

[First Reprint]

**SENATE, No. 2906**

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

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INTRODUCED JUNE 20, 2022

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

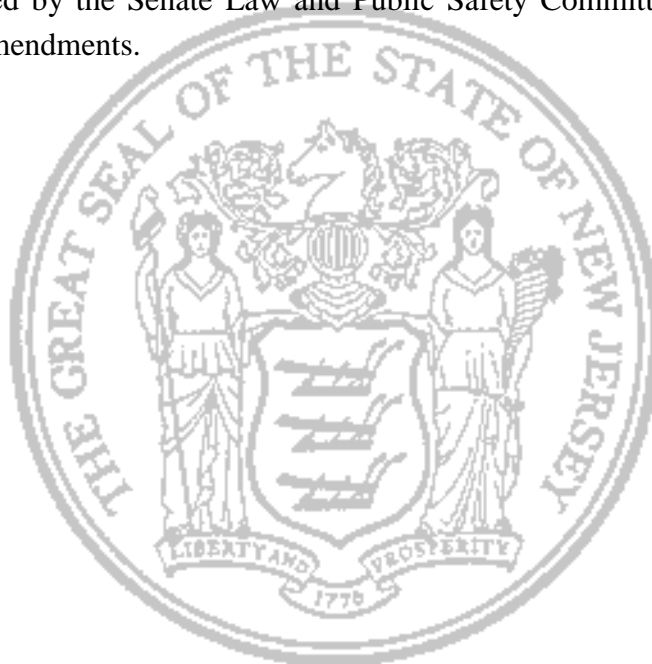
**Senators Gill and Pou**

**SYNOPSIS**

Requires training for issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provide firearms purchaser identification card include photograph and thumb print and remain valid for ten years.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on June 23, 2022, with amendments.



**(Sponsorship Updated As Of: 6/29/2022)**

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.).

**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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted June 23, 2022.

1       b. Firearms purchaser identification card.

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

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

23      The provisions of this paragraph shall not apply if the transaction  
24      is:

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

27      (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (9) To any person named on the consolidated Terrorist Watchlist  
47 maintained by the Terrorist Screening Center administered by the  
48 Federal Bureau of Investigation;

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

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

In order to obtain a permit to purchase a handgun or a firearms purchaser identification card, the applicant shall demonstrate that, within four years prior to the date of the application, the applicant satisfactorily completed a course of instruction approved by the superintendent in the lawful and safe handling and storage of firearms. The applicant shall be required to demonstrate completion of a course of instruction only once prior to obtaining either a firearms purchaser identification card or the applicant's first permit to purchase a handgun.

The applicant shall not be required to demonstrate completion of a course of instruction in order to obtain any subsequent permit to purchase a handgun <sup>1</sup>or a firearms purchaser identification card<sup>1</sup>, to replace an existing firearms purchaser identification card, or to renew a firearms purchaser identification card.

An applicant who is a law enforcement officer who has satisfied the requirements of subsection j. of N.J.S.2C:39-6, a retired law enforcement officer who has satisfied the requirements of subsection l. of N.J.S.2C:39-6, or a veteran who was honorably discharged as a member of the United States Armed Forces or National Guard who received substantially equivalent training shall not be required to complete the course of instruction required pursuant to the provisions of this subsection.

A person who obtained a permit to purchase a handgun or a firearms purchaser identification card prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall not be required to complete a course of instruction pursuant to this subsection.

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

<sup>1</sup>A firearms purchaser identification card issued following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall display a color photograph and a thumb print of the card holder. A person who obtained a firearms purchaser identification card prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall not be required to

1 obtain a firearm purchaser identification card that displays a color  
2 photograph and a thumb print. The superintendent shall establish  
3 guidelines as necessary to effectuate the issuance of firearms  
4 purchaser identification cards that display a color photograph and a  
5 thumb print of the card holder.<sup>1</sup>

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

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

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

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

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

29 f. Granting of permit or identification card; fee; term; renewal;  
30 revocation. The application for the permit to purchase a handgun  
31 together with a fee of \$2, or the application for the firearms  
32 purchaser identification card together with a fee of \$5, shall be  
33 delivered or forwarded to the licensing authority who shall  
34 investigate the same and, unless good cause for the denial thereof  
35 appears, shall grant the permit or the identification card, or both, if  
36 application has been made therefor, within 30 days from the date of  
37 receipt of the application for residents of this State and within 45  
38 days for nonresident applicants. A permit to purchase a handgun  
39 shall be valid for a period of 90 days from the date of issuance and  
40 may be renewed by the issuing authority for good cause for an  
41 additional 90 days. A firearms purchaser identification card issued  
42 or renewed after the effective date of P.L. , c. (C. )  
43 (pending before the Legislature as this bill) shall **be** valid until  
44 **such time as** expire during the <sup>1</sup>fourth<sup>1</sup> tenth<sup>1</sup> calendar year  
45 following its date of issuance and on the same calendar day as the  
46 person's date of birth.

