

# SENATE, No. 1627

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 16, 2012

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Senator Doherty**

**SYNOPSIS**

Eliminates prohibition against purchasing more than one handgun in calendar month.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning handgun sales and purchases and amending  
2 N.J.S.2C:58-2 and N.J.S.2C:58-3.

3

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

6

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

8 2C:58-2. a. Licensing of retail dealers and their employees. No  
9 retail dealer of firearms nor any employee of a retail dealer shall  
10 sell or expose for sale, or possess with the intent of selling, any  
11 firearm unless licensed to do so as hereinafter provided. The  
12 superintendent shall prescribe standards and qualifications for retail  
13 dealers of firearms and their employees for the protection of the  
14 public safety, health and welfare.

15 Applications shall be made in the form prescribed by the  
16 superintendent, accompanied by a fee of \$50 payable to the  
17 superintendent, and shall be made to a judge of the Superior Court  
18 in the county where the applicant maintains his place of business.  
19 The judge shall grant a license to an applicant if he finds that the  
20 applicant meets the standards and qualifications established by the  
21 superintendent and that the applicant can be permitted to engage in  
22 business as a retail dealer of firearms or employee thereof without  
23 any danger to the public safety, health and welfare. Each license  
24 shall be valid for a period of three years from the date of issuance,  
25 and shall authorize the holder to sell firearms at retail in a specified  
26 municipality.

27 In addition, every retail dealer shall pay a fee of \$5 for each  
28 employee actively engaged in the sale or purchase of firearms. The  
29 superintendent shall issue a license for each employee for whom  
30 said fee has been paid, which license shall be valid for so long as  
31 the employee remains in the employ of said retail dealer.

32 No license shall be granted to any retail dealer under the age of  
33 21 years or to any employee of a retail dealer under the age of 18 or  
34 to any person who could not qualify to obtain a permit to purchase a  
35 handgun or a firearms purchaser identification card, or to any  
36 corporation, partnership or other business organization in which the  
37 actual or equitable controlling interest is held or possessed by such  
38 an ineligible person.

39 All licenses shall be granted subject to the following conditions,  
40 for breach of any of which the license shall be subject to revocation  
41 on the application of any law enforcement officer and after notice  
42 and hearing by the issuing court:

43 (1) The business shall be carried on only in the building or  
44 buildings designated in the license, provided that repairs may be  
45 made by the dealer or his employees outside of such premises.

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

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

7 (4) No rifle or shotgun, except antique rifles or shotguns, shall be  
8 delivered to any person unless such person possesses and exhibits a  
9 valid firearms purchaser identification card and furnishes the seller,  
10 on the form prescribed by the superintendent, a certification signed  
11 by him setting forth his name, permanent address, firearms  
12 purchaser identification card number and such other information as  
13 the superintendent may by rule or regulation require. The  
14 certification shall be retained by the dealer and shall be made  
15 available for inspection by any law enforcement officer at any  
16 reasonable time.

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

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

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

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

24 (d) Except as otherwise provided in subparagraph (e) of this  
25 paragraph, the handgun is accompanied by a trigger lock or a locked  
26 case, gun box, container or other secure facility; provided, however,  
27 this provision shall not apply to antique handguns. The exemption  
28 afforded under this subparagraph for antique handguns shall be  
29 narrowly construed, limited solely to the requirements set forth  
30 herein and shall not be deemed to afford or authorize any other  
31 exemption from the regulatory provisions governing firearms set  
32 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
33 Statutes; and

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

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

46 (7) [A dealer shall not knowingly deliver more than one  
47 handgun to any person within any 30-day period. This limitation  
48 shall not apply to:

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

4 (b) a collector of handguns as curios or relics as defined in Title  
5 18, United States Code, section 921 (a) (13) who has in his  
6 possession a valid Collector of Curios and Relics License issued by  
7 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

8 (c) transfers of handguns among licensed retail dealers,  
9 registered wholesale dealers and registered manufacturers;

10 (d) any transaction where the person has purchased a handgun  
11 from a licensed retail dealer and has returned that handgun to the  
12 dealer in exchange for another handgun within 30 days of the  
13 original transaction, provided the retail dealer reports the exchange  
14 transaction to the superintendent; or

