

SENATE, No. 2723

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED APRIL 25, 2013

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Gill and Pou

SYNOPSIS

Revises statutes concerning firearms purchaser identification cards and handgun purchase permits; makes handgun purchase permit valid for four years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/10/2013)

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

3

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

6

7 1. (New section) a. Beginning on the first day of the 25th
8 month following the effective date of P.L. , c. (C.)
9 (pending before the Legislature as this bill), every firearms
10 purchaser identification card issued to a resident of this State and
11 every permit to purchase a handgun shall be affirmed as embedded
12 information on that resident's driver's license issued pursuant to
13 R.S.39:3-10.

14 A resident 18 years of age or older who has been issued a
15 firearms purchaser identification card and who is the holder of a
16 probationary driver's license issued pursuant to section 4 of
17 P.L.1950, c.127 (C.39:3-13.4) shall have the issuance of that card
18 affirmed as embedded information on that probationary driver's
19 license

20 A resident who has been issued a firearms purchaser
21 identification card or a permit to purchase a handgun, but who is
22 not the holder of a New Jersey driver's license shall have the
23 issuance of that card or permit affirmed as information embedded
24 on that resident's identification card issued pursuant to the
25 "Identification Cards for Nondrivers' Act," P.L.1980, c.47 (C.39:3-
26 29-2 et seq.).

27 b. The embedded information shall include such data as the
28 superintendent and State law require.

29 The Chief Administrator of the New Jersey Motor Vehicle
30 Commission shall provide for the use of a process or processes in
31 the construction, preparation, and placement of the embedded
32 information to prevent, to the greatest extent possible, the
33 alteration, counterfeiting, forging or other modification of the
34 information so embedded in the cardholder or permit holder's
35 driver's license or identification card.

36 The chief administrator shall provide that a driver's license or
37 identification card containing embedded information concerning
38 whether the person is a holder of a firearms purchaser identification
39 card or a permit to purchase a handgun, to the greatest extent
40 possible, shall be indistinguishable from a driver's license or
41 identification card that does not contain such embedded
42 information.

43 c. The superintendent and the chief administrator shall ensure
44 that the firearms database and the motor vehicle and driving records
45 databases are distinct and separate entities, and that they are housed
46 separately: the firearm records database by the superintendent and

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 the motor vehicle and driving records by the chief administrator.

2 The superintendent and the chief administrator, after
3 consultation, shall adopt protocols governing the access procedures
4 and guidelines for these databases by law enforcement.

5 Non-law enforcement entities entitled or otherwise lawfully
6 afforded access to motor vehicle and driving records shall not be
7 authorized or permitted access to the firearms database, or to any
8 information therein.

9 d. The superintendent shall ensure that a driver's license or
10 identification card embedded with information affirming the holder
11 is qualified and eligible to purchase and receive a rifle, shotgun, or
12 handgun:

13 (1) can be, and is rendered operationally disabled for the
14 purposes of purchasing or receiving a firearm if the holder becomes
15 subject to any of the disabilities set forth in subsection c.
16 N.J.S.2C:58-3; and

17 (2) can effectuate the purposes of P.L.2009,c.186, concerning
18 restrictions on the number of handguns a person may purchase
19 within any 30 day period.

20

21 2. (New section) a. Unless the holder shall otherwise become
22 subject to any of the disabilities set forth in subsection c. of
23 N.J.S.2C:58-3, a firearms purchaser identification card issued prior
24 to the effective date of P.L. , c. (C.) (pending before the
25 Legislature as this bill) shall remain valid until the first renewal of
26 the holder's driver's license or identification card occurring after
27 the first day of the 25th month following the effective date of P.L. ,
28 c. (C.) (pending before the Legislature as this bill)

29 b. As part of the application for a renewal of a resident's
30 driver's license or identification card after that date, applicants shall
31 be notified that they may request to have information affirming that
32 they are the holder of a firearms purchaser identification card, a
33 permit to purchase a handgun, or both embedded in their driver's
34 license or identification card, as the case may be.

35 c. The application to have that information embedded shall
36 provide that the issuing authority for the applicant's firearms
37 purchaser identification card or permit to purchase a handgun, be it
38 the chief law enforcement officer of the municipality wherein the
39 applicant resides or the superintendent, as the case may be, shall
40 conduct a criminal history background check and such other
41 investigations as are required under the provisions of N.J.S.2C:58-3
42 to insure that the applicant is not disqualified from having an
43 affirmation of his being the holder of a firearms purchaser
44 identification card, a permit to purchase a handgun, or both
45 embedded in his driver's license or identification card. Any
46 applicant aggrieved by a denial may request a hearing in the
47 Superior Court of the county in which he resides, as provided in
48 subsection d. of N.J.S.2C:58-3.

1 d. The issuing authority shall notify the chief administrator, in
2 a manner and form prescribed by the superintendent, whether the
3 applicant is qualified for a firearms purchaser identification card, a
4 permit to purchase a handgun, or both.

5 Upon receipt of a notice that the applicant is qualified, the chief
6 administrator shall issue that person a driver's license or
7 identification card with the appropriate information embedded
8 therein.

9 e. (1) A firearms purchaser identification card shall remain
10 valid, and the affirmation of that fact shall be embedded on a
11 holder's driver's license or identification card, and each
12 replacement or renewal thereof, until that person becomes
13 disqualified under the provisions of N.J.S.2C:58-3.

14 (2) An embedded permit to purchase a handgun shall remain
15 valid until the holder's driver's license or identification card, as the
16 case may be, expires. At that time, the holder may apply to the
17 issuing authority for a renewal. The issuing authority shall
18 investigate to determine whether the applicant is still qualified for a
19 permit to purchase a handgun. The investigation may include, at
20 the discretion of the issuing authority, a criminal background check
21 and other investigations required under N.J.S.2C:58-3, or any
22 portion of those requirements.

23 The issuing authority shall notify the chief administrator whether
24 an applicant is eligible to have an affirmation that he is the holder
25 of a permit to purchase a handgun embedded in his new driver's
26 license or identification card.

27 The chief administrator shall issue driver's licenses and
28 identification cards in accordance with the determinations of the
29 applicant's issuing authority.

30 f. Nothing in this section shall be construed to alter in any
31 manner:

32 (1) the regulatory provisions of N.J.S.2C:58-3 governing the
33 qualifications or eligibility for the issuance of a firearms purchaser
34 identification card or permit to purchase a handgun;

35 (2) the purposes of P.L.2009,c.186, concerning restrictions on
36 the number of handguns a person may purchase within any 30 day
37 period;

38 (3) the issuance of firearms purchaser identification cards or
39 permits to purchase a handgun to non-residents of this State;

40 (4) the initial issuance of firearms purchaser identification cards
41 and any permits to purchase a handgun to residents seeking to
42 purchase a rifle, shotgun, or handgun, as the case may be, but who
43 at the time of their application for a firearms purchaser
44 identification card or permit to purchase a handgun are the holder of
45 a valid driver's license or identification card that is not embedded

1 with information affirming that they are qualified and eligible to
2 purchase a handgun. Such paper cards and permits shall be issued
3 and shall be valid only until the holder's driver's license or
4 identification card is first subject to renewal; or

5 (5) any of the reporting and record keeping requirements
6 imposed on retail dealers pursuant to N.J.S.2C:58-2.
7

8 3. (New section) Beginning on the first day of the 73rd month
9 following the effective date of P.L. , c. (C.) (pending
10 before the Legislature as this bill), no retail dealer shall sell, assign,
11 or transfer any rifle, shotgun, or handgun to a resident of this State
12 who does not present at the time of the sale, assignment, or transfer,
13 a valid New Jersey license or identification card that is embedded
14 with information affirming that the holder of that driver's license or
15 identification card is qualified and eligible to purchase or receive
16 such a rifle, shotgun, or handgun.
17

18 4. (New section) The suspension of a driver's license
19 embedded with information affirming that the holder is qualified
20 and eligible to purchase or receive a firearm may not result in the
21 forfeiture of that licensee's right to purchase or receive a firearm
22 during the period of that suspension, if, upon appeal and review, the
23 superintendent finds that the offense leading to the suspension
24 would not disqualify the holder from purchasing or receiving a
25 firearm.
26

27 The superintendent shall adopt regulations to effectuate the
28 purposes of this section. Those regulations may provide the
29 issuance of a temporary firearms purchaser identification card or
30 permit to purchase a handgun.

