchased and taken possession of by a
14 licensed retail dealer of firearms within 10 business days of when
15 the order is entered pursuant to paragraph (1) of this subsection,
16 may dispose of the surrendered firearm in accordance with the
17 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed
18 retail dealer from a defendant shall become part of the inventory of
19 the dealer.

20 (cf: P.L.2016, c.91. s.1)

21

22 10. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
23 read as follows:

24 12. a. A victim may file a complaint alleging the commission of
25 an act of domestic violence with the Family Part of the Chancery
26 Division of the Superior Court in conformity with the Rules of
27 Court. The court shall not dismiss any complaint or delay
28 disposition of a case because the victim has left the residence to
29 avoid further incidents of domestic violence. Filing a complaint
30 pursuant to this section shall not prevent the filing of a criminal
31 complaint for the same act.

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

38 A plaintiff may apply for relief under this section in a court
39 having jurisdiction over the place where the alleged act of domestic
40 violence occurred, where the defendant resides, or where the
41 plaintiff resides or is sheltered, and the court shall follow the same
42 procedures applicable to other emergency applications. Criminal
43 complaints filed pursuant to this act shall be investigated and
44 prosecuted in the jurisdiction where the offense is alleged to have
45 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
46 shall be prosecuted in the county where the contempt is alleged to
47 have been committed and a copy of the contempt complaint shall be

1 forwarded to the court that issued the order alleged to have been
2 violated.

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

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

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

12 (3) Information provided by the plaintiff concerning firearms to
13 which the defendant has access shall be kept confidential and shall
14 not be disseminated or disclosed, provided that nothing in this
15 subsection shall prohibit dissemination or disclosure of this
16 information in a manner consistent with and in furtherance of the
17 purpose for which the information was provided.

18 d. Summons and complaint forms shall be readily available at
19 the clerk's office, at the municipal courts and at municipal and State
20 police stations.

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

24 f. A plaintiff may seek emergency, ex parte relief in the nature
25 of a temporary restraining order. A municipal court judge or a
26 judge of the Family Part of the Chancery Division of the Superior
27 Court may enter an ex parte order when necessary to protect the
28 life, health or well-being of a victim on whose behalf the relief is
29 sought.

30 g. If it appears that the plaintiff is in danger of domestic
31 violence, the judge shall, upon consideration of the plaintiff's
32 domestic violence complaint, order emergency ex parte relief, in the
33 nature of a temporary restraining order. A decision shall be made
34 by the judge regarding the emergency relief forthwith.

35 h. A judge may issue a temporary restraining order upon sworn
36 testimony or complaint of an applicant who is not physically
37 present, pursuant to court rules, or by a person who represents a
38 person who is physically or mentally incapable of filing personally.
39 A temporary restraining order may be issued if the judge is satisfied
40 that exigent circumstances exist sufficient to excuse the failure of
41 the applicant to appear personally and that sufficient grounds for
42 granting the application have been shown.

43 i. An order for emergency, ex parte relief shall be granted
44 upon good cause shown and shall remain in effect until a judge of
45 the Family Part issues a further order. Any temporary order
46 hereunder is immediately appealable for a plenary hearing de novo
47 not on the record before any judge of the Family Part of the county
48 in which the plaintiff resides or is sheltered if that judge issued the

1 temporary order or has access to the reasons for the issuance of the
2 temporary order and sets forth in the record the reasons for the
3 modification or dissolution. The denial of a temporary restraining
4 order by a municipal court judge and subsequent administrative
5 dismissal of the complaint shall not bar the victim from refileing a
6 complaint in the Family Part based on the same incident and
7 receiving an emergency, ex parte hearing de novo not on the record
8 before a Family Part judge, and every denial of relief by a
9 municipal court judge shall so state.

10 j. Emergency relief may include forbidding the defendant from
11 returning to the scene of the domestic violence, forbidding the
12 defendant from possessing any firearm or other weapon enumerated
13 in subsection r. of N.J.S.2C:39-1, ordering the search for and
14 seizure of any firearm or other weapon at any location where the
15 judge has reasonable cause to believe the weapon is located [and
16 the seizure of any firearms purchaser identification card or permit to
17 purchase a handgun issued to the defendant] and any other
18 appropriate relief.

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

42 The judge shall state with specificity the reasons for and scope of
43 any search and seizure authorized by the order. The provisions of
44 this subsection prohibiting a defendant from possessing a firearm or
45 other weapon shall not apply to any law enforcement officer while
46 actually on duty, or to any member of the Armed Forces of the
47 United States or member of the National Guard while actually on
48 duty or traveling to or from an authorized place of duty.

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

5 l. An order granting emergency relief, together with the
6 complaint or complaints, shall immediately be forwarded to the
7 appropriate law enforcement agency for service on the defendant,
8 and to the police of the municipality in which the plaintiff resides or
9 is sheltered, and shall immediately be served upon the defendant by
10 the police, except that an order issued during regular court hours
11 may be forwarded to the sheriff for immediate service upon the
12 defendant in accordance with the Rules of Court. If personal
13 service cannot be effected upon the defendant, the court may order
14 other appropriate substituted service. At no time shall the plaintiff
15 be asked or required to serve any order on the defendant.

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

17 n. Notice of temporary restraining orders issued pursuant to
18 this section shall be sent by the clerk of the court or other person
19 designated by the court to the appropriate chiefs of police, members
20 of the State Police and any other appropriate law enforcement
21 agency or court.

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

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

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

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

31

32 11. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
33 read as follows:

34 13. a. A hearing shall be held in the Family Part of the
35 Chancery Division of the Superior Court within 10 days of the
36 filing of a complaint pursuant to section 12 of P.L.1991, c.261
37 (C.2C:25-28) in the county where the ex parte restraints were
38 ordered, unless good cause is shown for the hearing to be held
39 elsewhere. A copy of the complaint shall be served on the
40 defendant in conformity with the Rules of Court. If a criminal
41 complaint arising out of the same incident which is the subject
42 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
43 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,
44 testimony given by the plaintiff or defendant in the domestic
45 violence matter shall not be used in the simultaneous or subsequent
46 criminal proceeding against the defendant, other than domestic
47 violence contempt matters and where it would otherwise be
48 admissible hearsay under the rules of evidence that govern where a

1 party is unavailable. At the hearing the standard for proving the
2 allegations in the complaint shall be by a preponderance of the
3 evidence. The court shall consider but not be limited to the
4 following factors:

5 (1) The previous history of domestic violence between the
6 plaintiff and defendant, including threats, harassment and physical
7 abuse;

8 (2) The existence of immediate danger to person or property;

9 (3) The financial circumstances of the plaintiff and defendant;

10 (4) The best interests of the victim and any child;

11 (5) In determining custody and parenting time the protection of
12 the victim's safety; and

13 (6) The existence of a verifiable order of protection from
14 another jurisdiction.

15 An order issued under this act shall only restrain or provide
16 damages payable from a person against whom a complaint has been
17 filed under this act and only after a finding or an admission is made
18 that an act of domestic violence was committed by that person. The
19 issue of whether or not a violation of this act occurred, including an
20 act of contempt under this act, shall not be subject to mediation or
21 negotiation in any form. In addition, where a temporary or final
22 order has been issued pursuant to this act, no party shall be ordered
23 to participate in mediation on the issue of custody or parenting time.

24 b. In proceedings in which complaints for restraining orders
25 have been filed, the court shall grant any relief necessary to prevent
26 further abuse. In addition to any other provisions, any restraining
27 order issued by the court shall bar the defendant from purchasing,
28 owning, possessing or controlling a firearm [and from receiving or
29 retaining a firearms purchaser identification card or permit to
30 purchase a handgun pursuant to N.J.S.2C:58-3] during the period in
31 which the restraining order is in effect or two years, whichever is
32 greater. The order shall require the immediate surrender of any
33 firearm or other weapon belonging to the defendant. The order
34 shall include notice to the defendant of the penalties for a violation
35 of any provision of the order, including but not limited to the
36 penalties for contempt of court and unlawful possession of a firearm
37 or other weapon pursuant to N.J.S.2C:39-5.

38 A law enforcement officer shall accompany the defendant, or
39 may proceed without the defendant if necessary, to any place where
40 any firearm or other weapon belonging to the defendant is located
41 to ensure that the defendant does not gain access to any firearm or
42 other weapon, and a law enforcement officer shall take custody of
43 any firearm or other weapon belonging to the defendant. If the
44 order prohibits the defendant from returning to the scene of
45 domestic violence or other place where firearms or other weapons
46 belonging to the defendant are located, any firearm or other weapon
47 located there shall be seized by a law enforcement officer. The
48 provisions of this subsection requiring the surrender or removal of a

1 firearm [, card, or permit] shall not apply to any law enforcement
2 officer while actually on duty, or to any member of the Armed
3 Forces of the United States or member of the National Guard while
4 actually on duty or traveling to or from an authorized place of duty.
5 At the hearing the judge of the Family Part of the Chancery
6 Division of the Superior Court may issue an order granting any or
7 all of the following relief:

8 (1) An order restraining the defendant from subjecting the
9 victim to domestic violence, as defined in this act.

10 (2) An order granting exclusive possession to the plaintiff of the
11 residence or household regardless of whether the residence or
12 household is jointly or solely owned by the parties or jointly or
13 solely leased by the parties. This order shall not in any manner
14 affect title or interest to any real property held by either party or
15 both jointly. If it is not possible for the victim to remain in the
16 residence, the court may order the defendant to pay the victim's rent
17 at a residence other than the one previously shared by the parties if
18 the defendant is found to have a duty to support the victim and the
19 victim requires alternative housing.

20 (3) An order providing for parenting time. The order shall
21 protect the safety and well-being of the plaintiff and minor children
22 and shall specify the place and frequency of parenting time.
23 Parenting time arrangements shall not compromise any other
24 remedy provided by the court by requiring or encouraging contact
25 between the plaintiff and defendant. Orders for parenting time may
26 include a designation of a place of parenting time away from the
27 plaintiff, the participation of a third party, or supervised parenting
28 time.

29 (a) The court shall consider a request by a custodial parent who
30 has been subjected to domestic violence by a person with parenting
31 time rights to a child in the parent's custody for an investigation or
32 evaluation by the appropriate agency to assess the risk of harm to
33 the child prior to the entry of a parenting time order. Any denial of
34 such a request must be on the record and shall only be made if the
35 judge finds the request to be arbitrary or capricious.

36 (b) The court shall consider suspension of the parenting time
37 order and hold an emergency hearing upon an application made by
38 the plaintiff certifying under oath that the defendant's access to the
39 child pursuant to the parenting time order has threatened the safety
40 and well-being of the child.

41 (4) An order requiring the defendant to pay to the victim
42 monetary compensation for losses suffered as a direct result of the
43 act of domestic violence. The order may require the defendant to
44 pay the victim directly, to reimburse the Victims of Crime
45 Compensation Office for any and all compensation paid by the
46 Victims of Crime Compensation Office directly to or on behalf of
47 the victim, and may require that the defendant reimburse any parties
48 that may have compensated the victim, as the court may determine.

1 Compensatory losses shall include, but not be limited to, loss of
2 earnings or other support, including child or spousal support, out-
3 of-pocket losses for injuries sustained, cost of repair or replacement
4 of real or personal property damaged or destroyed or taken by the
5 defendant, cost of counseling for the victim, moving or other travel
6 expenses, reasonable attorney's fees, court costs, and compensation
7 for pain and suffering. Where appropriate, punitive damages may be
8 awarded in addition to compensatory damages.

