

ASSEMBLY, No. 3173

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex and Union)

SYNOPSIS

Makes various changes to address sexual assault and child abuse and neglect involving military personnel; addresses protection, penalties, enforcement, jurisdiction, and victim compensation matters.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning sexual assault involving military personnel and
2 prevention, response, and penalties, and amending and
3 supplementing various parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
9 read as follows:

10 2. a. (1) Any person alleging to be a victim of nonconsensual
11 sexual contact, sexual penetration, or lewdness, or any attempt at
12 such conduct, and who is not eligible for a restraining order as a
13 "victim of domestic violence" as defined by the provisions of
14 subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), may,
15 except as provided in subsection b. of this section, file an
16 application with the Superior Court pursuant to the Rules of Court
17 alleging the commission of such conduct or attempted conduct and
18 seeking a temporary protective order.

19 As used in this section and in sections 3, 4, and 8 of P.L.2015,
20 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

21 "Sexual contact" means an intentional touching by the victim or
22 actor, either directly or through clothing, of the victim's or actor's
23 intimate parts for the purpose of degrading or humiliating the victim
24 or sexually arousing or sexually gratifying the actor.

25 "Sexual penetration" means vaginal intercourse, cunnilingus,
26 fellatio or anal intercourse between persons or insertion of the hand,
27 finger or object into the anus or vagina either by the actor or upon
28 the actor's instruction.

29 "Lewdness" means the exposing of the genitals for the purpose
30 of arousing or gratifying the sexual desire of the actor or of any
31 other person.

32 "Intimate parts" means the following body parts: sexual organs,
33 genital area, anal area, inner thigh, groin, buttock or breast of a
34 person.

35 (2) Except as provided in subsection b. of this section, an
36 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
37 be filed by the alleged victim's parent or guardian on behalf of the
38 alleged victim in any case in which the alleged victim:

39 (a) is less than 18 years of age; or

40 (b) has a developmental disability as defined in section 3 of
41 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
42 renders the alleged victim temporarily or permanently incapable of
43 understanding the nature of the alleged victim's conduct, including,
44 but not limited to, being incapable of providing consent.

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 b. (1) When it is alleged that nonconsensual sexual contact,
2 sexual penetration, or lewdness, or any attempt at such conduct, has
3 been committed by an unemancipated minor, an applicant seeking a
4 protective order shall not proceed under the provisions of P.L.2015,
5 c.147 (C.2C:14-13 et al.), but may seek a protective order and other
6 relief under the New Jersey Code of Juvenile Justice, P.L.1982, c.77
7 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
8 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

9 (2) When it is alleged that nonconsensual sexual contact, sexual
10 penetration, or lewdness, or any attempt at such conduct, has been
11 committed against an unemancipated minor by a parent, guardian,
12 or other person having care, custody and control of that child as
13 defined in N.J.S.9:6-2, an applicant seeking a protective order shall
14 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
15 al.), but shall report the incident to the Division of Child Protection
16 and Permanency in the Department of Children and Families for
17 investigation and possible legal action by the division pursuant to
18 R.S.9:6-1 et seq. or other applicable law, including, when
19 appropriate, petitioning the Superior Court pursuant to P.L.1974,
20 c.119 (C.9:6-8.21 et seq.) for a protective order and other relief on
21 behalf of the applicant and the unemancipated minor.

22 c. (1) An applicant may seek a protective order pursuant to
23 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
24 order regardless of whether criminal charges based on the incident
25 were filed and regardless of the disposition of any such charges.

26 (2) The filing of an application pursuant to this section shall not
27 prevent the filing of a criminal complaint, or the institution or
28 maintenance of a criminal prosecution based on the same act.

29 d. The court shall waive any requirement that the applicant's or
30 alleged victim's place of residence appear on the application.

31 e. An applicant may seek a protective order pursuant to
32 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
33 over the place where the alleged conduct or attempted conduct
34 occurred, where the respondent resides, or where the alleged victim
35 resides or is sheltered.

36 f. No fees or other costs shall be assessed against an applicant
37 for seeking a protective order pursuant to P.L.2015, c.147
38 (C.2C:14-13 et al.).

39 g. The court shall issue a temporary protective order, pursuant
40 to court rules, upon complaint of an applicant who is a service
41 member of the New Jersey National Guard or any Reserve
42 Component of the United States Armed Forces serving within the
43 State who is a victim of non-consensual sexual contact who has also
44 received a military protective order, or upon complaint of the Staff
45 Judge Advocate of the New Jersey National Guard or any Reserve
46 Component of the United States Armed Forces serving in the State
47 on behalf of a named victim who is a victim of non-consensual

1 sexual contact who has also received a military protective order.
2 (cf: P.L.2016, c.93, s.1)

3
4 2. Section 5 of P.L.2015, c.147 (C.2C:14-17) is amended to read
5 as follows

6 5. a. Any temporary or final protective order issued pursuant to
7 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued
8 by an appropriate military authority shall be in effect throughout the
9 State, and shall be enforced by all law enforcement officers.

10 b. When a law enforcement officer finds probable cause that a
11 respondent has committed contempt of an order entered pursuant to
12 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order issued
13 by an appropriate military authority, the respondent shall be arrested
14 and taken into custody. The court shall determine whether the
15 respondent shall be released pending trial or detained pending a
16 pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014,
17 c.31 (C.2A:162-18 and C.2A:162-19) and applicable court rules.
18 (cf: P.L.2015, c.147, s.5)

19
20 3. Section 6 of P.L.2015, c.147 (C.2C:14-18) is amended to
21 read as follows:

22 6. a. A respondent's violation of any protective order issued
23 pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military
24 protective order issued by an appropriate military authority shall
25 constitute an offense under subsection d. of N.J.S.2C:29-9 and each
26 order shall so state. All contempt proceedings brought pursuant to
27 subsection d. of N.J.S.2C:29-9 shall be subject to any rules or
28 guidelines established by the Supreme Court to promote the prompt
29 disposition of criminal matters.

30 b. Where a victim alleges that a respondent has committed
31 contempt of a protective order entered pursuant to the provisions of
32 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
33 issued by an appropriate military authority, but a law enforcement
34 officer has found that the facts are insufficient to establish probable
35 cause to arrest the respondent, the law enforcement officer shall
36 advise the victim of the procedure for completing and signing a
37 criminal complaint alleging a violation of subsection d. of
38 N.J.S.2C:29-9 through the municipal court. Nothing in this section
39 shall be construed to prevent the court from granting any other
40 emergency relief it deems necessary.

41 c. If a respondent is charged with a non-indictable offense
42 pursuant to paragraph (2) of subsection d. of N.J.S.2C:29-9 as a
43 result of a violation of a protective order entered pursuant to
44 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
45 issued by an appropriate military authority, the contempt proceedings
46 for the non-indictable offense shall be heard in the Superior Court.
47 (cf: P.L.2016, c.93, s.2)

1 4. Section 8 of P.L.2015, c.147 (C.2C:14-20) is amended as
2 follows:

3 8. The Administrative Office of the Courts shall establish and
4 maintain a central registry of all protective orders issued pursuant to
5 P.L.2015, c.147 (C.2C:14-13 et al.) and all protective orders issued
6 by an appropriate military authority or a foreign tribunal of a foreign
7 country, and all persons who have been charged with a violation of
8 such a protective order. All records made pursuant to this section
9 shall be kept confidential and shall be released only to:

10 a. A public agency authorized to investigate a report of
11 nonconsensual sexual contact, sexual penetration, or lewdness, or
12 any attempt at such conduct, or domestic violence;

13 b. A police or other law enforcement agency for official
14 purposes;

15 c. A court, upon its finding that access to such records may be
16 necessary for determination of an issue before the court;

17 d. A surrogate, in that person's official capacity as deputy clerk
18 of the Superior Court, in order to prepare documents that may be
19 necessary for a court to determine an issue in an adoption
20 proceeding; or

21 e. The Division of Child Protection and Permanency in the
22 Department of Children and Families when the division is
23 conducting a background investigation involving:

24 (1) an allegation of child abuse or neglect, to include any adult
25 member of the same household as the individual who is the subject
26 of the abuse or neglect allegation; or

27 (2) an out-of-home placement for a child being placed by the
28 Division of Child Protection and Permanency, to include any adult
29 member of the prospective placement household.