31 5. (New section) The superintendent shall develop and
32 implement a public education program to notify the holders of
33 firearms purchaser identification cards and permits to purchase a
34 handgun, and prospective applicants for such cards or permits, of
35 the provisions of this act.
36

37 6. (New section) a. Not later than the first day of the 25th
38 month following the effective date of this act, the Attorney General
39 shall develop and implement a system that allows a retail dealer of
40 firearms to instantly determine, through the use of the information
41 embedded in a prospective firearms purchaser's driver's license or
42 identification card, whether that purchaser is qualified and eligible
43 to purchase a firearm.

44 b. On and after the first day of the 73rd month following the
45 effective date of this act, and except as otherwise provided in
46 paragraph (4) of subsection f. of section 2 of this act concerning the
47 issuance of initial firearms purchaser identification cards and
48 permits to purchase a handgun in certain cases, no retail dealer of

1 firearms or agent or employee of a retail dealer of firearms shall
2 sell, transfer, or assign any firearm to a resident of this State whose
3 driver's license or identification card is not embedded with the
4 information required under the provisions of this act and that dealer
5 or agent utilizes the system established pursuant to subsection a. of
6 this section to ensure that the purchaser is qualified and eligible to
7 purchase or receive the firearm. The system also shall be of a
8 design and with a capacity to facilitate the record keeping and
9 reporting information a dealer is required to perform concerning
10 firearms transactions under N.J.S.2C:58-2 and to ensure that the
11 purchaser or transferee is in compliance with the provisions of
12 P.L.2009, c.186, concerning limitations on the number of handguns
13 that may be lawfully purchased within a 30 day period.

14 c. Between the first day of the 25th month and the first day of
15 the 73rd month following the effective date of this act, the
16 superintendent shall test and evaluate the system developed by the
17 Attorney General to facilitate firearms sales, transfers, and
18 assignments by instantly determining whether a prospective
19 purchaser or assignee is qualified and eligible to purchase or receive
20 a firearm. The superintendent shall select, and over time expand,
21 the number of the retail licensees to participate in the test.

22 If, after 36 months of testing, the superintendent determines that
23 the system is seriously flawed and is incapable of reliably
24 facilitating lawful firearms sales, transfers, and assignments, the
25 superintendent shall so report to the Governor and the Legislature
26 recommending that the provisions of section 3 of P.L. , c.
27 (C.)(pending before the Legislature of this bill) and subsection b. of
28 this section be postponed until such time as the Attorney General
29 and the superintendent shall determine that the system is fully
30 operational and capable of reliably facilitating lawful firearms sales,
31 transfers, and assignments for the residents of this State.

32

33 7. (New section) On and after the effective date of P.L. , c.
34 (C.) (pending before the Legislature as this bill), an applicant
35 shall not be issued his first permit to purchase a handgun or his first
36 firearms purchaser identification card unless the applicant presents
37 evidence of successfully completing a firearms safety class or
38 course of a type approved by the superintendent or has received
39 such training through law enforcement or military service.
40 Acceptable evidence of successfully completing a firearms safety
41 class or course shall include, but not be limited to, a copy of the
42 applicant's DD214 or a Certificate of Release or Discharge from
43 Active Duty, a certificate indicating satisfactory completion of an
44 NRA firearms course, a New Jersey hunting license or New Jersey
45 Hunter's Education Course card or certificate a New Jersey permit
46 to carry a handgun, a certificate that the applicant is a certified
47 NRA Firearms Instructor, a copy of a firearms or hunting license or
48 permit from any other jurisdiction that requires the holder to

1 successfully complete a comparable firearms safety class or course,
2 or any other such documentation, certificate, or certification that the
3 superintendent deems appropriate.

4 The course or class, which shall be not more than four hours in
5 total, may be offered by the National Rifle Association, a State or
6 local law enforcement agency, junior college, college, university,
7 firearms training school, or any other entity approved by the
8 superintendent.

9 The superintendent shall prescribe the basic curriculum for the
10 firearms safety class or course required under this section.

11 In developing that curriculum, the superintendent shall consult
12 with a firearms safety panel which shall consist of four members.
13 Two of the members shall be appointed by the Senate President;
14 one shall represent organizations, associations, or clubs promoting
15 hunting, shooting sports or competitions and one of whom shall
16 represent organizations, associations, or other entities advocating
17 gun violence prevention. Two of the members shall be appointed
18 by the Speaker of the General Assembly; one shall represent
19 organizations, associations, or clubs promoting hunting, shooting
20 sports or competitions and one shall represent organization,
21 associations or other entities advocating gun violence prevention.
22 The superintendent shall serve as chair of the panel. The panel
23 shall meet at those times and in those places as the chair shall
24 determine.

25 The curriculum shall include, but not be limited to, classes
26 relating to responsible firearms ownership, safe storage, restricting
27 access to firearms by unsupervised minors, and any other matters
28 relating to protecting the safety and well being of New Jersey's
29 families and children.

30 The basic curriculum shall be adopted within 60 days of the
31 appointment of the panel's members. Should the panel fail to adopt
32 the basic curriculum within that timeframe, the superintendent shall
33 act independently in prescribing the provisions of the basic
34 curriculum.

35 The superintendent shall prescribe the form or certificate an
36 applicant shall receive, evidencing the successful completion of the
37 firearms safety course required under this section and the manner in
38 which that form or certificate shall be presented in order to qualify
39 for a permit to purchase a handgun, a firearms purchaser
40 identification card, or the embedding of information affirming that a
41 person is the holder of such a card or permit in his driver's license
42 or identification card.

43

44 8. N.J.S.2C:39-10 is amended to read as follows:

45 2C:39-10. Violation of the regulatory provisions relating to
46 firearms; false representation in applications.

47 a. (1) Except as otherwise provided in paragraph (2) of this
48 subsection, any person who knowingly violates the regulatory

1 provisions relating to manufacturing or wholesaling of firearms
2 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to
3 purchase certain firearms (section 2C:58-3), permits to carry certain
4 firearms (section 2C:58-4), licenses to procure machine guns or
5 assault firearms (section 2C:58-5), or incendiary or tracer
6 ammunition (section 2C:58-10), except acts which are punishable
7 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the
8 fourth degree.

9 (2) A licensed dealer who knowingly violates the provisions of
10 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2
11 is a disorderly person.

12 b. Any person who knowingly violates the regulatory
13 provisions relating to notifying the authorities of possessing certain
14 items of explosives (section 2C:58-7), or of certain wounds (section
15 2C:58-8) is a disorderly person.

16 c. (1) Any person who gives or causes to be given any false
17 information, or signs a fictitious name or address, in applying for a
18 firearms purchaser identification card, a permit to purchase a
19 handgun, a permit to carry a handgun, a permit to possess a machine
20 gun, a permit to possess an assault firearm, or in completing the
21 certificate or any other instrument required by law in purchasing or
22 otherwise acquiring delivery of any rifle, shotgun, handgun,
23 machine gun, or assault firearm or any other firearm, is guilty of a
24 crime of the third degree.

25 (2) Any person who gives or causes to be given any false
26 information on the form or certificate an applicant receives
27 evidencing that person's successful completion of the firearms
28 safety course required pursuant to section 7 of P.L. , c.
29 (C.)(pending before the Legislature as this bill) is guilty of a crime
30 of the third degree.