9 (5) An order requiring the defendant to receive professional
10 domestic violence counseling from either a private source or a
11 source appointed by the court and, in that event, requiring the
12 defendant to provide the court at specified intervals with
13 documentation of attendance at the professional counseling. The
14 court may order the defendant to pay for the professional
15 counseling. No application by the defendant to dissolve a final
16 order which contains a requirement for attendance at professional
17 counseling pursuant to this paragraph shall be granted by the court
18 unless, in addition to any other provisions required by law or
19 conditions ordered by the court, the defendant has completed all
20 required attendance at such counseling.

21 (6) An order restraining the defendant from entering the
22 residence, property, school, or place of employment of the victim or
23 of other family or household members of the victim and requiring
24 the defendant to stay away from any specified place that is named
25 in the order and is frequented regularly by the victim or other
26 family or household members.

27 (7) An order restraining the defendant from making contact with
28 the plaintiff or others, including an order forbidding the defendant
29 from personally or through an agent initiating any communication
30 likely to cause annoyance or alarm including, but not limited to,
31 personal, written, or telephone contact with the victim or other
32 family members, or their employers, employees, or fellow workers,
33 or others with whom communication would be likely to cause
34 annoyance or alarm to the victim.

35 (8) An order requiring that the defendant make or continue to
36 make rent or mortgage payments on the residence occupied by the
37 victim if the defendant is found to have a duty to support the victim
38 or other dependent household members; provided that this issue has
39 not been resolved or is not being litigated between the parties in
40 another action.

41 (9) An order granting either party temporary possession of
42 specified personal property, such as an automobile, checkbook,
43 documentation of health insurance, an identification document, a
44 key, and other personal effects.

45 (10) An order awarding emergency monetary relief, including
46 emergency support for minor children, to the victim and other
47 dependents, if any. An ongoing obligation of support shall be
48 determined at a later date pursuant to applicable law.

1 (11) An order awarding temporary custody of a minor child.
2 The court shall presume that the best interests of the child are
3 served by an award of custody to the non-abusive parent.

4 (12) An order requiring that a law enforcement officer
5 accompany either party to the residence or any shared business
6 premises to supervise the removal of personal belongings in order
7 to ensure the personal safety of the plaintiff when a restraining
8 order has been issued. This order shall be restricted in duration.

9 (13) (Deleted by amendment, P.L.1995, c.242) **[.]**

10 (14) An order granting any other appropriate relief for the
11 plaintiff and dependent children, provided that the plaintiff consents
12 to such relief, including relief requested by the plaintiff at the final
13 hearing, whether or not the plaintiff requested such relief at the time
14 of the granting of the initial emergency order.

15 (15) An order that requires that the defendant report to the
16 intake unit of the Family Part of the Chancery Division of the
17 Superior Court for monitoring of any other provision of the order.

18 (16) In addition to the order required by this subsection
19 prohibiting the defendant from possessing any firearm, the court
20 may also issue an order prohibiting the defendant from possessing
21 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
22 ordering the search for and seizure of any firearm or other weapon
23 at any location where the judge has reasonable cause to believe the
24 weapon is located. The judge shall state with specificity the reasons
25 for and scope of the search and seizure authorized by the order.

26 (17) An order prohibiting the defendant from stalking or
27 following, or threatening to harm, to stalk or to follow, the
28 complainant or any other person named in the order in a manner
29 that, taken in the context of past actions of the defendant, would put
30 the complainant in reasonable fear that the defendant would cause
31 the death or injury of the complainant or any other person.
32 Behavior prohibited under this act includes, but is not limited to,
33 behavior prohibited under the provisions of P.L.1992, c.209
34 (C.2C:12-10).

35 (18) An order requiring the defendant to undergo a psychiatric
36 evaluation.

37 (19) An order directing the possession of any animal owned,
38 possessed, leased, kept, or held by either party or a minor child
39 residing in the household. Where a person has abused or threatened
40 to abuse such animal, there shall be a presumption that possession
41 of the animal shall be awarded to the non-abusive party.

42 c. Notice of orders issued pursuant to this section shall be sent
43 by the clerk of the Family Part of the Chancery Division of the
44 Superior Court or other person designated by the court to the
45 appropriate chiefs of police, members of the State Police and any
46 other appropriate law enforcement agency.

47 d. Upon good cause shown, any final order may be dissolved or
48 modified upon application to the Family Part of the Chancery

1 Division of the Superior Court, but only if the judge who dissolves
2 or modifies the order is the same judge who entered the order, or
3 has available a complete record of the hearing or hearings on which
4 the order was based.

5 e. Prior to the issuance of any order pursuant to this section,
6 the court shall order that a search be made of the domestic violence
7 central registry.

8 (cf: P.L.2016, c.91, s.3)

9

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

11 2C:39-3. Prohibited Weapons and Devices.

12 a. Destructive devices. Any person who knowingly has in his
13 possession any destructive device is guilty of a crime of the third
14 degree.

15 b. Sawed-off shotguns. Any person who knowingly has in his
16 possession any sawed-off shotgun is guilty of a crime of the third
17 degree.

18 c. Silencers. Any person who knowingly has in his possession
19 any firearm silencer is guilty of a crime of the fourth degree.

20 d. Defaced firearms. Any person who knowingly has in his
21 possession any firearm which has been defaced, except an antique
22 firearm or an antique handgun, is guilty of a crime of the fourth
23 degree.

24 e. Certain weapons. Any person who knowingly has in his
25 possession any gravity knife, switchblade knife, dagger, dirk,
26 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
27 or similar leather band studded with metal filings or razor blades
28 imbedded in wood, ballistic knife, without any explainable lawful
29 purpose, is guilty of a crime of the fourth degree.

30 f. Dum-dum or armor piercing ammunition. (1) Any person,
31 other than a law enforcement officer or persons engaged in
32 activities pursuant to subsection f. of N.J.S.2C:39-6, who
33 knowingly has in his possession any hollow nose or dum-dum
34 bullet, or (2) any person, other than a collector of firearms or
35 ammunition as curios or relics as defined in Title 18, United States
36 Code, section 921 (a) (13) and has in his possession a valid
37 Collector of Curios and Relics License issued by the Bureau of
38 Alcohol, Tobacco, Firearms, and Explosives, who knowingly has in
39 his possession any armor piercing ammunition, as defined in
40 subsection gg. of N.J.S.2C:39-1, is guilty of a crime of the fourth
41 degree. For purposes of this section, a collector may possess not
42 more than three examples of each distinctive variation of the
43 ammunition described above. A distinctive variation includes a
44 different head stamp, composition, design, or color.

45 g. Exceptions. (1) (a) Nothing in subsection a., b., c., d., e., f.,
46 j. or k. of this section shall apply to any member of the Armed
47 Forces of the United States or the National Guard, or except as
48 otherwise provided, to any law enforcement officer while actually

1 on duty or traveling to or from an authorized place of duty,
2 provided that his possession of the prohibited weapon or device has
3 been duly authorized under the applicable laws, regulations or
4 military or law enforcement orders.

5 (b) Nothing in subsection j. of this section shall apply to a law
6 enforcement officer who possesses and carries while off-duty a
7 large capacity ammunition magazine capable of holding not more
8 than 17 rounds of ammunition that can be fed continuously and
9 directly into a semi-automatic firearm.

10 (c) Notwithstanding subparagraph (b) of this paragraph,
11 subsection j. of this section shall not apply to a law enforcement
12 officer who possesses and carries while off-duty a large capacity
13 ammunition magazine capable of holding more than 17 rounds of
14 ammunition that can be fed continuously and directly into a semi-
15 automatic firearm provided the large capacity ammunition magazine
16 is used with a service firearm issued to the officer by the officer's
17 employer for use in the officer's official duties.

18 (d) Nothing in subsection h. of this section shall apply to any
19 law enforcement officer who is exempted from the provisions of
20 that subsection by the Attorney General. Nothing in this section
21 shall apply to the possession of any weapon or device by a law
22 enforcement officer who has confiscated, seized or otherwise taken
23 possession of said weapon or device as evidence of the commission
24 of a crime or because he believed it to be possessed illegally by the
25 person from whom it was taken, provided that said law enforcement
26 officer promptly notifies his superiors of his possession of such
27 prohibited weapon or device.

28 (2) (a) Nothing in paragraph (1) of subsection f. of this section
29 shall be construed to prevent a person from keeping such
30 ammunition at his dwelling, premises or other land owned or
31 possessed by him, or from carrying such ammunition from the place
32 of purchase to said dwelling or land, nor shall paragraph (1) of
33 subsection f. of this section be construed to prevent any licensed
34 retail or wholesale firearms dealer from possessing such
35 ammunition at its licensed premises, provided that the seller of any
36 such ammunition shall maintain a record of the name, age and place
37 of residence of any purchaser who is not a licensed dealer, together
38 with the date of sale and quantity of ammunition sold.

39 (b) Nothing in paragraph (1) of subsection f. of this section shall
40 be construed to prevent a designated employee or designated
41 licensed agent for a nuclear power plant under the license of the
42 Nuclear Regulatory Commission from possessing hollow nose
43 ammunition while in the actual performance of his official duties, if
44 the federal licensee certifies that the designated employee or
45 designated licensed agent is assigned to perform site protection,
46 guard, armed response or armed escort duties and is appropriately
47 trained and qualified, as prescribed by federal regulation, to
48 perform those duties.

1 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
2 of this section shall be construed to prevent any licensed retail or
3 wholesale firearms dealer from possessing that ammunition or large
4 capacity ammunition magazine at its licensed premises for sale or
5 disposition to another licensed dealer, the Armed Forces of the
6 United States or the National Guard, or to a law enforcement
7 agency, provided that the seller maintains a record of any sale or
8 disposition to a law enforcement agency. The record shall include
9 the name of the purchasing agency, together with written
10 authorization of the chief of police or highest ranking official of the
11 agency, the name and rank of the purchasing law enforcement
12 officer, if applicable, and the date, time and amount of ammunition
13 sold or otherwise disposed. A copy of this record shall be forwarded
14 by the seller to the Superintendent of the Division of State Police
15 within 48 hours of the sale or disposition.

16 (4) Nothing in subsection a. of this section shall be construed to
17 apply to antique cannons as exempted in subsection d. of
18 N.J.S.2C:39-6.

19 (5) Nothing in subsection c. of this section shall be construed to
20 apply to any person who is specifically identified in a special deer
21 management permit issued by the Division of Fish and Wildlife to
22 utilize a firearm silencer as part of an alternative deer control
23 method implemented in accordance with a special deer management
24 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
25 while the person is in the actual performance of the permitted
26 alternative deer control method and while going to and from the
27 place where the permitted alternative deer control method is being
28 utilized. This exception shall not, however, otherwise apply to any
29 person to authorize the purchase or possession of a firearm silencer.

30 h. **【Stun guns. Any person who knowingly has in his**
31 **possession any stun gun is guilty of a crime of the fourth degree.】**
32 (Deleted by amendment) (pending before the Legislature as this
33 bill)

34 i. Nothing in subsection e. of this section shall be construed to
35 prevent any guard in the employ of a private security company, who
36 is licensed to carry a firearm, from the possession of a nightstick
37 when in the actual performance of his official duties, provided that
38 he has satisfactorily completed a training course approved by the
39 Police Training Commission in the use of a nightstick.

40 j. Any person who knowingly has in his possession a large
41 capacity ammunition magazine is guilty of a crime of the fourth
42 degree unless the person has registered:

43 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
44 (C.2C:58-12) and the magazine is maintained and used in
45 connection with participation in competitive shooting matches
46 sanctioned by the Director of Civilian Marksmanship of the United
47 States Department of the Army **【; or】** .