30 Any individual, agency, or court which receives from the
31 Administrative Office of the Courts the records referred to in this
32 section shall keep the records and reports, or parts thereof,
33 confidential and shall not disseminate or disclose such records and
34 reports, or parts thereof; provided that nothing in this section shall
35 prohibit a receiving individual, agency, surrogate or court from
36 disclosing records and reports, or parts thereof, in a manner
37 consistent with and in furtherance of the purpose for which the
38 records and reports or parts thereof were received.

39 Any individual who disseminates or discloses a record or report,
40 or parts thereof, of the central registry, other than for an official
41 purpose authorized by this section, for the investigation of an
42 alleged violation of a protective order issued pursuant to P.L.2015,
43 c.147 (C.2C:14-13 et al.), conducting a background investigation
44 involving a person's application for employment at a police or law
45 enforcement agency, making a determination of an issue before the
46 court, conducting a background investigation as specified in
47 subsection e. of this section, or for any other purpose other than that

1 which is authorized by law, the Rules of Court or court order, shall
 2 be guilty of a crime of the fourth degree.
 3 (cf: P.L.2015, c.147, s.8)
 4

5 5. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended as
 6 follows:

7 12. a. A victim may file a complaint alleging the commission of
 8 an act of domestic violence with the Family Part of the Chancery
 9 Division of the Superior Court in conformity with the Rules of
 10 Court. The court shall not dismiss any complaint or delay
 11 disposition of a case because the victim has left the residence to
 12 avoid further incidents of domestic violence. Filing a complaint
 13 pursuant to this section shall not prevent the filing of a criminal
 14 complaint for the same act.

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

21 A plaintiff may apply for relief under this section in a court
 22 having jurisdiction over the place where the alleged act of domestic
 23 violence occurred, where the defendant resides, or where the
 24 plaintiff resides or is sheltered, and the court shall follow the same
 25 procedures applicable to other emergency applications. Criminal
 26 complaints filed pursuant to this act shall be investigated and
 27 prosecuted in the jurisdiction where the offense is alleged to have
 28 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
 29 shall be prosecuted in the county where the contempt is alleged to
 30 have been committed and a copy of the contempt complaint shall be
 31 forwarded to the court that issued the order alleged to have been
 32 violated.

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

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

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

42 (3) Information provided by the plaintiff concerning firearms to
 43 which the defendant has access shall be kept confidential and shall
 44 not be disseminated or disclosed, provided that nothing in this
 45 subsection shall prohibit dissemination or disclosure of this
 46 information in a manner consistent with and in furtherance of the
 47 purpose for which the information was provided.

- 1 d. Summons and complaint forms shall be readily available at
2 the clerk's office, at the municipal courts and at municipal and State
3 police stations.
- 4 e. As soon as the domestic violence complaint is filed, both the
5 victim and the abuser shall be advised of any programs or services
6 available for advice and counseling.
- 7 f. A plaintiff may seek emergency, ex parte relief in the nature
8 of a temporary restraining order. A municipal court judge or a
9 judge of the Family Part of the Chancery Division of the Superior
10 Court may enter an ex parte order when necessary to protect the
11 life, health or well-being of a victim on whose behalf the relief is
12 sought.
- 13 g. If it appears that the plaintiff is in danger of domestic
14 violence, the judge shall, upon consideration of the plaintiff's
15 domestic violence complaint, order emergency ex parte relief, in the
16 nature of a temporary restraining order. A decision shall be made
17 by the judge regarding the emergency relief forthwith.
- 18 h. A judge may issue a temporary restraining order upon sworn
19 testimony or complaint of an applicant who is not physically
20 present, pursuant to court rules, or by a person who represents a
21 person who is physically or mentally incapable of filing personally.
22 A temporary restraining order may be issued if the judge is satisfied
23 that exigent circumstances exist sufficient to excuse the failure of
24 the applicant to appear personally and that sufficient grounds for
25 granting the application have been shown.
- 26 The judge shall issue a temporary restraining order, pursuant to
27 court rules, upon complaint of an applicant who is a service member
28 of the New Jersey National Guard or any Reserve Component of the
29 United States Armed Forces serving within the State who is a
30 victim of non-consensual sexual contact who has also received a
31 military protective order, or upon complaint of the Staff Judge
32 Advocate of the New Jersey National Guard or any Reserve
33 Component of the United States Armed Forces serving in the State
34 on behalf of a named victim who is a victim of non-consensual
35 sexual contact who has also received a military protective order.
- 36 i. An order for emergency, ex parte relief shall be granted
37 upon good cause shown and shall remain in effect until a judge of
38 the Family Part issues a further order. Any temporary order
39 hereunder is immediately appealable for a plenary hearing de novo
40 not on the record before any judge of the Family Part of the county
41 in which the plaintiff resides or is sheltered if that judge issued the
42 temporary order or has access to the reasons for the issuance of the
43 temporary order and sets forth in the record the reasons for the
44 modification or dissolution. The denial of a temporary restraining
45 order by a municipal court judge and subsequent administrative
46 dismissal of the complaint shall not bar the victim from refileing a
47 complaint in the Family Part based on the same incident and
48 receiving an emergency, ex parte hearing de novo not on the record

1 before a Family Part judge, and every denial of relief by a
2 municipal court judge shall so state.

3 j. Emergency relief may include forbidding the defendant from
4 returning to the scene of the domestic violence, forbidding the
5 defendant from possessing any firearm or other weapon enumerated
6 in subsection r. of N.J.S.2C:39-1, ordering the search for and
7 seizure of any firearm or other weapon at any location where the
8 judge has reasonable cause to believe the weapon is located and the
9 seizure of any firearms purchaser identification card or permit to
10 purchase a handgun issued to the defendant and any other
11 appropriate relief.

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

35 The judge shall state with specificity the reasons for and scope of
36 any search and seizure authorized by the order. The provisions of
37 this subsection prohibiting a defendant from possessing a firearm or
38 other weapon shall not apply to any law enforcement officer while
39 actually on duty, or to any member of the Armed Forces of the
40 United States or member of the National Guard while actually on
41 duty or traveling to or from an authorized place of duty.

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

46 l. An order granting emergency relief, together with the
47 complaint or complaints, shall immediately be forwarded to the
48 appropriate law enforcement agency for service on the defendant,

1 and to the police of the municipality in which the plaintiff resides or
2 is sheltered, and shall immediately be served upon the defendant by
3 the police, except that an order issued during regular court hours
4 may be forwarded to the sheriff for immediate service upon the
5 defendant in accordance with the Rules of Court. If personal
6 service cannot be effected upon the defendant, the court may order
7 other appropriate substituted service. At no time shall the plaintiff
8 be asked or required to serve any order on the defendant.