31 d. Any person who gives or causes to be given any false
32 information in registering an assault firearm pursuant to section 11
33 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
34 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
35 c.32 (C.2C:58-13) commits a crime of the fourth degree.

36 e. Any person who knowingly sells, gives, transfers, assigns or
37 otherwise disposes of a firearm to a person who is under the age of
38 18 years, except as permitted in section 14 of P.L.1979, c.179
39 (C.2C:58-6.1), is guilty of a crime of the third degree.
40 Notwithstanding any other provision of law to the contrary, the
41 sentence imposed for a conviction under this subsection shall
42 include a mandatory minimum three-year term of imprisonment,
43 during which the defendant shall be ineligible for parole.

44 f. Unless the recipient is authorized to possess the handgun in
45 connection with the performance of official duties under the
46 provisions of N.J.S.2C:39-6, any person who knowingly sells,
47 gives, transfers, assigns or otherwise disposes of a handgun to a
48 person who is under the age of 21 years, except as permitted in

1 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
2 the third degree.

3 g. Any person who knowingly gives or causes to be given any
4 false information or knowingly engages in any other fraudulent
5 conduct in applying for an exemption to purchase more than one
6 handgun in a 30-day period in violation of the provisions of section
7 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
8 third degree. The presumption of nonimprisonment set forth in
9 N.J.S.2C:44-1 shall not apply to persons convicted under the
10 provisions of this subsection.

11 (cf: P.L.2009, c.186, s.3)

12

13 9. (New Section) a. As used in this section, “rifle ammunition”
14 means ammunition specifically designed to be used in a rifle.
15 “Shotgun ammunition” means ammunition specifically designed to
16 be used in a shotgun. Blank ammunition, air gun pellets, flare gun
17 ammunition, nail gun ammunition, paint ball ammunition, or any
18 non-fixed ammunition shall not be construed to be rifle ammunition
19 or shotgun ammunition for the purposes of this section.

20 b. No person shall sell, give, transfer, assign or otherwise
21 dispose of, receive, purchase, or otherwise acquire rifle ammunition
22 or shotgun ammunition unless the purchaser, assignee, donee,
23 receiver, or holder is licensed as a manufacturer, wholesaler, or
24 dealer under this chapter or is the holder of and possesses a valid
25 firearms purchaser identification card, a valid copy of a permit to
26 purchase a handgun, a valid permit to carry a handgun, a valid New
27 Jersey hunting license, or a valid New Jersey driver’s license or
28 identification card embedded with information affirming that the
29 person is the holder of a firearms purchaser identification card or
30 permit to purchase a handgun and first exhibits such card, permit, or
31 license to the seller, donor, transferor, assignor.

32 c. (1) No person shall sell, give, transfer, assign or otherwise
33 dispose of rifle ammunition or shotgun ammunition to a person who
34 is under 18 years of age.

35 (2) No rifle ammunition or shotgun ammunition shall be shipped
36 to an address other than that appearing on the purchaser or
37 transferee’s valid firearms purchaser identification card, valid copy
38 of a permit to purchase a handgun, valid permit to carry a handgun,
39 valid New Jersey hunting license, or valid New Jersey driver’s
40 license or identification card embedded with information affirming
41 that the person is the holder of a firearms purchaser identification
42 card or permit to purchase a handgun that was exhibited to
43 consummate the sale or transfer.

44 d. The provisions of this section shall not apply to a collector
45 of firearms or ammunition as curios or relics who purchases,
46 receives, acquires, possesses, or transfers rifle ammunition or
47 shotgun ammunition which is recognized as being historical in
48 nature or of historical significance.

1 e. A person who violates this section shall be guilty of a crime
2 of the fourth degree, except that nothing contained herein shall be
3 construed to prohibit the sale, transfer, assignment or disposition of
4 rifle ammunition or shotgun ammunition to, or the purchase, receipt
5 or acceptance of ammunition by, a law enforcement agency or law
6 enforcement official for law enforcement purposes.

7 f. Nothing in this section shall be construed to prohibit the
8 transfer of ammunition for use in a lawfully transferred firearm in
9 accordance with the provisions of section 1 of P.L.1992, c.74
10 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (2C:58-3.2), or section
11 14 of P.L.1979, c.179 (C.2C:58-6.1).

12 g. Nothing in this section shall be construed to prohibit the sale
13 of a de minimis amount of rifle ammunition or shotgun ammunition
14 at a firearms range operated by a licensed dealer; a law enforcement
15 agency; a legally recognized military organization; or a rifle or
16 pistol club which has filed a copy of its charter with the
17 superintendent for immediate use at that range.

18
19 10. Section 1 of P.L.2007, c.318 (C.2C:58-3.3) is amended to
20 read as follows:

21 1. a. As used in this act, "handgun ammunition" means
22 ammunition specifically designed to be used only in a handgun.
23 "Handgun ammunition" shall not include blank ammunition, air gun
24 pellets, flare gun ammunition, nail gun ammunition, paint ball
25 ammunition, or any non-fixed ammunition.

26 b. No person shall sell, give, transfer, assign or otherwise
27 dispose of, or receive, purchase, or otherwise acquire handgun
28 ammunition unless the purchaser, assignee, donee, receiver or
29 holder is licensed as a manufacturer, wholesaler, or dealer under
30 this chapter or is the holder of and possesses a valid firearms
31 purchaser identification card, a valid copy of a permit to purchase a
32 handgun, a valid permit to carry a handgun, or a valid New Jersey
33 driver's license or identification card embedded with information
34 affirming that the person is the holder of a firearms purchaser
35 identification card or permit to purchase a handgun and first
36 exhibits such card, permit, or license to the seller, donor, transferor
37 or assignor.

38 c. (1) No person shall sell, give, transfer, assign or otherwise
39 dispose of handgun ammunition to a person who is under 21 years
40 of age.

41 (2) No handgun ammunition shall be shipped to an address other
42 than that appearing on the purchaser or transferee's valid firearms
43 purchaser identification card, valid copy of a permit to purchase a
44 handgun, valid permit to carry a handgun, or valid New Jersey
45 driver's license or identification card embedded with information
46 affirming that the person is the holder of a firearms purchaser
47 identification card or permit to purchase a handgun that was
48 exhibited to consummate the sale or transfer.

1 d. The provisions of this section shall not apply to a collector
2 of firearms or ammunition as curios or relics who purchases,
3 receives, acquires, possesses, or transfers handgun ammunition
4 which is recognized as being historical in nature or of historical
5 significance.

6 e. A person who violates this section shall be guilty of a crime
7 of the fourth degree, except that nothing contained herein shall be
8 construed to prohibit the sale, transfer, assignment or disposition of
9 handgun ammunition to or the purchase, receipt or acceptance of
10 ammunition by a law enforcement agency or law enforcement
11 official for law enforcement purposes.

12 f. Nothing in this section shall be construed to prohibit the
13 transfer of ammunition for use in a lawfully transferred firearm in
14 accordance with the provisions of section 1 of P.L.1992, c.74
15 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (C.2C:58-3.2) or
16 section 14 of P.L.1979, c.179 (C.2C:58-6.1).

17 g. Nothing in this section shall be construed to prohibit the sale
18 of a de minimis amount of handgun ammunition at a firearms range
19 operated by a licensed dealer; a law enforcement agency; a legally
20 recognized military organization; or a rifle or pistol club which has
21 filed a copy of its charter with the superintendent for immediate use
22 at that range.