15 (e) any transaction where the superintendent issues an  
16 exemption from the prohibition in this subsection pursuant to the  
17 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4). Deleted  
18 by amendment, P.L. , c. ) (pending before the Legislature as  
19 this bill)

20 b. Records. Every person engaged in the retail business of  
21 selling, leasing or otherwise transferring a handgun, as a retail  
22 dealer or otherwise, shall keep a register in which shall be entered  
23 the time of the sale, lease or other transfer, the date thereof, the  
24 name, age, date of birth, complexion, occupation, residence and a  
25 physical description including distinguishing physical  
26 characteristics, if any, of the purchaser, lessee or transferee, the  
27 name and permanent home address of the person making the sale,  
28 lease or transfer, the place of the transaction, and the make, model,  
29 manufacturer's number, caliber and other marks of identification on  
30 such handgun and such other information as the superintendent  
31 shall deem necessary for the proper enforcement of this chapter.  
32 The register shall be retained by the dealer and shall be made  
33 available at all reasonable hours for inspection by any law  
34 enforcement officer.

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

39 d. Signatures in register. The purchaser, lessee or transferee of  
40 any handgun shall sign, and the dealer shall require him to sign his  
41 name to the register, in triplicate, and the person making the sale,  
42 lease or transfer shall affix his name, in triplicate, as a witness to  
43 the signature. The signatures shall constitute a representation of the  
44 accuracy of the information contained in the register.

45 e. Copies of register entries; delivery to chief of police or  
46 county clerk. Within five days of the date of the sale, assignment or  
47 transfer, the dealer shall deliver or mail by certified mail, return  
48 receipt requested, legible copies of the register forms to the office

1 of the chief of police of the municipality in which the purchaser  
2 resides, or to the office of the captain of the precinct of the  
3 municipality in which the purchaser resides, and to the  
4 superintendent. If hand delivered a receipt shall be given to the  
5 dealer therefor.

6 Where a sale, assignment or transfer is made to a purchaser who  
7 resides in a municipality having no chief of police, the dealer shall,  
8 within five days of the transaction, mail a duplicate copy of the  
9 register sheet to the clerk of the county within which the purchaser  
10 resides.

11 (cf: P.L.2009, c.186, s.1)

12

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

14 2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
15 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
16 or otherwise acquire a handgun unless the purchaser, assignee,  
17 donee, receiver or holder is licensed as a dealer under this chapter  
18 or has first secured a permit to purchase a handgun as provided by  
19 this section.

20 b. Firearms purchaser identification card. No person shall sell,  
21 give, transfer, assign or otherwise dispose of nor receive, purchase  
22 or otherwise acquire an antique cannon or a rifle or shotgun, other  
23 than an antique rifle or shotgun, unless the purchaser, assignee,  
24 donee, receiver or holder is licensed as a dealer under this chapter  
25 or possesses a valid firearms purchaser identification card, and first  
26 exhibits said card to the seller, donor, transferor or assignor, and  
27 unless the purchaser, assignee, donee, receiver or holder signs a  
28 written certification, on a form prescribed by the superintendent,  
29 which shall indicate that he presently complies with the  
30 requirements of subsection c. of this section and shall contain his  
31 name, address and firearms purchaser identification card number or  
32 dealer's registration number. The said certification shall be retained  
33 by the seller, as provided in paragraph (4) of subsection a. of  
34 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
35 be filed with the chief of police of the municipality in which he  
36 resides or with the superintendent.

37 c. Who may obtain. No person of good character and good  
38 repute in the community in which he lives, and who is not subject to  
39 any of the disabilities set forth in this section or other sections of  
40 this chapter, shall be denied a permit to purchase a handgun or a  
41 firearms purchaser identification card, except as hereinafter set  
42 forth. No handgun purchase permit or firearms purchaser  
43 identification card shall be issued:

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

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

5 (3) To any person who suffers from a physical defect or disease  
6 which would make it unsafe for him to handle firearms, to any  
7 person who has ever been confined for a mental disorder, or to any  
8 alcoholic unless any of the foregoing persons produces a certificate  
9 of a medical doctor or psychiatrist licensed in New Jersey, or other  
10 satisfactory proof, that he is no longer suffering from that particular  
11 disability in such a manner that would interfere with or handicap  
12 him in the handling of firearms; to any person who knowingly  
13 falsifies any information on the application form for a handgun  
14 purchase permit or firearms purchaser identification card;