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

10 n. Notice of temporary restraining orders issued pursuant to
11 this section shall be sent by the clerk of the court or other person
12 designated by the court to the appropriate chiefs of police, members
13 of the State Police and any other appropriate law enforcement
14 agency or court.

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

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

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

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

24
25 6. Section 1 of P.L.1978, c.95 (C.2C:33-4) is amended to read
26 as follows:

27 1. Except as provided in subsection e., a person commits a
28 petty disorderly persons offense if, with purpose to harass another,
29 he:

30 a. Makes, or causes to be made, one or more communications
31 anonymously or at extremely inconvenient hours, or in offensively
32 coarse language, or any other manner likely to cause annoyance or
33 alarm;

34 b. Subjects another to striking, kicking, shoving, or other
35 offensive touching, or threatens to do so; or

36 c. Engages in any other course of alarming conduct or of
37 repeatedly committed acts with purpose to alarm or seriously annoy
38 such other person.

39 A communication under subsection a. may be deemed to have
40 been made either at the place where it originated or at the place
41 where it was received.

42 d. (Deleted by amendment, P.L.2001, c.443).

43 e. A person commits a crime of the fourth degree if, in
44 committing an offense under this section, he was serving a term of
45 imprisonment or was on parole or probation as the result of a
46 conviction of any indictable offense under the laws of this State,
47 any other state or the United States or he knowingly directs such

1 action to a current or former judge that relates to the performance of
2 the judge's public duties.

3 f. Engages in conduct after having been notified, in writing or
4 otherwise, while the person was a member of the National Guard,
5 not to engage in such conduct by a commanding officer. A person
6 violates this paragraph regardless of whether the person is a
7 member of the National Guard when the person engages in the
8 conduct and regardless of where the conduct occurs. The
9 notification not to engage in such conduct expires one year from the
10 date of issuance.

11 (cf: P.L.2021, c.327, s.1)

12
13 7. N.J.S.2C:58-3 is amended to read as follows:

14 2C:58-3. a. Permit to purchase a handgun.

15 (1) A person shall not sell, give, transfer, assign or otherwise
16 dispose of, nor receive, purchase, or otherwise acquire a handgun
17 unless the purchaser, assignee, donee, receiver or holder is licensed as
18 a dealer under this chapter or has first secured a permit to purchase a
19 handgun as provided by this section.

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

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

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

28 (b) between law enforcement officers;

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

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

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

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

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

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

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 b. Firearms purchaser identification card.

5 (1) A person shall not sell, give, transfer, assign or otherwise
6 dispose of nor receive, purchase or otherwise acquire an antique
7 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
8 unless the purchaser, assignee, donee, receiver or holder is licensed as
9 a dealer under this chapter or possesses a valid firearms purchaser
10 identification card, and first exhibits the card to the seller, donor,
11 transferor or assignor, and unless the purchaser, assignee, donee,
12 receiver or holder signs a written certification, on a form prescribed by
13 the superintendent, which shall indicate that the person presently
14 complies with the requirements of subsection c. of this section and
15 shall contain the person's name, address and firearms purchaser
16 identification card number or dealer's registration number. The
17 certification shall be retained by the seller, as provided in paragraph
18 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is
19 not a dealer, it may be filed with the chief police officer of the
20 municipality in which the person resides or with the superintendent.

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

26 The provisions of this paragraph shall not apply if the transaction
27 is:

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

30 (b) between law enforcement officers;

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

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

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

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

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

- 1 (c) a retail dealer may charge a fee, not to exceed \$70, for a
2 transaction conducted pursuant to this subsection; and
- 3 (d) any record produced pursuant to this subsection shall not be
4 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
5 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
- 6 c. Who may obtain. Except as hereinafter provided, a person
7 shall not be denied a permit to purchase a handgun or a firearms
8 purchaser identification card, unless the person is known in the
9 community in which the person lives as someone who has engaged in
10 acts or made statements suggesting the person is likely to engage in
11 conduct, other than justified self-defense, that would pose a danger to
12 self or others, or is subject to any of the disabilities set forth in this
13 section or other sections of this chapter. A handgun purchase permit
14 or firearms purchaser identification card shall not be issued:
 - 15 (1) To any person who has been convicted of: (a) any crime in this
16 State or its felony counterpart in any other state or federal jurisdiction;
17 or (b) a disorderly persons offense in this State involving an act of
18 domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-
19 19) or its felony or misdemeanor counterpart involving an act of
20 domestic violence as defined under a comparable statute in any other
21 state or federal jurisdiction, whether or not armed with or possessing a
22 weapon at the time of the offense;
 - 23 (2) To any person who is presently confined for a mental disorder
24 as a voluntary admission as defined in section 2 of P.L.1987, c.116
25 (C.30:4-27.2) or who is presently involuntarily committed to inpatient
26 or outpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et
27 seq.);
 - 28 (3) To any person who suffers from a physical defect or disease
29 which would make it unsafe for that person to handle firearms, to any
30 person with a substance use disorder involving drugs as defined in
31 section 2 of P.L.1970, c.226 (C.24:21-2), or to any alcoholic as
32 defined in section 2 of P.L.1975, c.305 (C.26:2B-8) unless any of the
33 foregoing persons produces a certificate of a medical doctor, treatment
34 provider, or psychiatrist licensed in New Jersey, or other satisfactory
35 proof, that the person is no longer suffering from that particular
36 disability in a manner that would interfere with or handicap that person
37 in the handling of firearms; to any person who knowingly falsifies any
38 information on the application form for a handgun purchase permit or
39 firearms purchaser identification card;
 - 40 (4) To any person under the age of 18 years for a firearms
41 purchaser identification card and to any person under the age of 21
42 years for a permit to purchase a handgun;
 - 43 (5) To any person where the issuance would not be in the interest
44 of the public health, safety or welfare because the person is found to be
45 lacking the essential character of temperament necessary to be
46 entrusted with a firearm;
 - 47 (6) To any person who is subject to or has violated a temporary or
48 final restraining order issued pursuant to the "Prevention of Domestic

1 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)
2 prohibiting the person from possessing any firearm **【or】**, a temporary
3 or final domestic violence restraining order issued in another
4 jurisdiction prohibiting the person from possessing any firearm , or a
5 substantially similar order issued by the court of another state, tribe,
6 United States territory, appropriate military authority, or military
7 tribunal;

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

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

16 (9) To any person named on the consolidated Terrorist Watchlist
17 maintained by the Terrorist Screening Center administered by the
18 Federal Bureau of Investigation;

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

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

28 (12) To any person who is subject to or has violated a temporary
29 or final restraining order issued pursuant to the "Sexual Assault
30 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et al.);

31 (13) To any person who has previously been voluntarily admitted
32 to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.)
33 or involuntarily committed to inpatient or outpatient treatment
34 pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court has
35 expunged the person's record pursuant to P.L.1953, c.268 (C.30:4-80.8
36 et seq.);

37 (14) To any person who is subject to an outstanding arrest warrant
38 for an indictable crime in this State or for a felony, other than a felony
39 to which section 1 of P.L.2022, c.50 (C.2A:160-14.1) would apply, in
40 any other state or federal jurisdiction; or

41 (15) To any person who is a fugitive from justice due to having
42 fled from any state or federal jurisdiction to avoid prosecution for a
43 crime, other than a crime to which section 1 of P.L.2022, c.50
44 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
45 criminal proceeding.

