

SENATE, No. 608

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senators Van Drew and Madden

SYNOPSIS

Permits licensed dealers to display and auction firearms at fund raising events sponsored by certain tax exempt organizations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/4/2012)

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2

1 AN ACT concerning firearms, amending N.J.S.2C:39:6 and
2 N.J.S.2C:58-2, and supplementing Title 2C of the New Jersey
3 Statutes.

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

7
8 1. N.J.S.2C:39-6 is amended to read as follows:

9 2C:39-6. a. Provided a person complies with the requirements
10 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

11 (1) Members of the Armed Forces of the United States or of the
12 National Guard while actually on duty, or while traveling between
13 places of duty and carrying authorized weapons in the manner
14 prescribed by the appropriate military authorities;

15 (2) Federal law enforcement officers, and any other federal
16 officers and employees required to carry firearms in the
17 performance of their official duties;

18 (3) Members of the State Police and, under conditions
19 prescribed by the superintendent, members of the Marine Law
20 Enforcement Bureau of the Division of State Police;

21 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
22 assistant prosecutor, prosecutor's detective or investigator, deputy
23 attorney general or State investigator employed by the Division of
24 Criminal Justice of the Department of Law and Public Safety,
25 investigator employed by the State Commission of Investigation,
26 inspector of the Alcoholic Beverage Control Enforcement Bureau of
27 the Division of State Police in the Department of Law and Public
28 Safety authorized to carry such weapons by the Superintendent of
29 State Police, State park police officer, or State conservation officer;

30 (5) A prison or jail warden of any penal institution in this State
31 or his deputies, or an employee of the Department of Corrections
32 engaged in the interstate transportation of convicted offenders,
33 while in the performance of his duties, and when required to
34 possess the weapon by his superior officer, or a correction officer or
35 keeper of a penal institution in this State at all times while in the
36 State of New Jersey, provided he annually passes an examination
37 approved by the superintendent testing his proficiency in the
38 handling of firearms;

39 (6) A civilian employee of the United States Government under
40 the supervision of the commanding officer of any post, camp,
41 station, base or other military or naval installation located in this
42 State who is required, in the performance of his official duties, to
43 carry firearms, and who is authorized to carry such firearms by said
44 commanding officer, while in the actual performance of his official
45 duties;

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.

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1 (7) (a) A regularly employed member, including a detective, of
2 the police department of any county or municipality, or of any
3 State, interstate, municipal or county park police force or boulevard
4 police force, at all times while in the State of New Jersey;

5 (b) A special law enforcement officer authorized to carry a
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
7 (C.40A:14-146.14);

8 (c) An airport security officer or a special law enforcement
9 officer appointed by the governing body of any county or
10 municipality, except as provided in subsection (b) of this section, or
11 by the commission, board or other body having control of a county
12 park or airport or boulevard police force, while engaged in the
13 actual performance of his official duties and when specifically
14 authorized by the governing body to carry weapons;

15 (8) A full-time, paid member of a paid or part-paid fire
16 department or force of any municipality who is assigned full-time
17 or part-time to an arson investigation unit created pursuant to
18 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
19 investigation unit in the county prosecutor's office, while either
20 engaged in the actual performance of arson investigation duties or
21 while actually on call to perform arson investigation duties and
22 when specifically authorized by the governing body or the county
23 prosecutor, as the case may be, to carry weapons. Prior to being
24 permitted to carry a firearm, such a member shall take and
25 successfully complete a firearms training course administered by
26 the Police Training Commission pursuant to P.L.1961, c.56
27 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
28 revolver or similar weapon prior to being permitted to carry a
29 firearm;

30 (9) A juvenile corrections officer in the employment of the
31 Juvenile Justice Commission established pursuant to section 2 of
32 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
33 promulgated by the commission;

34 (10) A designated employee or designated licensed agent for a
35 nuclear power plant under license of the Nuclear Regulatory
36 Commission, while in the actual performance of his official duties,
37 if the federal licensee certifies that the designated employee or
38 designated licensed agent is assigned to perform site protection,
39 guard, armed response or armed escort duties and is appropriately
40 trained and qualified, as prescribed by federal regulation, to
41 perform those duties. Any firearm utilized by an employee or agent
42 for a nuclear power plant pursuant to this paragraph shall be
43 returned each day at the end of the employee's or agent's authorized
44 official duties to the employee's or agent's supervisor. All firearms
45 returned each day pursuant to this paragraph shall be stored in
46 locked containers located in a secure area.