1 (2) [a firearm with a fixed magazine capacity or detachable
2 magazine capable of holding up to 15 rounds pursuant to section 7
3 of P.L.2018, c.39 (C.2C:39-20).] (Deleted by amendment,
4 P.L. , c.) (pending before the Legislature as this bill)

5 k. Handcuffs. Any person who knowingly has in his possession
6 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
7 circumstances not manifestly appropriate for such lawful uses as
8 handcuffs may have, is guilty of a disorderly persons offense. A
9 law enforcement officer shall confiscate handcuffs possessed in
10 violation of the law.

11 l. Bump stock or trigger crank. Any person who knowingly
12 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
13 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
14 regardless of whether the person is in possession of a firearm, is
15 guilty of a crime of the third degree.

16 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
17 provision of law, a conviction arising out of this subsection shall
18 not merge with a conviction for possessing an assault firearm in
19 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
20 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
21 shall be imposed upon each conviction. Notwithstanding the
22 provisions of N.J.S.2C:44-5 or any other provisions of law, the
23 sentence imposed pursuant to this subsection shall be served
24 consecutively to that imposed for unlawfully possessing an assault
25 firearm in violation of subsection f. of N.J.S.2C:39-5.

26 m. Covert or undetectable firearms. Any person who
27 knowingly possesses any covert firearm as defined in subsection hh.
28 of N.J.S.2C:39-1, an undetectable firearm as defined in subsection
29 ii. of N.J.S.2C:39-1, or a firearm enclosed in a container or covering
30 that is designed or modified to allow the firearm to be fired while so
31 enclosed and that disguises or obscures the shape of the firearm
32 such that it does not resemble a handgun, rifle, shotgun, or machine
33 gun is guilty of a crime of the third degree.

34 n. Firearms without a serial number. Any person who
35 knowingly possesses a firearm manufactured or otherwise
36 assembled using a firearm frame or firearm receiver as defined in
37 subsection k. of N.J.S.2C:39-9 which is not imprinted with a serial
38 number registered with a federally licensed manufacturer including,
39 but not limited to, a firearm manufactured or otherwise assembled
40 from parts purchased or otherwise obtained in violation of
41 subsection k. of N.J.S.2C:39-9, is guilty of a crime of the third
42 degree.

43 (cf: P.L.2019, c.165, s.2)

44
45 13. N.J.S.2C:39-5 is amended to read as follows:

46 2C:39-5. Unlawful possession of weapons. a. Machine guns.
47 Any person who knowingly has in his possession a machine gun or
48 any instrument or device adaptable for use as a machine gun,

1 without being licensed to do so as provided in N.J.S.2C:58-5, is
2 guilty of a crime of the second degree.

3 b. Handguns. (1) Any person who knowingly has in his
4 possession any handgun, including any antique handgun, without
5 first having obtained a permit to carry the same as provided in
6 N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the
7 handgun is in the nature of an air gun, spring gun or pistol or other
8 weapon of a similar nature in which the propelling force is a spring,
9 elastic band, carbon dioxide, compressed or other gas or vapor, air
10 or compressed air, or is ignited by compressed air, and ejecting a
11 bullet or missile smaller than three-eighths of an inch in diameter,
12 with sufficient force to injure a person it is a crime of the third
13 degree.

14 c. **【Rifles and shotguns.** (1) Any person who knowingly has in
15 his possession any rifle or shotgun without having first obtained a
16 firearms purchaser identification card in accordance with the
17 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

18 (2) Unless otherwise permitted by law, any person who
19 knowingly has in his possession any loaded rifle or shotgun is
20 guilty of a crime of the third degree. **】** (Deleted by amendment,
21 P.L. , c.) (pending before the Legislature as this bill)

22 d. Other weapons. Any person who knowingly has in his
23 possession any other weapon under circumstances not manifestly
24 appropriate for such lawful uses as it may have is guilty of a crime
25 of the fourth degree. For the purposes of this section, self-defense is
26 a lawful use.

27 e. Firearms or other weapons in educational institutions.

28 (1) Any person who knowingly has in his possession any
29 firearm in or upon any part of the buildings or grounds of any
30 school, college, university or other educational institution, without
31 the written authorization of the governing officer of the institution,
32 is guilty of a crime of the third degree, irrespective of whether he
33 possesses a valid permit to carry the firearm **【**or a valid firearms
34 purchaser identification card**】**.

35 (2) Any person who knowingly possesses any weapon
36 enumerated in paragraphs (3) and (4) of subsection r. of
37 N.J.S.2C:39-1 or any components which can readily be assembled
38 into a firearm or other weapon enumerated in subsection r. of
39 N.J.S.2C:39-1 or any other weapon under circumstances not
40 manifestly appropriate for such lawful use as it may have, while in
41 or upon any part of the buildings or grounds of any school, college,
42 university or other educational institution without the written
43 authorization of the governing officer of the institution is guilty of a
44 crime of the fourth degree.

45 (3) Any person who knowingly has in his possession any
46 imitation firearm in or upon any part of the buildings or grounds of
47 any school, college, university or other educational institution,
48 without the written authorization of the governing officer of the

1 institution, or while on any school bus is a disorderly person,
2 irrespective of whether he possesses a valid permit to carry a
3 firearm **【or a valid firearms purchaser identification card】**.

4 f. Assault firearms. Any person who knowingly has in his
5 possession an assault firearm is guilty of a crime of the second
6 degree except if the assault firearm is licensed pursuant to
7 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
8 (C.2C:58-12); or rendered inoperable pursuant to section 12 of
9 P.L.1990, c.32 (C.2C:58-13).

10 g. (1) The temporary possession of a handgun, rifle or shotgun
11 by a person receiving, possessing, carrying or using the handgun,
12 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74
13 (C.2C:58-3.1) shall not be considered unlawful possession under
14 the provisions of subsection b. or c. of this section.

15 (2) The temporary possession of a firearm by a person receiving,
16 possessing, carrying or using the firearm under the provisions of
17 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered
18 unlawful possession under the provisions of this section.

19 h. A person who is convicted of a crime under subsection a., b.,
20 f. or j. of this section shall be ineligible for participation in any
21 program of intensive supervision; provided, however, that this
22 provision shall not apply to a crime under subsection b. involving
23 only a handgun which is in the nature of an air gun, spring gun or
24 pistol or other weapon of a similar nature in which the propelling
25 force is a spring, elastic band, carbon dioxide, compressed or other
26 gas or vapor, air or compressed air, or is ignited by compressed air,
27 and ejecting a bullet or missile smaller than three-eighths of an inch
28 in diameter, with sufficient force to injure a person.

29 i. A person convicted of violating subsection a., b. or f. of this
30 section shall be sentenced by the court to a term of imprisonment,
31 which shall include the imposition of a minimum term during which
32 the defendant shall be ineligible for parole, if the court finds that
33 the aggravating circumstance set forth in paragraph (5) of
34 subsection a. of N.J.S.2C:44-1 applies. The minimum term of
35 parole ineligibility shall be fixed at five years. The sentencing
36 court shall make a finding on the record as to whether the
37 aggravating circumstance set forth in paragraph (5) of subsection a.
38 of N.J.S.2C:44-1 applies, and the court shall presume that there is a
39 substantial likelihood that the defendant is involved in organized
40 criminal activity if there is a substantial likelihood that the
41 defendant is a member of an organization or group that engages in
42 criminal activity. The prosecution at the sentencing hearing shall
43 have the initial burden of producing evidence or information
44 concerning the defendant's membership in such an organization or
45 group.

46 j. A violation of subsection a., b., c. or f. of this section by a
47 person who has a prior conviction of any of the crimes enumerated

1 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a
2 first degree crime.

3 (cf: P.L.2013, c.113, s.1)

4

5 14. N.J.S.2C:39-6 is amended to read as follows:

6 2C:39-6. a. Provided a person complies with the requirements
7 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

8 (1) Members of the Armed Forces of the United States or of the
9 National Guard while actually on duty, or while traveling between
10 places of duty and carrying authorized weapons in the manner
11 prescribed by the appropriate military authorities;

12 (2) Federal law enforcement officers, and any other federal
13 officers and employees required to carry firearms in the
14 performance of their official duties;

15 (3) Members of the State Police and, under conditions
16 prescribed by the superintendent, members of the Marine Law
17 Enforcement Bureau of the Division of State Police;

18 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
19 assistant prosecutor, prosecutor's detective or investigator, deputy
20 attorney general or State investigator employed by the Division of
21 Criminal Justice of the Department of Law and Public Safety,
22 investigator employed by the State Commission of Investigation,
23 inspector of the Alcoholic Beverage Control Enforcement Bureau of
24 the Division of State Police in the Department of Law and Public
25 Safety authorized to carry weapons by the Superintendent of State
26 Police, State park police officer, or State conservation police
27 officer;

28 (5) Except as hereinafter provided, a State correctional police
29 officer, or a prison or jail warden of any penal institution in this
30 State or the warden's deputies, or an employee of the Department of
31 Corrections engaged in the interstate transportation of convicted
32 offenders, while in the performance of the employee's duties, and
33 when required to possess the weapon by a superior officer, or a
34 correctional police officer or keeper of a penal institution in this
35 State at all times while in the State of New Jersey, provided the
36 person annually passes an examination approved by the
37 superintendent testing the person's proficiency in the handling of
38 firearms;

39 (6) A civilian employee of the United States Government under
40 the supervision of the commanding officer of any post, camp,
41 station, base or other military or naval installation located in this
42 State who is required, in the performance of the employee's official
43 duties, to carry firearms, and who is authorized to carry firearms by
44 the commanding officer, while in the actual performance of the
45 employee's official duties;

46 (7) (a) A regularly employed member, including a detective, of
47 the police department of any county or municipality, or of any

- 1 State, interstate, municipal or county park police force or boulevard
2 police force, at all times while in the State of New Jersey;
- 3 (b) A special law enforcement officer authorized to carry a
4 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
5 (C.40A:14-146.14);
- 6 (c) An airport security officer or a special law enforcement
7 officer appointed by the governing body of any county or
8 municipality, except as provided in subparagraph (b) of this
9 paragraph, or by the commission, board or other body having
10 control of a county park or airport or boulevard police force, while
11 engaged in the actual performance of the officer's official duties
12 and when specifically authorized by the governing body to carry
13 weapons;
- 14 (8) A full-time, paid member of a paid or part-paid fire
15 department or force of any municipality who is assigned full-time
16 or part-time to an arson investigation unit created pursuant to
17 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
18 investigation unit in the county prosecutor's office, while either
19 engaged in the actual performance of arson investigation duties or
20 while actually on call to perform arson investigation duties and
21 when specifically authorized by the governing body or the county
22 prosecutor, as the case may be, to carry weapons. Prior to being
23 permitted to carry a firearm, a member shall take and successfully
24 complete a firearms training course administered by the Police
25 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
26 seq.), and shall annually qualify in the use of a revolver or similar
27 weapon prior to being permitted to carry a firearm;
- 28 (9) A juvenile correctional police officer in the employment of
29 the Juvenile Justice Commission established pursuant to section 2
30 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations
31 promulgated by the commission;
- 32 (10) A designated employee or designated licensed agent for a
33 nuclear power plant under license of the Nuclear Regulatory
34 Commission, while in the actual performance of the person's
35 official duties, if the federal licensee certifies that the designated
36 employee or designated licensed agent is assigned to perform site
37 protection, guard, armed response or armed escort duties and is
38 appropriately trained and qualified, as prescribed by federal
39 regulation, to perform those duties. Any firearm utilized by an
40 employee or agent for a nuclear power plant pursuant to this
41 paragraph shall be returned each day at the end of the employee's or
42 agent's authorized official duties to the employee's or agent's
43 supervisor. All firearms returned each day pursuant to this
44 paragraph shall be stored in locked containers located in a secure
45 area;
- 46 (11) A county correctional police officer at all times while in the
47 State of New Jersey, provided the officer annually passes an

1 examination approved by the superintendent testing the officer's
2 proficiency in the handling of firearms.