46 In order to obtain a permit to purchase a handgun or a firearms
47 purchaser identification card, the applicant shall demonstrate that,
48 within four years prior to the date of the application, the applicant

1 satisfactorily completed a course of instruction approved by the
2 superintendent in the lawful and safe handling and storage of firearms.
3 The applicant shall be required to demonstrate completion of a course
4 of instruction only once prior to obtaining either a firearms purchaser
5 identification card or the applicant's first permit to purchase a
6 handgun.

7 The applicant shall not be required to demonstrate completion of a
8 course of instruction in order to obtain any subsequent permit to
9 purchase a handgun, to replace an existing firearms purchaser
10 identification card, or to renew a firearms purchaser identification
11 card.

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

20 A person who obtained a permit to purchase a handgun or a
21 firearms purchaser identification card prior to the effective date of
22 P.L.2022, c.58 shall not be required to complete a course of instruction
23 pursuant to this subsection.

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

30 A firearms purchaser identification card issued following the
31 effective date of P.L.2022, c.58 shall display a color photograph and
32 be electronically linked to the fingerprints of the card holder. A
33 person who obtained a firearms purchaser identification card prior to
34 the effective date of P.L.2022, c.58 shall not be required to obtain a
35 firearms purchaser identification card that displays a color photograph
36 and is electronically linked to fingerprints. The superintendent shall
37 establish guidelines as necessary to effectuate the issuance of firearms
38 purchaser identification cards that display a color photograph and
39 which are electronically linked to the fingerprints of the card holder.

40 The requirements of this subsection concerning firearms purchaser
41 identification cards issued following the effective date of P.L.2022,
42 c.58 shall remain inoperative until such time as the superintendent
43 establishes a system to produce cards that comply with this
44 requirement and, until such time, applicants issued a firearms
45 purchaser identification card shall be provided with cards that do not
46 conform to the requirements of this section, which shall be afforded
47 full force and effect until such time as the system is established and a
48 compliant card is issued in accordance with this subsection. An

1 applicant issued a non-compliant firearms purchaser identification card
2 shall obtain a card, at no cost to the applicant, which conforms to the
3 requirements of this section no later than one year after receiving
4 notice that the system to produce cards that comply with this
5 requirement is operational.

6 If an application for a permit or identification card is denied, the
7 applicant shall be provided with a written statement of the reasons for
8 the denial. Any person aggrieved by the denial of a permit or
9 identification card may request a hearing in the Superior Court of the
10 county in which the person resides if the person is a resident of New
11 Jersey or in the Superior Court of the county in which the person's
12 application was filed if the person is a nonresident. The request for a
13 hearing shall be made in writing within 30 days of the denial of the
14 application for a permit or identification card. The applicant shall
15 serve a copy of the request for a hearing upon the chief police officer
16 of the municipality in which the person resides, if the person is a
17 resident of New Jersey, and upon the superintendent in all cases. The
18 hearing shall be held and a record made thereof within 60 days of the
19 receipt of the application for a hearing by the judge of the Superior
20 Court. No formal pleading and no filing fee shall be required as a
21 preliminary to a hearing. Appeals from the results of a hearing shall
22 be in accordance with law.

23 The Administrative Director of the Courts shall coordinate with the
24 superintendent in the development of an electronic filing system to
25 receive requests for hearings and serve the chief police officer and
26 superintendent as required in this section.

27 e. Applications. Applications for permits to purchase a handgun
28 and for firearms purchaser identification cards shall be in the form
29 prescribed by the superintendent and shall set forth the name,
30 residence, place of business, age, date of birth, occupation, sex, any
31 aliases or other names previously used by the applicant, gender, and
32 physical description, including distinguishing physical characteristics,
33 if any, of the applicant, and shall state whether the applicant is a
34 citizen, whether the applicant is an alcoholic as defined in section 2 of
35 P.L.1975, c. 305 (C. 26:2B-8) or is a drug-dependent person as defined
36 in section 2 of P.L.1970, c.226 (C.24:21-2), whether the applicant has
37 ever been confined or committed to a mental institution or hospital for
38 treatment or observation of a mental or psychiatric condition on a
39 temporary, interim or permanent basis, giving the name and location of
40 the institution or hospital and the dates of confinement or commitment,
41 whether the applicant has been attended, treated or observed by any
42 doctor or psychiatrist or at any hospital or mental institution on an
43 inpatient or outpatient basis for any mental or psychiatric condition,
44 giving the name and location of the doctor, psychiatrist, hospital or
45 institution and the dates of the occurrence, whether the applicant
46 presently or ever has been a member of any organization which
47 advocates or approves the commission of acts of force and violence to
48 overthrow the Government of the United States or of this State, or

1 which seeks to deny others their rights under the Constitution of either
2 the United States or the State of New Jersey, whether the applicant has
3 ever been convicted of a crime or disorderly persons offense in this
4 State or felony or misdemeanor in any other state or federal
5 jurisdiction, whether the applicant is subject to a restraining order
6 issued pursuant to the "Prevention of Domestic Violence Act of 1991",
7 P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered under the
8 provisions of a substantially similar statute under the laws of another
9 jurisdiction prohibiting the applicant from possessing any firearm,
10 whether the applicant is subject to a restraining order issued pursuant
11 to the "Sexual Assault Survivor Protection Act of 2015," P.L.2015,
12 c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a
13 substantially similar statute under the laws of another jurisdiction,
14 whether the applicant is subject to a protective order issued pursuant to
15 the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
16 (C.2C:58-20 et al.), whether the applicant is subject to a protective
17 order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.)
18 prohibiting the applicant from possessing any firearm, and other
19 information as the superintendent shall deem necessary for the proper
20 enforcement of this chapter. For the purpose of complying with this
21 subsection, the applicant shall waive any statutory or other right of
22 confidentiality relating to institutional confinement. The application
23 shall be signed by the applicant and shall contain as references the
24 names and addresses of two reputable citizens personally acquainted
25 with the applicant.

26 An applicant for a permit to purchase a handgun shall also certify,
27 with respect to each handgun listed on the form, whether the applicant
28 is purchasing the handgun on the applicant's own behalf or, if not, that
29 the purchase is being made on behalf of a third party to whom the
30 applicant may lawfully transfer the handgun.

31 Application blanks shall be obtainable from the superintendent,
32 from any other officer authorized to grant a permit or identification
33 card, and from licensed retail dealers, or shall be made available
34 through an online process established or made available by the
35 superintendent.

36 The chief police officer or the superintendent shall obtain the
37 fingerprints of the applicant and shall have them compared with any
38 and all records of fingerprints in the municipality and county in which
39 the applicant resides and also the records of the State Bureau of
40 Identification and the Federal Bureau of Investigation, provided that an
41 applicant for a handgun purchase permit who possesses a valid
42 firearms purchaser identification card, or who has previously obtained
43 a handgun purchase permit from the same licensing authority for
44 which the applicant was previously fingerprinted, and who provides
45 other reasonably satisfactory proof of the applicant's identity, need not
46 be fingerprinted again; however, the chief police officer or the
47 superintendent shall proceed to investigate the application to determine

1 whether or not the applicant has become subject to any of the
2 disabilities set forth in this chapter.

