

[First Reprint]

ASSEMBLY, No. 4769

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 13, 2022

Sponsored by:

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District 17 (Middlesex and Somerset)

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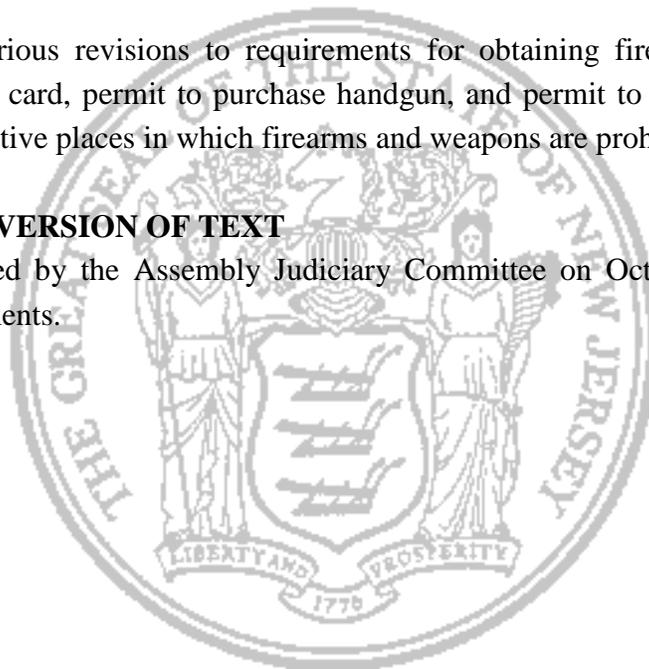
District 33 (Hudson)

SYNOPSIS

Makes various revisions to requirements for obtaining firearm purchaser identification card, permit to purchase handgun, and permit to carry handgun; codifies sensitive places in which firearms and weapons are prohibited.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on October 17, 2022, with amendments.



(Sponsorship Updated As Of: 10/20/2022)

1 AN ACT concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure
37 that those who exercise the right to carry are responsible, law-
38 abiding, and appropriately trained individuals who would not pose
39 undue safety risks if armed in public places.

40 d. In Bruen, the Supreme Court recognized that states may
41 prohibit individuals who are not “law-abiding, responsible citizens”
42 from carrying firearms in public, and endorsed the use of “licensing
43 requirements for carrying a handgun for self-defense.” Although the
44 Court did not provide a complete list of lawful requirements, it

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:

¹Assembly AJU committee amendments adopted October 17, 2022.

1 specifically cited a “background check, mental health check, training
2 in firearms handling and in laws regarding the use of force, among
3 other possible requirements” as permissible. The purpose of these
4 checks, the Court explained, is to “ensure only that those bearing
5 arms in the jurisdiction are in fact, ‘law-abiding, responsible
6 citizens.’” It is thus important to bolster and improve the process in
7 this State for ensuring that only such individuals possess and carry
8 firearms. Toward that end, this act strengthens the criteria and
9 background investigation requirements that are used to determine
10 whether an applicant is qualified to carry a firearm in New Jersey.

11 e. This act also designates places in which the carrying of a
12 weapon is prohibited. Previously, application of the justifiable need
13 standard minimized the serious dangers of misuse and accidental
14 use inherent in the carrying of handguns in a public place. Given
15 the likelihood that a much greater number of individuals will now
16 qualify to carry handguns in public, it is now both necessary and
17 appropriate to clearly identify in the law those sensitive places
18 where, due to heightened public safety concerns, carrying a weapon
19 of any kind, including a handgun, is not permissible. These
20 prohibitions are based on common sense principles and historical
21 analogues.

22 f. Notwithstanding its rejection of a particularized need
23 standard, the Bruen decision recognizes that the carrying of
24 firearms in sensitive places can “be prohibited consistent with the
25 Second Amendment.” Indeed, the Court assumed it settled that
26 “laws forbidding the carrying of firearms in sensitive places such
27 as schools and government buildings,” as well ‘as’ other places
28 such as “legislative assemblies, polling places, and courthouses,”
29 are “longstanding” and not subject to disputes regarding their
30 constitutionality. The Court added that other “sensitive place”
31 regulations may be permissible if “consistent with the Second
32 Amendment’s text and historical understanding” – that is,
33 “relevantly similar” to historical analogues.

34 g. The sensitive-place prohibitions on dangerous weapons set
35 forth in this act are rooted in history and tradition. They are
36 analogous to historical laws that can be found from the Founding
37 era to Reconstruction, which are also found in modern laws in many
38 states. History and tradition support at least the following location-
39 based restrictions on carrying firearms:

40 (1) Places that are the site of core constitutional activity, such as
41 but not limited to the exercise of First Amendment rights, or that
42 are otherwise vital to the functioning of democracy and our system
43 of government. That includes prohibitions of firearms in facilities
44 within the criminal justice system;

45 (2) Schools, universities, other educational institutions, where
46 people assemble for educational purposes and for the purposes of
47 teaching, learning, research, and the pursuit of knowledge;

1 (3) Parks and other recreation spaces, including locations where
2 children congregate;

3 (4) Locations that protect vulnerable classes of people, such as
4 the young and the frail;

5 (5) Places where intoxicating substances are sold, places where
6 large groups of individuals congregate, and places where volatile
7 conditions may pose a threat to public safety; and

8 (6) Various forms of transportation and public infrastructure,
9 whose safety, security, and stability are critical to supporting social
10 function.

11 h. The historical record also supports restriction of firearm
12 possession on private property when the owner has not given their
13 consent. Many states require a property owner's permission before
14 another may enter private dwellings and private lands with a
15 firearm or other weapons. Requiring consent from the property
16 owner before carrying weapons onto private property is also in line
17 with both the reasonable expectations and property rights of New
18 Jersey property owners.

19 i. Additionally, the fees to obtain a firearms purchaser
20 identification permit or a permit to purchase a handgun in New
21 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
22 respectively, and in over a half century the law has never been
23 changed to increase these fees, notwithstanding the impact of
24 inflation, increasing costs of background checks and related
25 investigations, and the investment made over the years to
26 technologically upgrade the firearms application and registration
27 system established and maintained by the New Jersey State Police.