3 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

4 (1) A law enforcement officer employed by a governmental
5 agency outside of the State of New Jersey while actually engaged in
6 the officer's official duties, provided, however, that the officer has
7 first notified the superintendent or the chief law enforcement officer
8 of the municipality or the prosecutor of the county in which the
9 officer is engaged; or

10 (2) A licensed dealer in firearms and the dealer's registered
11 employees during the course of their normal business while
12 traveling to and from their place of business and other places for the
13 purpose of demonstration, exhibition or delivery in connection with
14 a sale, provided, however, that the weapon is carried in the manner
15 specified in subsection g. of this section.

16 c. Provided a person complies with the requirements of
17 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
18 do not apply to:

19 (1) A special agent of the Division of Taxation who has passed
20 an examination in an approved police training program testing
21 proficiency in the handling of any firearm which the agent may be
22 required to carry, while in the actual performance of the agent's
23 official duties and while going to or from the agent's place of duty,
24 or any other police officer, while in the actual performance of the
25 officer's official duties;

26 (2) A State deputy conservation police officer or a full-time
27 employee of the Division of Parks and Forestry having the power of
28 arrest and authorized to carry weapons, while in the actual
29 performance of the officer's official duties;

30 (3) (Deleted by amendment, P.L.1986, c.150.)

31 (4) A court attendant appointed by the sheriff of the county or
32 by the judge of any municipal court or other court of this State,
33 while in the actual performance of the attendant's official duties;

34 (5) A guard employed by any railway express company, banking
35 or building and loan or savings and loan institution of this State,
36 while in the actual performance of the guard's official duties;

37 (6) A member of a legally recognized military organization
38 while actually under orders or while going to or from the prescribed
39 place of meeting and carrying the weapons prescribed for drill,
40 exercise or parade;

41 (7) A municipal humane law enforcement officer, authorized
42 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
43 14.1), or humane law enforcement officer of a county society for
44 the prevention of cruelty to animals authorized pursuant to
45 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
46 in the actual performance of the officer's duties;

47 (8) An employee of a public utilities corporation actually
48 engaged in the transportation of explosives;

1 (9) A railway policeman, except a transit police officer of the
2 New Jersey Transit Police Department, at all times while in the
3 State of New Jersey, provided that the person has passed an
4 approved police academy training program consisting of at least
5 280 hours. The training program shall include, but need not be
6 limited to, the handling of firearms, community relations, and
7 juvenile relations;

8 (10) A campus police officer appointed under P.L.1970, c.211
9 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
10 a firearm, a campus police officer shall take and successfully
11 complete a firearms training course administered by the Police
12 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
13 seq.), and shall annually qualify in the use of a revolver or similar
14 weapon prior to being permitted to carry a firearm;

15 (11) (Deleted by amendment, P.L.2003, c.168) **[.]**

16 (12) A transit police officer of the New Jersey Transit Police
17 Department, at all times while in the State of New Jersey, provided
18 the officer has satisfied the training requirements of the Police
19 Training Commission, pursuant to subsection c. of section 2 of
20 P.L.1989, c.291 (C.27:25-15.1);

21 (13) A parole officer employed by the State Parole Board at all
22 times. Prior to being permitted to carry a firearm, a parole officer
23 shall take and successfully complete a basic course for regular
24 police officer training administered by the Police Training
25 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
26 shall annually qualify in the use of a revolver or similar weapon
27 prior to being permitted to carry a firearm;

28 (14) A Human Services police officer at all times while in the
29 State of New Jersey, as authorized by the Commissioner of Human
30 Services;

31 (15) A person or employee of any person who, pursuant to and as
32 required by a contract with a governmental entity, supervises or
33 transports persons charged with or convicted of an offense;

34 (16) A housing authority police officer appointed under
35 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
36 State of New Jersey; or

37 (17) A probation officer assigned to the "Probation Officer
38 Community Safety Unit" created by section 2 of P.L.2001, c.362
39 (C.2B:10A-2) while in the actual performance of the probation
40 officer's official duties. Prior to being permitted to carry a firearm,
41 a probation officer shall take and successfully complete a basic
42 course for regular police officer training administered by the Police
43 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
44 seq.), and shall annually qualify in the use of a revolver or similar
45 weapon prior to being permitted to carry a firearm.

46 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
47 antique firearms, provided that the antique firearms are unloaded or
48 are being fired for the purposes of exhibition or demonstration at an

1 authorized target range or in another manner approved in writing by
2 the chief law enforcement officer of the municipality in which the
3 exhibition or demonstration is held, or if not held on property under
4 the control of a particular municipality, the superintendent.

5 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
6 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
7 being fired but that is unloaded and immobile, provided that the
8 antique cannon is possessed by:

9 (a) a scholastic institution, a museum, a municipality, a county or
10 the State **[, or]** .

11 (b) **[a person who obtained a firearms purchaser identification**
12 **card as specified in N.J.S.2C:58-3.]** (Deleted by amendment,
13 P.L. , c.) (pending before the Legislature as this bill)

14 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
15 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
16 being transported by one eligible to possess it, in compliance with
17 regulations the superintendent may promulgate, between its
18 permanent location and place of purchase or repair.

19 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
20 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
21 or fired by one eligible to possess an antique cannon, for purposes
22 of exhibition or demonstration at an authorized target range or in
23 the manner as has been approved in writing by the chief law
24 enforcement officer of the municipality in which the exhibition or
25 demonstration is held, or if not held on property under the control
26 of a particular municipality, the superintendent, provided that
27 performer has given at least 30 days' notice to the superintendent.

28 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
29 N.J.S.2C:39-5 do not apply to the transportation of unloaded
30 antique cannons directly to or from exhibitions or demonstrations
31 authorized under paragraph (4) of subsection d. of this section,
32 provided that the transportation is in compliance with safety
33 regulations the superintendent may promulgate. Those subsections
34 shall not apply to transportation directly to or from exhibitions or
35 demonstrations authorized under the law of another jurisdiction,
36 provided that the superintendent has been given 30 days' notice and
37 that the transportation is in compliance with safety regulations the
38 superintendent may promulgate.

39 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
40 be construed to prevent a person keeping or carrying about the
41 person's place of business, residence, premises or other land owned
42 or possessed by the person, any firearm, or from carrying the same,
43 in the manner specified in subsection g. of this section, from any
44 place of purchase to the person's residence or place of business,
45 between the person's dwelling and place of business, between one
46 place of business or residence and another when moving, or
47 between the person's dwelling or place of business and place where
48 the firearms are repaired, for the purpose of repair. For the

1 purposes of this section, a place of business shall be deemed to be a
2 fixed location.

3 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
4 be construed to prevent:

5 (1) A member of any rifle or pistol club organized in accordance
6 with the rules prescribed by the National Board for the Promotion
7 of Rifle Practice, in going to or from a place of target practice,
8 carrying firearms necessary for target practice, provided that the
9 club has filed a copy of its charter with the superintendent and
10 annually submits a list of its members to the superintendent and
11 provided further that the firearms are carried in the manner
12 specified in subsection g. of this section;

13 (2) A person carrying a firearm or knife in the woods or fields
14 or upon the waters of this State for the purpose of hunting, target
15 practice or fishing, provided that the firearm or knife is legal and
16 appropriate for hunting or fishing purposes in this State and the
17 person has in his possession a valid hunting license, or, with respect
18 to fresh water fishing, a valid fishing license;

19 (3) A person transporting any firearm or knife while traveling:

20 (a) Directly to or from any place for the purpose of hunting or
21 fishing, provided the person has in possession a valid hunting or
22 fishing license; or

23 (b) Directly to or from any target range, or other authorized
24 place for the purpose of practice, match, target, trap or skeet
25 shooting exhibitions, provided in all cases that during the course of
26 the travel all firearms are carried in the manner specified in
27 subsection g. of this section and the person has complied with all
28 the provisions and requirements of Title 23 of the Revised Statutes
29 and any amendments thereto and all rules and regulations
30 promulgated thereunder; or

31 (c) In the case of a firearm, directly to or from any exhibition or
32 display of firearms which is sponsored by any law enforcement
33 agency, any rifle or pistol club, or any firearms collectors club, for
34 the purpose of displaying the firearms to the public or to the
35 members of the organization or club, provided, however, that not
36 less than 30 days prior to the exhibition or display, notice of the
37 exhibition or display shall be given to the Superintendent of the
38 State Police by the sponsoring organization or club, and the sponsor
39 has complied with any reasonable safety regulations the
40 superintendent may promulgate. Any firearms transported pursuant
41 to this section shall be transported in the manner specified in
42 subsection g. of this section;

43 (4) A person from keeping or carrying about a private or
44 commercial aircraft or any boat, or from transporting to or from the
45 aircraft or boat for the purpose of installation or repair of a visual
46 distress signaling device approved by the United States Coast
47 Guard.

1 g. Any weapon being transported under paragraph (2) of
2 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
3 of this section shall be carried unloaded and contained in a closed
4 and fastened case, gunbox, securely tied package, or locked in the
5 trunk of the automobile in which it is being transported, and in the
6 course of travel shall include only deviations as are reasonably
7 necessary under the circumstances.

8 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any employee of a public utility, as defined in R.S.48:2-
10 13, doing business in this State or any United States Postal Service
11 employee, while in the actual performance of duties which
12 specifically require regular and frequent visits to private premises,
13 from possessing, carrying or using any device which projects,
14 releases or emits any substance specified as being noninjurious to
15 canines or other animals by the Commissioner of Health and which
16 immobilizes only on a temporary basis and produces only
17 temporary physical discomfort through being vaporized or
18 otherwise dispensed in the air for the sole purpose of repelling
19 canine or other animal attacks.

20 The device shall be used solely to repel only those canine or
21 other animal attacks when the canines or other animals are not
22 restrained in a fashion sufficient to allow the employee to properly
23 perform the employee's duties.

24 Any device used pursuant to this act shall be selected from a list
25 of products, which consist of active and inert ingredients, permitted
26 by the Commissioner of Health.

27 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
28 any person **【who is 18 years of age or older and who has not been**
29 **convicted of a crime,】** from possession for the purpose of personal
30 self-defense of **【one pocket-sized】** a device which contains and
31 releases **【not more than three-quarters of an ounce of】** a chemical
32 substance not ordinarily capable of lethal use or of inflicting serious
33 bodily injury, but rather, is intended to produce temporary physical
34 discomfort or disability through being vaporized or otherwise
35 dispensed in the air. **【Any person in possession of any device in**
36 **violation of this subsection shall be deemed and adjudged to be a**
37 **disorderly person, and upon conviction thereof, shall be punished**
38 **by a fine of not less than \$100.】**

39 (2) Notwithstanding the provisions of paragraph (1) of this
40 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
41 health inspector or investigator operating pursuant to the provisions
42 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
43 inspector from possessing a device which is capable of releasing
44 **【more than three-quarters of an ounce of】** a chemical substance, as
45 described in paragraph (1) of this subsection, while in the actual
46 performance of the inspector's or investigator's duties, provided that

1 the device does not exceed the size of those used by law
2 enforcement.

3 j. A person shall qualify for an exemption from the provisions
4 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
5 section, if the person has satisfactorily completed a firearms
6 training course approved by the Police Training Commission.

7 The exempt person shall not possess or carry a firearm until the
8 person has satisfactorily completed a firearms training course and
9 shall annually qualify in the use of a revolver or similar weapon.
10 For purposes of this subsection, a "firearms training course" means
11 a course of instruction in the safe use, maintenance and storage of
12 firearms which is approved by the Police Training Commission.
13 The commission shall approve a firearms training course if the
14 requirements of the course are substantially equivalent to the
15 requirements for firearms training provided by police training
16 courses which are certified under section 6 of P.L.1961, c.56
17 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
18 or (6) of subsection a. of this section shall be exempt from the
19 requirements of this subsection.