3 f. Granting of permit or identification card; fee; term; renewal;
4 revocation. The application for the permit to purchase a handgun
5 together with a fee of \$25, or the application for the firearms purchaser
6 identification card together with a fee of \$50, shall be delivered or
7 forwarded to the licensing authority who, upon determining that the
8 application is complete, shall investigate the same and, provided the
9 requirements of this section are met, shall grant the permit or the
10 identification card, or both, if application has been made therefor,
11 within 30 days from the date of receipt of the completed application
12 for residents of this State and within 45 days for nonresident
13 applicants. A permit to purchase a handgun shall be valid for a period
14 of 90 days from the date of issuance and may be renewed by the
15 issuing authority for good cause for an additional 90 days. A firearms
16 purchaser identification card issued or renewed after the effective date
17 of P.L.2022, c.58 shall expire during the tenth calendar year following
18 its date of issuance and on the same calendar day as the person's date
19 of birth.

20 If the date of birth of the firearms purchaser identification card
21 holder does not correspond to a calendar day of the tenth calendar
22 year, the card shall expire on the last day of the birth month of the card
23 holder.

24 A firearms purchaser identification card issued pursuant to this
25 section may be renewed upon filing of a renewal application and
26 payment of the required fee, provided that the holder is not subject to
27 any of the disabilities set forth in subsection c. of this section and
28 complies with all other applicable requirements as set forth in statute
29 and regulation. If an application for renewal of a firearms purchaser
30 identification card is denied, the applicant shall be provided with a
31 written statement of the reasons for the denial. Any person aggrieved
32 by the denial of an application for renewal of a firearms purchaser
33 identification card may request a hearing in the Superior Court of the
34 county in which the person resides if the person is a resident of New
35 Jersey or in the Superior Court of the county in which the person's
36 application was filed if the person is a nonresident. The request for a
37 hearing shall be made in writing within 30 days of the denial of the
38 application for renewal of the firearms purchaser identification card.
39 The applicant shall serve a copy of the request for a hearing upon the
40 chief police officer of the municipality in which the applicant resides,
41 if the person is a resident of New Jersey, and upon the superintendent
42 in all cases. The hearing shall be held and a record made thereof
43 within 60 days of the receipt of the application for a hearing by the
44 judge of the Superior Court. A formal pleading and filing fee shall not
45 be required as a preliminary to a hearing. Appeals from the results of
46 a hearing shall be in accordance with law.

47 The Administrative Director of the Courts shall coordinate with the
48 superintendent in the development of an electronic filing system to

1 receive requests for hearings and serve the chief police officer and
2 superintendent as required in this section.

3 A firearms purchaser identification card issued prior to the
4 effective date of P.L.2022, c.58 shall not expire.

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

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

22 g. Disposition of fees. All fees for permits shall be paid to the
23 State Treasury for deposit into the Victims of Crime Compensation
24 Office account if the permit is issued by the superintendent, to the
25 municipality if issued by the chief police officer, and to the county
26 treasurer if issued by the judge of the Superior Court.

27 h. Form of permit; establishment of a web portal; disposition of
28 the completed information. (1) Except as otherwise provided in
29 paragraph (2) of this subsection, the permit shall be in the form
30 prescribed by the superintendent and shall be issued to the applicant
31 electronically through e-mail or the web portal established or
32 designated for this purpose by the superintendent or in such form or
33 manner as may be authorized by the superintendent. Prior to the time
34 the applicant receives the handgun from the seller, the applicant shall
35 provide to the seller an acknowledgement of the permit in the form
36 required under the process established by the superintendent, and the
37 seller shall complete all of the information required on the web portal.
38 This information shall be forwarded to the superintendent through the
39 web portal, or in such other manner as may be authorized by the
40 superintendent, and to the chief police officer of the municipality in
41 which the purchaser resides, except that in a municipality having no
42 chief police officer, the information shall be forwarded to the
43 superintendent. The purchaser shall retain a copy of the completed
44 information and the seller shall retain a copy of the completed
45 information as a permanent record.

46 A transfer of a handgun between or among immediate family
47 members, law enforcement officers, or collectors of firearms or
48 ammunition as curios or relics shall be conducted via the web portal

1 established or designated by the superintendent, which shall include
2 among other things a certification that the seller and purchaser are in
3 fact immediate family members, law enforcement officers, or
4 collectors of firearms or ammunition as curios or relics.

5 (2) The requirements of this subsection concerning the delivery
6 and form of permit and disposition of copies shall not be applicable
7 when these functions may be completed by utilizing an electronic
8 system as described in paragraph (2) of subsection b. of N.J.S.2C:58-2
9 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

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

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

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

25 (5) any transaction where the person has purchased a handgun
26 from a licensed retail dealer and has returned that handgun to the
27 dealer in exchange for another handgun within 30 days of the original
28 transaction, provided the retail dealer reports the exchange transaction
29 to the superintendent; or

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

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

37 A person shall not be restricted as to the number of rifles or
38 shotguns the person may purchase, provided the person possesses a
39 valid firearms purchaser identification card and provided further that
40 the person signs the certification required in subsection b. of this
41 section for each transaction.

42 j. Firearms passing to heirs or legatees. Notwithstanding any
43 other provision of this section concerning the transfer, receipt or
44 acquisition of a firearm, a permit to purchase or a firearms purchaser
45 identification card shall not be required for the passing of a firearm
46 upon the death of an owner thereof to the owner's heir or legatee,
47 whether the same be by testamentary bequest or by the laws of
48 intestacy. The person who shall so receive, or acquire the firearm

1 shall, however, be subject to all other provisions of this chapter. If the
2 heir or legatee of the firearm does not qualify to possess or carry it, the
3 heir or legatee may retain ownership of the firearm for the purpose of
4 sale for a period not exceeding 180 days, or for a further limited period
5 as may be approved by the chief law enforcement officer of the
6 municipality in which the heir or legatee resides or the superintendent,
7 provided that the firearm is in the custody of the chief law enforcement
8 officer of the municipality or the superintendent during that period.

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

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

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

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

30 o. Registration of handguns owned by new residents. Any person
31 who becomes a resident of this State following the effective date of
32 P.L.2022, c.52 and who transports into this State a firearm that the
33 person owned or acquired while residing in another state shall apply
34 for a firearms purchaser identification card within 60 days of
35 becoming a New Jersey resident, and shall register any handgun so
36 transported into this State within 60 days as provided in this
37 subsection.

38 A person who registers a handgun pursuant to this subsection shall
39 complete a registration statement, which shall be in a form prescribed
40 by the superintendent. The information provided in the registration
41 statement shall include, but shall not be limited to, the name and
42 address of the person and the make, model, and serial number of the
43 handgun being registered. Each registration statement shall be signed
44 by the person, and the signature shall constitute a representation of the
45 accuracy of the information contained in the registration statement.

46 The registration statement shall be submitted to the law
47 enforcement agency of the municipality in which the person resides or,

1 if the municipality does not have a municipal law enforcement agency,
2 any State Police station.

3 Within 60 days prior to the effective date of P.L.2022, c.52, the
4 superintendent shall prepare the form of registration statement as
5 described in this subsection and shall provide a suitable supply of
6 statements to each organized full-time municipal police department
7 and each State Police station.

8 A person who fails to apply for a firearms purchaser identification
9 card or register a handgun as required pursuant to this subsection shall
10 be granted 30 days to comply with the provisions of this subsection. If
11 the person does not comply within 30 days, the person shall be liable
12 to a civil penalty of \$250 for a first offense and shall be guilty of a
13 disorderly persons offense for a second or subsequent offense.

14 If a person is in possession of multiple firearms or handguns in
15 violation of this subsection, the person shall be guilty of one offense
16 under this subsection provided the violation is a single event.

