

ASSEMBLY, No. 1910

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex and Union)

Co-Sponsored by:

Assemblywomen Dunn, Speight, Assemblyman Sauickie, Assemblywoman Flynn and Assemblyman Rumpf

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

As reported by the Assembly Military and Veterans' Affairs Committee with technical review.



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

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

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

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

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

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

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

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

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

36 "Stalking" means purposefully or knowingly engaging in a
 37 course of conduct directed at or toward a person that would cause a
 38 reasonable person to fear for the reasonable person's own safety or
 39 the safety of a third person, or suffer other emotional distress,
 40 because the conduct involves: repeatedly maintaining a visual or
 41 physical proximity to a person; directly, indirectly, or through third
 42 parties, by any action, method, device, or means, following,
 43 monitoring, observing, surveilling, threatening, or communicating
 44 to or about a person, or interfering with a person's property;
 45 repeatedly committing harassment against a person; or repeatedly
 46 conveying, or causing to be conveyed, verbal or written threats or

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 threats conveyed by any other means of communication or threats
2 implied by conduct or a combination thereof directed at or towards
3 a person.

4 "Repeatedly" means on two or more occasions.

5 "Emotional distress" means significant mental suffering or
6 distress.

7 "Cause a reasonable person to fear" means to cause fear which a
8 reasonable victim, similarly situated, would have under the
9 circumstances.

10 "Cyber-harassment" means conduct that occurs, while making
11 one or more communications in an online capacity via any
12 electronic device or through a social networking site and with the
13 purpose to harass another, that involves: threatening to inflict injury
14 or physical harm to any person or the property of any person;
15 knowingly sending, posting, commenting, requesting, suggesting, or
16 proposing any lewd, indecent, or obscene material to or about a
17 person with the intent to emotionally harm a reasonable person or
18 place a reasonable person in fear of physical or emotional harm to
19 the reasonable person; or threatening to commit any crime against a
20 person or the person's property.

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

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

26 (b) has a developmental disability as defined in section 3 of
27 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
28 renders the alleged victim temporarily or permanently incapable of
29 understanding the nature of the alleged victim's conduct, including,
30 but not limited to, being incapable of providing consent, or of
31 understanding the nature of the alleged conduct that is the subject of
32 the application.

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

42 (2) When it is alleged that nonconsensual sexual contact, sexual
43 penetration, or lewdness, or any attempt at such conduct, or stalking
44 or cyber-harassment has been committed against an unemancipated
45 minor by a parent, guardian, or other person having care, custody
46 and control of that child as defined in R.S.9:6-2, an applicant
47 seeking a protective order shall not proceed under the provisions of

1 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
2 the Department of Children and Families for appropriate action.

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

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

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

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

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

20 g. An applicant who is a service member of the New Jersey
21 National Guard or any Reserve Component of the United States
22 Armed Forces serving within the State and who is a victim of non-
23 consensual sexual contact may apply for and obtain a protective
24 order pursuant to section 2 of P.L.2015, c.147 (C.2C:14-13 et al.)
25 regardless of where the alleged conduct or attempted conduct which
26 is the basis for such an order occurred. An applicant under this
27 subsection who has also received a military protective order related
28 to non-consensual sexual contact, may utilize such military
29 protective order to initiate the application process to obtain a
30 protective order from the court pursuant to P.L.2015, c.147
31 (C.2C:14-13 et al.), if the military protective order indicates, in
32 writing, that the victim wishes to pursue an application for a
33 protective order from the Superior Court.

34 (cf: P.L.2023, c.127, s.2)】

35
36 1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to read
37 as follows:

38 2. Application for Temporary Protective Order.

39 a. (1) Any person alleging to be a victim of nonconsensual sexual
40 contact, sexual penetration, or lewdness, or any attempt at such
41 conduct, or stalking or cyber-harassment, and who is not eligible for a
42 restraining order as a "victim of domestic violence" as defined by the
43 provisions of subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
44 19), may, except as provided in subsection b. of this section, file an
45 application with the Superior Court pursuant to the Rules of Court
46 alleging the commission of such conduct or attempted conduct and
47 seeking a temporary protective order.

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

3 "Sexual contact" means an intentional touching by the victim or
4 actor, either directly or through clothing, of the victim's or actor's
5 intimate parts for the purpose of degrading or humiliating the victim or
6 sexually arousing or sexually gratifying the actor.

7 "Sexual penetration" means vaginal intercourse, cunnilingus,
8 fellatio or anal intercourse between persons or insertion of the hand,
9 finger or object into the anus or vagina either by the actor or upon the
10 actor's instruction.

11 "Lewdness" means the exposing of the genitals for the purpose of
12 arousing or gratifying the sexual desire of the actor or of any other
13 person.

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

16 "Stalking" means purposefully or knowingly engaging in a course
17 of conduct directed at or toward a person that would cause a
18 reasonable person to fear for the reasonable person's own safety or the
19 safety of a third person, or suffer other emotional distress, because the
20 conduct involves: repeatedly maintaining a visual or physical
21 proximity to a person; directly, indirectly, or through third parties, by
22 any action, method, device, or means, following, monitoring,
23 observing, surveilling, threatening, or communicating to or about a
24 person, or interfering with a person's property; repeatedly committing
25 harassment against a person; or repeatedly conveying, or causing to be
26 conveyed, verbal or written threats or threats conveyed by any other
27 means of communication or threats implied by conduct or a
28 combination thereof directed at or towards a person.

29 "Repeatedly" means on two or more occasions.

30 "Emotional distress" means significant mental suffering or distress.

31 "Cause a reasonable person to fear" means to cause fear which a
32 reasonable victim, similarly situated, would have under the
33 circumstances.