20 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent any financial institution, or any duly authorized
22 personnel of the institution, from possessing, carrying or using for
23 the protection of money or property, any device which projects,
24 releases or emits tear gas or other substances intended to produce
25 temporary physical discomfort or temporary identification.

26 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
27 to prevent a law enforcement officer who retired in good standing,
28 including a retirement because of a disability pursuant to section 6
29 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
30 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
31 substantially similar statute governing the disability retirement of
32 federal law enforcement officers, provided the officer was a
33 regularly employed, full-time law enforcement officer for an
34 aggregate of four or more years prior to the officer's disability
35 retirement and further provided that the disability which constituted
36 the basis for the officer's retirement did not involve a certification
37 that the officer was mentally incapacitated for the performance of
38 the officer's usual law enforcement duties and any other available
39 duty in the department which the officer's employer was willing to
40 assign to the officer **】**or does not subject that retired officer to any
41 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
42 would disqualify the retired officer from possessing or carrying a
43 firearm**】**, who semi-annually qualifies in the use of the handgun the
44 officer is permitted to carry in accordance with the requirements
45 and procedures established by the Attorney General pursuant to
46 subsection j. of this section and pays the actual costs associated
47 with those semi-annual qualifications, who is 75 years of age or
48 younger, and who was regularly employed as a full-time member of

1 the State Police; a full-time member of an interstate police force; a
2 full-time member of a county or municipal police department in this
3 State; a full-time member of a State law enforcement agency; a full-
4 time sheriff, undersheriff or sheriff's officer of a county of this
5 State; a full-time State or county correctional police officer; a full-
6 time State correctional police officer or county correctional police
7 officer; a full-time State or county park police officer; a full-time
8 special agent of the Division of Taxation; a full-time Human
9 Services police officer; a full-time transit police officer of the New
10 Jersey Transit Police Department; a full-time campus police officer
11 exempted pursuant to paragraph (10) of subsection c. of this
12 section; a full-time State conservation police officer exempted
13 pursuant to paragraph (4) of subsection a. of this section; a full-time
14 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
15 21; a full-time Burlington County Bridge police officer appointed
16 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
17 housing authority police officer exempted pursuant to paragraph
18 (16) of subsection c. of this section; a full-time juvenile correctional
19 police officer exempted pursuant to paragraph (9) of subsection a.
20 of this section; a full-time parole officer exempted pursuant to
21 paragraph (13) of subsection c. of this section; a full-time railway
22 policeman exempted pursuant to paragraph (9) of subsection c. of
23 this section; a full-time county prosecutor's detective or
24 investigator; a full-time federal law enforcement officer; or is a
25 qualified retired law enforcement officer, as used in the federal
26 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,
27 domiciled in this State from carrying a handgun in the same manner
28 as law enforcement officers exempted under paragraph (7) of
29 subsection a. of this section under the conditions provided herein:

30 (1) The retired law enforcement officer shall make application
31 in writing to the Superintendent of State Police for approval to carry
32 a handgun for one year. An application for annual renewal shall be
33 submitted in the same manner.

34 (2) Upon receipt of the written application of the retired law
35 enforcement officer, the superintendent shall request a verification
36 of service from the chief law enforcement officer of the
37 organization in which the retired officer was last regularly
38 employed as a full-time law enforcement officer prior to retiring.
39 The verification of service shall include:

40 (a) The name and address of the retired officer;

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

43 (c) A list of all handguns known to be registered to that officer;

44 (d) A statement that, to the reasonable knowledge of the chief
45 law enforcement officer, the retired officer is not subject to any of
46 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

47 (e) A statement that the officer retired in good standing.

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of
3 this subsection, the superintendent shall notify in writing the chief
4 law enforcement officer of the municipality wherein that retired
5 officer resides. In the event the retired officer resides in a
6 municipality which has no chief law enforcement officer or law
7 enforcement agency, the superintendent shall maintain a record of
8 the approval.

9 (4) The superintendent shall issue to an approved retired officer
10 an identification card permitting the retired officer to carry a
11 handgun pursuant to this subsection. This identification card shall
12 be valid for one year from the date of issuance and shall be valid
13 throughout the State. The identification card shall not be
14 transferable to any other person. The identification card shall be
15 carried at all times on the person of the retired officer while the
16 retired officer is carrying a handgun. The retired officer shall
17 produce the identification card for review on the demand of any law
18 enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which the person resides by filing a written request for a
23 hearing within 30 days of the denial. Copies of the request shall be
24 served upon the superintendent and the county prosecutor. The
25 hearing shall be held within 30 days of the filing of the request, and
26 no formal pleading or filing fee shall be required. Appeals from the
27 determination of the hearing shall be in accordance with law and the
28 rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. **【A person**
32 **who becomes subject to any of the disabilities set forth in**
33 **subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the**
34 **superintendent, the person's identification card issued under**
35 **paragraph (4) of this subsection to the chief law enforcement officer**
36 **of the municipality wherein the person resides or the**
37 **superintendent, and shall be permanently disqualified to carry a**
38 **handgun under this subsection.】**

39 (7) The superintendent may charge a reasonable application fee
40 to retired officers to offset any costs associated with administering
41 the application process set forth in this subsection.

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish and Wildlife, while in the actual performance of duties, from
45 possessing, transporting or using any device that projects, releases
46 or emits any substance specified as being non-injurious to wildlife
47 by the Director of the Division of Animal Health in the Department
48 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

4 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
5 be construed to prevent duly authorized personnel of the New
6 Jersey Division of Fish and Wildlife, while in the actual
7 performance of duties, from possessing, transporting or using hand
8 held pistol-like devices, rifles or shotguns that launch pyrotechnic
9 missiles for the sole purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife; from possessing,
11 transporting or using rifles, pistols or similar devices for the sole
12 purpose of chemically immobilizing wild or non-domestic animals;
13 or, provided the duly authorized person complies with the
14 requirements of subsection j. of this section, from possessing,
15 transporting or using rifles or shotguns, upon completion of a Police
16 Training Commission approved training course, in order to dispatch
17 injured or dangerous animals or for non-lethal use for the purpose
18 of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife.

20 o. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent a person from possessing, transporting, or using a
22 weapon for self-defense.

23 (cf: P.L.2019, c.407, s.2)

24

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

26 2C:39-10. Violation of the regulatory provisions relating to
27 firearms; false representation in applications.

28 a. (1) Except as otherwise provided in paragraph (2) and
29 paragraph (4) of this subsection, any person who knowingly violates
30 the regulatory provisions relating to manufacturing or wholesaling
31 of firearms N.J.S.2C:58-1, retailing of firearms N.J.S.2C:58-2,
32 permits to purchase certain firearms N.J.S.2C:58-3, permits to carry
33 certain firearms N.J.S.2C:58-4, licenses to procure machine guns or
34 assault firearms N.J.S.2C:58-5, or incendiary or tracer ammunition
35 N.J.S.2C:58-10, except acts which are punishable under section
36 N.J.S.2C:58-5 or section N.J.S.2C:58-2, is guilty of a crime of the
37 fourth degree.

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

41 (3) If, upon review, a law enforcement agency determines that a
42 licensed dealer has sold, transferred, assigned, or otherwise
43 disposed of an inordinate number of firearms and that licensed
44 dealer knew, or should have known, that the firearms would be used
45 in the commission of a crime or would be transferred to a person in
46 order for the firearms to be used for an unlawful purpose, that
47 dealer's license shall, after a hearing, be permanently revoked.

1 (4) A licensed dealer who sells or transfers a firearm to a person
2 knowing that person intends to sell, transfer, assign, or otherwise
3 dispose of that firearm to a person who is disqualified from
4 possessing a firearm under State or federal law is guilty of a crime
5 of the second degree. Notwithstanding any other provisions of law
6 to the contrary, the sentence imposed for a conviction under this
7 subsection shall include a mandatory minimum term of
8 imprisonment of 18 months, during which the defendant shall be
9 ineligible for parole; provided however, if the firearm was used in
10 the commission of a crime, the sentence imposed under this
11 subsection shall include a mandatory minimum term of
12 imprisonment of three years, during which the defendant shall be
13 ineligible for parole. Further, a person convicted under this
14 subsection shall be permanently disqualified from holding a retail
15 license under N.J.S.2C:58-2.

16 (5) A person who is disqualified from possessing a firearm
17 under State or federal law who knowingly solicits, persuades,
18 encourages, or entices a licensed dealer or other person to sell, give,
19 transfer, or assign a firearm to the disqualified person under
20 circumstances which the disqualified person knows would violate
21 State or federal law is guilty of a crime of the third degree.
22 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
23 conviction under this subsection shall not merge with a conviction
24 for any other criminal offense and the court shall impose separate
25 sentences upon a violation of this subsection and any other criminal
26 offense.

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

31 c. Any person who gives or causes to be given any false
32 information, or signs a fictitious name or address, in applying for a
33 [firearms purchaser identification card, a permit to purchase a
34 handgun, a] permit to carry a handgun, a permit to possess a
35 machine gun, a permit to possess an assault firearm, or in
36 completing the certificate or any other instrument required by law
37 in purchasing or otherwise acquiring delivery of any rifle, shotgun,
38 handgun, machine gun, or assault firearm or any other firearm, is
39 guilty of a crime of the third degree.

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

45 e. Any person who knowingly sells, gives, transfers, assigns or
46 otherwise disposes of a firearm to a person who is under the age of
47 18 years, except as permitted in section 14 of P.L.1979, c.179
48 (C.2C:58-6.1), is guilty of a crime of the second degree.

1 Notwithstanding any other provision of law to the contrary, the
2 sentence imposed for a conviction under this subsection shall
3 include a mandatory minimum five-year term of imprisonment,
4 during which the defendant shall be ineligible for parole.

5 f. Unless the recipient is authorized to possess the handgun in
6 connection with the performance of official duties under the
7 provisions of N.J.S.2C:39-6, any person who knowingly sells,
8 gives, transfers, assigns or otherwise disposes of a handgun to a
9 person who is under the age of 21 years, except as permitted in
10 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
11 the third degree.

12 g. Any person who knowingly gives or causes to be given any
13 false information or knowingly engages in any other fraudulent
14 conduct in applying for an exemption to purchase more than one
15 handgun in a 30-day period in violation of the provisions of section
16 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
17 third degree. The presumption of nonimprisonment set forth in
18 N.J.S.2C:44-1 shall not apply to persons convicted under the
19 provisions of this subsection.

20 (cf: P.L.2019, c.166, s.5)

21

22 16. Section 1 of P.L.1983, c.515 (C.2C:39-15) is amended to
23 read as follows:

24 1. Any person who offers to sell a machine gun **],** semi-
25 automatic rifle,**]** or assault firearm by means of an advertisement
26 published in a newspaper circulating within this State, which
27 advertisement does not specify that the purchaser shall hold a valid
28 license to purchase and possess a machine gun or assault firearm **],**
29 or a valid firearms identification card to purchase and possess an
30 automatic or semi-automatic rifle,**]** is a disorderly person.

31 (cf: P.L.1990, c.32, s.1)

32

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

34 2C:58-2. a. Licensing of retail dealers and their employees. No
35 retail dealer of firearms nor any employee of a retail dealer shall
36 sell or expose for sale, or possess with the intent of selling, any
37 firearm unless licensed to do so as hereinafter provided. The
38 superintendent shall prescribe standards and qualifications for retail
39 dealers of firearms and their employees for the protection of the
40 public safety, health and welfare.