28 j. Accordingly, the Legislature finds it is necessary and proper
29 to revise this State's procedural and substantive laws related to
30 firearms to update the process and the standards applicable to
31 firearm purchase and possession as well as our handgun carry law,
32 and to continue to promote public safety and reduce gun violence in
33 a manner consistent with the Second Amendment principles
34 articulated by the current Supreme Court jurisprudence. These
35 revisions will focus on factors other than the need or purpose a
36 person may assert as justification to carry a handgun, such as the
37 person's background and qualifications, with the ultimate goal of
38 keeping New Jersey streets and neighborhoods safe from gun
39 violence.

40

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

42 2C:58-3. a. Permit to purchase a handgun.

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

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

5 The provisions of this paragraph shall not apply if the transaction
6 is:

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

9 (b) between law enforcement officers;

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

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

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

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

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

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

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

33 b. Firearms purchaser identification card.

34 (1) **[No]** A person shall not sell, give, transfer, assign or
35 otherwise dispose of nor receive, purchase or otherwise acquire an
36 antique cannon or a rifle or shotgun, other than an antique rifle or
37 shotgun, unless the purchaser, assignee, donee, receiver or holder is
38 licensed as a dealer under this chapter or possesses a valid firearms
39 purchaser identification card, and first exhibits the card to the seller,
40 donor, transferor or assignor, and unless the purchaser, assignee,
41 donee, receiver or holder signs a written certification, on a form
42 prescribed by the superintendent, which shall indicate that **[he]** the
43 person presently complies with the requirements of subsection c. of
44 this section and shall contain **[his]** the person's name, address and
45 firearms purchaser identification card number or dealer's
46 registration number. The certification shall be retained by the
47 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
48 2, or, in the case of a person who is not a dealer, it may be filed

1 with the chief of police of the municipality in which **[he]** the
2 person resides or with the superintendent.

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

8 The provisions of this paragraph shall not apply if the transaction
9 is:

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

12 (b) between law enforcement officers;

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

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

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

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

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

31 (c) a retail dealer may charge a fee, not to exceed **['\$25] \$70'**,
32 for a transaction conducted pursuant to this subsection; and

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

36 c. Who may obtain. **[No]** Except as hereinafter provided, a
37 person [of good character and good repute] shall not be denied a
38 permit to purchase a handgun or a firearms purchaser identification
39 card, unless the person is known in the community in which [he]
40 the person lives as someone who has engaged in acts or made
41 statements suggesting the person is likely to engage in conduct,
42 other than justified self-defense, that would pose a danger to self or
43 others, [and who] or is [not] subject to any of the disabilities set
44 forth in this section or other sections of this chapter [, shall be
45 denied a permit to purchase a handgun or a firearms purchaser
46 identification card, except as hereinafter set forth]. [No] A

1 handgun purchase permit or firearms purchaser identification card
2 shall not be issued:

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

7 (2) To any drug-dependent person as defined in section 2 of
8 P.L.1970, c.226 (C.24:21-2), to any person who is presently
9 confined for a mental disorder **【**to a hospital, mental institution or
10 sanitarium**】** as a voluntary admission as defined in section 2 of
11 P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to
12 inpatient or outpatient treatment pursuant to section 1 of P.L.1987,
13 c.116 (C.30:4-27.1), or to any person who is presently 【an habitual
14 drunkard】 an alcoholic, as defined by section 2 of P.L.1975, c.305
15 (C.26:2B-8);

16 (3) To any person who suffers from a physical defect or disease
17 which would make it unsafe for **【him】** that person to handle
18 firearms, **【**to any person who has ever been confined for a mental
19 disorder,**】** or to any alcoholic as defined by section 2 of P.L.1975,
20 c.305 (C.26:2B-8) unless any of the foregoing persons produces a
21 certificate of a medical doctor or psychiatrist licensed in New
22 Jersey, or other satisfactory proof, that **【he】** the person is no longer
23 suffering from that particular disability in a manner that would
24 interfere with or handicap **【him】** that person in the handling of
25 firearms; to any person who knowingly falsifies any information on
26 the application form for a handgun purchase permit or firearms
27 purchaser identification card;

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

31 (5) To any person where the issuance would not be in the interest
32 of the public health, safety or welfare because the person is found to
33 be lacking the essential character ¹【or】 of¹ temperament necessary
34 to be entrusted with a firearm;

35 (6) To any person who is subject to or has violated a temporary
36 or final restraining order issued pursuant to the "Prevention of
37 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
38 seq.) prohibiting the person from possessing any firearm or a
39 temporary or final domestic violence restraining order issued in
40 another jurisdiction prohibiting the person from possessing any
41 firearm;

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

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

4 (9) To any person named on the consolidated Terrorist Watchlist
5 maintained by the Terrorist Screening Center administered by the
6 Federal Bureau of Investigation;

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

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

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

20 (13) To any person who has previously been voluntarily admitted
21 or involuntarily committed to inpatient or outpatient treatment
22 pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the
23 court has expunged the person's record pursuant to P.L.1953, c.268
24 (C.30:4-80.8 et seq.);

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

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

34 (16) To any person who has been convicted of more than one
35 crime of the fourth degree in violation of sections 4, 5, or 6 of
36 P.L. , c. (C.)(pending before the Legislature as this bill).

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

46 The applicant shall not be required to demonstrate completion of
47 a course of instruction in order to obtain any subsequent permit to
48 purchase a handgun, to replace an existing firearms purchaser

1 identification card, or to renew a firearms purchaser identification
2 card.

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

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

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

21 A firearms purchaser identification card issued following the
22 effective date of P.L.2022, c.58 shall display a color photograph
23 and **【a thumb print】** be electronically linked to the fingerprints of
24 the card holder. A person who obtained a firearms purchaser
25 identification card prior to the effective date of P.L.2022, c.58 shall
26 not be required to obtain a firearm purchaser identification card that
27 displays a color photograph and **【a thumb print】** is electronically
28 linked to the fingerprints. The superintendent shall establish
29 guidelines as necessary to effectuate the issuance of firearms
30 purchaser identification cards that display a color photograph and
31 **【a thumb print】** which is electronically linked to the fingerprints of
32 the card holder.