34 "Cyber-harassment" means conduct that occurs, while making one
35 or more communications in an online capacity via any electronic
36 device or through a social networking site and with the purpose to
37 harass another, that involves: threatening to inflict injury or physical
38 harm to any person or the property of any person; knowingly sending,
39 posting, commenting, requesting, suggesting, or proposing any lewd,
40 indecent, or obscene material to or about a person with the intent to
41 emotionally harm a reasonable person or place a reasonable person in
42 fear of physical or emotional harm to the reasonable person; or
43 threatening to commit any crime against a person or the person's
44 property.

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

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

2 (b) has a developmental disability as defined in section 3 of
3 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that renders
4 the alleged victim temporarily or permanently incapable of
5 understanding the nature of the alleged victim's conduct, including, but
6 not limited to, being incapable of providing consent, or of
7 understanding the nature of the alleged conduct that is the subject of
8 the application.

9 b. (1) When it is alleged that nonconsensual sexual contact, sexual
10 penetration, or lewdness, or any attempt at such conduct, or stalking or
11 cyber-harassment has been committed by an unemancipated minor, an
12 applicant seeking a protective order shall not proceed under the
13 provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but may seek a
14 protective order and other relief under the "New Jersey Code of Youth
15 Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) by filing a complaint
16 pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-
17 30).

18 (2) When it is alleged that nonconsensual sexual contact, sexual
19 penetration, or lewdness, or any attempt at such conduct, or stalking or
20 cyber-harassment has been committed against an unemancipated
21 minor by a parent, guardian, or other person having care, custody and
22 control of that child as defined in R.S.9:6-2, an applicant seeking a
23 protective order shall not proceed under the provisions of P.L.2015,
24 c.147 (C.2C:14-13 et al.), but shall report the incident to the
25 Department of Children and Families for appropriate action.

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

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

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

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

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

42 g. An applicant who is a service member of the New Jersey
43 National Guard or any Reserve Component of the United States
44 Armed Forces serving within the State and who is a victim of non-
45 consensual sexual contact may apply for and obtain a protective order
46 pursuant to section 2 of P.L.2015, c.147 (C.2C:14-13 et al.) regardless
47 of where the alleged conduct or attempted conduct which is the basis
48 for such an order occurred. An applicant under this subsection who

1 has also received a military protective order related to non-consensual
2 sexual contact, may utilize such military protective order to initiate the
3 application process to obtain a protective order from the court pursuant
4 to P.L.2015, c.147 (C.2C:14-13 et al.), if the military protective order
5 indicates, in writing, that the victim wishes to pursue an application for
6 a protective order from the Superior Court.

7 (cf: P.L.2025, c.35, s.18)

8

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

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

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

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

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

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

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

46 (3) Information provided by the plaintiff concerning firearms to
47 which the defendant has access shall be kept confidential and shall
48 not be disseminated or disclosed, provided that nothing in this

1 subsection shall prohibit dissemination or disclosure of this
2 information in a manner consistent with and in furtherance of the
3 purpose for which the information was provided.

4 d. Summons and complaint forms shall be readily available at
5 the clerk's office, at the municipal courts and at municipal and State
6 police stations.

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

10 f. A plaintiff may seek emergency, ex parte relief in the nature
11 of a temporary restraining order. A municipal court judge or a
12 judge of the Family Part of the Chancery Division of the Superior
13 Court may enter an ex parte order when necessary to protect the
14 life, health or well-being of a victim on whose behalf the relief is
15 sought.

16 g. If it appears that the plaintiff is in danger of domestic
17 violence, the judge shall, upon consideration of the plaintiff's
18 domestic violence complaint, order emergency ex parte relief, in the
19 nature of a temporary restraining order. A decision shall be made
20 by the judge regarding the emergency relief forthwith.

21 h. (1) A judge may issue a temporary restraining order upon
22 sworn testimony or complaint of an applicant who is not physically
23 present, pursuant to court rules, or by a person who represents a
24 person who is physically or mentally incapable of filing personally.
25 A temporary restraining order may be issued if the judge is satisfied
26 that exigent circumstances exist sufficient to excuse the failure of
27 the applicant to appear personally and that sufficient grounds for
28 granting the application have been shown.

29 (2) The Administrative Office of the Court shall prepare
30 standard templates for temporary restraining orders in English,
31 Spanish, and the other high-demand languages identified in its
32 Language Access Plan as approved by the Supreme Court. These
33 templates shall be available for law enforcement, judges of the
34 Municipal Court, and judges and staff of the Superior Court to
35 provide to the victim and defendant when issuing temporary
36 restraining orders pursuant to this section.

37 (3) A judge may issue a temporary restraining order, pursuant to
38 court rules, upon complaint of an applicant who is a service member
39 of the New Jersey National Guard or any Reserve Component of the
40 United States Armed Forces serving within the State and who is a
41 victim of non-consensual sexual contact. A judge may issue a
42 temporary restraining order pursuant to this section regardless of
43 where the alleged conduct or attempted conduct which is the basis
44 for such an order is alleged to have occurred. An applicant under
45 this subsection who has also received a military protective order
46 related to non-consensual sexual contact, may utilize such military
47 protective order to initiate the application process to obtain a
48 temporary restraining order pursuant to this section, if the military

1 protective order indicates, in writing, that the victim service
2 member wishes to pursue an application for such order from the
3 Superior Court.

4 i. An order for emergency, ex parte relief shall be granted
5 upon good cause shown and shall remain in effect until a judge of
6 the Family Part issues a further order. Any temporary order
7 hereunder is immediately appealable for a plenary hearing de novo
8 not on the record before any judge of the Family Part of the county
9 in which the plaintiff resides or is sheltered if that judge issued the
10 temporary order or has access to the reasons for the issuance of the
11 temporary order and sets forth in the record the reasons for the
12 modification or dissolution. The denial of a temporary restraining
13 order by a municipal court judge and subsequent administrative
14 dismissal of the complaint shall not bar the victim from refiling a
15 complaint in the Family Part based on the same incident and
16 receiving an emergency, ex parte hearing de novo not on the record
17 before a Family Part judge, and every denial of relief by a
18 municipal court judge shall so state.