41 Applications shall be made in the form prescribed by the
42 superintendent, accompanied by a fee of \$50 payable to the
43 superintendent, and shall be made to a judge of the Superior Court
44 in the county where the applicant maintains his place of business.
45 The judge shall grant a license to an applicant if he finds that the
46 applicant meets the standards and qualifications established by the
47 superintendent and that the applicant can be permitted to engage in
48 business as a retail dealer of firearms or employee thereof without

1 any danger to the public safety, health and welfare. Each license
2 shall be valid for a period of three years from the date of issuance,
3 and shall authorize the holder to sell firearms at retail in a specified
4 municipality.

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

10 No license shall be granted to any retail dealer under the age of
11 21 years **【or to any】**, employee of a retail dealer under the age of
12 18 **【or to any person who could not qualify to obtain a permit to**
13 **purchase a handgun or a firearms purchaser identification card,】**
14 **years,** or **【to any】** corporation, partnership or other business
15 organization in which the actual or equitable controlling interest is
16 held or possessed by **【such】** an ineligible person.

17 All licenses shall be granted subject to the following conditions,
18 for breach of any of which the license shall be subject to revocation
19 on the application of any law enforcement officer and after notice
20 and hearing by the issuing court:

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

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

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

30 (4) **【No rifle or shotgun, except antique rifles or shotguns, shall**
31 **be delivered to any person unless such person possesses and**
32 **exhibits a valid firearms purchaser identification card and furnishes**
33 **the seller, on the form prescribed by the superintendent, a**
34 **certification signed by him setting forth his name, permanent**
35 **address, firearms purchaser identification card number and such**
36 **other information as the superintendent may by rule or regulation**
37 **require. The certification shall be retained by the dealer and shall**
38 **be made available for inspection by any law enforcement officer at**
39 **any reasonable time.】** (Deleted by amendment, P.L. , c.)
40 (pending before the Legislature as this bill)

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

42 (a) **【Such person possesses and exhibits a valid permit to**
43 **purchase a firearm and at least seven days have elapsed since the**
44 **date of application for the permit;】** (Deleted by amendment,
45 P.L. , c.) (pending before the Legislature as this bill)

- 1 (b) **【**The person is personally known to the seller or presents
2 evidence of his identity;**】** (Deleted by amendment, P.L. , c.)
3 (pending before the Legislature as this bill)
- 4 (c) The handgun is unloaded and securely wrapped; and
- 5 (d) The handgun is accompanied by a trigger lock or a locked
6 case, gun box, container or other secure facility; provided, however,
7 this provision shall not apply to antique handguns or personalized
8 handguns included in the roster pursuant to section 2 of P.L.2019,
9 c.164 (C.2C:58-2.8). The exemptions afforded under this
10 subparagraph for antique handguns and personalized handguns shall
11 be narrowly construed, limited solely to the requirements set forth
12 herein and shall not be deemed to afford or authorize any other
13 exemption from the regulatory provisions governing firearms set
14 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
15 Statutes **【**; and**】** .
- 16 (e) (Deleted by amendment, P.L.2019, c.164)
- 17 (6) The dealer shall keep a true record of every handgun sold,
18 given or otherwise delivered or disposed of, in accordance with the
19 provisions of subsections b. through e. of this section and the record
20 shall note whether a trigger lock, locked case, gun box, container or
21 other secure facility was delivered along with the handgun.
- 22 (7) **【**A dealer shall not knowingly deliver more than one
23 handgun to any person within any 30-day period. This limitation
24 shall not apply to:
- 25 (a) a federal, State, or local law enforcement officer or agency
26 purchasing handguns for use by officers in the actual performance
27 of their law enforcement duties;
- 28 (b) a collector of handguns as curios or relics as defined in Title
29 18, United States Code, section 921 (a) (13) who has in his
30 possession a valid Collector of Curios and Relics License issued by
31 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 32 (c) transfers of handguns among licensed retail dealers,
33 registered wholesale dealers and registered manufacturers;
- 34 (d) any transaction where the person has purchased a handgun
35 from a licensed retail dealer and has returned that handgun to the
36 dealer in exchange for another handgun within 30 days of the
37 original transaction, provided the retail dealer reports the exchange
38 transaction to the superintendent; or
- 39 (e) any transaction where the superintendent issues an
40 exemption from the prohibition in this subsection pursuant to the
41 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4) **【**(Deleted
42 by amendment, P.L. , c.) (pending before the Legislature as
43 this bill)
- 44 b. **【**Records. Every person engaged in the retail business of
45 selling, leasing or otherwise transferring a handgun, as a retail
46 dealer or otherwise, shall keep a register in which shall be entered
47 the time of the sale, lease or other transfer, the date thereof, the

1 name, age, date of birth, complexion, occupation, residence and a
2 physical description including distinguishing physical
3 characteristics, if any, of the purchaser, lessee or transferee, the
4 name and permanent home address of the person making the sale,
5 lease or transfer, the place of the transaction, and the make, model,
6 manufacturer's number, caliber and other marks of identification on
7 such handgun and such other information as the superintendent
8 shall deem necessary for the proper enforcement of this chapter.
9 The register shall be retained by the dealer and shall be made
10 available at all reasonable hours for inspection by any law
11 enforcement officer.】 (Deleted by amendment, P.L. _____, c. _____)
12 (pending before the Legislature as this bill)

13 c. 【Forms of register. The superintendent shall prepare the
14 form of the register as described in subsection b. of this section and
15 furnish the same in triplicate to each person licensed to be engaged
16 in the business of selling, leasing or otherwise transferring
17 firearms.】 (Deleted by amendment, P.L. _____, c. _____) (pending before
18 the Legislature as this bill)

19 d. 【Signatures in register. The purchaser, lessee or transferee
20 of any handgun shall sign, and the dealer shall require him to sign
21 his name to the register, in triplicate, and the person making the
22 sale, lease or transfer shall affix his name, in triplicate, as a witness
23 to the signature. The signatures shall constitute a representation of
24 the accuracy of the information contained in the register.】 (Deleted
25 by amendment, P.L. _____, c. _____) (pending before the Legislature as this
26 bill)

27 e. 【Copies of register entries; delivery to chief of police or
28 county clerk. Within five days of the date of the sale, assignment or
29 transfer, the dealer shall deliver or mail by certified mail, return
30 receipt requested, legible copies of the register forms to the office
31 of the chief of police of the municipality in which the purchaser
32 resides, or to the office of the captain of the precinct of the
33 municipality in which the purchaser resides, and to the
34 superintendent. If hand delivered a receipt shall be given to the
35 dealer therefor.

36 Where a sale, assignment or transfer is made to a purchaser who
37 resides in a municipality having no chief of police, the dealer shall,
38 within five days of the transaction, mail a duplicate copy of the
39 register sheet to the clerk of the county within which the purchaser
40 resides.】 (Deleted by amendment, P.L. _____, c. _____) (pending before
41 the Legislature as this bill)

42 f. Prior to selling, giving, transferring, assigning, or otherwise
43 disposing of a firearm, a dealer shall complete a National Instant
44 Criminal Background Check of the person acquiring the firearm.
45 (cf: P.L.2019, c.164, s.7)

46

47 18. Section 1 of P.L.1992. c.74 (C.2C:58-3.1) is amended to read

1 as follows:

2 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,
3 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary
4 concerning the transfer or disposition of firearms, the legal owner,
5 or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a
6 handgun, rifle or shotgun to another person who is 18 years of age
7 or older **],** whether or not the person receiving the firearm holds a
8 firearms purchaser identification card or a permit to carry a
9 handgun**].** The person to whom a handgun, rifle or shotgun is
10 temporarily transferred by the legal owner of the firearm or a
11 licensed dealer may receive, possess, carry and use that handgun,
12 rifle or shotgun, if the transfer is made upon a firing range operated
13 by a licensed dealer, by a law enforcement agency, a legally
14 recognized military organization or a rifle or pistol club which has
15 filed a copy of its charter with the superintendent and annually
16 submits to the superintendent a list of its members and if the firearm
17 is received, possessed, carried and used for the sole purpose of
18 target practice, trap or skeet shooting, or competition upon that
19 firing range or instruction and training at any location.

20 A transfer under this subsection shall be for not more than eight
21 consecutive hours in any 24-hour period and may be made for a set
22 fee or an hourly charge.

23 The firearm shall be handled and used by the person to whom it
24 is temporarily transferred only in the actual presence or under the
25 direct supervision of the legal owner of the firearm, the dealer who
26 transferred the firearm or any other person competent to supervise
27 the handling and use of firearms and authorized to act for that
28 purpose by the legal owner or licensed dealer. The legal owner of
29 the firearm or the licensed dealer shall be on the premises or the
30 property of the firing range during the entire time that the firearm is
31 in the possession of the person to whom it is temporarily
32 transferred.

33 The term "legal owner" as used in this subsection means a
34 natural person and does not include an organization, commercial
35 enterprise, or a licensed manufacturer, wholesaler or dealer of
36 firearms.

37 b. Notwithstanding the provisions of N.J.S.2C:39-9,
38 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary
39 concerning the transfer and disposition of firearms, a legal owner of
40 a shotgun or a rifle may temporarily transfer that firearm to another
41 person who is 18 years of age or older **],** whether or not the person
42 receiving the firearm holds a firearms purchaser identification
43 card**].** The person to whom a shotgun or rifle is temporarily
44 transferred by the legal owner may receive, possess, carry and use
45 that shotgun or rifle in the woods or fields or upon the waters of this
46 State for the purposes of hunting if the transfer is made in the
47 woods or fields or upon the waters of this State, the shotgun or rifle
48 is legal and appropriate for hunting and the person to whom the

1 firearm is temporarily transferred possesses a valid license to hunt
2 with a firearm, and a valid rifle permit if the firearm is a rifle,
3 obtained in accordance with the provisions of chapter 3 of Title 23
4 of the Revised Statutes.

5 The transfer of a firearm under this subsection shall be for not
6 more than eight consecutive hours in any 24-hour period and no fee
7 shall be charged for the transfer.

8 The legal owner of the firearm which is temporarily transferred
9 shall remain in the actual presence or in the vicinity of the person to
10 whom it was transferred during the entire time that the firearm is in
11 that person's possession.

12 The term "legal owner" as used in this subsection means a
13 natural person and does not include an organization, commercial
14 enterprise, or a licensed manufacturer, wholesaler or dealer of
15 firearms.

16 c. No firearm shall be temporarily transferred or received
17 under the provisions of subsections a. or b. of this section for the
18 purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

19 d. **【An owner or dealer shall not transfer a firearm to any**
20 **person pursuant to the provisions of this section if the owner or**
21 **dealer knows the person does not meet the qualifications set forth in**
22 **subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms**
23 **purchaser identification card or a handgun purchase permit. A**
24 **person shall not receive, possess, carry or use a firearm pursuant to**
25 **the provisions of this section if the person knows he does not meet**
26 **the qualifications set forth in subsection c. of N.J.S.2C:58-3 for**
27 **obtaining or holding a firearms purchaser identification card or a**
28 **handgun purchase permit.】** (Deleted by amendment, P.L. , c.)
29 (pending before the Legislature as this bill)
30 (cf: P.L.2000, c.145. s.4)

31

32 19. N.J.S.2C:58-4 is amended to read as follows:

33 2C:58-4. a. Scope and duration of authority. Any person who
34 holds a valid permit to carry a handgun issued pursuant to this
35 section shall be authorized to carry a handgun in all parts of this
36 State, except as prohibited by subsection e. of N.J.S.2C:39-5. One
37 permit shall be sufficient for all handguns owned by the holder
38 thereof, but the permit shall apply only to a handgun carried by the
39 actual and legal holder of the permit.