33 The requirements of this subsection concerning firearms
34 purchaser identification cards issued following the effective date of
35 P.L.2022, c.58 shall remain inoperative until such time as the
36 superintendent establishes a system to produce cards that comply
37 with this requirement and, until such time, applicants issued a
38 firearms purchaser identification card shall be provided with cards
39 that do not conform to the requirements of this section, which shall
40 be afforded force and effect until such time as the system is
41 established and a compliant card is issued in accordance with this
42 subsection. An applicant issued a non-compliant firearms purchaser
43 identification card shall obtain a card, at no cost to the applicant,
44 which conforms to the requirements of this section no later than one
45 year after receiving notice that the system to produce cards that
46 comply with this requirement is operational.

47 If an application for a permit or identification card is denied, the
48 applicant shall be provided with a written statement of the reasons

1 for the denial. Any person aggrieved by the denial of a permit or
2 identification card may request a hearing in the Superior Court of
3 the county in which **[he]** the person resides if **[he]** the person is a
4 resident of New Jersey or in the Superior Court of the county in
5 which **[his]** the person's application was filed if **[he]** the person is
6 a nonresident. The request for a hearing shall be made in writing
7 within 30 days of the denial of the application for a permit or
8 identification card. The applicant shall serve a copy of **[his]** the
9 request for a hearing upon the chief of police of the municipality in
10 which he resides, if **[he]** the person is a resident of New Jersey, and
11 upon the superintendent in all cases. The hearing shall be held and
12 a record made thereof within **[30]** 60 days of the receipt of the
13 application for a hearing by the judge of the Superior Court. No
14 formal pleading and no filing fee shall be required as a preliminary
15 to a hearing. Appeals from the results of a hearing shall be in
16 accordance with law.

17 The Administrative Director of the Courts shall coordinate with
18 the superintendent in the development of an electronic filing system
19 to receive requests for hearings and serve the chief of police and
20 superintendent as required in this section.

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]** any aliases or other names previously used by the applicant,
26 gender, and physical description, including distinguishing physical
27 characteristics, if any, of the applicant, and shall state whether the
28 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
29 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
30 26:2B-8) or is a drug-dependent person as defined in section 2 of
31 P.L.1970, c.226 (C.24:21-2), whether **[he]** the applicant has ever
32 been confined or committed to a mental institution or hospital for
33 treatment or observation of a mental or psychiatric condition on a
34 temporary, interim or permanent basis, giving the name and
35 location of the institution or hospital and the dates of confinement
36 or commitment, whether **[he]** the applicant has been attended,
37 treated or observed by any doctor or psychiatrist or at any hospital
38 or mental institution on an inpatient or outpatient basis for any
39 mental or psychiatric condition, giving the name and location of the
40 doctor, psychiatrist, hospital or institution and the dates of the
41 occurrence, whether **[he]** the applicant presently or ever has been a
42 member of any organization which advocates or approves the
43 commission of acts of force and violence to overthrow the
44 Government of the United States or of this State, or which seeks to
45 deny others their rights under the Constitution of either the United
46 States or the State of New Jersey, whether **[he]** the applicant has
47 ever been convicted of a crime or disorderly persons offense,

1 whether the **[person]** applicant is subject to a restraining order
2 issued pursuant to the "Prevention of Domestic Violence Act of
3 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the
4 **[person]** applicant from possessing any firearm, whether the
5 **[person]** applicant is subject to a protective order issued pursuant
6 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
7 (C.2C:58-20 et al.), whether the **[person]** applicant is subject to a
8 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
9 al.) prohibiting the **[person]** applicant from possessing any firearm,
10 and other information as the superintendent shall deem necessary
11 for the proper enforcement of this chapter. For the purpose of
12 complying with this subsection, the applicant shall waive any
13 statutory or other right of confidentiality relating to institutional
14 confinement. The application shall be signed by the applicant and
15 shall contain as references the names and addresses of two
16 reputable citizens personally acquainted with **[him]** the applicant.

17 An application for a permit to purchase a handgun shall also
18 indicate, with respect to each handgun listed on the form, whether
19 the applicant is purchasing the handgun on the applicant's own
20 behalf or on behalf of a third party and shall specify that the
21 applicant is not an actual purchaser if the applicant is acquiring the
22 handgun on behalf of another person, unless otherwise permitted by
23 law.

24 Application blanks shall be obtainable from the superintendent,
25 from any other officer authorized to grant a permit or identification
26 card, and from licensed retail dealers, or shall be made available
27 through an online process established or made available by the
28 superintendent.

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

44 f. Granting of permit or identification card; fee; term; renewal;
45 revocation. The application for the permit to purchase a handgun
46 together with a fee of **[\$2]** \$25, or the application for the firearms
47 purchaser identification card together with a fee of **[\$5]** \$50, shall

1 be delivered or forwarded to the licensing authority who, upon
2 determining that the application is complete, shall investigate the
3 same and, unless good cause for the denial thereof appears, shall
4 grant the permit or the identification card, or both, if application has
5 been made therefor, within 30 days from the date of receipt of the
6 completed application for residents of this State and within 45 days
7 for nonresident applicants. A permit to purchase a handgun shall be
8 valid for a period of 90 days from the date of issuance and may be
9 renewed by the issuing authority for good cause for an additional 90
10 days. A firearms purchaser identification card issued or renewed
11 after the effective date of P.L.2022, c.58 shall expire during the
12 tenth calendar year following its date of issuance and on the same
13 calendar day as the person's date of birth.

14 If the date of birth of the firearms purchaser identification card
15 holder does not correspond to a calendar day of the tenth calendar
16 year, the card shall expire on the last day of the birth month of the
17 card holder.