47 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

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1 (1) A law enforcement officer employed by a governmental
2 agency outside of the State of New Jersey while actually engaged in
3 his official duties, provided, however, that he has first notified the
4 superintendent or the chief law enforcement officer of the
5 municipality or the prosecutor of the county in which he is engaged;
6 or

7 (2) A licensed dealer in firearms and his registered employees
8 during the course of their normal business while traveling to and
9 from their place of business and other places for the purpose of
10 demonstration, exhibition or delivery in connection with a sale, or
11 for the purpose of providing firearms for display and auction at a
12 fund raising event pursuant to section 3 of P.L. , c. , (C.)
13 (pending before the Legislature as this bill) provided, however, that
14 the weapon is carried in the manner specified in subsection g. of
15 this section.

16 c. Provided a person complies with the requirements of
17 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
18 do not apply to:

19 (1) A special agent of the Division of Taxation who has passed
20 an examination in an approved police training program testing
21 proficiency in the handling of any firearm which he may be
22 required to carry, while in the actual performance of his official
23 duties and while going to or from his place of duty, or any other
24 police officer, while in the actual performance of his official duties;

25 (2) A State deputy conservation officer or a full-time employee
26 of the Division of Parks and Forestry having the power of arrest and
27 authorized to carry weapons, while in the actual performance of his
28 official duties;

29 (3) (Deleted by amendment, P.L.1986, c.150.)

30 (4) A court attendant serving as such under appointment by the
31 sheriff of the county or by the judge of any municipal court or other
32 court of this State, while in the actual performance of his official
33 duties;

34 (5) A guard in the employ of any railway express company,
35 banking or building and loan or savings and loan institution of this
36 State, while in the actual performance of his official duties;

37 (6) A member of a legally recognized military organization
38 while actually under orders or while going to or from the prescribed
39 place of meeting and carrying the weapons prescribed for drill,
40 exercise or parade;

41 (7) A humane law enforcement officer of the New Jersey
42 Society for the Prevention of Cruelty to Animals or of a county
43 society for the prevention of cruelty to animals, while in the actual
44 performance of his duties;

45 (8) An employee of a public utilities corporation actually
46 engaged in the transportation of explosives;

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- 1 (9) A railway policeman, except a transit police officer of the
2 New Jersey Transit Police Department, at all times while in the
3 State of New Jersey, provided that he has passed an approved police
4 academy training program consisting of at least 280 hours. The
5 training program shall include, but need not be limited to, the
6 handling of firearms, community relations, and juvenile relations;
- 7 (10)A campus police officer appointed under P.L.1970, c.211
8 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
9 a firearm, a campus police officer shall take and successfully
10 complete a firearms training course administered by the Police
11 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
12 seq.), and shall annually qualify in the use of a revolver or similar
13 weapon prior to being permitted to carry a firearm;
- 14 (11)(Deleted by amendment, P.L.2003, c.168).
- 15 (12)A transit police officer of the New Jersey Transit Police
16 Department, at all times while in the State of New Jersey, provided
17 the officer has satisfied the training requirements of the Police
18 Training Commission, pursuant to subsection c. of section 2 of
19 P.L.1989, c.291 (C.27:25-15.1);
- 20 (13)A parole officer employed by the State Parole Board at all
21 times. Prior to being permitted to carry a firearm, a parole officer
22 shall take and successfully complete a basic course for regular
23 police officer training administered by the Police Training
24 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
25 shall annually qualify in the use of a revolver or similar weapon
26 prior to being permitted to carry a firearm;
- 27 (14)A Human Services police officer at all times while in the
28 State of New Jersey, as authorized by the Commissioner of Human
29 Services;
- 30 (15)A person or employee of any person who, pursuant to and as
31 required by a contract with a governmental entity, supervises or
32 transports persons charged with or convicted of an offense;
- 33 (16)A housing authority police officer appointed under P.L.1997,
34 c.210 (C.40A:14-146.19 et al.) at all times while in the State of
35 New Jersey; or
- 36 (17)A probation officer assigned to the "Probation Officer
37 Community Safety Unit" created by section 2 of P.L.2001, c.362
38 (C.2B:10A-2) while in the actual performance of the probation
39 officer's official duties. Prior to being permitted to carry a firearm,
40 a probation officer shall take and successfully complete a basic
41 course for regular police officer training administered by the Police
42 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
43 seq.), and shall annually qualify in the use of a revolver or similar
44 weapon prior to being permitted to carry a firearm.
- 45 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
46 antique firearms, provided that such antique firearms are unloaded
47 or are being fired for the purposes of exhibition or demonstration at

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1 an authorized target range or in such other manner as has been
2 approved in writing by the chief law enforcement officer of the
3 municipality in which the exhibition or demonstration is held, or if
4 not held on property under the control of a particular municipality,
5 the superintendent.