19 j. Emergency relief may include forbidding the defendant from
20 returning to the scene of the domestic violence, forbidding the
21 defendant from possessing any firearm or other weapon enumerated
22 in subsection r. of N.J.S.2C:39-1, ordering the search for and
23 seizure of any firearm or other weapon at any location where the
24 judge has reasonable cause to believe the weapon is located and the
25 seizure of any firearms purchaser identification card or permit to
26 purchase a handgun issued to the defendant and any other
27 appropriate relief.

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

1 prior to entry of a final order pursuant to section 13 of P.L.1991,
2 c.261 (C.2C:25-29).

3 The judge shall state with specificity the reasons for and scope of
4 any search and seizure authorized by the order. The provisions of
5 this subsection prohibiting a defendant from possessing a firearm or
6 other weapon shall not apply to any law enforcement officer while
7 actually on duty, or to any member of the Armed Forces of the
8 United States or member of the National Guard while actually on
9 duty or traveling to or from an authorized place of duty.

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

14 l. An order granting emergency relief, together with the
15 complaint or complaints, shall immediately be forwarded to the
16 appropriate law enforcement agency for service on the defendant,
17 and to the police of the municipality in which the plaintiff resides or
18 is sheltered, and shall immediately be served upon the defendant
19 along with a copy of the translated order, if applicable, by the
20 police, except that an order issued during regular court hours may
21 be forwarded to the sheriff for immediate service upon the
22 defendant in accordance with the Rules of Court. If personal
23 service cannot be effected upon the defendant, the court may order
24 other appropriate substituted service. At no time shall the plaintiff
25 be asked or required to serve any order on the defendant.

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

27 n. Notice of temporary restraining orders issued pursuant to
28 this section shall be sent by the clerk of the court or other person
29 designated by the court to the appropriate chiefs of police, members
30 of the State Police and any other appropriate law enforcement
31 agency or court.

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

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

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

40 (cf: P.L.2023, c.234, s.2)

41

42 3. Section 1 of P.L.1978, c.95 (C.2C:33-4) is amended to read
43 as follows:

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

47 a. Makes, or causes to be made, one or more communications
48 anonymously or at extremely inconvenient hours, or in offensively

1 coarse language, or any other manner likely to cause annoyance or
2 alarm;

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

5 c. Engages in any other course of alarming conduct or of
6 repeatedly committed acts with purpose to alarm or seriously annoy
7 such other person.

8 A communication under subsection a. may be deemed to have
9 been made either at the place where it originated or at the place
10 where it was received.

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

12 e. A person commits a crime of the fourth degree if, in
13 committing an offense under this section, he was serving a term of
14 imprisonment or was on parole or probation as the result of a
15 conviction of any indictable offense under the laws of this State,
16 any other state or the United States or he knowingly directs such
17 action to a current or former judge that relates to the performance of
18 the judge's public duties.

19 f. Engages in conduct after having been notified, in writing or
20 otherwise, while the person was a member of the National Guard,
21 not to engage in such conduct by a commanding officer. A person
22 violates this paragraph regardless of whether the person is a
23 member of the National Guard when the person engages in the
24 conduct and regardless of where the conduct occurs. The
25 notification not to engage in such conduct expires one year from the
26 date of issuance.

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

28

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

30 2C:58-3. a. Permit to purchase a handgun.

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

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

40 The provisions of this paragraph shall not apply if the transaction
41 is:

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

44 (b) between law enforcement officers;

45 (c) between collectors of firearms or ammunition as curios or
46 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
47 in their possession a valid Collector of Curios and Relics License

1 issued by the Bureau of Alcohol, Tobacco, Firearms, and
2 Explosives; or

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

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

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

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

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

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

21 b. Firearms purchaser identification card.

22 (1) A person shall not sell, give, transfer, assign or otherwise
23 dispose of nor receive, purchase or otherwise acquire an antique
24 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
25 unless the purchaser, assignee, donee, receiver or holder is licensed
26 as a dealer under this chapter or possesses a valid firearms
27 purchaser identification card, and first exhibits the card to the seller,
28 donor, transferor or assignor, and unless the purchaser, assignee,
29 donee, receiver or holder signs a written certification, on a form
30 prescribed by the superintendent, which shall indicate that the
31 person presently complies with the requirements of subsection c. of
32 this section and shall contain the person's name, address and
33 firearms purchaser identification card number or dealer's
34 registration number. The certification shall be retained by the
35 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
36 2, or, in the case of a person who is not a dealer, it may be filed
37 with the chief police officer of the municipality in which the person
38 resides or with the superintendent.

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

44 The provisions of this paragraph shall not apply if the transaction
45 is:

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

48 (b) between law enforcement officers;

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

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

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

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

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

19 (c) a retail dealer may charge a fee, not to exceed \$70, for a
20 transaction conducted pursuant to this subsection; and

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

24 c. Who may obtain. Except as hereinafter provided, a person
25 shall not be denied a permit to purchase a handgun or a firearms
26 purchaser identification card, unless the person is known in the
27 community in which the person lives as someone who has engaged
28 in acts or made statements suggesting the person is likely to engage
29 in conduct, other than justified self-defense, that would pose a
30 danger to self or others, or is subject to any of the disabilities set
31 forth in this section or other sections of this chapter. A handgun
32 purchase permit or firearms purchaser identification card shall not
33 be issued:

34 (1) To any person who has been convicted of: (a) any crime in
35 this State or its felony counterpart in any other state or federal
36 jurisdiction; or (b) a disorderly persons offense in this State
37 involving an act of domestic violence as defined in section 3 of
38 P.L.1991, c.261 (C.2C:25-19) or its felony or misdemeanor
39 counterpart involving an act of domestic violence as defined under
40 a comparable statute in any other state or federal jurisdiction,
41 whether or not armed with or possessing a weapon at the time of the
42 offense;