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

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

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

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

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

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

38 Any person aggrieved by the denial of a permit or identification  
39 card may request a hearing in the Superior Court of the county in  
40 which he resides if he is a resident of New Jersey or in the Superior  
41 Court of the county in which his application was filed if he is a  
42 nonresident. The request for a hearing shall be made in writing  
43 within 30 days of the denial of the application for a permit or  
44 identification card. The applicant shall serve a copy of his request  
45 for a hearing upon the chief of police of the municipality in which  
46 he resides, if he is a resident of New Jersey, and upon the  
47 superintendent in all cases. The hearing shall be held and a record  
48 made thereof within 30 days of the receipt of the application for

1 such hearing by the judge of the Superior Court. No formal  
2 pleading and no filing fee shall be required as a preliminary to such  
3 hearing. Appeals from the results of such hearing shall be in  
4 accordance with law.

5 e. Applications. Applications for permits to purchase a  
6 handgun and for firearms purchaser identification cards shall be in  
7 the form prescribed by the superintendent and shall set forth the  
8 name, residence, place of business, age, date of birth, occupation,  
9 sex and physical description, including distinguishing physical  
10 characteristics, if any, of the applicant, and shall state whether the  
11 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
12 drug dependent person as defined in section 2 of P.L.1970, c.226  
13 (C.24:21-2), whether he has ever been confined or committed to a  
14 mental institution or hospital for treatment or observation of a  
15 mental or psychiatric condition on a temporary, interim or  
16 permanent basis, giving the name and location of the institution or  
17 hospital and the dates of such confinement or commitment, whether  
18 he has been attended, treated or observed by any doctor or  
19 psychiatrist or at any hospital or mental institution on an inpatient  
20 or outpatient basis for any mental or psychiatric condition, giving  
21 the name and location of the doctor, psychiatrist, hospital or  
22 institution and the dates of such occurrence, whether he presently or  
23 ever has been a member of any organization which advocates or  
24 approves the commission of acts of force and violence to overthrow  
25 the Government of the United States or of this State, or which seeks  
26 to deny others their rights under the Constitution of either the  
27 United States or the State of New Jersey, whether he has ever been  
28 convicted of a crime or disorderly persons offense, whether the  
29 person is subject to a restraining order issued pursuant to the  
30 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
31 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
32 firearm, and such other information as the superintendent shall  
33 deem necessary for the proper enforcement of this chapter. For the  
34 purpose of complying with this subsection, the applicant shall  
35 waive any statutory or other right of confidentiality relating to  
36 institutional confinement. The application shall be signed by the  
37 applicant and shall contain as references the names and addresses of  
38 two reputable citizens personally acquainted with him.

39 Application blanks shall be obtainable from the superintendent,  
40 from any other officer authorized to grant such permit or  
41 identification card, and from licensed retail dealers.

42 The chief police officer or the superintendent shall obtain the  
43 fingerprints of the applicant and shall have them compared with any  
44 and all records of fingerprints in the municipality and county in  
45 which the applicant resides and also the records of the State Bureau  
46 of Identification and the Federal Bureau of Investigation, provided  
47 that an applicant for a handgun purchase permit who possesses a  
48 valid firearms purchaser identification card, or who has previously

1 obtained a handgun purchase permit from the same licensing  
2 authority for which he was previously fingerprinted, and who  
3 provides other reasonably satisfactory proof of his identity, need not  
4 be fingerprinted again; however, the chief police officer or the  
5 superintendent shall proceed to investigate the application to  
6 determine whether or not the applicant has become subject to any of  
7 the disabilities set forth in this chapter.