6 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
8 being fired but that is unloaded and immobile, provided that the
9 antique cannon is possessed by (a) a scholastic institution, a
10 museum, a municipality, a county or the State, or (b) a person who
11 obtained a firearms purchaser identification card as specified in
12 N.J.S.2C:58-3.

13 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
14 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
15 being transported by one eligible to possess it, in compliance with
16 regulations the superintendent may promulgate, between its
17 permanent location and place of purchase or repair.

18 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
19 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
20 or fired by one eligible to possess an antique cannon, for purposes
21 of exhibition or demonstration at an authorized target range or in
22 the manner as has been approved in writing by the chief law
23 enforcement officer of the municipality in which the exhibition or
24 demonstration is held, or if not held on property under the control
25 of a particular municipality, the superintendent, provided that
26 performer has given at least 30 days' notice to the superintendent.

27 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
28 N.J.S.2C:39-5 do not apply to the transportation of unloaded
29 antique cannons directly to or from exhibitions or demonstrations
30 authorized under paragraph (4) of subsection d. of this section,
31 provided that the transportation is in compliance with safety
32 regulations the superintendent may promulgate. Nor do those
33 subsections apply to transportation directly to or from exhibitions or
34 demonstrations authorized under the law of another jurisdiction,
35 provided that the superintendent has been given 30 days' notice and
36 that the transportation is in compliance with safety regulations the
37 superintendent may promulgate.

38 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
39 construed to prevent a person keeping or carrying about his place of
40 business, residence, premises or other land owned or possessed by
41 him, any firearm, or from carrying the same, in the manner
42 specified in subsection g. of this section, from any place of
43 purchase to his residence or place of business, between his dwelling
44 and his place of business, between one place of business or
45 residence and another when moving, or between his dwelling or
46 place of business and place where such firearms are repaired, for

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1 the purpose of repair. For the purposes of this section, a place of
2 business shall be deemed to be a fixed location.

3 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
4 construed to prevent:

5 (1) A member of any rifle or pistol club organized in accordance
6 with the rules prescribed by the National Board for the Promotion
7 of Rifle Practice, in going to or from a place of target practice,
8 carrying such firearms as are necessary for said target practice,
9 provided that the club has filed a copy of its charter with the
10 superintendent and annually submits a list of its members to the
11 superintendent and provided further that the firearms are carried in
12 the manner specified in subsection g. of this section;

13 (2) A person carrying a firearm or knife in the woods or fields
14 or upon the waters of this State for the purpose of hunting, target
15 practice or fishing, provided that the firearm or knife is legal and
16 appropriate for hunting or fishing purposes in this State and he has
17 in his possession a valid hunting license, or, with respect to fresh
18 water fishing, a valid fishing license;

19 (3) A person transporting any firearm or knife while traveling:

20 (a) Directly to or from any place for the purpose of hunting or
21 fishing, provided the person has in his possession a valid hunting or
22 fishing license; or

23 (b) Directly to or from any target range, or other authorized
24 place for the purpose of practice, match, target, trap or skeet
25 shooting exhibitions, provided in all cases that during the course of
26 the travel all firearms are carried in the manner specified in
27 subsection g. of this section and the person has complied with all
28 the provisions and requirements of Title 23 of the Revised Statutes
29 and any amendments thereto and all rules and regulations
30 promulgated thereunder; or

31 (c) In the case of a firearm, directly to or from any exhibition or
32 display of firearms which is sponsored by any law enforcement
33 agency, any rifle or pistol club, or any firearms collectors club, for
34 the purpose of displaying the firearms to the public or to the
35 members of the organization or club, provided, however, that not
36 less than 30 days prior to the exhibition or display, notice of the
37 exhibition or display shall be given to the Superintendent of the
38 State Police by the sponsoring organization or club, and the sponsor
39 has complied with such reasonable safety regulations as the
40 superintendent may promulgate. Any firearms transported pursuant
41 to this section shall be transported in the manner specified in
42 subsection g. of this section;

43 (4) A person from keeping or carrying about a private or
44 commercial aircraft or any boat, or from transporting to or from
45 such vessel for the purpose of installation or repair a visual distress
46 signalling device approved by the United States Coast Guard.