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

42 The Administrative Director of the Courts shall coordinate with
43 the superintendent in the development of an electronic filing system
44 to receive requests for hearings and serve the chief of police and
45 superintendent as required in this section.

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

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

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

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

24 h. Form of permit; **【quadruplicate】** establishment of a web
25 portal; disposition of **【copies】** the completed information. (1)
26 Except as otherwise provided in paragraph (2) of this subsection,
27 the permit shall be in the form prescribed by the superintendent and
28 shall be issued to the applicant **【in quadruplicate】** electronically
29 through e-mail or the web portal established or designated for this
30 purpose by the superintendent or in such form or manner as may be
31 authorized by the superintendent. Prior to the time **【he】** the
32 applicant receives the handgun from the seller, the applicant shall
33 **【deliver】** provide to the seller an acknowledgement of the permit in
34 **【quadruplicate】** the form required under the process established by
35 the superintendent, and the seller shall complete all of the
36 information required on the **【form】** web portal. **【Within five days**
37 **of the date of the sale, the seller shall forward the original copy】**
38 This information shall be forwarded to the superintendent through
39 the web portal, or in such other manner as may be authorized by the
40 superintendent, and **【the second copy】** to the chief of police of the
41 municipality in which the purchaser resides, except that in a
42 municipality having no chief of police, **【the copy】** the information
43 shall be forwarded to the superintendent. The **【third copy shall then**
44 **be returned to the】** purchaser **【with the pistol or revolver】** shall
45 retain a copy of the completed information and the **【fourth copy**
46 **shall be kept by the】** seller shall retain a copy of the completed
47 information as a permanent record.

1 A transfer of a handgun between or among immediate family
2 members, law enforcement officers, or collectors of firearms or
3 ammunition as curios or relics shall be conducted via the web portal
4 established or designated by the superintendent, which shall include
5 among other things a certification that the seller and purchaser are
6 in fact immediate family members, law enforcement officers, or
7 collectors of firearms or ammunition as curios or relics.

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

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

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

20 (2) a collector of handguns as curios or relics as defined in Title
21 18, United States Code, section 921 (a) (13) who has in **[his]** the
22 collector's possession a valid Collector of Curios and Relics
23 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
24 and Explosives;

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

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

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

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

37 The provisions of this subsection shall not be construed to afford
38 or authorize any other exemption from the regulatory provisions
39 governing firearms set forth in chapter 39 and chapter 58 of Title
40 2C of the New Jersey Statutes;

41 A person shall not be restricted as to the number of rifles or
42 shotguns **[he]** the person may purchase, provided **[he]** the person
43 possesses a valid firearms purchaser identification card and
44 provided further that **[he]** the person signs the certification required
45 in subsection b. of this section for each transaction.

46 j. Firearms passing to heirs or legatees. Notwithstanding any
47 other provision of this section concerning the transfer, receipt or
48 acquisition of a firearm, a permit to purchase or a firearms

1 purchaser identification card shall not be required for the passing of
2 a firearm upon the death of an owner thereof to **his** the owner's
3 heir or legatee, whether the same be by testamentary bequest or by
4 the laws of intestacy. The person who shall so receive, or acquire
5 the firearm shall, however, be subject to all other provisions of this
6 chapter. If the heir or legatee of the firearm does not qualify to
7 possess or carry it, **he** the heir or legatee may retain ownership of
8 the firearm for the purpose of sale for a period not exceeding 180
9 days, or for a further limited period as may be approved by the chief
10 law enforcement officer of the municipality in which the heir or
11 legatee resides or the superintendent, provided that the firearm is in
12 the custody of the chief law enforcement officer of the municipality
13 or the superintendent during that period.

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

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

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

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

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

45 A person who registers a handgun pursuant to this subsection
46 shall complete a registration statement, which shall be in a form
47 prescribed by the superintendent. The information provided in the
48 registration statement shall include, but shall not be limited to, the

1 name and address of the person and the make, model, and serial
2 number of the handgun being registered. Each registration
3 statement shall be signed by the person, and the signature shall
4 constitute a representation of the accuracy of the information
5 contained in the registration statement.

6 The registration statement shall be submitted to the law
7 enforcement agency of the municipality in which the person resides
8 or, if the municipality does not have a municipal law enforcement
9 agency, any State Police station.

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

15 A person who fails to apply for a firearm purchaser identification
16 card or register a handgun as required pursuant to this subsection
17 shall be granted 30 days to comply with the provisions of this
18 subsection. If the person does not comply within 30 days, the
19 person shall be liable to a civil penalty of \$250 for a first offense
20 and shall be guilty of a disorderly persons offense for a second or
21 subsequent offense.

22 If a person is in possession of multiple firearms or handguns in
23 violation of this subsection, the person shall be guilty of one
24 offense under this subsection provided the violation is a single
25 event.

26 The civil penalty shall be collected pursuant to the "Penalty
27 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
28 a summary proceeding before the municipal court having
29 jurisdiction. A law enforcement officer having enforcement
30 authority in that municipality may issue a summons for a violation,
31 and may serve and execute all process with respect to the
32 enforcement of this subsection consistent with the Rules of Court.
33 (cf: P.L.2022, c.58, s.1)

34

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

36 2C:58-4. a. Scope and duration of authority. Any person who
37 holds a valid permit to carry a handgun issued pursuant to this
38 section shall be authorized to carry a handgun in a holster concealed
39 on their person in all parts of this State, except as prohibited by
40 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
41 (pending before Legislature as this bill). One permit shall be
42 sufficient for all handguns owned by the holder thereof, but the
43 permit shall apply only to a handgun carried by the actual and legal
44 holder of the permit and, except as otherwise provided in subsection
45 b. of section 6 of P.L. , c. (C.)(pending before the
46 Legislature as this bill), shall not be construed to authorize a holder
47 to carry a handgun openly, provided that a brief, incidental
48 exposure of a handgun while transferring it to or from a holster or

1 due to the shifting of the person's body position or clothing shall be
2 deemed a de minimis infraction within the contemplation of
3 N.J.S.2C:2-11.

