

[Second Reprint]

**SENATE, No. 2485**

---

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

---

INTRODUCED JANUARY 28, 2013

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Beach, Stack, Gordon and Turner**

**SYNOPSIS**

Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun.

**CURRENT VERSION OF TEXT**

As amended by the Senate on May 13, 2013.



**(Sponsorship Updated As Of: 5/31/2013)**

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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
8 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
9 or otherwise acquire a handgun unless the purchaser, assignee,  
10 donee, receiver or holder is licensed as a dealer under this chapter  
11 or has first secured a permit to purchase a handgun as provided by  
12 this section.

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

30 c. Who may obtain. No person of good character and good  
31 repute in the community in which he lives, and who is not subject to  
32 any of the disabilities set forth in this section or other sections of  
33 this chapter, shall be denied a permit to purchase a handgun or a  
34 firearms purchaser identification card, except as hereinafter set  
35 forth. No handgun purchase permit or firearms purchaser  
36 identification card shall be issued:

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

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

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 9, 2013.

<sup>2</sup>Senate floor amendments adopted May 13, 2013.

1 (3) To any person who suffers from a physical defect or disease  
2 which would make it unsafe for him to handle firearms, to any  
3 person who has ever been confined for a mental disorder, or to any  
4 alcoholic unless any of the foregoing persons produces a certificate  
5 of a medical doctor or psychiatrist licensed in New Jersey, or other  
6 satisfactory proof, that he is no longer suffering from that particular  
7 disability in such a manner that would interfere with or handicap  
8 him 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 <sup>2</sup>**[**<sup>1</sup>. In determining  
16 whether the issuance of a handgun purchase permit or firearms  
17 purchaser identification card is in the interest of the public health,  
18 safety or welfare the chief of police of an organized full-time police  
19 department of the municipality where the applicant resides or the  
20 superintendent may consider whether a criminal history background  
21 check revealed that the applicant was named on the consolidated  
22 Terrorist Watchlist maintained by the Terrorist Screening Center  
23 administered by the Federal Bureau of Investigation, and whether  
24 the applicant's inclusion on the list, when considered with other  
25 information provided by the applicant, would justify denying a  
26 permit to purchase a handgun or a firearms purchaser identification  
27 card to the applicant<sup>1</sup>**]**<sup>2</sup>;

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

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

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

40 (9) To any person named on <sup>1</sup>**[**the consolidated Terrorist  
41 Watchlist maintained by Terrorist Screening Center administered by  
42 the Federal Bureau of Investigation **]** <sup>2</sup>**[**a No-Fly List administered  
43 by the United States Transportation Security Administration  
44 pursuant to 49 U.S.C. s. 44903(j)(2)(C)<sup>1</sup>**]** the consolidated Terrorist  
45 Watchlist maintained by Terrorist Screening Center administered by  
46 the Federal Bureau of Investigation<sup>2</sup>.

1 d. Issuance. The chief of police of an organized full-time  
2 police department of the municipality where the applicant resides or  
3 the superintendent, in all other cases, shall upon application, issue  
4 to any person qualified under the provisions of subsection c. of this  
5 section a permit to purchase a handgun or a firearms purchaser  
6 identification card.

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

22 e. Applications. Applications for permits to purchase a  
23 handgun and for firearms purchaser identification cards shall be in  
24 the form prescribed by the superintendent and shall set forth the  
25 name, residence, place of business, age, date of birth, occupation,  
26 sex and physical description, including distinguishing physical  
27 characteristics, if any, of the applicant, and shall state whether the  
28 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
29 drug dependent person as defined in section 2 of P.L.1970, c.226  
30 (C.24:21-2), whether he has ever been confined or committed to a  
31 mental institution or hospital for treatment or observation of a  
32 mental or psychiatric condition on a temporary, interim or  
33 permanent basis, giving the name and location of the institution or  
34 hospital and the dates of such confinement or commitment, whether  
35 he has been attended, treated or observed by any doctor or  
36 psychiatrist or at any hospital or mental institution on an inpatient  
37 or outpatient basis for any mental or psychiatric condition, giving  
38 the name and location of the doctor, psychiatrist, hospital or  
39 institution and the dates of such occurrence, whether he presently or  
40 ever has been a member of any organization which advocates or  
41 approves the commission of acts of force and violence to overthrow  
42 the Government of the United States or of this State, or which seeks  
43 to deny others their rights under the Constitution of either the  
44 United States or the State of New Jersey, whether he has ever been  
45 convicted of a crime or disorderly persons offense, whether the  
46 person is subject to a restraining order issued pursuant to the  
47 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
48 (C.2C:25-17 et seq.) prohibiting the person from possessing any

1 firearm, and such other information as the superintendent shall  
2 deem necessary for the proper enforcement of this chapter. For the  
3 purpose of complying with this subsection, the applicant shall  
4 waive any statutory or other right of confidentiality relating to  
5 institutional confinement. The application shall be signed by the  
6 applicant and shall contain as references the names and addresses of  
7 two reputable citizens personally acquainted with him.