43 (2) To any person who is presently confined for a mental
44 disorder as a voluntary admission as defined in section 2 of
45 P.L.1987, c.116 (C.30:4-27.2) or who is presently involuntarily
46 committed to inpatient or outpatient treatment pursuant to P.L.1987,
47 c.116 (C.30:4-27.1 et seq.);

1 (3) To any person who suffers from a physical defect or disease
2 which would make it unsafe for that person to handle firearms, to
3 any person with a substance use disorder unless any of the
4 foregoing persons produces a certificate of a medical doctor,
5 treatment provider, or psychiatrist licensed in New Jersey, or other
6 satisfactory proof, that the person no longer has that particular
7 disability in a manner that would interfere with or handicap that
8 person in the handling of firearms; to any person who knowingly
9 falsifies any information on the application form for a handgun
10 purchase permit or firearms purchaser identification card;

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

14 (5) To any person where the issuance would not be in the
15 interest of the public health, safety or welfare because the person is
16 found to be lacking the essential character of temperament
17 necessary to be entrusted with a firearm;

18 (6) To any person who is subject to or has violated a temporary
19 or final restraining order issued pursuant to the "Prevention of
20 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
21 seq.) prohibiting the person from possessing any firearm [or] a
22 temporary or final domestic violence restraining order issued in
23 another jurisdiction prohibiting the person from possessing any
24 firearm, or a substantially similar order issued by the court of another
25 state, tribe, United States territory, appropriate military authority, or
26 military tribunal;

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

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

35 (9) To any person named on the consolidated Terrorist Watchlist
36 maintained by the Terrorist Screening Center administered by the
37 Federal Bureau of Investigation;

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

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

1 (12) To any person who is subject to or has violated a temporary
2 or final protective order issued pursuant to the "Victim's Assistance
3 and Survivor Protection Act," P.L.2015, c.147 (C.2C:14-13 et al.);

4 (13) To any person who has previously been voluntarily
5 admitted to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-
6 27.1 et seq.) or involuntarily committed to inpatient or outpatient
7 treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless
8 the court has expunged the person's record pursuant to P.L.1953,
9 c.268 (C.30:4-80.8 et seq.);

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

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

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

28 The applicant shall not be required to demonstrate completion of
29 a course of instruction in order to obtain any subsequent permit to
30 purchase a handgun, to replace an existing firearms purchaser
31 identification card, or to renew a firearms purchaser identification
32 card.

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

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

45 d. Issuance. The chief police officer of an organized full-time
46 police department of the municipality where the applicant resides or
47 the superintendent, in all other cases, shall upon application, issue
48 to any person qualified under the provisions of subsection c. of this

1 section a permit to purchase a handgun or a firearms purchaser
2 identification card.

3 A firearms purchaser identification card issued following the
4 effective date of P.L.2022, c.58 shall display a color photograph
5 and be electronically linked to the fingerprints of the card holder. A
6 person who obtained a firearms purchaser identification card prior
7 to the effective date of P.L.2022, c.58 shall not be required to
8 obtain a firearms purchaser identification card that displays a color
9 photograph and is electronically linked to fingerprints. The
10 superintendent shall establish guidelines as necessary to effectuate
11 the issuance of firearms purchaser identification cards that display a
12 color photograph and which are electronically linked to the
13 fingerprints of the card holder.

14 The requirements of this subsection concerning firearms
15 purchaser identification cards issued following the effective date of
16 P.L.2022, c.58 shall remain inoperative until such time as the
17 superintendent establishes a system to produce cards that comply
18 with this requirement and, until such time, applicants issued a
19 firearms purchaser identification card shall be provided with cards
20 that do not conform to the requirements of this section, which shall
21 be afforded full force and effect until such time as the system is
22 established and a compliant card is issued in accordance with this
23 subsection. An applicant issued a non-compliant firearms purchaser
24 identification card shall obtain a card, at no cost to the applicant,
25 which conforms to the requirements of this section no later than one
26 year after receiving notice that the system to produce cards that
27 comply with this requirement is operational.

28 If an application for a permit or identification card is denied, the
29 applicant shall be provided with a written statement of the reasons
30 for the denial. Any person aggrieved by the denial of a permit or
31 identification card may request a hearing in the Superior Court of
32 the county in which the person resides if the person is a resident of
33 New Jersey or in the Superior Court of the county in which the
34 person's application was filed if the person is a nonresident. The
35 request for a hearing shall be made in writing within 30 days of the
36 denial of the application for a permit or identification card. The
37 applicant shall serve a copy of the request for a hearing upon the
38 chief police officer of the municipality in which the person resides,
39 if the person is a resident of New Jersey, and upon the
40 superintendent in all cases. The hearing shall be held and a record
41 made thereof within 60 days of the receipt of the application for a
42 hearing by the judge of the Superior Court. No formal pleading and
43 no filing fee shall be required as a preliminary to a hearing.
44 Appeals from the results of a hearing shall be in accordance with
45 law.