40 All permits to carry handguns shall expire two years from the
41 date of issuance or, in the case of an employee of an armored car
42 company, upon termination of his employment by the company
43 occurring prior thereto whichever is earlier in time, and they may
44 thereafter be renewed every two years in the same manner and
45 subject to the same conditions as in the case of original
46 applications.

47 b. Application forms. All applications for permits to carry
48 handguns, and all applications for renewal of permits, shall be made

1 on the forms prescribed by the superintendent. Each application
2 shall set forth the full name, date of birth, sex, residence,
3 occupation, place of business or employment, and physical
4 description of the applicant, and any other information the
5 superintendent may prescribe for the determination of the
6 applicant's eligibility for a permit and for the proper enforcement of
7 this chapter. The application shall be signed by the applicant under
8 oath, and shall be indorsed by three reputable persons who have
9 known the applicant for at least three years preceding the date of
10 application, and who shall certify thereon that the applicant is a
11 person of good moral character and behavior.

12 c. Investigation and approval. Each application shall in the
13 first instance be submitted to the chief police officer of the
14 municipality in which the applicant resides, or to the
15 superintendent, (1) if the applicant is an employee of an armored
16 car company, or (2) if there is no chief police officer in the
17 municipality where the applicant resides, or (3) if the applicant does
18 not reside in this State. The chief police officer, or the
19 superintendent, as the case may be, shall cause the fingerprints of
20 the applicant to be taken and compared with any and all records
21 maintained by the municipality, the county in which it is located,
22 the State Bureau of Identification and the Federal Bureau of
23 Identification. He shall also determine and record a complete
24 description of each handgun the applicant intends to carry.

25 No application shall be approved by the chief police officer or
26 the superintendent unless the applicant demonstrates that [he is not
27 subject to any of the disabilities set forth in subsection c. of
28 N.J.S.2C:58-3, that] he is thoroughly familiar with the safe
29 handling and use of handguns [,.] and that he has a justifiable need
30 to carry a handgun.

31 Each application form shall be accompanied by a written
32 certification of justifiable need to carry a handgun, which shall be
33 under oath and, in the case of a private citizen, shall specify in
34 detail the urgent necessity for self-protection, as evidenced by
35 specific threats or previous attacks which demonstrate a special
36 danger to the applicant's life that cannot be avoided by means other
37 than by issuance of a permit to carry a handgun. Where possible,
38 the applicant shall corroborate the existence of any specific threats
39 or previous attacks by reference to reports of the incidents to the
40 appropriate law enforcement agencies.

41 If the application is not approved by the chief police officer or
42 the superintendent within 60 days of filing, it shall be deemed to
43 have been approved, unless the applicant agrees to an extension of
44 time in writing.

45 d. Issuance by Superior Court; fee. If the application has been
46 approved by the chief police officer or the superintendent, as the
47 case may be, the applicant shall forthwith present it to the Superior
48 Court of the county in which the applicant resides, or to the

1 Superior Court in any county where he intends to carry a handgun,
2 in the case of a nonresident or employee of an armored car
3 company. The court shall issue the permit to the applicant if, but
4 only if, it is satisfied that the applicant is a person of good character
5 **【who is not subject to any of the disabilities set forth in subsection**
6 **c. of N.J.S.2C:58-3】**, that he is thoroughly familiar with the safe
7 handling and use of handguns, and that he has a justifiable need to
8 carry a handgun in accordance with the provisions of subsection c.
9 of this section. The court may at its discretion issue a limited-type
10 permit which would restrict the applicant as to the types of
11 handguns he may carry and where and for what purposes the
12 handguns may be carried. At the time of issuance, the applicant
13 shall pay to the county clerk of the county where the permit was
14 issued a permit fee of \$20.

15 e. Appeals from denial of applications. Any person aggrieved
16 by the denial by the chief police officer or the superintendent of
17 approval for a permit to carry a handgun may request a hearing in
18 the Superior Court of the county in which he resides or in any
19 county in which he intends to carry a handgun, in the case of a
20 nonresident, by filing a written request for a hearing within 30 days
21 of the denial. Copies of the request shall be served upon the
22 superintendent, the county prosecutor, and the chief police officer
23 of the municipality where the applicant resides, if he is a resident of
24 this State. The hearing shall be held within 30 days of the filing of
25 the request, and no formal pleading or filing fee shall be required.
26 Appeals from the determination at the hearing shall be in
27 accordance with law and the rules governing the courts of this State.

28 If the superintendent or chief police officer approves an
29 application and the Superior Court denies the application and
30 refuses to issue a permit, the applicant may appeal the denial in
31 accordance with law and the rules governing the courts of this State.

32 f. **【Revocation of permits.** Any permit issued under this
33 section shall be void at the time the holder thereof becomes subject
34 to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3,
35 and the holder of a void permit shall immediately surrender the
36 permit to the superintendent who shall give notice to the licensing
37 authority. Any permit may be revoked by the Superior Court,
38 after hearing upon notice to the holder, if the court finds that the
39 holder is no longer qualified for the issuance of a permit. The
40 county prosecutor of any county, the chief police officer of any
41 municipality, the superintendent, or any citizen may apply to the
42 court at any time for the revocation of any permit issued pursuant to
43 this section.】 (Deleted by amendment, P.L. _____, c. _____) (pending
44 before the Legislature as this bill)
45 (cf: P.L.2018, c.37, s.1)
46

47 20. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
48 read as follows:

1 14. a. No person under the age of 18 years shall purchase,
2 barter or otherwise acquire a firearm and no person under the age of
3 21 years shall purchase, barter or otherwise acquire a handgun,
4 unless the person is authorized to possess the handgun in
5 connection with the performance of official duties under the
6 provisions of N.J.S.2C:39-6.

7 b. No person under the age of 18 years shall possess, carry, fire
8 or use a firearm except as provided under paragraphs (1), (2), (3)
9 and (4) of this subsection; and, unless authorized in connection with
10 the performance of official duties under the provisions of
11 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
12 carry, fire or use a handgun except under the following
13 circumstances:

14 (1) In the actual presence or under the direct supervision of **[his**
15 **father, mother or] a parent,** guardian, or **[some] other [person]**
16 **adult [who holds a permit to carry a handgun or a firearms**
17 **purchaser identification card, as the case may be];** or

18 (2) For the purpose of military drill under the auspices of a
19 legally recognized military organization and under competent
20 supervision; or

21 (3) For the purpose of competition, target practice, instruction,
22 and training in and upon a firing range approved by the governing
23 body of the municipality in which the range is located or the
24 National Rifle Association and which is under competent
25 supervision at the time of such supervision or target practice or
26 instruction and training at any location; or

27 (4) For the purpose of hunting during the regularly designated
28 hunting season, provided that he possesses a valid hunting license
29 and has successfully completed a hunter's safety course taught by a
30 qualified instructor or conservation police officer and possesses a
31 certificate indicating the successful completion of such a course.

32 c. A person who violates this section shall be guilty of a crime
33 of the fourth degree. For purposes of this section the fact that the
34 act would not constitute a crime if committed by an adult shall not
35 be deemed to prohibit or require waiver of family court jurisdiction
36 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
37 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
38 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
39 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
40 70 et seq.).

41 (cf: P.L.2019, c.407, s.3)

42
43 21. Section 2 of P.L.1999, c.255 (C.2C:58-17) is amended to
44 read as follows:

45 2. a. There is established a "KeepSafe" program to encourage
46 and stimulate the safe storage of firearms in the State of New Jersey
47 by providing instant rebates to firearms purchasers who purchase
48 trigger locking devices.

1 Under the program, a person who purchases a firearm from a
2 retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be
3 eligible for a \$5 instant rebate when a compatible trigger locking
4 device is purchased along with that firearm. The licensed retail
5 dealer shall deduct the rebate from the price of the compatible
6 locking device in order to reduce by \$5 the cost of the device for the
7 purchaser.

8 b. The Superintendent of State Police, in conjunction with the
9 Attorney General, shall adopt guidelines in accordance with the
10 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
11 seq.), to effectuate the purposes of this act.

12 In addition, the superintendent shall prepare and deliver to each
13 licensed retail firearms dealer in the State the forms necessary to
14 record and report participation in the program. The forms, which
15 shall set forth the name, address, telephone number, State tax
16 number and State license number of the retail firearms dealer, the
17 name of the firearms purchaser [and his firearms purchaser
18 identification card number or permit to purchase a handgun
19 number], the make and model number of the compatible trigger
20 locking device purchased and the date of the sale, shall be in
21 duplicate. One copy shall be retained by the retail dealer for his
22 records. The other shall be submitted to the Attorney General for
23 reimbursement. The reimbursement copies shall be submitted
24 monthly at a time prescribed by the superintendent. The submitting
25 retail dealer shall be entitled to a reimbursement of \$5 for each
26 trigger locking device sold as part of the KeepSafe program. To
27 help defray any administrative costs, each participating retail dealer
28 shall receive, in addition to the reimbursement, \$0.50 for each valid
29 reimbursement copy submitted.

30 The superintendent also shall provide each licensed retail
31 firearms dealer with a sign to be prominently displayed at a
32 conspicuous place on the dealer's business premises where firearms
33 are offered for sale. The sign shall state substantially the following:

34 "KEEP NEW JERSEY FIREARMS SAFE.
35 TO ENCOURAGE NEW JERSEY GUN OWNERS TO
36 STORE THEIR FIREARMS SAFELY, THE STATE IS
37 OFFERING A \$5 INSTANT REBATE WHEN YOU
38 PURCHASE A COMPATIBLE TRIGGER LOCK ALONG
39 WITH YOUR FIREARM.
40 REMEMBER--THE USE OF A TRIGGER LOCK IS
41 ONLY ONE ASPECT OF RESPONSIBLE FIREARM
42 STORAGE. FIREARMS SHOULD BE STORED,
43 UNLOADED AND LOCKED IN A LOCATION THAT IS
44 BOTH SEPARATE FROM THEIR AMMUNITION
45 AND INACCESSIBLE TO CHILDREN.
46 NEW JERSEY'S FAMILIES AND CHILDREN ARE
47 PRECIOUS--KEEP THEM SAFE!!"

48 (cf: P.L.1999, c.255, s.2)

1 22. Section 4 of P.L.2018, c.35 (C.2C:58-23) is amended to read
2 as follows:

3 4. a. Except as provided in subsection l. of this section, a
4 petitioner may file a petition, as prescribed by the Administrative
5 Director of the Courts, for a temporary extreme risk protective order in
6 the court in accordance with the Rules of Court alleging that the
7 respondent poses a significant danger of bodily injury to self or others
8 by having custody or control of, owning, possessing, purchasing, or
9 receiving a firearm. The petition shall be heard by the court in an
10 expedited manner.

11 Petition forms shall be readily available at the courts, and at State,
12 county, and municipal law enforcement agencies.

13 Prior to filing a petition with the court, a family or household
14 member may request assistance from a State, county, or municipal law
15 enforcement agency which shall advise the petitioner of the procedure
16 for completing and signing a petition for a temporary extreme risk
17 protective order. A law enforcement officer from the agency may
18 assist the family or household member in preparing or filing the
19 petition. This assistance may include, but not be limited to, providing
20 information related to the factors set forth in subsection f. of this
21 section, joining in the petition, referring the matter to another law
22 enforcement agency for additional assistance, or filing the officer's
23 own petition with the court.

24 Filing a petition pursuant to this section shall not prevent a
25 petitioner from filing a criminal complaint or applying for a restraining
26 order pursuant to the "Prevention of Domestic Violence Act of 1991,"
27 P.L. 1991, c. 261 (C.2C:25-17 et seq.) or prevent any person from
28 taking any action authorized pursuant to P.L.1987, c.116 (C.30:4-27.1
29 et seq.) based on the circumstances forming the basis of the petition.