23 (cf:P.L.2007, c.318, s.1)

24

25 11. (New section) a. A person who has been convicted of any of
26 the following crimes or a substantially similar offense in any other
27 jurisdiction who subsequently purchases, owns, possesses or
28 controls firearms ammunition is guilty of a crime of the fourth
29 degree:

30 (1) aggravated assault pursuant to N.J.S.2C:12-1;

31 (2) arson pursuant to N.J.S.2C:17-1;

32 (3) burglary pursuant to N.J.S.2C:18-2;

33 (4) escape pursuant to N.J.S.2C:29-5;

34 (5) extortion pursuant to N.J.S.2C:20-5;

35 (6) murder pursuant to N.J.S.2C:11-3;

36 (7) aggravated manslaughter or manslaughter pursuant to
37 N.J.S.2C:11-4;

38 (8) kidnapping pursuant to N.J.S.2C:13-1;

39 (9) robbery pursuant to N.J.S.2C:15-1;

40 (10) aggravated sexual assault pursuant to N.J.S.2C:14-2;

41 (11) sexual assault pursuant to N.J.S.2C:14-2;

42 (12) bias intimidation pursuant to N.J.S.2C:16-1;

43 (13) endangering the welfare of a child pursuant to N.J.S.2C:24-

44 4;

45 (14) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

- 1 (15) a crime involving domestic violence as defined in section 3
- 2 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or
- 3 having in his possession a weapon enumerated in subsection r. of
- 4 N.J.S.2C:39-1;
- 5 (16) leader of a narcotics trafficking network pursuant to
- 6 N.J.S.2C:35-3;
- 7 (17) maintaining or operating a controlled dangerous substance
- 8 production facility pursuant to N.J.S.2C:35-4;
- 9 (18) manufacturing, distributing or dispensing controlled
- 10 dangerous substances pursuant to N.J.S.2C:35-5;
- 11 (19) employing a juvenile in a drug distribution scheme pursuant
- 12 to N.J.S.2C:35-6;
- 13 (20) distributing or dispensing on or near school property
- 14 pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);
- 15 (21) distributing imitation controlled dangerous substances
- 16 pursuant to N.J.S.2C:35-11;
- 17 (22) possession of prohibited weapons and devices pursuant to
- 18 N.J.S.2C:39-3;
- 19 (23) possession of weapons for unlawful purposes pursuant to
- 20 N.J.S.2C:39-4;
- 21 (24) manufacture, transport, disposition or defacement of
- 22 weapons and dangerous instruments and appliances pursuant to
- 23 N.J.S.2C:39-9;
- 24 (25) disarming a law enforcement officer pursuant to subsection
- 25 b. of section 1 of P.L. 1996, c.14 (C.2C:12-11);
- 26 (26) carjacking pursuant to section 1 of P.L.1993, c.221
- 27 (C.2C:15-2);
- 28 (27) human trafficking pursuant to section 1 of P.L.2005, c.77
- 29 (C.2C:13-8);
- 30 (28) racketeering pursuant to N.J.S.2C:41-1 et seq.;
- 31 (29) producing or possessing chemical weapons, biological
- 32 agents or nuclear or radiological devices pursuant to section 3 of
- 33 P.L.2002, c.26 (C.2C:38-3); or
- 34 (30) terrorism pursuant to section 2 of P.L.2002, c.26
- 35 (C.2C:38-2).
- 36 b. The provisions of this section shall not apply to a person
- 37 convicted of an offense enumerated in paragraphs (22) or (23) of
- 38 subsection a. of this section involving any firearm which is in the
- 39 nature of an air gun, spring gun or pistol or other weapon of a
- 40 similar nature in which the propelling force is a spring, elastic band,
- 41 carbon dioxide, compressed or other gas or vapor, air or compressed
- 42 air, or is ignited by compressed air, and ejecting a bullet or missile
- 43 smaller than three-eighths of an inch in diameter, with sufficient
- 44 force to injure a person.
- 45 c. Notwithstanding the provisions of this section, a person who
- 46 has been convicted of an offense enumerated in subsection a. of this
- 47 section who receives an acquittal on appeal, an expungement, a
- 48 pardon, or any other reversal of the conviction may purchase, own,

1 possess, or control ammunition without a judicial proceeding being
2 required.

3

4 12. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to
5 read as follows:

6 1. a. A person who knows or reasonably should know that a
7 minor is likely to gain access to a loaded firearm at a premises
8 under the person's control commits a disorderly persons offense if a
9 minor gains access to the firearm, unless the person:

10 (1) Stores the firearm in a securely locked box or container;

11 (2) Stores the firearm in a location which a reasonable person
12 would believe to be secure; or

13 (3) Secures the firearm with a trigger lock.

14 b. This section shall not apply:

15 (1) To activities authorized by section 14 of P.L.1979, c.179,
16 (C.2C:58-6.1), concerning the lawful use of a firearm by a minor; or

17 (2) Under circumstances where a minor obtained a firearm as a
18 result of an unlawful entry by any person.

19 c. As used in this act, "minor" means a person under the age of
20 16.

21 d. A person is guilty of a crime of the fourth degree if a
22 violation of this section results in bodily injury or death.

23 (cf: P.L.1991, c.397, s.1)

24

25 13. (New section) a. A law enforcement officer, who has seized
26 any firearm or other weapon, or firearms purchaser identification
27 card, valid permit to purchase a handgun, or embedded New Jersey
28 driver's license or identification card embedded with information
29 affirming that the person is the holder of a firearms purchaser
30 identification card, a permit to purchase a handgun, or both
31 pursuant to section subsection g. of section 10 of P.L.1987, c.116
32 (C.30:4-27.10) or subsection a. of section 15 of P.L.1987, c.116
33 (C.30:4-27.15), shall deliver the seized weapon, firearms purchaser
34 identification card, and permit to purchase a handgun, or embedded
35 New Jersey driver's license or identification card to the county
36 prosecutor, who shall prepare a report that identifies the name and
37 address of the owner of the weapon, card, permit, or license and
38 provide an inventory of the seized items.

39 b. Upon an administrative or court order for the discharge of a
40 person from whom a firearm or other weapon, firearms purchaser
41 identification card, valid permit to purchase a handgun, or
42 embedded New Jersey driver's license or identification card has
43 been seized or disabled pursuant to subsection g. of section 10 of
44 P.L.1987, c.116 (C.30:4-27.10) or subsection a. of section 15 of
45 P.L.1987, c.116 (C.30:4-27.15), the court or treatment team
46 authorizing discharge of the person shall give written notice of the
47 discharge to the appropriate county prosecutor.

1 c. The seized weapons shall be returned to the owner except
2 upon order of the Superior Court. The prosecutor who has
3 possession of the seized weapons may, upon notice to the owner,
4 petition a judge of the Superior Court, within 45 days of the owner's
5 discharge, to obtain title to the seized weapons, or to revoke or
6 disable any and all valid cards, permits, licenses, and other
7 authorizations for the use, possession, or ownership of such
8 weapons pursuant to the law governing such use, possession, or
9 ownership, or may object to the return of the weapons on such
10 grounds as are provided for the initial rejection or later revocation
11 of the authorizations, or on the grounds that the owner is unfit, or
12 that the owner poses a threat to the public in general, or a person or
13 persons in particular.

14 d. A hearing shall be held and a record made thereof within 45
15 days of the notice provided for in subsection c. of this section. No
16 formal pleading and no filing fee shall be required as a preliminary
17 to such hearing. The hearing shall be summary in nature. Appeals
18 from the results of the hearing shall be to the Superior Court,
19 Appellate Division, in accordance with the law.

20 e. If the prosecutor does not institute an action within 45 days
21 of the owner's discharge, a seized weapon, card, permit, or license
22 shall be returned to the owner or in the case of a disabled embedded
23 New Jersey driver's license or identification card, enabled.

24 f. (1) If, after the hearing, the court determines that the
25 possession of any weapons or authorizations to purchase them does
26 not pose a threat to the owner's own safety or the safety of others, or
27 that the owner is not subject to any of the disabilities set forth in
28 subsection c. of N.J.S.2C:58-3, the court shall order the return of
29 the weapons, firearms, and any permits, cards, or licenses related
30 thereto to the owner or the enabling of these licenses or cards, as
31 appropriate.