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

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

3 e. Applications. Applications for permits to purchase a
4 handgun and for firearms purchaser identification cards shall be in
5 the form prescribed by the superintendent and shall set forth the
6 name, residence, place of business, age, date of birth, occupation,
7 sex, any aliases or other names previously used by the applicant,
8 gender, and physical description, including distinguishing physical
9 characteristics, if any, of the applicant, and shall state whether the
10 applicant is a citizen, whether the applicant has a substance use
11 disorder, whether the applicant has ever been confined or
12 committed to a mental institution or hospital for treatment or
13 observation of a mental or psychiatric condition on a temporary,
14 interim or permanent basis, giving the name and location of the
15 institution or hospital and the dates of confinement or commitment,
16 whether the applicant has been attended, treated or observed by any
17 doctor or psychiatrist or at any hospital or mental institution on an
18 inpatient or outpatient basis for any mental or psychiatric condition,
19 giving the name and location of the doctor, psychiatrist, hospital or
20 institution and the dates of the occurrence, whether the applicant
21 presently or ever has been a member of any organization which
22 advocates or approves the commission of acts of force and violence
23 to overthrow the Government of the United States or of this State,
24 or which seeks to deny others their rights under the Constitution of
25 either the United States or the State of New Jersey, whether the
26 applicant has ever been convicted of a crime or disorderly persons
27 offense in this State or felony or misdemeanor in any other state or
28 federal jurisdiction, whether the applicant is subject to a restraining
29 order issued pursuant to the "Prevention of Domestic Violence Act
30 of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered
31 under the provisions of a substantially similar statute under the laws
32 of another jurisdiction prohibiting the applicant from possessing
33 any firearm, whether the applicant is subject to a protective order
34 issued pursuant to the "Victim's Assistance and Survivor Protection
35 Act," P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under
36 the provisions of a substantially similar statute under the laws of
37 another jurisdiction, whether the applicant is subject to a protective
38 order issued pursuant to the "Extreme Risk Protective Order Act of
39 2018," P.L.2018, c.35 (C.2C:58-20 et al.), whether the applicant is
40 subject to a protective order issued pursuant to P.L.2021, c.327
41 (C.2C:12-14 et al.) prohibiting the applicant from possessing any
42 firearm, and other information as the superintendent shall deem
43 necessary for the proper enforcement of this chapter. For the
44 purpose of complying with this subsection, the applicant shall
45 waive any statutory or other right of confidentiality relating to
46 institutional confinement. The application shall be signed by the
47 applicant and shall contain as references the names and addresses of
48 two reputable citizens personally acquainted with the applicant.

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

6 Application blanks shall be obtainable from the superintendent,
7 from any other officer authorized to grant a permit or identification
8 card, and from licensed retail dealers, or shall be made available
9 through an online process established or made available by the
10 superintendent.

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

25 f. Granting of permit or identification card; fee; term; renewal;
26 revocation. The application for the permit to purchase a handgun
27 together with a fee of \$25, or the application for the firearms
28 purchaser identification card together with a fee of \$50, shall be
29 delivered or forwarded to the licensing authority who, upon
30 determining that the application is complete, shall investigate the
31 same and, provided the requirements of this section are met, shall
32 grant the permit or the identification card, or both, if application has
33 been made therefor, within 30 days from the date of receipt of the
34 completed application for residents of this State and within 45 days
35 for nonresident applicants. A permit to purchase a handgun shall be
36 valid for a period of 90 days from the date of issuance and may be
37 renewed by the issuing authority for good cause for an additional 90
38 days. A firearms purchaser identification card issued or renewed
39 after the effective date of P.L.2022, c.58 shall expire during the
40 10th calendar year following its date of issuance and on the same
41 calendar day as the person's date of birth.

42 If the date of birth of the firearms purchaser identification card
43 holder does not correspond to a calendar day of the 10th calendar
44 year, the card shall expire on the last day of the birth month of the
45 card holder.

46 A firearms purchaser identification card issued pursuant to this
47 section may be renewed upon filing of a renewal application and
48 payment of the required fee, provided that the holder is not subject

1 to any of the disabilities set forth in subsection c. of this section and
2 complies with all other applicable requirements as set forth in
3 statute and regulation. If an application for renewal of a firearms
4 purchaser identification card is denied, the applicant shall be
5 provided with a written statement of the reasons for the denial. Any
6 person aggrieved by the denial of an application for renewal of a
7 firearms purchaser identification card may request a hearing in the
8 Superior Court of the county in which the person resides if the
9 person is a resident of New Jersey or in the Superior Court of the
10 county in which the person's application was filed if the person is a
11 nonresident. The request for a hearing shall be made in writing
12 within 30 days of the denial of the application for renewal of the
13 firearms purchaser identification card. The applicant shall serve a
14 copy of the request for a hearing upon the chief police officer of the
15 municipality in which the applicant resides, if the person is a
16 resident of New Jersey, and upon the superintendent in all cases.
17 The hearing shall be held and a record made thereof within 60 days
18 of the receipt of the application for a hearing by the judge of the
19 Superior Court. A formal pleading and filing fee shall not be
20 required as a preliminary to a hearing. Appeals from the results of a
21 hearing shall be in accordance with law.

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

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

28 A firearms purchaser identification card shall be void if the
29 holder becomes subject to any of the disabilities set forth in
30 subsection c. of this section, whereupon the card shall be returned
31 within five days by the holder to the superintendent, who shall then
32 advise the licensing authority. Failure of the holder to return the
33 firearms purchaser identification card to the superintendent within
34 the five days shall be an offense under subsection a. of N.J.S.2C:39-
35 10. Any firearms purchaser identification card may be revoked by
36 the Superior Court of the county wherein the card was issued, after
37 hearing upon notice, upon a finding that the holder thereof no
38 longer qualifies for the issuance of the permit. The county
39 prosecutor of any county, the chief police officer of any
40 municipality or any citizen may apply to the court at any time for
41 the revocation of the card.

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

46 g. Disposition of fees. All fees for permits shall be paid to the
47 State Treasury for deposit into the Victims of Crime Compensation
48 Office account if the permit is issued by the superintendent, to the

1 municipality if issued by the chief police officer, and to the county
2 treasurer if issued by the judge of the Superior Court.

3 h. Form of permit; establishment of a web portal; disposition of
4 the completed information. (1) Except as otherwise provided in
5 paragraph (2) of this subsection, the permit shall be in the form
6 prescribed by the superintendent and shall be issued to the applicant
7 electronically through e-mail or the web portal established or
8 designated for this purpose by the superintendent or in such form or
9 manner as may be authorized by the superintendent. Prior to the
10 time the applicant receives the handgun from the seller, the
11 applicant shall provide to the seller an acknowledgement of the
12 permit in the form required under the process established by the
13 superintendent, and the seller shall complete all of the information
14 required on the web portal. This information shall be forwarded to
15 the superintendent through the web portal, or in such other manner
16 as may be authorized by the superintendent, and to the chief police
17 officer of the municipality in which the purchaser resides, except
18 that in a municipality having no chief police officer, the information
19 shall be forwarded to the superintendent. The purchaser shall retain
20 a copy of the completed information and the seller shall retain a
21 copy of the completed information as a permanent record.