47 <sup>1</sup>[A firearms purchaser identification card issued prior to the  
48 effective date of P.L. , c. (pending before the Legislature as this

1 bill) shall expire during the fourth calendar year following the  
2 effective date of P.L. , c. (pending before the Legislature as this  
3 bill) and on the same calendar day as the person's date of birth.】<sup>1</sup>

4 If the date of birth of the firearms purchaser identification card  
5 holder does not correspond to a calendar day of the <sup>1</sup>【fourth】 tenth<sup>1</sup>  
6 calendar year, the card shall expire on the last day of the birth  
7 month of the card holder.

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

14 <sup>1</sup>【The】 A firearms purchaser identification card issued prior to  
15 the effective date of P.L. , c. (pending before the Legislature as  
16 this bill) shall not expire.

17 A<sup>1</sup> firearms purchaser identification card shall be void if the  
18 holder becomes subject to any of the disabilities set forth in  
19 subsection c. of this section, whereupon the card shall <sup>1</sup>【be void  
20 and shall】<sup>1</sup> be returned within five days by the holder to the  
21 superintendent, who shall then advise the licensing authority.  
22 Failure of the holder to return the firearms purchaser identification  
23 card to the superintendent within the five days shall be an offense  
24 under subsection a. of N.J.S.2C:39-10. Any firearms purchaser  
25 identification card may be revoked by the Superior Court of the  
26 county wherein the card was issued, after hearing upon notice, upon  
27 a finding that the holder thereof no longer qualifies for the issuance  
28 of the permit. The county prosecutor of any county, the chief police  
29 officer of any municipality or any citizen may apply to the court at  
30 any time for the revocation of the card.

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

35 g. Disposition of fees. All fees for permits shall be paid to the  
36 State Treasury if the permit is issued by the superintendent, to the  
37 municipality if issued by the chief of police, and to the county  
38 treasurer if issued by the judge of the Superior Court.

39 h. Form of permit; quadruplicate; disposition of copies. The  
40 permit shall be in the form prescribed by the superintendent and  
41 shall be issued to the applicant in quadruplicate. Prior to the time  
42 he receives the handgun from the seller, the applicant shall deliver  
43 to the seller the permit in quadruplicate and the seller shall  
44 complete all of the information required on the form. Within five  
45 days of the date of the sale, the seller shall forward the original  
46 copy to the superintendent and the second copy to the chief of  
47 police of the municipality in which the purchaser resides, except



1 that in a municipality having no chief of police, the copy shall be  
2 forwarded to the superintendent. The third copy shall then be  
3 returned to the purchaser with the pistol or revolver and the fourth  
4 copy shall be kept by the seller as a permanent record.

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

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

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

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

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

20 (5) any transaction where the person has purchased a handgun  
21 from a licensed retail dealer and has returned that handgun to the  
22 dealer in exchange for another handgun within 30 days of the  
23 original transaction, provided the retail dealer reports the exchange  
24 transaction to the superintendent; or

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

28 The provisions of this subsection shall not be construed to afford  
29 or authorize any other exemption from the regulatory provisions  
30 governing firearms set forth in chapter 39 and chapter 58 of Title  
31 2C of the New Jersey Statutes;

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

37 j. Firearms passing to heirs or legatees. Notwithstanding any  
38 other provision of this section concerning the transfer, receipt or  
39 acquisition of a firearm, a permit to purchase or a firearms  
40 purchaser identification card shall not be required for the passing of  
41 a firearm upon the death of an owner thereof to his heir or legatee,  
42 whether the same be by testamentary bequest or by the laws of  
43 intestacy. The person who shall so receive, or acquire the firearm  
44 shall, however, be subject to all other provisions of this chapter. If  
45 the heir or legatee of the firearm does not qualify to possess or carry  
46 it, he may retain ownership of the firearm for the purpose of sale for  
47 a period not exceeding 180 days, or for a further limited period as  
48 may be approved by the chief law enforcement officer of the

1 municipality in which the heir or legatee resides or the  
2 superintendent, provided that the firearm is in the custody of the  
3 chief law enforcement officer of the municipality or the  
4 superintendent during that period.

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

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

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

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

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

29

30 2. This act shall take effect immediately.