32 Nothing in this act shall be construed to limit the authority of the
33 State or a law enforcement officer to seize, retain, or forfeit
34 property pursuant to chapter 64 of Title 2C of the New Jersey
35 Statutes.

36 (2) If, after the hearing, the court determines that the weapons
37 are not to be returned to the owner, the court may:

38 (a) With respect to weapons other than firearms, order the
39 prosecutor to dispose of the weapons if the owner does not arrange
40 for the transfer or sale of the weapons to an appropriate person
41 within 60 days; or

42 (b) Order the revocation of the owner's firearms purchaser
43 identification card and any valid permit to purchase a handgun, or
44 the operational disabling of any embedded license or card, in which
45 case the court shall order the owner to surrender any firearm seized
46 and all other firearms possessed to the prosecutor and shall order
47 the prosecutor to dispose of the firearms if the owner does not

1 arrange for the sale of the firearms to a registered dealer of the
2 firearms within 60 days; or

3 (c) Order such other relief as it may deem appropriate. When
4 the court orders the weapons forfeited to the State or the prosecutor
5 is required to dispose of the weapons, the prosecutor shall dispose
6 of the property as provided in N.J.S.2C:64-6.

7 g. A civil suit may be brought to enjoin a wrongful failure to
8 return a seized firearm where the prosecutor refuses to return the
9 weapon after receiving a written request to do so and notice of the
10 owner's intent to bring a civil action pursuant to this section.
11 Failure of the prosecutor to comply with the provisions of this
12 section shall entitle the prevailing party in the civil suit to
13 reasonable costs, including attorney's fees, provided that the court
14 finds that the prosecutor failed to act in good faith in retaining the
15 seized weapon.

16 h. A law enforcement officer or agency shall not be held liable
17 in any civil action brought by any person for failing to learn of,
18 locate, or seize a weapon, firearms purchaser identification card,
19 valid permit to purchase a handgun, or embedded New Jersey
20 driver's license or identification card issued pursuant to P.L. , c.
21 (pending before the Legislature as this bill), or for returning a
22 seized weapon, card, permit, or license to its owner.

23

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

25 2C:58-2. a. Licensing of retail dealers and their employees. No
26 retail dealer of firearms nor any employee of a retail dealer shall
27 sell or expose for sale, or possess with the intent of selling, any
28 firearm unless licensed to do so as hereinafter provided. The
29 superintendent shall prescribe standards and qualifications for retail
30 dealers of firearms and their employees for the protection of the
31 public safety, health and welfare.

32 Applications shall be made in the form prescribed by the
33 superintendent, accompanied by a fee of \$50 payable to the
34 superintendent, and shall be made to a judge of the Superior Court
35 in the county where the applicant maintains his place of business.
36 The judge shall grant a license to an applicant if he finds that the
37 applicant meets the standards and qualifications established by the
38 superintendent and that the applicant can be permitted to engage in
39 business as a retail dealer of firearms or employee thereof without
40 any danger to the public safety, health and welfare. Each license
41 shall be valid for a period of three years from the date of issuance,
42 and shall authorize the holder to sell firearms at retail in a specified
43 municipality.

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

1 No license shall be granted to any retail dealer under the age of
2 21 years or to any employee of a retail dealer under the age of 18 or
3 to any person who could not qualify to obtain a permit to purchase a
4 handgun or a firearms purchaser identification card, or to any
5 corporation, partnership or other business organization in which the
6 actual or equitable controlling interest is held or possessed by such
7 an ineligible person.

8 All licenses shall be granted subject to the following conditions,
9 for breach of any of which the license shall be subject to revocation
10 on the application of any law enforcement officer and after notice
11 and hearing by the issuing court:

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

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

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

21 (4) No rifle or shotgun, except antique rifles or shotguns, shall
22 be delivered to any person unless such person possesses and
23 exhibits a valid firearms purchaser identification card or a valid
24 New Jersey driver's license or identification card embedded with
25 information that the holder is qualified and eligible to receive a rifle
26 or shotgun and furnishes the seller, on the form prescribed by the
27 superintendent, a certification signed by him setting forth his name,
28 permanent address, firearms purchaser identification card number
29 and such other information as the superintendent may by rule or
30 regulation require. The certification shall be retained by the dealer
31 and shall be made available for inspection by any law enforcement
32 officer at any reasonable time.

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

34 (a) Such person possesses and exhibits a firearms purchaser
35 identification card and a valid permit to purchase a handgun (PPH)
36 or a valid New Jersey driver's license or identification card
37 embedded with information that the holder is qualified and eligible
38 to receive a handgun and at least seven days have elapsed since the
39 date of application for the permit;

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

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

43 (d) Except as otherwise provided in subparagraph (e) of this
44 paragraph, the handgun is accompanied by a trigger lock or a locked
45 case, gun box, container or other secure facility; provided, however,
46 this provision shall not apply to antique handguns. The exemption
47 afforded under this subparagraph for antique handguns shall be
48 narrowly construed, limited solely to the requirements set forth

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

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

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

17 (7) A dealer shall not knowingly deliver more than one handgun
18 to any person within any 30-day period. This limitation shall not
19 apply to:

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

23 (b) a collector of handguns as curios or relics as defined in Title
24 18, United States Code, section 921 (a) (13) who has in his
25 possession a valid Collector of Curios and Relics License issued by
26 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

37 b. Records. Every person engaged in the retail business of
38 selling, leasing or otherwise transferring a handgun, as a retail
39 dealer or otherwise, shall keep a register in which shall be entered
40 the time of the sale, lease or other transfer, the date thereof, the
41 name, age, date of birth, complexion, occupation, residence and a
42 physical description including distinguishing physical
43 characteristics, if any, of the purchaser, lessee or transferee, the
44 name and permanent home address of the person making the sale,
45 lease or transfer, the place of the transaction, and the make, model,
46 manufacturer's number, caliber and other marks of identification on
47 such handgun and such other information as the superintendent
48 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.2009, c.186, s.1)

29

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

31 2C:58-3. a. (1) Permit to purchase a handgun. No person shall
32 sell, give, transfer, assign or otherwise dispose of, nor receive,
33 purchase, or otherwise acquire a handgun unless the purchaser,
34 assignee, donee, receiver or holder is licensed as a dealer under this
35 chapter or has first secured a firearms purchaser identification card
36 and a permit to purchase a handgun as provided by this section or
37 possesses a valid New Jersey driver's license or identification card
38 embedded with information affirming that the holder is qualified
39 and eligible to purchase a handgun.

40 (2) A person shall sell, give, transfer, assign, or otherwise
41 dispose of, or receive, purchase or otherwise acquire a handgun
42 pursuant to the provisions of this section only if the transaction is
43 conducted by or through a retail dealer licensed under State law or a
44 Federal Firearms Licensee. The provisions of this paragraph shall
45 not apply if the transaction is:

46 (a) between members of an immediate family as defined in
47 subsection m. of this section, including a temporary transfer

1 between a member of the military being deployed and a family
2 member;

3 (b) between law enforcement officers;

4 (c) between collectors of firearms or ammunition as curios or
5 relics as defined in Title 18, United States Code, section 921 (a)
6 (13) who have in their possession a valid Collector of Curios and
7 Relics License issued by the Bureau of Alcohol, Tobacco and
8 Firearms; or

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

11 (3) Before a transaction under this subsection is conducted, the
12 licensee shall complete a National Instant Criminal Background
13 Check of the person acquiring the handgun. In addition:

14 (a) the licensee shall submit to the Superintendent of State
15 Police, on a form approved by the superintendent, information
16 identifying and confirming the background check;

17 (b) every licensee shall maintain a record of transactions
18 conducted pursuant to this subsection, which shall be maintained at
19 the address set forth on the licensee's license for inspection by a
20 law enforcement officer during reasonable hours;

21 (c) in addition to any fee the person receiving the handgun is
22 required to pay for a NICS check, a licensee may charge a fee of up
23 to \$15 for a transaction conducted pursuant to this subsection; and

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

27 b. Firearms purchaser identification card.