47 g. All weapons being transported under paragraph (2) of

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1 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
2 of this section shall be carried unloaded and contained in a closed
3 and fastened case, gunbox, securely tied package, or locked in the
4 trunk of the automobile in which it is being transported, and in the
5 course of travel shall include only such deviations as are reasonably
6 necessary under the circumstances.

7 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
8 to prevent any employee of a public utility, as defined in R.S.48:2-
9 13, doing business in this State or any United States Postal Service
10 employee, while in the actual performance of duties which
11 specifically require regular and frequent visits to private premises,
12 from possessing, carrying or using any device which projects,
13 releases or emits any substance specified as being noninjurious to
14 canines or other animals by the Commissioner of Health and Senior
15 Services and which immobilizes only on a temporary basis and
16 produces only temporary physical discomfort through being
17 vaporized or otherwise dispensed in the air for the sole purpose of
18 repelling canine or other animal attacks.

19 The device shall be used solely to repel only those canine or
20 other animal attacks when the canines or other animals are not
21 restrained in a fashion sufficient to allow the employee to properly
22 perform his duties.

23 Any device used pursuant to this act shall be selected from a list
24 of products, which consist of active and inert ingredients, permitted
25 by the Commissioner of Health and Senior Services.

26 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
27 person who is 18 years of age or older and who has not been
28 convicted of a felony, from possession for the purpose of personal
29 self-defense of one pocket-sized device which contains and releases
30 not more than three-quarters of an ounce of chemical substance not
31 ordinarily capable of lethal use or of inflicting serious bodily injury,
32 but rather, is intended to produce temporary physical discomfort or
33 disability through being vaporized or otherwise dispensed in the air.
34 Any person in possession of any device in violation of this
35 subsection shall be deemed and adjudged to be a disorderly person,
36 and upon conviction thereof, shall be punished by a fine of not less
37 than \$100.00.

38 j. A person shall qualify for an exemption from the provisions
39 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
40 section, if the person has satisfactorily completed a firearms
41 training course approved by the Police Training Commission.

42 Such exempt person shall not possess or carry a firearm until the
43 person has satisfactorily completed a firearms training course and
44 shall annually qualify in the use of a revolver or similar weapon.
45 For purposes of this subsection, a "firearms training course" means
46 a course of instruction in the safe use, maintenance and storage of
47 firearms which is approved by the Police Training Commission.

1 The commission shall approve a firearms training course if the
2 requirements of the course are substantially equivalent to the
3 requirements for firearms training provided by police training
4 courses which are certified under section 6 of P.L.1961, c.56
5 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
6 or (6) of subsection a. of this section shall be exempt from the
7 requirements of this subsection.

8 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any financial institution, or any duly authorized
10 personnel of the institution, from possessing, carrying or using for
11 the protection of money or property, any device which projects,
12 releases or emits tear gas or other substances intended to produce
13 temporary physical discomfort or temporary identification.

14 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
15 to prevent a law enforcement officer who retired in good standing,
16 including a retirement because of a disability pursuant to section 6
17 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
18 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
19 substantially similar statute governing the disability retirement of
20 federal law enforcement officers, provided the officer was a
21 regularly employed, full-time law enforcement officer for an
22 aggregate of five or more years prior to his disability retirement and
23 further provided that the disability which constituted the basis for
24 the officer's retirement did not involve a certification that the
25 officer was mentally incapacitated for the performance of his usual
26 law enforcement duties and any other available duty in the
27 department which his employer was willing to assign to him or does
28 not subject that retired officer to any of the disabilities set forth in
29 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
30 officer from possessing or carrying a firearm, who semi-annually
31 qualifies in the use of the handgun he is permitted to carry in
32 accordance with the requirements and procedures established by the
33 Attorney General pursuant to subsection j. of this section and pays
34 the actual costs associated with those semi-annual qualifications,
35 who is less than 70 years of age, and who was regularly employed
36 as a full-time member of the State Police; a full-time member of an
37 interstate police force; a full-time member of a county or municipal
38 police department in this State; a full-time member of a State law
39 enforcement agency; a full-time sheriff, undersheriff or sheriff's
40 officer of a county of this State; a full-time State or county
41 corrections officer; a full-time county park police officer; a full-
42 time county prosecutor's detective or investigator; or a full-time
43 federal law enforcement officer from carrying a handgun in the
44 same manner as law enforcement officers exempted under
45 paragraph (7) of subsection a. of this section under the conditions
46 provided herein:

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- 1 (1) The retired law enforcement officer, within six months after
2 retirement, shall make application in writing to the Superintendent
3 of State Police for approval to carry a handgun for one year. An
4 application for annual renewal shall be submitted in the same
5 manner.
- 6 (2) Upon receipt of the written application of the retired law
7 enforcement officer, the superintendent shall request a verification
8 of service from the chief law enforcement officer of the
9 organization in which the retired officer was last regularly
10 employed as a full-time law enforcement officer prior to retiring.
11 The verification of service shall include:
- 12 (a) The name and address of the retired officer;
 - 13 (b) The date that the retired officer was hired and the date that
14 the officer retired;
 - 15 (c) A list of all handguns known to be registered to that officer;
 - 16 (d) A statement that, to the reasonable knowledge of the chief
17 law enforcement officer, the retired officer is not subject to any of
18 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
 - 19 (e) A statement that the officer retired in good standing.
- 20 (3) If the superintendent approves a retired officer's application
21 or reapplication to carry a handgun pursuant to the provisions of
22 this subsection, the superintendent shall notify in writing the chief
23 law enforcement officer of the municipality wherein that retired
24 officer resides. In the event the retired officer resides in a
25 municipality which has no chief law enforcement officer or law
26 enforcement agency, the superintendent shall maintain a record of
27 the approval.
- 28 (4) The superintendent shall issue to an approved retired officer
29 an identification card permitting the retired officer to carry a
30 handgun pursuant to this subsection. This identification card shall
31 be valid for one year from the date of issuance and shall be valid
32 throughout the State. The identification card shall not be
33 transferable to any other person. The identification card shall be
34 carried at all times on the person of the retired officer while the
35 retired officer is carrying a handgun. The retired officer shall
36 produce the identification card for review on the demand of any law
37 enforcement officer or authority.
- 38 (5) Any person aggrieved by the denial of the superintendent of
39 approval for a permit to carry a handgun pursuant to this subsection
40 may request a hearing in the Superior Court of New Jersey in the
41 county in which he resides by filing a written request for such a
42 hearing within 30 days of the denial. Copies of the request shall be
43 served upon the superintendent and the county prosecutor. The
44 hearing shall be held within 30 days of the filing of the request, and
45 no formal pleading or filing fee shall be required. Appeals from the
46 determination of such a hearing shall be in accordance with law and
47 the rules governing the courts of this State.

1 (6) A judge of the Superior Court may revoke a retired officer's
2 privilege to carry a handgun pursuant to this subsection for good
3 cause shown on the application of any interested person. A person
4 who becomes subject to any of the disabilities set forth in
5 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
6 superintendent, his identification card issued under paragraph (4) of
7 this subsection to the chief law enforcement officer of the
8 municipality wherein he resides or the superintendent, and shall be
9 permanently disqualified to carry a handgun under this subsection.

10 (7) The superintendent may charge a reasonable application fee
11 to retired officers to offset any costs associated with administering
12 the application process set forth in this subsection.

13 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
14 to prevent duly authorized personnel of the New Jersey Division of
15 Fish and Wildlife, while in the actual performance of duties, from
16 possessing, transporting or using any device that projects, releases
17 or emits any substance specified as being non-injurious to wildlife
18 by the Director of the Division of Animal Health in the Department
19 of Agriculture, and which may immobilize wildlife and produces
20 only temporary physical discomfort through being vaporized or
21 otherwise dispensed in the air for the purpose of repelling bear or
22 other animal attacks or for the aversive conditioning of wildlife.

