

SENATE, No. 2906

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Requires training prior to issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provides that firearms purchaser identification card is valid for four years.

CURRENT VERSION OF TEXT

As introduced.



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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

21 (b) between law enforcement officers;

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

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

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

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

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

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

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

45 b. Firearms purchaser identification card.

46 (1) No person shall sell, give, transfer, assign or otherwise
47 dispose of nor receive, purchase or otherwise acquire an antique

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

Matter underlined thus is new matter.

1 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
2 unless the purchaser, assignee, donee, receiver or holder is licensed
3 as a dealer under this chapter or possesses a valid firearms
4 purchaser identification card, and first exhibits the card to the seller,
5 donor, transferor or assignor, and unless the purchaser, assignee,
6 donee, receiver or holder signs a written certification, on a form
7 prescribed by the superintendent, which shall indicate that he
8 presently complies with the requirements of subsection c. of this
9 section and shall contain his name, address and firearms purchaser
10 identification card number or dealer's registration number. The
11 certification shall be retained by the seller, as provided in paragraph
12 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
13 who is not a dealer, it may be filed with the chief of police of the
14 municipality in which he resides or with the superintendent.

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

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

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

24 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (10) To any person who is subject to a court order prohibiting the
47 custody, control, ownership, purchase, possession, or receipt of a
48 firearm or ammunition issued pursuant to the "Extreme Risk

1 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);
2 or

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

7 In order to obtain a permit to purchase a handgun or a firearms
8 purchaser identification card, the applicant shall demonstrate that,
9 within four years prior to the date of the application, the applicant
10 satisfactorily completed a course of instruction approved by the
11 superintendent in the lawful and safe handling and storage of
12 firearms. The applicant shall be required to demonstrate
13 completion of a course of instruction only once prior to obtaining
14 either a firearms purchaser identification card or the applicant's first
15 permit to purchase a handgun. The applicant shall not be required to
16 demonstrate completion of a course of instruction in order to obtain
17 any subsequent permit to purchase a handgun or a firearms
18 purchaser identification card, to replace an existing firearms
19 purchaser identification card, or to renew a firearms purchaser
20 identification card. An applicant who is a law enforcement officer
21 who has satisfied the requirements of subsection j. of N.J.S.2C:39-
22 6, a retired law enforcement officer who has satisfied the
23 requirements of subsection l. of N.J.S.2C:39-6, or a veteran who
24 was honorably discharged as a member of the United States Armed
25 Forces or National Guard who received substantially equivalent
26 training shall not be required to complete the course of instruction
27 required pursuant to the provisions of this subsection. A person
28 who obtained a permit to purchase a handgun or a firearms
29 purchaser identification card prior to the effective date of
30 P.L. , c. (C.) (pending before the Legislature as this bill)
31 shall not be required to complete a course of instruction pursuant to
32 this subsection.

33 d. Issuance. The chief of police of an organized full-time
34 police department of the municipality where the applicant resides or
35 the superintendent, in all other cases, shall upon application, issue
36 to any person qualified under the provisions of subsection c. of this
37 section a permit to purchase a handgun or a firearms purchaser
38 identification card.

39 Any person aggrieved by the denial of a permit or identification
40 card may request a hearing in the Superior Court of the county in
41 which he resides if he is a resident of New Jersey or in the Superior
42 Court of the county in which his application was filed if he is a
43 nonresident. The request for a hearing shall be made in writing
44 within 30 days of the denial of the application for a permit or
45 identification card. The applicant shall serve a copy of his request
46 for a hearing upon the chief of police of the municipality in which
47 he resides, if he is a resident of New Jersey, and upon the
48 superintendent in all cases. The hearing shall be held and a record

1 made thereof within 30 days of the receipt of the application for a
2 hearing by the judge of the Superior Court. No formal pleading and
3 no filing fee shall be required as a preliminary to a hearing.
4 Appeals from the results of a hearing shall be in accordance with
5 law.

6 e. Applications. Applications for permits to purchase a
7 handgun and for firearms purchaser identification cards shall be in
8 the form prescribed by the superintendent and shall set forth the
9 name, residence, place of business, age, date of birth, occupation,
10 sex and physical description, including distinguishing physical
11 characteristics, if any, of the applicant, and shall state whether the
12 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
13 drug-dependent person as defined in section 2 of P.L.1970, c.226
14 (C.24:21-2), whether he has ever been confined or committed to a
15 mental institution or hospital for treatment or observation of a
16 mental or psychiatric condition on a temporary, interim or
17 permanent basis, giving the name and location of the institution or
18 hospital and the dates of confinement or commitment, whether he
19 has been attended, treated or observed by any doctor or psychiatrist
20 or at any hospital or mental institution on an inpatient or outpatient
21 basis for any mental or psychiatric condition, giving the name and
22 location of the doctor, psychiatrist, hospital or institution and the
23 dates of the occurrence, whether he presently or ever has been a
24 member of any organization which advocates or approves the
25 commission of acts of force and violence to overthrow the
26 Government of the United States or of this State, or which seeks to
27 deny others their rights under the Constitution of either the United
28 States or the State of New Jersey, whether he has ever been
29 convicted of a crime or disorderly persons offense, whether the
30 person is subject to a restraining order issued pursuant to the
31 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
32 (C.2C:25-17 et seq.) prohibiting the person from possessing any
33 firearm, whether the person is subject to a protective order issued
34 pursuant to the "Extreme Risk Protective Order Act of 2018",
35 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
36 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
37 et al.) prohibiting the person from possessing any firearm, and other
38 information as the superintendent shall deem necessary for the
39 proper enforcement of this chapter. For the purpose of complying
40 with this subsection, the applicant shall waive any statutory or other
41 right of confidentiality relating to institutional confinement. The
42 application shall be signed by the applicant and shall contain as
43 references the names and addresses of two reputable citizens
44 personally acquainted with him.