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

- 1 (2) A person shall sell, give, transfer, assign, or otherwise
2 dispose of, or receive, purchase or otherwise acquire an antique
3 cannon or a rifle or shotgun pursuant to the provisions of this
4 subsection only if the transaction is conducted by or through a retail
5 dealer licensed under State law or a Federal Firearms Licensee.
6 The provisions of this paragraph shall not apply if the transaction is:
7 (a) between members of an immediate family as defined in
8 subsection m. of this section, including a temporary transfer
9 between a member of the military being deployed and a family
10 member;
11 (b) between law enforcement officers;
12 (c) between collectors of firearms or ammunition as curios or
13 relics as defined in Title 18, United States Code, section 921 (a)
14 (13) who have in their possession a valid Collector of Curios and
15 Relics License issued by the Bureau of Alcohol, Tobacco and
16 Firearms; or
17 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
18 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).
19 (3) Before a transaction under this subsection is conducted, the
20 licensee shall complete a National Instant Criminal Background
21 Check of the person acquiring the canon, rifle or shotgun. In
22 addition:
23 (a) the licensee shall submit to the Superintendent of State
24 Police, on a form approved by the superintendent, information
25 identifying and confirming the background check;
26 (b) every licensee shall maintain a record of transactions
27 conducted pursuant to this section which shall be maintained at the
28 address set forth on the licensee's license for inspection by a law
29 enforcement officer during reasonable hours;
30 (c) in addition to any fee the person receiving the rifle, shotgun,
31 or antique cannon is required to pay for a NICS check, a licensee
32 may charge a fee of up to \$15 for a transaction conducted pursuant
33 to this subsection; and
34 (d) any record produced pursuant to this subsection shall not be
35 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
36 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
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 or firearms purchaser identification
43 card shall be issued, and no New Jersey driver's license or
44 identification card shall be embedded with such information
45 pursuant to P.L. , c. (C.)(pending before the Legislature as
46 this bill):
47 (1) To any person who has been convicted of any crime, or a
48 disorderly persons offense involving an act of domestic violence as

1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of such offense;

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

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

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

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

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

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

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

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

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

1 superintendent in all cases. The hearing shall be held and a record
2 made thereof within 30 days of the receipt of the application for
3 such hearing by the judge of the Superior Court. No formal
4 pleading and no filing fee shall be required as a preliminary to such
5 hearing. Appeals from the results of such hearing shall be in
6 accordance with law.

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

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

1 The chief police officer or the superintendent shall obtain the
2 fingerprints of the applicant and shall have them compared with any
3 and all records of fingerprints in the municipality and county in
4 which the applicant resides and also the records of the State Bureau
5 of Identification and the Federal Bureau of Investigation, provided
6 that an applicant for a handgun purchase permit who possesses a
7 valid firearms purchaser identification card, or who has previously
8 obtained a handgun purchase permit from the same licensing
9 authority for which he was previously fingerprinted, and who
10 provides other reasonably satisfactory proof of his identity, need not
11 be fingerprinted again; however, the chief police officer or the
12 superintendent shall proceed to investigate the application to
13 determine whether or not the applicant has become subject to any of
14 the disabilities set forth in this chapter.

15 f. Granting of permit or identification card; fee; term; renewal;
16 revocation. The application for the permit to purchase a handgun,
17 or for a New Jersey driver's license or identification card to be
18 embedded with such information, together with a fee of \$2, or the
19 application for the firearms purchaser identification card, or a
20 driver's license or identification card embedded with such
21 information, together with a fee of \$5, shall be delivered or
22 forwarded to the licensing authority who shall investigate the same
23 and, unless good cause for the denial thereof appears, shall grant the
24 permit or the identification card, or both, if application has been
25 made therefor, within 30 days from the date of receipt of the
26 application for residents of this State and within 45 days for
27 nonresident applicants. A permit to purchase a handgun shall be
28 valid for a period of 90 days from the date of issuance and may be
29 renewed by the issuing authority for good cause for an additional 90
30 days. A permit to purchase a handgun issued for the purposes of
31 P.L. , c. (C.)(pending before the Legislature as this bill) shall
32 be valid until the holder's driver's license or identification card
33 expires, or until such time as the holder becomes subject to any of
34 the disabilities set forth in subsection c. of this section and at that
35 time be operationally disabled. A firearms purchaser identification
36 card shall be valid until such time as the holder becomes subject to
37 any of the disabilities set forth in subsection c. of this section,
38 whereupon the card shall be void and shall be returned within five
39 days by the holder to the superintendent, who shall then advise the
40 licensing authority. In the case of driver's license or identification
41 card embedded pursuant to P.L. , c. (C.)(pending before the
42 Legislature as this bill), the information affirming the holder is
43 qualified and eligible to purchase and receive a rifle or shotgun
44 shall be valid and shall be embedded in each replacement or
45 renewal of that person's license or card, until such time as the
46 holder becomes subject to any of the disabilities set forth in
47 subsection c. of this section and at that time shall be operationally
48 disabled. Failure of the holder to return the firearms purchaser

1 identification card to the superintendent within the said five days
2 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
3 firearms purchaser identification card or affirmation embedded in a
4 driver's license or identification card may be revoked or
5 operationally disabled by the Superior Court of the county wherein
6 the card was issued, after hearing upon notice, upon a finding that
7 the holder thereof no longer qualifies for the issuance of such
8 permit or for such an affirmation. The county prosecutor of any
9 county, the chief police officer of any municipality or any citizen
10 may apply to such court at any time for the revocation of such card
11 or the operational disabling of any such affirmation. In any case
12 where a person has been convicted of a crime, the court, upon
13 motion of the county prosecutor, shall determine whether the person
14 possesses a firearms purchaser identification card, a valid permit to
15 purchase a handgun, or holds a driver's license or identification
16 card embedded with information affirming the holder's
17 qualification and eligibility to purchase or receive a rifle, shotgun,
18 or handgun. Upon determining that the convicted person possesses
19 such a card, license, or permit, the court at sentencing either shall
20 revoke the card or permit, or in the case of an embedded driver's
21 license or identification card, shall direct the superintendent to
22 operationally disable the license or card, after notice and a hearing.

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

27 g. Disposition of fees. All fees for permits shall be paid to the
28 State Treasury if the permit is issued by the superintendent, to the
29 municipality if issued by the chief of police, and to the county
30 treasurer if issued by the judge of the Superior Court.

31 h. Form of permit; quadruplicate; disposition of copies. **[The]**
32 In the case of a paper permit to purchase a handgun issued pursuant
33 to this section, the permit shall be in the form prescribed by the
34 superintendent and shall be issued to the applicant in quadruplicate.
35 Prior to the time he receives the handgun from the seller, the
36 applicant shall deliver to the seller the permit in quadruplicate and
37 the seller shall complete all of the information required on the form.
38 Within five days of the date of the sale, the seller shall forward the
39 original copy to the superintendent and the second copy to the chief
40 of police of the municipality in which the purchaser resides, except
41 that in a municipality having no chief of police, such copy shall be
42 forwarded to the superintendent. The third copy shall then be
43 returned to the purchaser with the pistol or revolver and the fourth
44 copy shall be kept by the seller as a permanent record.