4 All permits to carry handguns shall expire two years from the
5 date of issuance or, in the case of an employee of an armored car
6 company, upon termination of **[his]** the employee's employment by
7 the company occurring prior thereto whichever is earlier in time,
8 and they may thereafter be renewed every two years in the same
9 manner and subject to the same conditions as in the case of original
10 applications.

11 b. Application forms. All applications for permits to carry
12 handguns, and all applications for renewal of permits, shall be made
13 on the forms and in the manner prescribed by the superintendent.
14 Each application shall set forth the full name, date of birth, **[sex]**
15 gender, residence, occupation, place of business or employment,
16 any aliases or other names previously used by the applicant, and
17 physical description of the applicant, and any other information the
18 superintendent may prescribe for the determination of the
19 applicant's eligibility for a permit and for the proper enforcement of
20 this chapter. The application shall be signed by the applicant under
21 oath, and shall be **[indorsed]** endorsed by **[three]** not less than four
22 reputable persons who are not related by blood or by law to the
23 applicant and have known the applicant for at least three years
24 preceding the date of application, and who shall certify thereon that
25 the applicant **[is a person of good moral character and behavior]**
26 has not engaged in any acts or made any statements that suggest the
27 applicant is likely to engage in conduct, other than lawful self-
28 defense, that would pose a danger to the applicant or others. The
29 reputable persons also shall provide relevant information supporting
30 the certification, including the nature and extent of their
31 relationship with the applicant and information concerning their
32 knowledge of the applicant's use of drugs or alcohol.

33 c. Investigation and approval. Each application shall be
34 accompanied by a \$200 application fee and shall in the first
35 instance be submitted to the chief police officer of the municipality
36 in which the applicant resides, or to the superintendent **[,]** if: (1)
37 **[if]** the applicant is an employee of an armored car company **[,**
38 **or]** ; (2) **[if]** there is no chief police officer in the municipality
39 where the applicant resides **[, or]** ; (3) **[if]** the applicant does not
40 reside in this State; or (4) the applicant is a mayor or other elected
41 member of the municipal governing body.

42 In the case of an application made to the chief police officer of a
43 municipality, \$150 of the fee shall be retained by the municipality
44 and the remaining \$50 shall be forwarded to the superintendent.
45 The fee amount retained by the municipality shall be used to defray
46 the costs of investigation, administration, and processing of the
47 permit to carry handgun applications. Application fees made to the

1 superintendent shall be deposited into the Victims of Crime
2 Compensation Office account.

3 The chief police officer, or the superintendent, as the case may
4 be, shall determine whether the application is complete and, if so,
5 shall cause the fingerprints of the applicant to be taken and
6 compared with any and all records maintained by the municipality,
7 the county in which it is located, the State Bureau of Identification
8 and the Federal Bureau of Identification. [He] The chief police
9 officer or the superintendent, as the case may be, shall also determine
10 and record a complete description of each handgun the applicant
11 intends to carry. The chief police officer, or the superintendent, as
12 the case may be, shall interview the applicant and the persons
13 endorsing the application under subsection b. of this section, and
14 shall make inquiry concerning, and investigate to the extent
15 warranted, whether the applicant is likely to engage in conduct that
16 would result in harm to the applicant or others, including, but not
17 limited to, whether the applicant has any history of threats or acts of
18 violence by the applicant directed toward self or others or any
19 history of use, attempted use, or threatened use of physical force by
20 the applicant against another person, or other incidents implicating
21 the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3,
22 including but not limited to determining whether the applicant has
23 been subject to any recent arrests or criminal charges for
24 disqualifying crimes or has been experiencing any mental health
25 issues such as suicidal ideation or violent impulses, and the
26 applicant's use of drugs or alcohol.

27 The chief police officer or the superintendent may require such
28 other information from the applicant or any other person, including
29 but not limited to publicly available statements posted or published
30 online by the applicant, as the chief police officer or superintendent
31 deems reasonably necessary to conduct the review of the
32 application.

33 [No] An application shall not be approved by the chief police
34 officer or the superintendent unless the applicant demonstrates that
35 [he] the applicant is not subject to any of the disabilities set forth
36 in subsection c. of N.J.S.2C:58-3, that [he] the applicant is
37 thoroughly familiar with the safe handling and use of handguns,
38 including providing proof of completion of any training or
39 proficiency requirements established under the law, and that [he
40 has a justifiable need to carry a handgun] the applicant is in
41 compliance with the firearm carry liability insurance requirement of
42 section 4 of P.L. , c. (C.)(pending before the Legislature as this
43 bill).

44 [Each application form shall be accompanied by a written
45 certification of justifiable need to carry a handgun, which shall be
46 under oath and, in the case of a private citizen, shall specify in
47 detail the urgent necessity for self-protection, as evidenced by

1 specific threats or previous attacks which demonstrate a special
2 danger to the applicant's life that cannot be avoided by means other
3 than by issuance of a permit to carry a handgun. Where possible,
4 the applicant shall corroborate the existence of any specific threats
5 or previous attacks by reference to reports of the incidents to the
6 appropriate law enforcement agencies.

7 If **Once** the application is **[not approved]** deemed complete by
8 the chief police officer or the superintendent, if it is not approved
9 or denied by the chief police officer or the superintendent within
10 **[60]** 90 days of filing, it shall be deemed to have been approved
11 **[unless the applicant agrees]**; provided, however, the chief police
12 officer or the superintendent may, for good cause shown and upon
13 written notification to the applicant, extend by up to an additional
14 30 days the time period for which the application may be approved
15 or denied. The written notification sent to the applicant shall
16 provide a detailed explanation of the reasons for the extension. An
17 applicant also may agree in writing to an additional extension of
18 time [in writing] past the 120 day statutory time frame.

19 d. Issuance **[by Superior Court]** of permit; establishment of
20 web portal; disposition of completed information; fee. If the
21 application has been approved by the chief police officer or the
22 superintendent, as the case may be, the **[applicant shall forthwith**
23 **present it to the Superior Court of the county in which the applicant**
24 **resides, or to the Superior Court in any county where he intends to**
25 **carry a handgun, in the case of a nonresident or employee of an**
26 **armored car company. The court shall]** chief police officer or the
27 superintendent shall issue the permit to the applicant in the form
28 prescribed by the superintendent.