8 f. Granting of permit or identification card; fee; term; renewal;  
9 revocation. The application for the permit to purchase a handgun  
10 together with a fee of \$2, or the application for the firearms  
11 purchaser identification card together with a fee of \$5, shall be  
12 delivered or forwarded to the licensing authority who shall  
13 investigate the same and, unless good cause for the denial thereof  
14 appears, shall grant the permit or the identification card, or both, if  
15 application has been made therefor, within 30 days from the date of  
16 receipt of the application for residents of this State and within 45  
17 days for nonresident applicants. A permit to purchase a handgun  
18 shall be valid for a period of 90 days from the date of issuance and  
19 may be renewed by the issuing authority for good cause for an  
20 additional 90 days. A firearms purchaser identification card shall  
21 be valid until such time as the holder becomes subject to any of the  
22 disabilities set forth in subsection c. of this section, whereupon the  
23 card shall be void and shall be returned within five days by the  
24 holder to the superintendent, who shall then advise the licensing  
25 authority. Failure of the holder to return the firearms purchaser  
26 identification card to the superintendent within the said five days  
27 shall be an offense under subsection a. of N.J.S.2C:39-10. Any  
28 firearms purchaser identification card may be revoked by the  
29 Superior Court of the county wherein the card was issued, after  
30 hearing upon notice, upon a finding that the holder thereof no  
31 longer qualifies for the issuance of such permit. The county  
32 prosecutor of any county, the chief police officer of any  
33 municipality or any citizen may apply to such court at any time for  
34 the revocation of such card.

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

39 g. Disposition of fees. All fees for permits shall be paid to the  
40 State Treasury if the permit is issued by the superintendent, to the  
41 municipality if issued by the chief of police, and to the county  
42 treasurer if issued by the judge of the Superior Court.

43 h. Form of permit; quadruplicate; disposition of copies. The  
44 permit shall be in the form prescribed by the superintendent and  
45 shall be issued to the applicant in quadruplicate. Prior to the time  
46 he receives the handgun from the seller, the applicant shall deliver  
47 to the seller the permit in quadruplicate and the seller shall  
48 complete all of the information required on the form. Within five



1 days of the date of the sale, the seller shall forward the original  
2 copy to the superintendent and the second copy to the chief of  
3 police of the municipality in which the purchaser resides, except  
4 that in a municipality having no chief of police, such copy shall be  
5 forwarded to the superintendent. The third copy shall then be  
6 returned to the purchaser with the pistol or revolver and the fourth  
7 copy shall be kept by the seller as a permanent record.

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

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

15 (2) a collector of handguns as curios or relics as defined in Title  
16 18, United States Code, section 921 (a) (13) who has in his  
17 possession a valid Collector of Curios and Relics License issued by  
18 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

19 (3) transfers of handguns among licensed retail dealers,  
20 registered wholesale dealers and registered manufacturers

21 (4) transfers of handguns from any person to a licensed retail  
22 dealer or a registered wholesale dealer or registered manufacturer.

23 The provisions of this subsection shall not be construed to afford  
24 or authorize any other exemption from the regulatory provisions  
25 governing firearms set forth in chapter 39 and chapter 58 of Title  
26 2C of the New Jersey Statutes;

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

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

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

40 j. Firearms passing to heirs or legatees. Notwithstanding any  
41 other provision of this section concerning the transfer, receipt or  
42 acquisition of a firearm, a permit to purchase or a firearms  
43 purchaser identification card shall not be required for the passing of  
44 a firearm upon the death of an owner thereof to his heir or legatee,  
45 whether the same be by testamentary bequest or by the laws of  
46 intestacy. The person who shall so receive, or acquire said firearm  
47 shall, however, be subject to all other provisions of this chapter. If  
48 the heir or legatee of such firearm does not qualify to possess or

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1 carry it, he may retain ownership of the firearm for the purpose of  
2 sale for a period not exceeding 180 days, or for such further limited  
3 period as may be approved by the chief law enforcement officer of  
4 the municipality in which the heir or legatee resides or the  
5 superintendent, provided that such firearm is in the custody of the  
6 chief law enforcement officer of the municipality or the  
7 superintendent during such period.

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

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

18 (cf: P.L.2009, c.186, s.2)

19

20 3. This act shall take effect immediately.

21

22

23

**STATEMENT**

24

25 This bill would amend the law that restricts the number of  
26 handguns that a person may purchase or a dealer may sell within  
27 any 30-day period. The bill would allow the purchase of handguns  
28 by law-abiding individuals without any restrictions on the number  
29 of handguns purchased.