45 i. Restriction on number of firearms person may purchase.
46 Only one handgun shall be purchased or delivered on each paper
47 permit [and no] issued pursuant to this section. No more than one
48 handgun shall be purchased within any 30-day period, regardless of

1 whether the purchaser presents a paper permit or an embedded
2 driver's license or identification card to the seller or transferor, but
3 this limitation shall not apply to:

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

7 (2) a collector of handguns as curios or relics as defined in Title
8 18, United States Code, section 921 (a) (13) who has in his
9 possession a valid Collector of Curios and Relics License issued by
10 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

11 (3) transfers of handguns among licensed retail dealers,
12 registered wholesale dealers and registered manufacturers

13 (4) transfers of handguns from any person to a licensed retail
14 dealer or a registered wholesale dealer or registered
15 manufacturer[.] ;

16 (5) any transaction where the person has purchased a handgun
17 from a licensed retail dealer and has returned that handgun to the
18 dealer in exchange for another handgun within 30 days of the
19 original transaction, provided the retail dealer reports the exchange
20 transaction to the superintendent; or

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

24 The provisions of this subsection shall not be construed to afford
25 or authorize any other exemption from the regulatory provisions
26 governing firearms set forth in chapter 39 and chapter 58 of Title
27 2C of the New Jersey Statutes;

28 A person shall not be restricted as to the number of rifles or
29 shotguns he may purchase, provided he possesses a valid firearms
30 purchaser identification card or a driver's license or identification
31 card embedded with information affirming that the holder is
32 qualified and eligible to purchase and possess a rifle or shotgun and
33 provided further that he signs the certification required in
34 subsection b. of this section for each transaction.

35 j. Firearms passing to heirs or legatees. Notwithstanding any
36 other provision of this section concerning the transfer, receipt or
37 acquisition of a firearm, a permit to purchase [or], a firearms
38 purchaser identification card, or a driver's license or identification
39 card embedded with information affirming that the holder is
40 qualified and eligible to purchase a rifle, shotgun, or handgun shall
41 not be required for the passing of a firearm upon the death of an
42 owner thereof to his heir or legatee, whether the same be by
43 testamentary bequest or by the laws of intestacy. The person who
44 shall so receive, or acquire said firearm shall, however, be subject
45 to all other provisions of this chapter. If the heir or legatee of such
46 firearm does not qualify to possess or carry it, he may retain
47 ownership of the firearm for the purpose of sale for a period not
48 exceeding 180 days, or for such further limited period as may be

1 approved by the chief law enforcement officer of the municipality
2 in which the heir or legatee resides or the superintendent, provided
3 that such firearm is in the custody of the chief law enforcement
4 officer of the municipality or the superintendent during such period.

5 k. Sawed-off shotguns. Nothing in this section shall be
6 construed to authorize the purchase or possession of any sawed-off
7 shotgun.

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

15 m. For the purposes of this section, "immediate family" means a
16 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
17 (C.26:8A-3), partner in a civil union couple as defined in section 2
18 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
19 aunt, uncle, sibling, stepsibling, child, stepchild, and grandchild, as
20 related by blood or by law.

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

22

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

24 2C:58-4. Permits to carry handguns

25 a. Scope and duration of authority. Any person who holds a
26 valid permit to carry a handgun issued pursuant to this section shall
27 be authorized to carry a handgun in all parts of this State, except as
28 prohibited by **[section 2C:39-5e]** subsection e. of N.J.S.2C:39-5.
29 One permit shall be sufficient for all handguns owned by the holder
30 thereof, but the permit shall apply only to a handgun carried by the
31 actual and legal holder of the permit.

32 All permits to carry handguns shall expire **[2]** two years from
33 the date of issuance or, in the case of an employee of an armored
34 car company, upon termination of his employment by the company
35 occurring prior thereto whichever is earlier in time, and they may
36 thereafter be renewed every **[2]** two years in the same manner and
37 subject to the same conditions as in the case of original
38 applications.

39 b. Application forms. All applications for permits to carry
40 handguns, and all applications for renewal of such permits, shall be
41 made on the forms prescribed by the superintendent. Each
42 application shall set forth the full name, date of birth, sex,
43 residence, occupation, place of business or employment, and
44 physical description of the applicant, and such other information as
45 the superintendent may prescribe for the determination of the
46 applicant's eligibility for a permit and for the proper enforcement of
47 this chapter. The application shall be signed by the applicant under
48 oath, and shall be indorsed by three reputable persons who have

1 known the applicant for at least **[3]** three years preceding the date
2 of application, and who shall certify thereon that the applicant is a
3 person of good moral character and behavior.

4 c. Investigation and approval. Each application shall in the
5 first instance be submitted to the chief police officer of the
6 municipality in which the applicant resides, or to the
7 superintendent, (1) if the applicant is an employee of an armored
8 car company, or (2) if there is no chief police officer in the
9 municipality where the applicant resides, or (3) if the applicant does
10 not reside in this State. The chief police officer, or the
11 superintendent, as the case may be, shall cause the fingerprints of
12 the applicant to be taken and compared with any and all records
13 maintained by the municipality, the county in which it is located,
14 the State Bureau of Identification and the Federal Bureau of
15 Identification. He shall also determine and record a complete
16 description of each handgun the applicant intends to carry.

17 No application shall be approved by the chief police officer or
18 the superintendent unless the applicant demonstrates that he is not
19 subject to any of the disabilities set forth in **[2C:58-3c.]** subsection
20 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe
21 handling and use of handguns, and that he has a justifiable need to
22 carry a handgun. If the application is not approved by the chief
23 police officer or the superintendent within 60 days of filing, it shall
24 be deemed to have been approved, unless the applicant agrees to an
25 extension of time in writing.

26 d. Issuance by Superior Court; fee. If the application has been
27 approved by the chief police officer or the superintendent, as the
28 case may be, the applicant shall forthwith present it to the Superior
29 Court of the county in which the applicant resides, or to the
30 Superior Court in any county where he intends to carry a handgun,
31 in the case of a nonresident or employee of an armored car
32 company. The court shall issue the permit to the applicant if, but
33 only if, it is satisfied that the applicant is a person of good character
34 who is not subject to any of the disabilities set forth in **[section**
35 **2C:58-3c.]** subsection c. of N.J.S.2C:58-3, that he is thoroughly
36 familiar with the safe handling and use of handguns, and that he has
37 a justifiable need to carry a handgun. The court may at its
38 discretion issue a limited-type permit which would restrict the
39 applicant as to the types of handguns he may carry and where and
40 for what purposes such handguns may be carried. At the time of
41 issuance, the applicant shall pay to the county clerk of the county
42 where the permit was issued a permit fee of **[\$20.00]** \$20.

43 e. Appeals from denial of applications. Any person aggrieved
44 by the denial by the chief police officer or the superintendent of
45 approval for a permit to carry a handgun may request a hearing in
46 the Superior Court of the county in which he resides or in any
47 county in which he intends to carry a handgun, in the case of a

1 nonresident, by filing a written request for such a hearing within 30
2 days of the denial. Copies of the request shall be served upon the
3 superintendent, the county prosecutor and the chief police officer of
4 the municipality where the applicant resides, if he is a resident of
5 this State. The hearing shall be held within 30 days of the filing of
6 the request, and no formal pleading or filing fee shall be required.
7 Appeals from the determination at such a hearing shall be in
8 accordance with law and the rules governing the courts of this State.

9 If the superintendent or chief police officer approves an
10 application and the Superior Court denies the application and
11 refuses to issue a permit, the applicant may appeal such denial in
12 accordance with law and the rules governing the courts of this State.

13 f. Revocation of permits. Any permit issued under this section
14 shall be void at such time as the holder thereof becomes subject to
15 any of the disabilities set forth in ~~section 2C:58-3c.~~ subsection c.
16 of N.J.S.2C:58-3, and the holder of such a void permit shall
17 immediately surrender the permit to the superintendent who shall
18 give notice to the licensing authority.

19 Any permit may be revoked by the Superior Court, after hearing
20 upon notice to the holder, if the court finds that the holder is no
21 longer qualified for the issuance of such a permit. The county
22 prosecutor of any county, the chief police officer of any
23 municipality, the superintendent or any citizen may apply to the
24 court at any time for the revocation of any permit issued pursuant to
25 this section. In any case where a person has been convicted of a
26 crime, the court, upon motion of the county prosecutor, shall
27 determine whether the person possesses a permit to carry a
28 handgun. Upon determining that the convicted person possesses
29 such a permit, the court shall revoke the permit at sentencing, after
30 notice and a hearing.