29 The permit shall be issued to the applicant electronically through
30 electronic mail or through the web portal established or designated
31 for this purpose by the superintendent, or in such form or manner as
32 may be authorized by the superintendent, if, but only if, [it is
33 satisfied] the chief police officer or superintendent determines that
34 the applicant:

35 (1) is a person **[of good character]** who has not engaged in any
36 acts or made any statements that suggest the applicant is likely to
37 engage in conduct, other than lawful self-defense, that would pose a
38 danger to the applicant or others and who is not subject to any of
39 the disabilities set forth in subsection c. of N.J.S.2C:58-3, [that he
40 is];

41 (2) is thoroughly familiar with the safe handling and use of
42 handguns **[,]** ; and **[that he has a justifiable need to carry a**
43 **handgun in accordance with the provisions of subsection c. of this**
44 **section. The court may at its discretion issue a limited-type permit**
45 **which would restrict the applicant as to the types of handguns he**
46 **may carry and where and for what purposes the handguns may be**
47 **carried]**

1 (3) has completed the training requirements established pursuant
2 to subsection g. of this section, provided that any requirement for
3 classroom instruction and target training shall not be required for a
4 renewal applicant who completed the instruction and training when
5 obtaining a permit to carry a handgun issued within the previous
6 two years; and

7 (4) is in compliance with the firearm carry liability insurance
8 requirement of section 4 of P.L. , c. (C.)(pending before the
9 Legislature as this bill).

10 At the time of issuance, the applicant shall pay to the county
11 clerk of the county where the permit was issued a permit fee of
12 **[\$20] \$50.**

13 e. Appeals from denial of applications. An applicant who is
14 denied a permit to carry a handgun shall be provided with a written
15 statement of the reasons for the denial. Any **[person]** applicant
16 aggrieved by the denial by the chief police officer or the
17 superintendent of approval for a permit to carry a handgun may
18 request a hearing in the Superior Court of the county in which **[he]**
19 the applicant resides or in any county in which **[he]** the applicant
20 intends to carry a handgun, in the case of a nonresident, by filing a
21 written request for a hearing within 30 days of the denial. **[Copies]**
22 The aggrieved applicant shall serve copies of the request **[shall be**
23 **served]** upon the superintendent, the county prosecutor, and the
24 chief police officer of the municipality where the applicant resides,
25 if **[he]** the applicant is a resident of this State. The hearing shall be
26 held within **[30] 60** days of the filing of the request, and no formal
27 pleading or filing fee shall be required. Appeals from the
28 determination at the hearing shall be in accordance with law and the
29 rules governing the courts of this State.

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

35 The Administrative Director of the Courts shall coordinate with
36 the superintendent in the development of an electronic filing system
37 to receive requests for hearings and serve the chief of police and
38 superintendent as required in this section.

39 f. Revocation of permits. Any permit issued under this section
40 shall be void at the time the holder thereof becomes subject to any
41 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
42 the holder of a void permit shall immediately surrender the permit
43 to the superintendent who shall give notice to the licensing
44 authority. Any permit may be revoked by the Superior Court, after
45 hearing upon notice to the holder, if the court finds that the holder
46 is no longer qualified for the issuance of a permit. The county
47 prosecutor of any county, the chief police officer of any

1 municipality, the superintendent, or any citizen may apply to the
2 court at any time for the revocation of any permit issued pursuant to
3 this section.

4 g. Training requirement. (1) The superintendent shall establish
5 training requirements in the lawful and safe handling and storage of
6 firearms, which shall consist of an online course of instruction, in-
7 person classroom instruction, and target training administered by a
8 certified firearm instructor on a firing range approved by the
9 superintendent and on the list of approved ranges published on the
10 State Police website. The training shall include, but not be limited to,
11 demonstration of a level of proficiency in the use of a handgun in
12 such manner as required by the superintendent and training,
13 developed or approved in conjunction with the Police Training
14 Commission, on justification in the use of deadly force under State
15 law.

16 (2) A person who obtained a permit pursuant to this section prior to
17 the effective date of P.L. , c. (C.) (pending before the
18 Legislature as this bill) shall comply with the training requirement
19 established pursuant to this subsection within 90 days following the
20 effective date of P.L. , c. (C.) (pending before the Legislature
21 as this bill)

22 h. For purposes of this section, “holster” means a device or
23 sheath that secures a handgun which, at a minimum, is equipped
24 with a retention strap, conceals and protects the main body of the
25 firearm, maintains the firearm in a consistent and accessible
26 position, and renders the trigger covered and inaccessible while the
27 handgun is fully seated in the holster.

28 (cf: P.L.2018, c.37, s.1)

29

30 4. (New section) a. Every private citizen who carries a
31 handgun in public in this State shall maintain liability insurance
32 coverage ¹【, under provisions approved by the Commissioner of
33 Banking and Insurance,】¹ insuring against loss resulting from
34 liability imposed by law for bodily injury, death, and property
35 damage sustained by any person arising out of the ownership,
36 maintenance, operation or use of a firearm carried in public wherein
37 such coverage shall be at least in:

38 (1) an amount or limit of \$100,000, exclusive of interest and
39 costs, on account of injury to, or death of, one person, in any one
40 incident;

41 (2) an amount or limit, subject to such limit for any one person
42 so injured or killed, of \$300,000, exclusive of interest and costs, on
43 account of injury to or death of, more than one person, in any one
44 incident; and

45 (3) an amount or limit of \$25,000, exclusive of interest and costs,
46 for damage to property in any one incident.

47 b. Proof of insurance as required in subsection a. of this section
48 shall be produced and displayed by the person carrying a handgun

1 in public upon request to any law enforcement officer or to any
2 person who has suffered or makes a good faith claim to have
3 suffered either injury or property damage arising out of the
4 ownership, maintenance, operation or use of a firearm carried in
5 public.