22 A transfer of a handgun between or among immediate family
23 members, law enforcement officers, or collectors of firearms or
24 ammunition as curios or relics shall be conducted via the web portal
25 established or designated by the superintendent, which shall include
26 among other things a certification that the seller and purchaser are
27 in fact immediate family members, law enforcement officers, or
28 collectors of firearms or ammunition as curios or relics.

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

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

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

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

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

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

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

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

11 The provisions of this subsection shall not be construed to afford
12 or authorize any other exemption from the regulatory provisions
13 governing firearms set forth in chapter 39 and chapter 58 of Title
14 2C of the New Jersey Statutes;

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

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

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

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

46 m. The provisions of subsections a. and b. of this section and
47 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
48 apply to the purchase of firearms by a law enforcement agency for

1 use by law enforcement officers in the actual performance of the
2 officers' official duties, which purchase may be made directly from
3 a manufacturer or from a licensed dealer located in this State or any
4 other state.

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

11 o. Registration of handguns owned by new residents. Any
12 person who becomes a resident of this State following the effective
13 date of P.L.2022, c.52 and who transports into this State a firearm
14 that the person owned or acquired while residing in another state
15 shall apply for a firearms purchaser identification card within 60
16 days of becoming a New Jersey resident, and shall register any
17 handgun so transported into this State within 60 days as provided in
18 this subsection.

19 A person who registers a handgun pursuant to this subsection
20 shall complete a registration statement, which shall be in a form
21 prescribed by the superintendent. The information provided in the
22 registration statement shall include, but shall not be limited to, the
23 name and address of the person and the make, model, and serial
24 number of the handgun being registered. Each registration
25 statement shall be signed by the person, and the signature shall
26 constitute a representation of the accuracy of the information
27 contained in the registration statement.

28 The registration statement shall be submitted to the law
29 enforcement agency of the municipality in which the person resides
30 or, if the municipality does not have a municipal law enforcement
31 agency, any State Police station.

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

37 A person who fails to apply for a firearms purchaser
38 identification card or register a handgun as required pursuant to this
39 subsection shall be granted 30 days to comply with the provisions
40 of this subsection. If the person does not comply within 30 days,
41 the person shall be liable to a civil penalty of \$250 for a first
42 offense and shall be guilty of a disorderly persons offense for a
43 second or subsequent offense.

44 If a person is in possession of multiple firearms or handguns in
45 violation of this subsection, the person shall be guilty of one
46 offense under this subsection provided the violation is a single
47 event.

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

8 p. A chief police officer or the superintendent may delegate to
9 subordinate officers or employees of the law enforcement agency
10 the responsibilities established pursuant to this section.

11 (cf: P.L.2023, c.177, s.11)

12
13 5. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
14 as follows:

15 3. a. Any employee of an employer in the State who was a
16 victim of an incident of domestic violence as defined in section 3 of
17 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
18 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
19 parent-in-law, sibling, grandparent, grandchild, child, parent,
20 spouse, domestic partner, or civil union partner individual, or any
21 other individual related by blood to the employee, and any other
22 individual that the employee shows to have a close association with
23 the employee which is the equivalent of a family relationship, was a
24 victim shall be entitled to unpaid leave of no more than 20 days in
25 one 12-month period, to be used in the 12-month period next
26 following any incident of domestic violence or any sexually violent
27 offense as provided in this section. For purposes of this section,
28 each incident of domestic violence or any sexually violent offense
29 shall constitute a separate offense for which an employee is entitled
30 to unpaid leave, provided that the employee has not exhausted the
31 allotted 20 days for the 12-month period. The unpaid leave may be
32 taken intermittently in intervals of no less than one day, as needed
33 for the purpose of engaging in any of the following activities as
34 they relate to the incident of domestic violence or sexually violent
35 offense:

36 (1) seeking medical attention for, or recovering from, physical
37 or psychological injuries caused by domestic or sexual violence to
38 the employee or the employee's parent-in-law, sibling, grandparent,
39 grandchild, child, parent, spouse, domestic partner, or civil union
40 partner individual, or any other individual related by blood to the
41 employee, and any other individual that the employee shows to
42 have a close association with the employee which is the equivalent
43 of a family relationship;

44 (2) obtaining services from a victim services organization for
45 the employee or the employee's parent-in-law, sibling, grandparent,
46 grandchild, child, parent, spouse, domestic partner, or civil union
47 partner individual, or any other individual related by blood to the

1 employee, and any other individual that the employee shows to
2 have a close association with the employee which is the equivalent;

3 (3) obtaining psychological or other counseling for the
4 employee or the employee's parent-in-law, sibling, grandparent,
5 grandchild, child, parent, spouse, domestic partner, or civil union
6 partner individual, or any other individual related by blood to the
7 employee, and any other individual that the employee shows to
8 have a close association with the employee which is the equivalent
9 of a family relationship;

10 (4) participating in safety planning, temporarily or permanently
11 relocating, or taking other actions to increase the safety of the
12 employee or the employee's parent-in-law, sibling, grandparent,
13 grandchild, child, parent, spouse, domestic partner, or civil union
14 partner individual, or any other individual related by blood to the
15 employee, and any other individual that the employee shows to
16 have a close association with the employee which is the equivalent
17 of a family relationship, from future domestic or sexual violence or
18 to ensure economic security;

19 (5) seeking legal assistance or remedies to ensure the health and
20 safety of the employee or the employee's parent-in-law, sibling,
21 grandparent, grandchild, child, parent, spouse, domestic partner, or
22 civil union partner, individual, or any other individual related by
23 blood to the employee, and any other individual that the employee
24 shows to have a close association with the employee which is the
25 equivalent of a family relationship, including preparing for, or
26 participating in, any civil **【or】** , criminal, or military legal
27 proceeding related to or derived from domestic or sexual violence;
28 or

29 (6) attending, participating in, or preparing for a criminal **【or】** ,
30 civil court, or military proceeding relating to an incident of
31 domestic or sexual violence of which the employee or the
32 employee's parent-in-law, sibling, grandparent, grandchild, child,
33 parent, spouse, domestic partner, or civil union partner, or any other
34 individual related by blood to the employee, and any other
35 individual that the employee shows to have a close association with
36 the employee which is the equivalent of a family relationship, was a
37 victim.