17 The civil penalty shall be collected pursuant to the "Penalty
18 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in a
19 summary proceeding before the municipal court having jurisdiction. A
20 law enforcement officer having enforcement authority in that
21 municipality may issue a summons for a violation, and may serve and
22 execute all process with respect to the enforcement of this subsection
23 consistent with the Rules of Court.

24 p. A chief police officer or the superintendent may delegate to
25 subordinate officers or employees of the law enforcement agency the
26 responsibilities established pursuant to this section.
27 (cf: P.L.2022, c.131, s.2)
28

29 8. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
30 as follows:

31 3. a. Any employee of an employer in the State who was a
32 victim of an incident of domestic violence as defined in section 3 of
33 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
34 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
35 parent-in-law, sibling, grandparent, grandchild, child, parent,
36 spouse, domestic partner, or civil union partner individual, or any
37 other individual related by blood to the employee, and any other
38 individual that the employee shows to have a close association with
39 the employee which is the equivalent of a family relationship, was a
40 victim shall be entitled to unpaid leave of no more than 20 days in
41 one 12-month period, to be used in the 12-month period next
42 following any incident of domestic violence or any sexually violent
43 offense as provided in this section. For purposes of this section,
44 each incident of domestic violence or any sexually violent offense
45 shall constitute a separate offense for which an employee is entitled
46 to unpaid leave, provided that the employee has not exhausted the
47 allotted 20 days for the 12-month period. The unpaid leave may be
48 taken intermittently in intervals of no less than one day, as needed

1 for the purpose of engaging in any of the following activities as
2 they relate to the incident of domestic violence or sexually violent
3 offense:

4 (1) seeking medical attention for, or recovering from, physical
5 or psychological injuries caused by domestic or sexual violence to
6 the employee or the employee's parent-in-law, sibling, grandparent,
7 grandchild, child, parent, spouse, domestic partner, or civil union
8 partner individual, or any other individual related by blood to the
9 employee, and any other individual that the employee shows to
10 have a close association with the employee which is the equivalent
11 of a family relationship;

12 (2) obtaining services from a victim services organization for
13 the employee or the employee's parent-in-law, sibling, grandparent,
14 grandchild, child, parent, spouse, domestic partner, or civil union
15 partner individual, or any other individual related by blood to the
16 employee, and any other individual that the employee shows to
17 have a close association with the employee which is the equivalent;

18 (3) obtaining psychological or other counseling for the
19 employee or the employee's parent-in-law, sibling, grandparent,
20 grandchild, child, parent, spouse, domestic partner, or civil union
21 partner individual, or any other individual related by blood to the
22 employee, and any other individual that the employee shows to
23 have a close association with the employee which is the equivalent
24 of a family relationship;

25 (4) participating in safety planning, temporarily or permanently
26 relocating, or taking other actions to increase the safety of the
27 employee or the employee's parent-in-law, sibling, grandparent,
28 grandchild, child, parent, spouse, domestic partner, or civil union
29 partner individual, or any other individual related by blood to the
30 employee, and any other individual that the employee shows to
31 have a close association with the employee which is the equivalent
32 of a family relationship, from future domestic or sexual violence or
33 to ensure economic security;

34 (5) seeking legal assistance or remedies to ensure the health and
35 safety of the employee or the employee's parent-in-law, sibling,
36 grandparent, grandchild, child, parent, spouse, domestic partner, or
37 civil union partner, individual, or any other individual related by
38 blood to the employee, and any other individual that the employee
39 shows to have a close association with the employee which is the
40 equivalent of a family relationship, including preparing for, or
41 participating in, any civil **[or]** , criminal, or military legal
42 proceeding related to or derived from domestic or sexual violence;
43 or

44 (6) attending, participating in, or preparing for a criminal **[or]** ,
45 civil court, or military proceeding relating to an incident of
46 domestic or sexual violence of which the employee or the
47 employee's parent-in-law, sibling, grandparent, grandchild, child,
48 parent, spouse, domestic partner, or civil union partner, or any other

1 individual related by blood to the employee, and any other
2 individual that the employee shows to have a close association with
3 the employee which is the equivalent of a family relationship, was a
4 victim.

5 An eligible employee may elect to use any of the accrued paid
6 vacation leave, personal leave, or medical or sick leave of the
7 employee, or any family temporary disability leave benefits
8 provided pursuant to section 3 of P.L.1948, c.110 (C.43:21-27),
9 during any part of the 20-day period of unpaid leave provided under
10 this subsection. In such case, any paid leave provided by the
11 employer, and accrued pursuant to established policies of the
12 employer, or family temporary disability leave benefits, shall run
13 concurrently with the unpaid leave provided under this subsection
14 and, accordingly, the employee shall receive pay pursuant to the
15 employer's applicable paid leave policy, or family temporary
16 disability leave benefits, during the period of otherwise unpaid
17 leave. If an employee requests leave for a reason covered by both
18 this subsection and the "Family Leave Act," P.L.1989, c.261
19 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act
20 of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.), the leave shall
21 count simultaneously against the employee's entitlement under each
22 respective law.

23 Leave granted under this section shall not conflict with any
24 rights pursuant to the "Family Leave Act," P.L.1989, c.261
25 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law,"
26 P.L.1948, c.110 (C.43:21-25 et al.), or the federal "Family and
27 Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et
28 seq.).

29 b. Prior to taking the leave provided for in this section, an
30 employee shall, if the necessity for the leave is foreseeable, provide
31 the employer with written notice of the need for the leave, unless an
32 emergency or other unforeseen circumstances precludes prior
33 notice. The notice shall be provided to the employer as far in
34 advance as is reasonable and practical under the circumstances.

35 c. Nothing contained in this act shall be construed to prohibit
36 an employer from requiring that a period of leave provided pursuant
37 to this section be supported by the employee with documentation of
38 the domestic violence or sexually violent offense which is the basis
39 for the leave. If the employer requires the documentation, the
40 employee shall be regarded as having provided sufficient
41 documentation if the employee provides one or more of the
42 following:

43 (1) a domestic violence restraining order or other documentation
44 of equitable relief issued by a court of competent jurisdiction or
45 military protective order issued by an appropriate military authority;

46 (2) a letter or other written documentation from the county or
47 municipal prosecutor documenting the domestic violence or
48 sexually violent offense;

1 (3) documentation of the conviction of a person for the domestic
2 violence or sexually violent offense;

3 (4) medical documentation of the domestic violence or sexually
4 violent offense;

5 (5) certification from a certified Domestic Violence Specialist or
6 the director of a designated domestic violence agency or Rape
7 Crisis Center, that the employee or employee's parent-in-law,
8 sibling, grandparent, grandchild, child, parent, spouse, domestic
9 partner, or civil union partner, or any other individual related by
10 blood to the employee, and any other individual that the employee
11 shows to have a close association with the employee which is the
12 equivalent of a family relationship, is a victim of domestic violence
13 or a sexually violent offense; or

14 (6) other documentation or certification of the domestic violence
15 or sexually violent offense provided by a social worker, member of
16 the clergy, shelter worker, military family advocacy program, or
17 other professional who has assisted the employee or employee's
18 parent-in-law, sibling, grandparent, grandchild, child, parent,
19 spouse, domestic partner, or civil union partner, or any other
20 individual related by blood to the employee, and any other
21 individual that the employee shows to have a close association with
22 the employee which is the equivalent of a family relationship, in
23 dealing with the domestic violence or sexually violent offenses.