6 c. A violation of this section shall be a crime of the fourth
7 degree and shall constitute full and sufficient grounds for
8 revocation of a permit to carry a handgun issued pursuant to
9 N.J.S.2C:58-4.

10

11 5. (New section) Safe carry requirements for authorized
12 holders of a permit to carry a handgun.

13 a. The holder of a permit to carry a handgun issued pursuant to
14 N.J.S.2C:58-4 shall not:

15 (1) use or consume alcohol, a cannabis item, or a controlled
16 substance while carrying a handgun;

17 (2) be under the influence of alcohol, cannabis, or a controlled
18 substance while carrying a handgun;

19 (3) carry a handgun in public outside of a holster or carry a
20 handgun in public in a holster that does not meet the requirements
21 of subsection g. of N.J.S.2C:58-4;

22 (4) carry more than two firearms under the permittee's control at
23 one time; ¹**[or]**¹

24 (5) engage in an unjustified display of a handgun ¹**[.]** ; ¹or¹

25 (6) if carrying a handgun in public, refuse to provide the
26 handgun to a law enforcement officer upon request for purposes of
27 inspecting the handgun.

28 A violation of this subsection shall be a crime of the fourth
29 degree, and any such violation shall constitute full and sufficient
30 grounds for revocation of a permit to carry a handgun issued
31 pursuant to N.J.S.2C:58-4.

32 b. The holder of a permit to carry a handgun issued pursuant to
33 N.J.S.2C:58-4, if stopped or detained by a law enforcement officer
34 while carrying a handgun in public, shall:

35 (1) immediately disclose to the law enforcement officer that they
36 are carrying a handgun; and

37 (2) display the permit to carry a handgun ¹under N.J.S.2C:58-4¹
38 and proof of firearm public carry liability insurance required
39 pursuant to section 4 of P.L. , c. (C.)(pending before the
40 Legislature as this bill) upon the request of the officer.

41 A violation of paragraph (1) of this section shall be a crime of
42 the fourth degree. A person who violates paragraph (2) of this
43 subsection shall be guilty of a disorderly persons offense for a first
44 offense and subject to a \$100 fine and a crime of the fourth degree
45 for a second or subsequent offense.

46

47 6. (New section) Requirements and restrictions on the lawful
48 carrying of a handgun in public.

1 In addition to any criminal penalties under subsection b. of
2 N.J.S.2C:39-5, ¹ **[section]** sections 5 and ¹ 7 of P.L. ,
3 c. (C.)(pending before the Legislature as this bill), or any other
4 law, it shall be a crime of the fourth degree for any person in a
5 public place:

6 a. to carry a handgun concealed on or about their person,
7 except as permitted in accordance with N.J.S.2C:39-6, without
8 possessing on their person a valid and lawfully issued permit to
9 carry under N.J.S.2C:58-4 and proof of firearm public carry liability
10 insurance required pursuant to section 4 of P.L. , c. (C.)(pending
11 before the Legislature as this bill); or

12 b. to carry a handgun openly, whether or not in possession of a
13 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
14 proof of handgun public carry liability insurance required pursuant
15 to section 4 of P.L. , c. (C.)(pending before the Legislature as this
16 bill).

17

18 7. (New section) Places where the carrying of a weapon is
19 prohibited.

20 a. Except as otherwise provided in this section, it shall be a crime
21 of the third degree for any person, other than a person lawfully
22 carrying a firearm within the authorized scope of an exemption set
23 forth in N.J.S.2C:39-6 and only to the extent permitted by the entity
24 responsible for security at the place in question, to knowingly carry a
25 weapon, as defined in subsection r. of N.J.S.2C:39-1, in any of the
26 following places, including in or upon any part of the buildings,
27 grounds, or parking area of:

28 (1) a place owned, leased, or under the control of State, county or
29 municipal government used for the purpose of government
30 administration, including but not limited to police stations;

31 (2) a courthouse, courtroom, or any other premises used to conduct
32 judicial or court administrative proceedings or functions;

33 (3) a State, county, or municipal correctional or juvenile justice
34 facility, jail and any other place maintained by or for a governmental
35 entity for the detention of criminal suspects or offenders;

36 (4) a State-contracted half-way house;

37 (5) a location being used as a polling place during the conduct of an
38 election;

39 (6) within 100 feet of a place where a public gathering,
40 demonstration or event is held for which a government permit is
41 required, during the conduct of such gathering, demonstration or
42 event;

43 (7) a school, college, university or other educational institution, and
44 on any school bus;

45 (8) a child care facility or day care center;

46 (9) a nursery school, pre-school, zoo, or summer camp;

47 (10) a park, beach, recreation facility or area or playground owned
48 or controlled by a State, county or local government unit, or any part

- 1 of such a place, which is designated as a gun free zone by the
2 governing authority based on considerations of public safety;
- 3 (11) at youth sports events, as defined in N.J.S.5:17-1, during and
4 immediately preceding and following the conduct of the event;
- 5 (12) a publicly owned or leased library or museum;
- 6 (13) a shelter for the homeless, emergency shelter for the homeless,
7 basic center shelter program, shelter for homeless or runaway youth,
8 children's shelter, child care shelter, shelter for victims of domestic
9 violence, or any shelter under the control of the Juvenile Justice
10 Commission or the Department of Children and Families;
- 11 (14) a community residence for persons with developmental
12 disabilities, head injuries, or terminal illnesses, or any other residential
13 setting licensed by the Department of Human Services or Department
14 of Health;
- 15 (15) a bar or restaurant where alcohol is served, and any other site
16 or facility where alcohol is sold for consumption on the premises;
- 17 (16) a site or facility where cannabis is sold for consumption on the
18 premises;
- 19 (17) a privately or publicly owned and operated entertainment
20 facility within this State, including but not limited to a theater,
21 stadium, museum, arena, racetrack or other place where performances,
22 concerts, exhibits, games or contests are held;
- 23 (18) a casino and related facilities, including but not limited to
24 appurtenant hotels, retail premises, restaurant and bar facilities, and
25 entertainment and recreational venues located within the casino
26 property;
- 27 (19) a plant or operation that produces, converts, distributes or
28 stores energy or converts one form of energy to another;
- 29 (20) an airport or public transportation hub;
- 30 (21) a health care facility, including but not limited to a general
31 hospital, special hospital, mental hospital, public health center,
32 diagnostic center, treatment center, rehabilitation center, extended care
33 facility, skilled nursing home, nursing home, intermediate care facility,
34 tuberculosis hospital, chronic disease hospital, maternity hospital,
35 outpatient clinic, dispensary, assisted living center, home health care
36 agency or residential health care facility;
- 37 (22) a facility licensed or regulated by the Department of Human
38 Services or Department of Health, other than a health care facility, that
39 provides addiction or mental health treatment or support services;
- 40 (23) a public location being used for making motion picture or
41 television images for theatrical, commercial or educational purposes,
42 during the time such location is being used for that purpose;
- 43 (24) private property, including but not limited to residential,
44 commercial, industrial, agricultural, institutional or undeveloped
45 property, unless the owner has provided express consent or has posted
46 a sign indicating that it is permissible to carry on the premises a
47 concealed handgun with a valid and lawfully issued license under
48 N.J.S.2C:58-4; and