23 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
24 be construed to prevent duly authorized personnel of the New
25 Jersey Division of Fish and Wildlife, while in the actual
26 performance of duties, from possessing, transporting or using hand
27 held pistol-like devices, rifles or shotguns that launch pyrotechnic
28 missiles for the sole purpose of frightening, hazing or aversive
29 conditioning of nuisance or depredating wildlife; from possessing,
30 transporting or using rifles, pistols or similar devices for the sole
31 purpose of chemically immobilizing wild or non-domestic animals;
32 or, provided the duly authorized person complies with the
33 requirements of subsection j. of this section, from possessing,
34 transporting or using rifles or shotguns, upon completion of a Police
35 Training Commission approved training course, in order to dispatch
36 injured or dangerous animals or for non-lethal use for the purpose
37 of frightening, hazing or aversive conditioning of nuisance or
38 depredating wildlife.

39 (cf: P.L.2005, c.372, s.14)

40

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

42 2C:58-2 a. Licensing of retail dealers and their employees. No
43 retail dealer of firearms nor any employee of a retail dealer shall
44 sell or expose for sale, or possess with the intent of selling, any
45 firearm unless licensed to do so as hereinafter provided. The
46 superintendent shall prescribe standards and qualifications for retail

1 dealers of firearms and their employees for the protection of the
2 public safety, health and welfare.

3 Applications shall be made in the form prescribed by the
4 superintendent, accompanied by a fee of \$50.00 payable to the
5 superintendent, and shall be made to a judge of the Superior Court
6 in the county where the applicant maintains his place of business.
7 The judge shall grant a license to an applicant if he finds that the
8 applicant meets the standards and qualifications established by the
9 superintendent and that the applicant can be permitted to engage in
10 business as a retail dealer of firearms or employee thereof without
11 any danger to the public safety, health and welfare. Each license
12 shall be valid for a period of three years from the date of issuance,
13 and shall authorize the holder to sell firearms at retail in a specified
14 municipality.

15 In addition, every retail dealer shall pay a fee of \$5.00 for each
16 employee actively engaged in the sale or purchase of firearms. The
17 superintendent shall issue a license for each employee for whom
18 said fee has been paid, which license shall be valid for so long as
19 the employee remains in the employ of said retail dealer.

20 No license shall be granted to any retail dealer under the age of
21 21 years or to any employee of a retail dealer under the age of 18 or
22 to any person who could not qualify to obtain a permit to purchase a
23 handgun or a firearms purchaser identification card, or to any
24 corporation, partnership or other business organization in which the
25 actual or equitable controlling interest is held or possessed by such
26 an ineligible person.

27 All licenses shall be granted subject to the following conditions,
28 for breach of any of which the license shall be subject to revocation
29 on the application of any law enforcement officer and after notice
30 and hearing by the issuing court:

31 (1) The business shall be carried on only in the building or
32 buildings designated in the license, provided that repairs may be
33 made by the dealer or his employees outside of such premises, and
34 further provided, that nothing herein shall be construed to prohibit a
35 dealer from providing firearms for display and auction at a fund
36 raising event pursuant to section 3 of P.L. , c. (C.) (pending
37 before the Legislature as this bill).

38 (2) The license or a copy certified by the issuing authority shall
39 be displayed at all times in a conspicuous place on the business
40 premises where it can be easily read.

41 (3) No firearm or imitation thereof shall be placed in any
42 window or in any other part of the premises where it can be readily
43 seen from the outside.

44 (4) No rifle or shotgun, except antique rifles or shotguns, shall
45 be delivered to any person unless such person possesses and
46 exhibits a valid firearms purchaser identification card and furnishes
47 the seller, on the form prescribed by the superintendent, a

1 certification signed by him setting forth his name, permanent
2 address, firearms purchaser identification card number and such
3 other information as the superintendent may by rule or regulation
4 require. The certification shall be retained by the dealer and shall
5 be made available for inspection by any law enforcement officer at
6 any reasonable time.

7 (5) No handgun shall be delivered to any person unless:

8 (a) Such person possesses and exhibits a valid permit to
9 purchase a firearm and at least seven days have elapsed since the
10 date of application for the permit;

11 (b) The person is personally known to the seller or presents
12 evidence of his identity;

13 (c) The handgun is unloaded and securely wrapped;

14 (d) Except as otherwise provided in subparagraph (e) of this
15 paragraph, the handgun is accompanied by a trigger lock or a locked
16 case, gun box, container or other secure facility; provided, however,
17 this provision shall not apply to antique handguns. The exemption
18 afforded under this subparagraph for antique handguns shall be
19 narrowly construed, limited solely to the requirements set forth
20 herein and shall not be deemed to afford or authorize any other
21 exemption from the regulatory provisions governing firearms set
22 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
23 Statutes; and

24 (e) On and after the first day of the sixth month following the
25 date on which the list of personalized handguns is prepared and
26 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
27 the handgun is identified as a personalized handgun and included on
28 that list or is an antique handgun. The provisions of subparagraph
29 (d) of this section shall not apply to the delivery of a personalized
30 handgun.