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

1 The chief police officer or the superintendent shall obtain the
2 fingerprints of the applicant and shall have them compared with any
3 and all records of fingerprints in the municipality and county in
4 which the applicant resides and also the records of the State Bureau
5 of Identification and the Federal Bureau of Investigation, provided
6 that an applicant for a handgun purchase permit who possesses a
7 valid firearms purchaser identification card, or who has previously
8 obtained a handgun purchase permit from the same licensing
9 authority for which he was previously fingerprinted, and who
10 provides other reasonably satisfactory proof of his identity, need not
11 be fingerprinted again; however, the chief police officer or the
12 superintendent shall proceed to investigate the application to
13 determine whether or not the applicant has become subject to any of
14 the disabilities set forth in this chapter.

15 f. Granting of permit or identification card; fee; term; renewal;
16 revocation. The application for the permit to purchase a handgun
17 together with a fee of \$2, or the application for the firearms
18 purchaser identification card together with a fee of \$5, shall be
19 delivered or forwarded to the licensing authority who shall
20 investigate the same and, unless good cause for the denial thereof
21 appears, shall grant the permit or the identification card, or both, if
22 application has been made therefor, within 30 days from the date of
23 receipt of the application for residents of this State and within 45
24 days for nonresident applicants. A permit to purchase a handgun
25 shall be valid for a period of 90 days from the date of issuance and
26 may be renewed by the issuing authority for good cause for an
27 additional 90 days. A firearms purchaser identification card issued
28 or renewed after the effective date of P.L. , c. (C.) (pending
29 before the Legislature as this bill) shall **【be valid until such time as】**
30 expire during the fourth calendar year following its date of issuance
31 and on the same calendar day as the person's date of birth.

32 A firearms purchaser identification card issued prior to the
33 effective date of P.L. , c. (pending before the Legislature as this
34 bill) shall expire during the fourth calendar year following the
35 effective date of P.L. , c. (pending before the Legislature as this
36 bill) and on the same calendar day as the person's date of birth.

37 If the date of birth of the firearms purchaser identification card
38 holder does not correspond to a calendar day of the fourth calendar
39 year, the card shall expire on the last day of the birth month of the card
40 holder.

41 A firearms purchaser identification card issued pursuant to this
42 section may be renewed upon filing of a renewal application and
43 payment of the required fee, provided that the holder is not subject to
44 any of the disabilities set forth in subsection c. of this section and
45 complies with all other applicable requirements as set forth in statute
46 and regulation.

47 The firearms purchaser identification card shall be void if the
48 holder becomes subject to any of the disabilities set forth in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 m. The provisions of subsections a. and b. of this section and
45 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
46 apply to the purchase of firearms by a law enforcement agency for
47 use by law enforcement officers in the actual performance of the
48 current or former judge's duties, which purchase may be made

1 directly from a manufacturer or from a licensed dealer located in
2 this State or any other state.

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

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

10
11 2. This act shall take effect immediately.

12 13 14 STATEMENT

15
16 This bill requires certain applicants for a permit to purchase a
17 handgun (PPH) or a firearms purchaser identification card (FPIC) to
18 demonstrate that, within four years prior to the date of the
19 application, the applicant satisfactorily completed a course of
20 instruction approved by the Superintendent of State Police in the
21 lawful and safe handling and storage of firearms.

22 An applicant for a PPH or an FPIC is required to demonstrate
23 compliance with this bill only once prior to obtaining either a PPH
24 or an FPIC. An applicant for a PPH is required to demonstrate
25 compliance with the provisions of this bill prior to obtaining the
26 applicant's first PPH, but only if the applicant has not already
27 demonstrated compliance prior to receiving an FPIC; an applicant is
28 not required to demonstrate compliance in order to obtain any
29 subsequent PPHs. In addition, an applicant for an FPIC is not
30 required to demonstrate compliance in order to replace an existing
31 FPIC or to renew an FPIC.

32 A person who obtained a PPH or an FPIC prior to the bill's
33 effective date would not be required to complete a course of
34 instruction.

35 The provisions of this bill are not applicable to an active or
36 retired law enforcement officer or a veteran who was honorably
37 discharged as a member of the United States Armed Forces or
38 National Guard and who received substantially equivalent training.

39 In addition, the bill provides that a firearms purchaser
40 identification card issued or renewed after the bill's effective date
41 would expire during the fourth calendar year following its date of
42 issuance and on the same calendar day as the card holder's date of
43 birth. The holder of a firearms purchaser identification card issued
44 prior to the bill's effective date would expire within four years of
45 the bill's enactment and on the same calendar day as the card
46 holder's date of birth. The bill further provides that a firearms
47 purchaser identification card may be renewed if the holder is not

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1 subject to any of the statutory disabilities and after filing of a
2 renewal application and payment of the required fee.

3 Under current law, a firearms purchaser identification card is
4 valid indefinitely, unless the holder becomes subject to any of the
5 disabilities that disqualify a person for firearms ownership.