38 An eligible employee may elect to use any of the accrued paid
39 vacation leave, personal leave, or medical or sick leave of the
40 employee, or any family temporary disability leave benefits
41 provided pursuant to section 3 of P.L.1948, c.110 (C.43:21-27),
42 during any part of the 20-day period of unpaid leave provided under
43 this subsection. In such case, any paid leave provided by the
44 employer, and accrued pursuant to established policies of the
45 employer, or family temporary disability leave benefits, shall run
46 concurrently with the unpaid leave provided under this subsection
47 and, accordingly, the employee shall receive pay pursuant to the
48 employer's applicable paid leave policy, or family temporary

1 disability leave benefits, during the period of otherwise unpaid
2 leave. If an employee requests leave for a reason covered by both
3 this subsection and the "Family Leave Act," P.L.1989, c.261
4 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act
5 of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.), the leave shall
6 count simultaneously against the employee's entitlement under each
7 respective law.

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

14 b. Prior to taking the leave provided for in this section, an
15 employee shall, if the necessity for the leave is foreseeable, provide
16 the employer with written notice of the need for the leave, unless an
17 emergency or other unforeseen circumstances precludes prior
18 notice. The notice shall be provided to the employer as far in
19 advance as is reasonable and practical under the circumstances.

20 c. Nothing contained in this act shall be construed to prohibit
21 an employer from requiring that a period of leave provided pursuant
22 to this section be supported by the employee with documentation of
23 the domestic violence or sexually violent offense which is the basis
24 for the leave. If the employer requires the documentation, the
25 employee shall be regarded as having provided sufficient
26 documentation if the employee provides one or more of the
27 following:

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

31 (2) a letter or other written documentation from the county or
32 municipal prosecutor documenting the domestic violence or
33 sexually violent offense;

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

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

38 (5) certification from a certified Domestic Violence Specialist or
39 the director of a designated domestic violence agency or Rape
40 Crisis Center, that the employee or employee's parent-in-law,
41 sibling, grandparent, grandchild, child, parent, spouse, domestic
42 partner, or civil union partner, or any other individual related by
43 blood to the employee, and any other individual that the employee
44 shows to have a close association with the employee which is the
45 equivalent of a family relationship, is a victim of domestic violence
46 or a sexually violent offense; or

47 (6) other documentation or certification of the domestic violence
48 or sexually violent offense provided by a social worker, member of

1 the clergy, shelter worker, military family advocacy program, or
2 other professional who has assisted the employee or employee's
3 parent-in-law, sibling, grandparent, grandchild, child, parent,
4 spouse, domestic partner, or civil union partner, or any other
5 individual related by blood to the employee, and any other
6 individual that the employee shows to have a close association with
7 the employee which is the equivalent of a family relationship, in
8 dealing with the domestic violence or sexually violent offenses.

9 For the purposes of this subsection:

10 "Certified Domestic Violence Specialist" means a person who
11 has fulfilled the requirements of certification as a Domestic
12 Violence Specialist established by the New Jersey Association of
13 Domestic Violence Professionals; and "designated domestic
14 violence agency" means a county-wide organization with a primary
15 purpose to provide services to victims of domestic violence, and
16 which provides services that conform to the core domestic violence
17 services profile as defined by the Division of Child Protection and
18 Permanency in the Department of Children and Families and is
19 under contract with the division for the express purpose of
20 providing the services.

21 "Rape Crisis Center" means an office, institution, or center
22 offering assistance to victims of sexual offenses through crisis
23 intervention, medical and legal information, and follow-up
24 counseling.

25 d. An employer shall display conspicuous notice of its
26 employees' rights and obligations pursuant to the provisions of this
27 act, in such form and in such manner as the Commissioner of Labor
28 and Workforce Development shall prescribe, and use other
29 appropriate means to keep its employees so informed.

30 e. No provision of this act shall be construed as requiring or
31 permitting an employer to reduce employment benefits provided by
32 the employer or required by a collective bargaining agreement
33 which are in excess of those required by this act. Nor shall any
34 provision of this act be construed to prohibit the negotiation and
35 provision through collective bargaining agreements of leave
36 policies or benefit programs which provide benefits in excess of
37 those required by this act. This provision shall apply irrespective of
38 the date that a collective bargaining agreement takes effect.

39 Nothing contained in this act shall be construed as permitting an
40 employer to:

41 (1) rescind or reduce any employment benefit accrued prior to
42 the date on which the leave taken pursuant to this act commenced;
43 or

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

1 f. All information provided to an employer pursuant to
2 subsection c. of this section, and any information regarding a leave
3 taken pursuant to this section and any failure of an employee to
4 return to work, shall be retained in the strictest confidentiality,
5 unless the disclosure is voluntarily authorized in writing by the
6 employee or is required by a federal or State law, rule, or
7 regulation.

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

9
10 **【6. Section 2 of P.L.1993, c.281 (C.38A:3-2b3) is amended to**
11 **read as follows:**

12 2. The Adjutant General of the Department of Military and
13 Veterans' Affairs shall:

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

16 **【and】**

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

20 c. provide current and former members of the National Guard
21 who were the victims of sexual assault or sexual harassment while
22 members of the National Guard and who are involved in
23 administrative or New Jersey Code of Military Justice proceedings
24 related to the sexual assault or sexual harassment with financial
25 assistance to fully cover the expenses of traveling to and from and
26 participating in those proceedings.