31 (6) The dealer shall keep a true record of every handgun sold,
32 given or otherwise delivered or disposed of, in accordance with the
33 provisions of subsections b. through e. of this section and the record
34 shall note whether a trigger lock, locked case, gun box, container or
35 other secure facility was delivered along with the handgun.

36 b. Records. Every person engaged in the retail business of
37 selling, leasing or otherwise transferring a handgun, as a retail
38 dealer or otherwise, shall keep a register in which shall be entered
39 the time of the sale, lease or other transfer, the date thereof, the
40 name, age, date of birth, complexion, occupation, residence and a
41 physical description including distinguishing physical
42 characteristics, if any, of the purchaser, lessee or transferee, the
43 name and permanent home address of the person making the sale,
44 lease or transfer, the place of the transaction, and the make, model,
45 manufacturer's number, caliber and other marks of identification on
46 such handgun and such other information as the superintendent
47 shall deem necessary for the proper enforcement of this chapter.

1 The register shall be retained by the dealer and shall be made
2 available at all reasonable hours for inspection by any law
3 enforcement officer.

4 c. Forms of register. The superintendent shall prepare the form
5 of the register as described in subsection b. of this section and
6 furnish the same in triplicate to each person licensed to be engaged
7 in the business of selling, leasing or otherwise transferring firearms.

8 d. Signatures in register. The purchaser, lessee or transferee of
9 any handgun shall sign, and the dealer shall require him to sign his
10 name to the register, in triplicate, and the person making the sale,
11 lease or transfer shall affix his name, in triplicate, as a witness to
12 the signature. The signatures shall constitute a representation of the
13 accuracy of the information contained in the register.

14 e. Copies of register entries; delivery to chief of police or
15 county clerk. Within five days of the date of the sale, assignment or
16 transfer, the dealer shall deliver or mail by certified mail, return
17 receipt requested, legible copies of the register forms to the office
18 of the chief of police of the municipality in which the purchaser
19 resides, or to the office of the captain of the precinct of the
20 municipality in which the purchaser resides, and to the
21 superintendent. If hand delivered a receipt shall be given to the
22 dealer therefor.

23 Where a sale, assignment or transfer is made to a purchaser who
24 resides in a municipality having no chief of police, the dealer shall,
25 within five days of the transaction, mail a duplicate copy of the
26 register sheet to the clerk of the county within which the purchaser
27 resides.

28 (cf: P.L.2002, c.130, s.6)

29

30 3. (New section) a. A licensed dealer in firearms may conduct
31 an auction of firearms at a fund raising event sponsored by a tax
32 exempt organization pursuant to section 501(c)(3) of the Internal
33 Revenue Code of 1986, 26 U.S.C. s.501(c)(3), on a premises other
34 than the dealer's place of business, if all proceeds from the auction
35 are to be donated exclusively to the tax exempt organization. A
36 licensed dealer shall not bring on to the premises where the auction
37 is to be held any firearm which is not being auctioned. With the
38 exception of antique handguns, a trigger locking device shall be
39 installed in each firearm to be auctioned. In addition, any firearm
40 to be auctioned shall remain under the control and in the possession
41 of the licensed dealer for the duration of the fund raising event and
42 shall be secured in a manner to ensure that the firearm shall not be
43 removed from the site from which it is being displayed for auction.
44 No firearm to be auctioned shall display a price tag.

45 b. At least 30 days prior to the auction, the organization shall
46 provide notice of the auction to the superintendent in a form and
47 manner to be prescribed by the superintendent. The notice shall set

1 forth the name of the organization sponsoring the auction, the
2 licensed dealers participating in the auction, the time and place of
3 the auction, the estimated number of participants, and the quantity
4 and type of each firearm to be auctioned. If more than 15 firearms
5 are to be auctioned, the organizers shall secure the written
6 permission of the superintendent. In addition, the licensed dealer
7 participating in the auction shall certify on a form prescribed by the
8 superintendent: (1) the specific firearms, identified by make,
9 model, caliber and manufacturer's number, to be auctioned,
10 whenever that information is finalized and becomes available prior
11 to the day the auction is scheduled to take place; and (2) that all
12 proceeds from the auction shall be donated to the organization.