1 (25) any other place in which the carrying of a handgun is
2 prohibited by statute or rule or regulation promulgated by a federal or
3 State agency or by municipal ordinance or regulation.

4 b. (1) A person, other than a person lawfully carrying a firearm
5 within the authorized scope of an exemption set forth in subsection a.
6 or c. of N.J.S.2C:39-6, who is otherwise authorized under the law to
7 carry or transport a firearm shall not do so while in a vehicle in New
8 Jersey, unless the handgun is unloaded and contained in a closed and
9 securely fastened case, gunbox, or locked unloaded in the trunk of the
10 vehicle.

11 (2) A holder of a valid and lawfully issued permit to carry a
12 handgun shall not leave a handgun outside of their immediate
13 possession or control within a parked vehicle, unless the handgun is
14 unloaded and contained in a closed and securely fastened case, or
15 gunbox, and is not visible from outside of the vehicle, or is locked
16 unloaded in the trunk or storage area of the vehicle.

17 A violation of paragraph (1) or (2) of this subsection is a crime of
18 the fourth degree.

19 c. Notwithstanding the provisions of subsections a. and b. of this
20 section, the holder of a valid and lawfully issued permit to carry under
21 N.J.S.2C:58-4 who is otherwise prohibited under this section from
22 carrying a concealed firearm into the parking area of a prohibited
23 location specified in subsection a. of this section shall be permitted to:

24 (1) transport a concealed handgun or ammunition within a vehicle
25 into or out of the parking area, provided that the handgun is unloaded
26 and contained in a closed and securely fastened case, gunbox, or
27 locked unloaded in the trunk or storage area of the vehicle;

28 (2) store a handgun or ammunition within a locked lock box and out
29 of plain view within the vehicle in the parking area;

30 (3) transport a concealed handgun in the immediate area
31 surrounding their vehicle within a prohibited parking lot area only for
32 the limited purpose of storing or retrieving the handgun within a
33 locked lock box in the vehicle's trunk or other place inside the vehicle
34 that is out of plain view; and

35 (4) transport a concealed handgun from a vehicle parked within a
36 prohibited parking lot area to a place other than a prohibited place
37 enumerated in subsection a. of this section, provided that the person
38 immediately leaves the parking lot area and does not enter into or on
39 the grounds of the prohibited place with the handgun.

40 d. The holder of a valid and lawfully issued permit to carry under
41 N.J.S.2C:58-4 shall not be in violation of subsection a. of this section
42 while the holder is traveling along a public right-of-way that touches
43 or crosses any of the places enumerated in subsection a. of this section
44 if the concealed handgun is carried on their person in accordance with
45 the provisions of this act or is being transported in a vehicle by the
46 permit holder in accordance with all other applicable provisions of
47 law.

1 e. (1) Nothing in this act shall be construed to prohibit the holder
2 of a valid and lawfully issued permit under N.J.S.2C:58-4 who is
3 lawfully authorized to provide security at a place enumerated in
4 subsection a. of this section from carrying a firearm, openly or
5 concealed, provided that the authorization is set forth in writing, and
6 only to the extent permitted by the entity responsible for security at the
7 place in question.

8 (2) Unless otherwise required or prohibited by law, the owner or
9 entity in control of any place enumerated in subsection a. of this
10 section or owner or entity responsible for providing security may allow
11 or prohibit retired law enforcement officers who are authorized to
12 possess and carry a handgun pursuant to subsection l. of N.J.S.2C:39-6
13 or qualified retired law enforcement officers within the meaning of
14 the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.
15 108-277 to carry a concealed handgun on the premises of such place.

16 f. Nothing in this section shall prohibit the carrying of a firearm
17 where it is otherwise expressly authorized by law.

18
19 8. (New section) A person purchasing a firearm or firearm
20 ammunition shall be required to disclose in a written document under
21 penalty, on a form prescribed by the superintendent, whether the
22 firearm or ammunition to be purchased is intended to be transferred to
23 a third party, and the name and address of that third party, if known.

24
25 9. (New section) Notwithstanding any provision of the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
27 to the contrary, the Superintendent of State Police may adopt
28 immediately upon filing with the Office of Administrative Law such
29 regulations as the Superintendent deems necessary to implement the
30 provisions of this act, which shall be effective for a period not to
31 exceed 18 months, and may thereafter be amended, adopted, or
32 readopted by the Superintendent in accordance with the requirements
33 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
34 et seq.).

35
36 10. Sections 2 and 7 of this act shall take effect immediately,
37 section 8 of this act shall take effect on the first day of second month
38 next following the date of enactment, and the remainder of this act
39 shall take effect on the first day of the seventh month next following
40 the date of enactment, but the Attorney General, Superintendent of
41 State Police, and Commissioner of Banking and Insurance may take
42 such anticipatory action as is necessary for the implementation of
43 this act.