24 For the purposes of this subsection:

25 "Certified Domestic Violence Specialist" means a person who
26 has fulfilled the requirements of certification as a Domestic
27 Violence Specialist established by the New Jersey Association of
28 Domestic Violence Professionals; and "designated domestic
29 violence agency" means a county-wide organization with a primary
30 purpose to provide services to victims of domestic violence, and
31 which provides services that conform to the core domestic violence
32 services profile as defined by the Division of Child Protection and
33 Permanency in the Department of Children and Families and is
34 under contract with the division for the express purpose of
35 providing the services.

36 "Rape Crisis Center" means an office, institution, or center
37 offering assistance to victims of sexual offenses through crisis
38 intervention, medical and legal information, and follow-up
39 counseling.

40 d. An employer shall display conspicuous notice of its
41 employees' rights and obligations pursuant to the provisions of this
42 act, in such form and in such manner as the Commissioner of Labor
43 and Workforce Development shall prescribe, and use other
44 appropriate means to keep its employees so informed.

45 e. No provision of this act shall be construed as requiring or
46 permitting an employer to reduce employment benefits provided by
47 the employer or required by a collective bargaining agreement
48 which are in excess of those required by this act. Nor shall any

1 provision of this act be construed to prohibit the negotiation and
2 provision through collective bargaining agreements of leave
3 policies or benefit programs which provide benefits in excess of
4 those required by this act. This provision shall apply irrespective of
5 the date that a collective bargaining agreement takes effect.

6 Nothing contained in this act shall be construed as permitting an
7 employer to:

8 (1) rescind or reduce any employment benefit accrued prior to
9 the date on which the leave taken pursuant to this act commenced;
10 or

11 (2) rescind or reduce any employment benefit, unless the
12 rescission or reduction of the benefit is based on changes that would
13 have occurred if an employee continued to work without taking the
14 leave provided pursuant to this section.

15 f. All information provided to an employer pursuant to
16 subsection c. of this section, and any information regarding a leave
17 taken pursuant to this section and any failure of an employee to
18 return to work, shall be retained in the strictest confidentiality,
19 unless the disclosure is voluntarily authorized in writing by the
20 employee or is required by a federal or State law, rule, or
21 regulation.

22 (cf: P.L.2019, c.37, s.4)

23
24 9. Section 2 of P.L.1993, c.281 (C.38A:3-2b3) is amended to
25 read as follows

26 2. The Adjutant General of the Department of Military and
27 Veterans' Affairs shall:

28 a. develop economic criteria for determining eligibility for
29 financial assistance pursuant to the program established by this act;

30 **[and]**

31 b. promulgate rules and regulations pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.) necessary to implement the provisions of this act; and

34 c. provide current and former members of the National Guard
35 who were the victims of sexual assault or sexual harassment while
36 members of the National Guard and who are involved in
37 administrative or New Jersey Code of Military Justice proceedings
38 related to the sexual assault or sexual harassment with financial
39 assistance to fully cover the expenses of traveling to and from and
40 participating in those proceedings.

41 (cf: P.L.1993, c.281, s.2)

42
43 10. (New section) (Supplementing P.L.1991, c.261; C.2C:25-
44 17 et seq.)

45 a. A person entitled to protection under an order of protection
46 issued by the court of another state, tribe, United States territory,
47 military tribunal, or military protective order issued by an appropriate
48 military authority may file a certified copy of the order of protection

1 with the clerk of the Superior Court pursuant to the Rules of Court
2 in a judicial vicinage in which the person believes that enforcement
3 may be necessary.

4 b. The New Jersey National Guard shall file a certified copy of
5 any military order of protection with the clerk of the Superior Court
6 pursuant to the Rules of Court in a judicial vicinage in which the
7 person entitled to protection resides or if the person entitled to
8 protection is not a State resident, in a judicial vicinage in which it is
9 believed that enforcement may be necessary.

10 c. The clerk shall:

11 (1) treat the order of protection in the same manner as a
12 judgment of the Superior Court in accordance with the provisions of
13 the Uniform Enforcement of Foreign Judgments Act (2A:49A-25),
14 except that the clerk shall not mail notice of the filing of the order
15 to the respondent named in the order; and

16 (2) on the same day that an order of protection is filed, file a
17 certified copy of that order with the sheriff or other law
18 enforcement officials charged with maintaining New Jersey State
19 Police records.

20 d. Neither residence in this State nor filing of an order of
21 protection shall be required for enforcement of the order by this
22 State. Failure to file the order shall not be an impediment to its
23 treatment in all respects as a New Jersey protective order.

24 e. The clerk shall not charge a fee to file an order of protection
25 under this section.

26

27 11. (New section) (Supplementing chapter 154 of Title 2A of
28 the New Jersey Statutes)

29 Full-time civilian law enforcement officers employed by the
30 Defense Criminal Investigative Service, Army Criminal
31 Investigation Division, Naval Criminal Investigative Service, or Air
32 Force Office of Special Investigations who are empowered to effect
33 an arrest with or without a warrant for violations of the United
34 States Code and who are authorized to carry firearms in the
35 performance of their duties shall be empowered to act as an officer
36 for the arrest of offenders against the laws of this State:

37 a. when the person reasonably believes that a crime of the first,
38 second, or third degree is or is about to be committed or attempted
39 in the officer's presence; and

40 b. when the person reasonably believes that a crime of the fourth
41 degree relating to criminal sexual contact, harassment, or stalking is
42 or is about to be committed or attempted in the officer's presence
43 on a military installation, or off a military installation by a service
44 member against another person, regardless of whether or not either
45 person was on or off duty at the time of the alleged assault, while
46 that officer is in the performance of official duties.

1 12. (New section) (Supplementing chapter 10 of Title 38A of
2 the New Jersey Statutes)

3 Any person subject the provisions of chapter 10 of Title 38A of
4 the New Jersey Statutes who commits an offense prohibited under
5 N.J.S. 2C:33-4 shall be found guilty of that offense by a military
6 court in accordance with chapter 10 of Title 38A of the New Jersey
7 Statutes. Any person found guilty of an offense prohibited under
8 N.J.S. 2C:33-4 shall be punished as a court-martial may direct.
9

10 13. (New section) (Supplementing P.L.1971, c. 317; C.52:4B-
11 3.5) a. An application submitted to the Victims of Crime
12 Compensation Office for a claim by a military personnel victim
13 based on a sexual assault by another military personnel shall not be
14 denied solely because it was not reported to a superior officer or
15 law enforcement officer at the time of the crime.

16 b. Factors that the office shall consider for purposes of
17 determining if a claim qualifies for compensation include, but are
18 not limited to, evidence of the following:

19 (1) restricted or unrestricted reports to a military victim
20 advocate, sexual assault response coordinator, chaplain, attorney, or
21 other military personnel.

22 (2) medical or physical evidence consistent with sexual assault.

23 (3) a written or oral report from military law enforcement or a
24 civilian law enforcement agency concluding that a sexual assault
25 crime was committed against the victim.

26 (4) a letter or other written statement from a sexual assault
27 counselor, licensed therapist, or mental health counselor, stating
28 that the victim is seeking services related to the allegation of sexual
29 assault.

30 (5) a credible witness to whom the victim disclosed the details
31 that a sexual assault crime occurred.

32 (6) a restraining order from a military or civilian court against
33 the perpetrator of the sexual assault.

34 (7) other behavior by the victim consistent with sexual assault.

35 c. For purposes of this section, the sexual assault at issue shall
36 have occurred during military service including deployment.

37 d. For purposes of this section, the sexual assault may have been
38 committed off base.