13 c. The transfer of a firearm pursuant to this section shall be
14 subject to all the licensing and permitting requirements of chapter
15 58 of Title 2C of the New Jersey Statutes. The transfer of the
16 firearm shall take place on the premises of the licensed dealer
17 during normal business hours.

18 d. The provisions of this section shall not be construed to
19 permit the auctioning of a machine gun or assault firearm; nor to
20 permit the displaying or auctioning of any firearm ammunition at
21 any fund raising auction event authorized under this section.

22 e. Any person who knowingly violates the provisions of this
23 section shall be guilty of a disorderly persons offense.

24 f. The superintendent shall promulgate guidelines to effectuate
25 the purposes of this section and to ensure the safety and security of
26 those attending and participating in such fund raising auctions. The
27 sponsor of each fund raising auction authorized under the
28 provisions of this section shall provide each participating licensed
29 dealer with a copy of the superintendent's guidelines at least 14
30 days prior to the scheduled date of the auction.

31 Any person who knowingly violates the provisions of this
32 subsection shall be subject to a fine of not less than \$250 or more
33 than \$1,000.

34

35 4. This act shall take effect on the first day of the fourth month
36 following enactment; provided however, the Superintendent of State
37 Police may take any anticipatory action needed prior to the effective
38 date for the timely implementation of the provisions of this act.

39

40

41

STATEMENT

42

43 This bill permits licensed firearms dealers to auction firearms at
44 fund raising events sponsored by nonprofit, charitable and other
45 organizations designated as tax exempt organizations pursuant to
46 section 501(c)(3) of the federal Internal Revenue Code. All

1 proceeds from the auction must be donated exclusively to the tax
2 exempt organization.

3 The bill permits licensed firearms dealers to lawfully display the
4 firearms to be auctioned at a fund raiser. A trigger locking device,
5 however, must be installed in each firearm to be auctioned, with the
6 exception of antique handguns. The bill further requires that all
7 firearms to be auctioned remain under the control and in the
8 possession of the licensed dealer for the duration of the fund raising
9 event and secured to prevent their removal from the auction site; no
10 firearm for auction shall display a price tag. Licensed dealers may
11 only bring firearms which are being auctioned to the fund raiser.

12 Under the bill's provisions, the organization sponsoring the fund
13 raiser is to provide notice of the auction to the Superintendent of
14 State Police at least 30 days prior to the auction. The notice is to
15 set forth the name of the organization sponsoring the auction, the
16 licensed dealers participating in the auction, the time and place of
17 the auction, the estimated number of participants, and the quantity
18 and type of each firearm to be auctioned. If more than 15 firearms
19 are to be auctioned, the organizers must obtain written permission
20 from the Superintendent of State Police. In addition, the licensed
21 dealer participating in the auction is required to certify prior to the
22 auction a list of the specific firearms that will be auctioned and that
23 all proceeds from the auction will be donated to the organization.

24 The bill specifies that all transfers of auctioned firearms are
25 subject to all the licensing and permitting requirements of chapter
26 58 of Title 2C of the New Jersey Statutes. The bill further specifies
27 that the transfer of the firearm from the dealer to the winning bidder
28 must take place on the premises of the licensed dealer during
29 normal business hours.

30 The bill does not permit the auctioning of a machine gun or
31 assault firearm.

32 The Superintendent of the State Police is to promulgate
33 guidelines to implement the provisions of the legislation and to
34 ensure the safety and security of those attending firearm auctions.
35 Auction sponsors are to provide each licensed dealer participating
36 in an auction with a copy of the guidelines at least two weeks
37 before the scheduled date of the auction.

38 A person who knowingly violates the foregoing rules for the
39 conduct of a fund-raising auction of firearms would be guilty of a
40 disorderly persons offense. A person who knowingly violates the
41 provisions concerning the distribution of the Superintendent's
42 safety guidelines for auction events would be subject to a fine of
43 from \$250 to \$1,000.