30 A petitioner may apply for relief under this section in accordance
31 with the Rules of Court.

32 b. A petition for a temporary extreme risk protective order shall
33 include an affidavit setting forth the facts tending to establish the
34 grounds of the petition, or the reason for believing that they exist, and,
35 to the extent available, the number, types, physical description, and
36 locations of any firearms and ammunition currently believed by the
37 petitioner to be controlled or possessed by the respondent.

38 c. The court shall not charge a fee to file the petition.

39 d. The court, before issuing a temporary extreme risk protective
40 order, shall examine under oath the petitioner and any witness the
41 petitioner may produce. The court, in lieu of examining the petitioner
42 and any witness, may rely on an affidavit submitted in support of the
43 petition.

44 e. A judge shall issue the order if the court finds good cause to
45 believe that the respondent poses an immediate and present danger of
46 causing bodily injury to the respondent or others by having custody or
47 control of, owning, possessing, purchasing, or receiving a firearm.

1 f. The county prosecutor or a designee of the county prosecutor
2 shall produce in an expedited manner any available evidence
3 including, but not limited to, available evidence related to the factors
4 set forth in this section, and the court shall consider whether the
5 respondent:

6 (1) has any history of threats or acts of violence by the respondent
7 directed toward self or others;

8 (2) has any history of use, attempted use, or threatened use of
9 physical force by the respondent against another person;

10 (3) is the subject of a temporary or final restraining order or has
11 violated a temporary or final restraining order issued pursuant to the
12 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
13 (C.2C:25-17 et seq.);

14 (4) is the subject of a temporary or final protective order or has
15 violated a temporary or final protective order issued pursuant to the
16 "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147
17 (C.2C:14-13 et al.);

18 (5) has any prior arrests, pending charges, or convictions for a
19 violent indictable crime or disorderly persons offense, stalking offense
20 pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or domestic
21 violence offense enumerated in section 3 of P.L.1991, c.261 (C.2C:25-
22 19);

23 (6) has any prior arrests, pending charges, or convictions for any
24 offense involving cruelty to animals or any history of acts involving
25 cruelty to animals;

26 (7) has any history of drug or alcohol abuse and recovery from this
27 abuse; or

28 (8) has recently acquired a firearm, ammunition, or other deadly
29 weapon.

30 g. The temporary extreme risk protective order shall prohibit the
31 respondent from having custody or control of, owning, purchasing,
32 possessing, or receiving firearms or ammunition **【**, and from securing
33 or holding a firearms purchaser identification card or permit to
34 purchase a handgun pursuant to N.J.S.2C:58-3**】**, or a permit to carry a
35 handgun pursuant to N.J.S.2C:58-4 during the period the protective
36 order is in effect and shall order the respondent to surrender firearms
37 and ammunition in the respondent's custody or control, or which the
38 respondent possesses or owns, and any **【**firearms purchaser
39 identification card, permit to purchase a handgun, or**】** permit to carry a
40 handgun held by the respondent in accordance with section 7 of
41 P.L.2018, c.35 (C.2C:58-26). **【**Any card or permit issued to the
42 respondent shall be immediately revoked pursuant to subsection f. of
43 N.J.S.2C:58-3.**】**

44 h. A temporary extreme risk protective order issued under this
45 section shall remain in effect until a court issues a further order.

46 i. The court that issues the temporary extreme risk protective
47 order shall immediately forward:

1 (1) a copy of the order to the petitioner and county prosecutor in
2 the county in which the respondent resides; and

3 (2) a copy of the order and the petition to the appropriate law
4 enforcement agency in the municipality in which the respondent
5 resides, which shall immediately, or as soon as practicable, serve it on
6 the respondent.

7 If personal service cannot be effected upon the respondent, the
8 court may order other appropriate substituted service. At no time shall
9 a petitioner who is a family or household member be asked or required
10 to serve any order on the respondent. The law enforcement agency
11 serving the order shall not charge a fee or seek reimbursement from
12 the petitioner for service of the order.

13 j. Notice of temporary extreme risk protective orders issued
14 pursuant to this section shall be sent by the county prosecutor to the
15 appropriate chiefs of police, members of the State Police, and any
16 other appropriate law enforcement agency or court.

17 k. Any temporary extreme risk protective order issued pursuant to
18 this section shall be in effect throughout the State, and shall be
19 enforced by all law enforcement officers.

20 l. (1) A petition for a temporary extreme risk protective order filed
21 against a law enforcement officer shall be filed in the law enforcement
22 agency in which the officer is employed. The law enforcement officer
23 or employee receiving the petition shall advise the petitioner of the
24 procedure for completing and signing a petition.

25 (2) Upon receipt of the petition, the law enforcement officer's
26 employer shall immediately initiate an internal affairs investigation.

27 (3) The disposition of the internal affairs investigation shall
28 immediately be served upon the county prosecutor who shall make a
29 determination whether to refer the matter to the courts.

30 (4) The law enforcement officer's employer shall take appropriate
31 steps to implement any findings set forth in the disposition of the
32 internal affairs investigation.

33 The law enforcement officer shall not be terminated during the
34 pendency of the internal affairs investigation.

35 (cf: P.L.2018, c.35, s.4)

36

37 23. Section 7 of P.L.2018, c.35 (C.2C:58-26) is amended to read
38 as follows:

39 7. a. When a temporary or final extreme risk protective order is
40 issued pursuant to section 4 or 5 of P.L.2018, c.35 (C.2C:58-23 or
41 C.2C:58-24), the court shall order the respondent to surrender to the
42 local law enforcement agency all firearms and ammunition in the
43 respondent's custody or control, or which the respondent owns or
44 possesses, and any [firearms purchaser identification card, permit to
45 purchase a handgun, or] permit to carry a handgun held by the
46 respondent. The court also shall notify the respondent that the
47 respondent is prohibited from purchasing firearms or ammunition or

1 applying for a [firearms purchaser identification card, permit to
2 purchase a handgun, or] permit to carry a handgun.

3 b. If the petition for the temporary extreme risk protective order
4 indicates that the respondent owns or possesses any firearms or
5 ammunition, the court shall issue a search warrant with the temporary
6 or final extreme risk protective order and the law enforcement officer
7 who serves the order shall request that all firearms and ammunition
8 immediately be surrendered.

9 (1) The respondent immediately shall surrender, in a safe manner,
10 all firearms and ammunition in the respondent's custody or control, or
11 which the respondent owns or possesses, and any [firearms purchaser
12 identification card, permit to purchase a handgun, or] permit to carry a
13 handgun held by the respondent to the control of the law enforcement
14 officer.

15 (2) The respondent may request that the law enforcement agency
16 sell all firearms and ammunition in a safe manner to a federally
17 licensed firearms dealer pursuant to section 8 of P.L.2018, c.35
18 (C.2C:58-27).

19 (3) The law enforcement officer or licensed firearms dealer taking
20 possession of any firearms or ammunition pursuant to this subsection
21 shall issue a receipt identifying all firearms and ammunition that have
22 been surrendered by the respondent. The officer or dealer shall
23 provide a copy of the receipt to the respondent at the time of surrender.

24 (4) If the respondent surrenders firearms and ammunition to a law
25 enforcement officer pursuant to paragraph (1) of this subsection or
26 surrenders or sells firearms and ammunition to a licensed dealer
27 pursuant to paragraph (2) of this subsection, the respondent shall,
28 within 48 hours after being served with the order, file the receipt with
29 the county prosecutor. Failure to timely file the receipt or copy of the
30 receipt shall constitute contempt of the order.

31 c. The court which issued the protective order may issue a search
32 warrant for a firearm or ammunition that is in the custody or control
33 of, owned, or possessed by a respondent who is subject to a temporary
34 or final protective order issued pursuant to section 4 or 5 of P.L.2018,
35 c.35 (C.2C:58-23 or C.2C:58-24) if the respondent has lawfully been
36 served with that order and has failed to surrender the firearm or
37 ammunition as required by this section.

38 d. The respondent may petition the agency for the return of any
39 surrendered firearms or ammunition upon termination of an order
40 pursuant to section 6 of P.L.2018, c.35 (C.2C:58-25). Within 30 days
41 of receiving a petition for the return of surrendered firearms or
42 ammunition and after the termination of the order, the agency shall
43 return the firearm or ammunition unless:

44 (1) the firearm has been reported as stolen; or

45 (2) the respondent is prohibited from possessing a firearm under
46 State or federal law.

47 At least 10 days prior to returning the firearms or ammunition, the
48 local law enforcement agency shall notify the family or household

1 member that the firearms or ammunition will be returned to the owner.
2 If the firearms or ammunition were seized by the State Police, the
3 county prosecutor's office where the protective order is venued shall
4 notify the family or household member that the firearms or
5 ammunition will be returned to the owner. Nothing in this act shall
6 prohibit revocation and seizure of a person's [firearms purchaser
7 identification card, permit to purchase a handgun,] permit to carry a
8 handgun [,] and weapons as authorized pursuant to applicable law.

9 e. If a person other than the respondent claims title to any firearm
10 or ammunition surrendered pursuant to this section, and the law
11 enforcement agency determines that the person is the lawful owner of
12 the firearm or ammunition, the firearm or ammunition shall be
13 returned to that person.

14 f. If the respondent has surrendered a firearm or ammunition to a
15 federally licensed firearms dealer, after termination of the order, the
16 respondent may request the law enforcement agency, in writing, to
17 authorize the return of the firearm or ammunition from the dealer. The
18 dealer shall transfer the firearm or ammunition to the respondent in
19 accordance with procedures required when a firearm or ammunition is
20 being sold from the dealer's inventory in accordance with N.J.S.2C:58-
21 2.

22 (cf: P.L.2021, c.358, s.2)

23
24 24. The following sections are repealed:
25 Section 7 of P.L.2018, c.39 (C.2C:39-20);
26 N.J.S.2C:58-3;
27 Section 1 of P.L.2007, c.118 (C.2C:58-3.3);
28 Section 4 of P.L.2009, c.286 (C.2C:58-3.4); and
29 Section 1 of P.L.2013, c.112 (C.47:1A-1.3)

30
31 25. This act shall take effect on the first day of the third month
32 next following the date of enactment.

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34

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STATEMENT

36

37 This bill strengthens self-defense protections for New Jersey
38 residents.

39 The bill establishes that a person would not have a duty to retreat
40 before engaging in a use of deadly force in self-defense. Under
41 current law, a person is justified in the use of deadly force if the
42 person reasonably believes that deadly force is necessary for self-
43 protection against death or serious bodily harm. However, before
44 deadly force may be used, the person has a duty to retreat if it can
45 be done safely, unless the person is home during the attack. This
46 bill provides that when a person is facing an attack that risks death
47 or serious bodily harm, the person would not be required to retreat

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1 before deadly force could be used in self-defense, irrespective of
2 where the attack takes place.

3 The bill additionally strengthens the ability of a person to engage
4 in self-defense in the State by statutorily authorizing the possession
5 of stun guns and eliminating restrictions on the use of certain non-
6 lethal chemical substances, such as the active substance present in
7 pepper spray or pepper balls.

8 The bill further strengthens the ability of New Jersey residents to
9 engage in self-defense by eliminating the requirements to obtain: 1)
10 a firearms purchaser identification card in order to purchase
11 shotguns, rifles, antique cannons, and handgun ammunition; and 2)
12 a permit to purchase a handgun in order to purchase handguns. The
13 bill also removes registration provisions related to the purchase of
14 firearms and possession of certain firearms.