27 (cf: P.L.1993, c.281, s.2)】

28
29 6. N.J.S.38A:23-17 is amended to read as follows:

30 38A:23-17. a. There is established by the department a program
31 to assist an eligible family member of a veteran who is already in a
32 New Jersey veterans' memorial home, or an eligible family member of
33 a veteran who is about to enter such a home, in being appointed as
34 guardian of the veteran. In the event that a family member of a
35 veteran who is already in a New Jersey veterans' memorial home, or is
36 about to enter such a home, is not willing or available to serve as
37 guardian of that veteran, some other interested person closely
38 associated with the veteran shall be eligible for assistance in being
39 appointed as guardian under the program herein established. The
40 assistance provided to a family member of a veteran or to some other
41 interested and eligible person associated with a veteran shall be in the
42 form of both technical and financial support.

43 b. The commissioner shall:

44 (1) develop economic criteria for determining eligibility for
45 financial assistance pursuant to the program established by this
46 section; and

47 (2) provide current and former members of the National Guard
48 who were the victims of sexual assault or sexual harassment while

members of the National Guard and who are involved in administrative or New Jersey Code of Military Justice proceedings related to the sexual assault or sexual harassment with financial assistance to fully cover the expenses of traveling to and from and participating in those proceedings.

(cf: N.J.S.38A:23-17)

7.
7. (New section) The New Jersey National Guard shall file a certified copy of any military order of protection with the Superior Court pursuant to the Rules of Court in a judicial vicinage in which the person entitled to protection resides or if the person entitled to protection is not a State resident, in a judicial vicinage in which it is believed that enforcement may be necessary, when the victim service member's desire to pursue an application for such an order from the Superior Court has been memorialized in the military protective order to be filed with the court. Upon receipt of any military protective order under this section, the military protective order may be utilized to initiate the procedures set forth in subsection g. of section 2 of P.L.2015, c.147 (C.2C:14-14) and paragraph (3) of subsection h. of section 12 of P.L.1991, c.261 (C.2C:25-28).

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

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

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

9. (New section) Any person subject to the provisions of chapter 10 of Title 38A of the New Jersey Statutes who commits an offense prohibited under N.J.S.2C:33-4 shall be found guilty of that offense by a military court in accordance with chapter 10 of Title 38A of the New Jersey Statutes. Any person found guilty of an

1 offense prohibited under N.J.S.2C:33-4 shall be punished as a
2 court-martial may direct.

3

4 10. (New section) a. An application submitted to the Victims of
5 Crime Compensation Office for a claim by a military personnel
6 victim based on a sexual assault by another military personnel shall
7 not be denied solely because it was not reported to a superior officer
8 or law enforcement officer at the time of the crime.

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

12 (1) restricted or unrestricted reports to a military victim
13 advocate, sexual assault response coordinator, chaplain, attorney, or
14 other military personnel.

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

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

19 (4) a letter or other written statement from a sexual assault
20 counselor, licensed therapist, or mental health counselor, stating
21 that the victim is seeking services related to the allegation of sexual
22 assault.

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

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

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

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

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

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

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

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

40 (3) a contractor or agent of a private military or private security
41 company.

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

43

44 11. (New section) a. If a report is accepted as a credible
45 allegation of domestic abuse or child abuse or neglect as defined by
46 the Department of Children and Families, the department shall
47 collect information concerning the military status of the spouse,
48 intimate partner, parent, or guardian of the child who is the subject

1 of the report and shall share information about the allegation with
2 the appropriate military authorities in accordance with the
3 memorandum of understanding described in this section.

4 b. The department shall enter into a memorandum of
5 understanding with the military family advocacy program at a local
6 military installation with respect to interpersonal violence and child
7 abuse and neglect investigations.

8 c. For the purposes of this section, “military family advocacy
9 program” means the program established by the United States
10 Department of Defense to address child abuse and neglect in
11 military families.

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

23
24 12. (New section) Notwithstanding any other provision of law
25 to the contrary, the State may exercise concurrent jurisdiction with
26 the United States over a military installation of the United States
27 Department of Defense located within the State in any matter
28 relating to a violation of federal law or the Uniform Code of
29 Military Justice, if all the following criteria are met:

30 (1) the United States waives exclusive jurisdiction;

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

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

34 The Sexual Assault Response Coordinator of the Department of
35 Military and Veterans Affairs may enter into a memorandum of
36 understanding with the appropriate military authorities to effectuate
37 the purposes of this subsection.

38
39 13. (New section) a. Notwithstanding any other provision of
40 law to the contrary, upon acceptance by the Governor or any other
41 State official department or agency of relinquishment by the United
42 States, the State shall exercise concurrent jurisdiction with the
43 United States over a military installation of the United States within
44 the State on and over land or lands ceded in any matter related to a
45 violation of federal or State law involving any child or juvenile,
46 within the limits and extent of those lands.

47 b. The State of New Jersey shall retain concurrent jurisdiction
48 over a military installation of the United States in all civil, juvenile,

1 and domestic relations processes in all cases, and such criminal,
2 juvenile, and domestic relations or other processes as may issue
3 under the laws or authority of the State of New Jersey against any
4 person may be executed therein in the same way and manner as if
5 the consent had not been given or jurisdiction ceded. The provisions
6 of this section shall apply to the relinquishment of jurisdiction
7 acquired by the United States under the provisions of any cessions
8 enacted for a military purpose of the United States.
9

10 14. This act shall take effect immediately but shall be
11 inoperative until the first day of the fourth month next following
12 enactment, except the Department of Military and Veterans Affairs,
13 Department of Children and Families, the Department of Law and
14 Public Safety, and the Administrative Offices of the Courts may
15 take any anticipatory administrative action in advance as shall be
16 necessary for the implementation of this act.