39 e. For purposes of this section, a “perpetrator” means an
40 individual who is any of the following at the time of the sexual
41 assault:

42 (1) an active duty military personnel from the United States
43 Army, Navy, Marine Corps, Air Force, Space Force, or Coast
44 Guard.

45 (2) a civilian employee of any military branch specified in
46 paragraph (1), military base or installation, or military deployment.

47 (3) a contractor or agent of a private military or private security
48 company.

1 (4) a member of the New Jersey National Guard.

2

3 14. (New section) (Supplementing P.L.1971, c.437; C.9:6-
4 8.8.10g.)

5 a. If a report is accepted as a credible allegation of domestic
6 abuse or child abuse or neglect as defined by the Department of
7 Children and Families, the department shall collect information
8 concerning the military status of the spouse, intimate partner,
9 parent, or guardian of the child who is the subject of the report and
10 shall share information about the allegation with the appropriate
11 military authorities in accordance with the memorandum or
12 understanding described in this section.

13 b. The department shall enter into a memorandum of
14 understanding with the military family advocacy program at a local
15 military installation with respect to interpersonal violence and child
16 abuse and neglect investigations.

17 c. For the purposes of this section, "military family advocacy
18 program" means the program established by the United States
19 Department of Defense to address child abuse and neglect in
20 military families.

21 d. Such memorandum of understanding shall establish
22 procedures and protocols for matters including, but not limited to:
23 (1) identifying an individual credibly alleged to have committed
24 abuse or neglect as military personnel; (2) identifying appropriate
25 circumstances for reporting to the military family advocacy
26 program without reducing likelihood of reporting or creating undue
27 risk to the health or wellbeing of the spouse, intimate partner,
28 parent, guardian, or child; (3) reporting to a military family
29 advocacy program when an investigation implicating military
30 personnel has been initiated; and 4) maintaining confidentiality
31 requirements under State and federal law.

32

33 15. (New section) (Supplementing chapter 10 of the Title 38A of
34 the New Jersey Statutes)

35 Notwithstanding any other provision of law to the contrary, the
36 State may exercise concurrent jurisdiction with the United States
37 over a military installation of the United States Department of
38 Defense located within the State in any matter relating to a violation
39 of federal law or the Uniform Code of Military Justice, if all the
40 following criteria are met:

41 (1) the United States waives exclusive jurisdiction;

42 (2) the case or allegation pertains to sexual assault; and

43 (3) the violation of federal law is also a crime or offense under
44 Title 2C of the New Jersey Statutes.

45 The Sexual Assault Response Coordinator of the Department of
46 Military and Veterans Affairs may enter into a memorandum of
47 understanding with the appropriate military authorities to effectuate
48 the purposes of this subsection.

1 The bill makes military protective orders issued by an
2 appropriate military authority effective throughout the State,
3 provides for their enforcement, and directs the Administrative
4 Office of the Courts to establish and maintain a central registry of
5 all orders of protection issued by an appropriate military authority
6 or a foreign tribunal and all persons who have been charged with a
7 violation of a protective order.

8 The bill makes it a petty disorderly persons offense if, with the
9 purpose to harass another, a person engages in conduct after having
10 been notified, while the person was a member of the National
11 Guard, not to engage in such conduct by a commanding officer.

12 In addition, the bill prohibits any person from obtaining a
13 handgun purchase permit or firearms purchaser identification card
14 who is subject to a restraining order issued pursuant to Prevention
15 of Domestic Violence Act of 1991, a temporary or final domestic
16 violence restraining order issued in another jurisdiction, or a
17 substantially similar order issued by the court of another state, tribe,
18 United States Territory, appropriate military authority, or military
19 tribunal.

20 Under the bill, a person, or the family member of the person, that
21 is participating in a military legal proceeding is to receive unpaid
22 leave from employment to seek legal assistance and remedies and
23 attend and prepare for the proceeding when the proceeding involves
24 domestic or sexual violence.

25 The bill also directs the Adjutant General to provide current and
26 former members of the National Guard who were the victims of
27 sexual assault or sexual harassment while members of the National
28 Guard and who are involved in administrative or New Jersey Code
29 of Military Justice proceedings related to sexual assault or sexual
30 harassment, with financial assistance to fully cover the expenses of
31 traveling to and from and participating in those proceedings.

32 The bill stipulates that a person with an order of protection
33 issued by the court of another state, tribe, United States territory,
34 military tribunal, or military protective order issued by an
35 appropriate military authority to file the order with the clerk of the
36 Superior Court in a judicial vicinage in which the person believes
37 that enforcement may be necessary, and requires the New Jersey
38 National Guard to file a certified copy of any military order of
39 protection with the court in a judicial vicinage in which the person
40 entitled to protection resides or, if the person entitled to protection
41 is not a State resident, in a judicial circuit in which it is believed
42 that enforcement may be necessary.

43 Full-time civilian law enforcement officers employed by the
44 Defense Criminal Investigative Service, Army Criminal
45 Investigation Division, Naval Criminal Investigative Service, or Air
46 Force Office of Special Investigations, who are empowered to effect
47 an arrest with or without a warrant for violations of the United
48 States Code and who are authorized to carry firearms in the

1 performance of their duties are authorized under the bill to act as an
2 officer for the arrest of offenders against the laws of this State
3 where the person reasonably believes that a crime of the first,
4 second, or third degree is or is about to be committed or attempted
5 in his presence, and where the person reasonably believes that a
6 crime of the fourth degree, relating to criminal sexual contact,
7 harassment, or stalking is or is about to be committed or attempted
8 in his presence on a military installation, or off a military
9 installation by a service member against another person, regardless
10 of whether or not either person was on or off duty at the time of the
11 alleged assault, while that officer is in the performance of official
12 duties.

13 The bill provides that a person subject to military discipline
14 under State law who commits an offense of harassment prohibited
15 under State law will be guilty of that offense in accordance with
16 military discipline and be punished as a court martial may direct.

17 Pursuant to the bill, an application for a claim to the Victims of
18 Crime Compensation Office by a military personnel victim based on
19 a sexual assault by another military personnel will not be denied
20 solely because it was not reported to a superior officer or law
21 enforcement officer at the time of the crime and sets forth factors
22 that will be considered for purposes of determining if a claim of
23 military sexual assault qualifies for compensation.

24 The bill provides that if a report is accepted as a credible
25 allegation of domestic abuse or child abuse or neglect by the
26 Department of Children and Families, the department will collect
27 information concerning the military status of the spouse, intimate
28 partner, parent, or guardian of the child who is the subject of the
29 report and share information about the allegation with the
30 appropriate military authorities in accordance with the
31 memorandum of understanding with the military family advocacy
32 program at a local military installation, with respect to interpersonal
33 violence and child abuse and neglect investigations.

34 The State may, pursuant to the bill, exercise concurrent
35 jurisdiction with the United States over a military installation of the
36 United States Department of Defense located within the State in a
37 matter relating to a violation of federal law or the Uniform Code of
38 Military Justice if certain conditions are met.

39 Lastly, the bill provides that, upon acceptance or relinquishment
40 of the United States by the Governor or any other State official,
41 department, or agency, the State will exercise concurrent
42 jurisdiction with the United States over a military installation of the
43 United States within the State in and over land or lands ceded, in a
44 matter related to a violation of federal or State law, upon any child
45 or juvenile, within the limits and extent of lands so ceded and
46 providing that the State will retain concurrent jurisdiction over a
47 military installation of the United States in certain cases.