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

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 he was previously fingerprinted, and who  
20 provides other reasonably satisfactory proof of his identity, need not  
21 be fingerprinted again; however, the chief police officer or the  
22 superintendent shall proceed to investigate the application to  
23 determine whether or not the applicant has become subject to any of  
24 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 \$2, or the application for the firearms  
28 purchaser identification card together with a fee of \$5, shall be  
29 delivered or forwarded to the licensing authority who shall  
30 investigate the same and, unless good cause for the denial thereof  
31 appears, shall grant the permit or the identification card, or both, if  
32 application has been made therefor, within 30 days from the date of  
33 receipt of the application for residents of this State and within 45  
34 days for nonresident applicants. A permit to purchase a handgun  
35 shall be valid for a period of 90 days from the date of issuance and  
36 may be renewed by the issuing authority for good cause for an  
37 additional 90 days. A firearms purchaser identification card shall  
38 be valid until such time as the holder becomes subject to any of the  
39 disabilities set forth in subsection c. of this section, whereupon the  
40 card shall be void and shall be returned within five days by the  
41 holder to the superintendent, who shall then advise the licensing  
42 authority. Failure of the holder to return the firearms purchaser  
43 identification card to the superintendent within the said five days  
44 shall be an offense under subsection a. of N.J.S.2C:39-10. Any  
45 firearms purchaser identification card may be revoked by the  
46 Superior Court of the county wherein the card was issued, after  
47 hearing upon notice, upon a finding that the holder thereof no  
48 longer qualifies for the issuance of such permit. The county

1 prosecutor of any county, the chief police officer of any  
2 municipality or any citizen may apply to such court at any time for  
3 the revocation of such card.

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

8 g. Disposition of fees. All fees for permits shall be paid to the  
9 State Treasury if the permit is issued by the superintendent, to the  
10 municipality if issued by the chief of police, and to the county  
11 treasurer if issued by the judge of the Superior Court.

12 h. Form of permit; quadruplicate; disposition of copies. The  
13 permit shall be in the form prescribed by the superintendent and  
14 shall be issued to the applicant in quadruplicate. Prior to the time  
15 he receives the handgun from the seller, the applicant shall deliver  
16 to the seller the permit in quadruplicate and the seller shall  
17 complete all of the information required on the form. Within five  
18 days of the date of the sale, the seller shall forward the original  
19 copy to the superintendent and the second copy to the chief of  
20 police of the municipality in which the purchaser resides, except  
21 that in a municipality having no chief of police, such copy shall be  
22 forwarded to the superintendent. The third copy shall then be  
23 returned to the purchaser with the pistol or revolver and the fourth  
24 copy shall be kept by the seller as a permanent record.

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

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

32 (2) a collector of handguns as curios or relics as defined in Title  
33 18, United States Code, section 921 (a) (13) who has in his  
34 possession a valid Collector of Curios and Relics License issued by  
35 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

36 (3) transfers of handguns among licensed retail dealers,  
37 registered wholesale dealers and registered manufacturers

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

40 (5) any transaction where the person has purchased a handgun  
41 from a licensed retail dealer and has returned that handgun to the  
42 dealer in exchange for another handgun within 30 days of the  
43 original transaction, provided the retail dealer reports the exchange  
44 transaction to the superintendent; or

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

1 The provisions of this subsection shall not be construed to afford  
2 or authorize any other exemption from the regulatory provisions  
3 governing firearms set forth in chapter 39 and chapter 58 of Title  
4 2C of the New Jersey Statutes;

5 A person shall not be restricted as to the number of rifles or  
6 shotguns he may purchase, provided he possesses a valid firearms  
7 purchaser identification card and provided further that he signs the  
8 certification required in subsection b. of this section for each  
9 transaction.

10 j. Firearms passing to heirs or legatees. Notwithstanding any  
11 other provision of this section concerning the transfer, receipt or  
12 acquisition of a firearm, a permit to purchase or a firearms  
13 purchaser identification card shall not be required for the passing of  
14 a firearm upon the death of an owner thereof to his heir or legatee,  
15 whether the same be by testamentary bequest or by the laws of  
16 intestacy. The person who shall so receive, or acquire said firearm  
17 shall, however, be subject to all other provisions of this chapter. If  
18 the heir or legatee of such firearm does not qualify to possess or  
19 carry it, he may retain ownership of the firearm for the purpose of  
20 sale for a period not exceeding 180 days, or for such further limited  
21 period as may be approved by the chief law enforcement officer of  
22 the municipality in which the heir or legatee resides or the  
23 superintendent, provided that such firearm is in the custody of the  
24 chief law enforcement officer of the municipality or the  
25 superintendent during such period.

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

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

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

37

38 2. This act shall take effect immediately.