31 (cf: P.L.1981, c.135, s.1)

32

33 17. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to
34 read as follows:

35 5. The commissioner shall adopt rules and regulations pursuant
36 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
37 1 et seq.) regarding a screening service and its staff that effectuate
38 the following purposes and procedures:

39 a. A screening service shall serve as the facility in the public
40 mental health care treatment system wherein a person believed to be
41 in need of involuntary commitment to outpatient treatment, a short-
42 term care facility, psychiatric facility or special psychiatric hospital
43 undergoes an assessment to determine what mental health services
44 are appropriate for the person and where those services may be
45 most appropriately provided in the least restrictive environment.

46 The screening service may provide emergency and consensual
47 treatment to the person receiving the assessment and may transport

1 the person or detain the person up to 24 hours for the purposes of
2 providing the treatment and conducting the assessment.

3 b. When a person is assessed by a mental health screener and
4 involuntary commitment to treatment seems necessary, the screener
5 shall provide, on a screening document prescribed by the division,
6 information regarding the person's history and available alternative
7 facilities and services that are deemed inappropriate for the person.
8 When appropriate and available, and as permitted by law, the
9 screener shall make reasonable efforts to gather information from
10 the person's family or significant others for the purposes of
11 preparing the screening document. The screener shall also ascertain
12 whether the person is an owner of a firearm or other weapon
13 enumerated in subsection r. of N.J.S.2C:39-1, and the location of
14 that firearm or weapon, and whether the person possesses a firearms
15 purchaser identification card, a valid permit to purchase a handgun,
16 or a driver's license or identification card embedded with
17 information affirming that the holder is qualified and eligible to
18 purchase a rifle, shotgun, or handgun and the location of any such
19 card, permit, or license. Any such information acquired by the
20 screener shall be included in the screening document. If a
21 psychiatrist, in consideration of this document and in conjunction
22 with the psychiatrist's own complete assessment, concludes that the
23 person is in need of commitment to treatment, the psychiatrist shall
24 complete the screening certificate. The screening certificate shall
25 be completed by a psychiatrist except in those circumstances where
26 the division's contract with the screening service provides that
27 another physician may complete the certificate. If a psychiatrist or
28 physician reasonably believes the person is an owner of a firearm or
29 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
30 possesses a firearms purchaser identification card, valid permit to
31 purchase a handgun, or a driver's license or identification card
32 embedded with information affirming that the holder is qualified
33 and eligible to purchase a rifle, shotgun, or handgun, that
34 information, including the reported location of any weapon, card,
35 permit, or license shall be included on the screening certificate.

36 Upon completion of the screening certificate, screening service
37 staff shall determine, in consultation with the psychiatrist or another
38 physician, as appropriate, the least restrictive environment for the
39 appropriate treatment to which the person shall be assigned or
40 admitted, taking into account the person's prior history of
41 hospitalization and treatment and the person's current mental health
42 condition. Screening service staff shall designate:

43 (1) inpatient treatment for the person if he is immediately or
44 imminently dangerous or if outpatient treatment is deemed
45 inadequate to render the person unlikely to be dangerous to self,
46 others or property within the reasonably foreseeable future; and

47 (2) outpatient treatment for the person when outpatient
48 treatment is deemed sufficient to render the person unlikely to be

1 dangerous to self, others or property within the reasonably
2 foreseeable future.

3 If the screening service staff determines that the person is in
4 need of involuntary commitment to outpatient treatment, the
5 screening service staff shall consult with an outpatient treatment
6 provider to arrange, if possible, for an appropriate interim plan of
7 outpatient treatment in accordance with section 9 of P.L.2009, c.112
8 (C.30:4-27.8a).

9 If a person has been admitted three times or has been an inpatient
10 for 60 days at a short-term care facility during the preceding 12
11 months, consideration shall be given to not placing the person in a
12 short-term care facility.

13 The person shall be admitted to the appropriate facility or
14 assigned to the appropriate outpatient treatment provider, as
15 appropriate for treatment, as soon as possible. Screening service
16 staff are authorized to coordinate initiation of outpatient treatment
17 or transport the person or arrange for transportation of the person to
18 the appropriate facility.

19 c. If the mental health screener determines that the person is
20 not in need of assignment or commitment to an outpatient treatment
21 provider, or admission or commitment to a short-term care facility,
22 psychiatric facility or special psychiatric hospital, the screener shall
23 refer the person to an appropriate community mental health or
24 social services agency or appropriate professional or inpatient care
25 in a psychiatric unit of a general hospital.

26 d. A mental health screener shall make a screening outreach
27 visit if the screener determines, based on clinically relevant
28 information provided by an individual with personal knowledge of
29 the person subject to screening, that the person may need
30 involuntary commitment to treatment and the person is unwilling or
31 unable to come to the screening service for an assessment.

32 e. If the mental health screener pursuant to this assessment
33 determines that there is reasonable cause to believe that a person is
34 in need of involuntary commitment to treatment, the screener shall
35 so certify the need on a form prepared by the division.

36 (cf: P.L.2009, c.112, s.5)

37

38 18. Section 7 of P.L.1987, c.116 (C.30:4-27.7) is amended to
39 read as follows:

40 7. a. A law enforcement officer, screening service, outpatient
41 treatment provider or short-term care facility designated staff
42 person or their respective employers, acting in good faith pursuant
43 to P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009, c.112 who
44 takes reasonable steps to assess, take custody of, detain or transport
45 an individual for the purposes of mental health assessment or
46 treatment is immune from civil and criminal liability.

47 b. An emergency services or medical transport person or their
48 respective employers, acting in good faith pursuant to this act and

1 pursuant to the direction of a person designated in subsection a. of
2 this section, who takes reasonable steps to take custody of, detain or
3 transport an individual for the purpose of mental health assessment
4 or treatment is immune from civil and criminal liability.

5 For the purposes of this subsection, "emergency services or
6 medical transport person" means a member of a first aid,
7 ambulance, rescue squad or fire department, whether paid or
8 volunteer, auxiliary police officer or paramedic.

9 c. A mental health screener completing a screening document
10 or a psychiatrist or physician completing a screening certificate or
11 clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.),
12 shall, with regard to whether a person is an owner of a firearm or
13 other weapon enumerated in subsection r. of N.J.S.2C:39-1 or
14 possesses a firearms purchaser identification card, valid permit to
15 purchase a handgun, or driver's license or identification card
16 embedded with information affirming that the holder is qualified
17 and eligible to purchase a rifle, shotgun or handgun, or the location
18 of such weapon, card, permit, or license, not be held liable in any
19 civil action brought by any person for failing to learn of a weapon
20 or any firearms purchasers identification card, valid permit to
21 purchase a handgun, or driver's license or identification card
22 embedded with information affirming the holder is qualified and
23 eligible to purchase a rifle, shotgun, or handgun, or of the location
24 of any such firearm weapon, card, permit, or license.

25 (cf: P.L.2009, c.112, s.7)

26

27 19. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to
28 read as follows:

29 10. a. (1) A short-term care or psychiatric facility or a special
30 psychiatric hospital shall initiate court proceedings for involuntary
31 commitment to inpatient or outpatient treatment by submitting to
32 the court a clinical certificate completed by a psychiatrist on the
33 patient's treatment team and the screening certificate which
34 authorized admission of the patient to the facility; provided,
35 however, that both certificates shall not be signed by the same
36 psychiatrist unless the psychiatrist has made a reasonable but
37 unsuccessful attempt to have another psychiatrist conduct the
38 evaluation and execute the certificate.

39 (2) A screening service or outpatient treatment provider shall
40 initiate court proceedings for commitment to outpatient treatment
41 by submitting to the court a clinical certificate completed by a
42 psychiatrist on the patient's treatment team and the screening
43 certificate which authorized assignment of the patient to outpatient
44 treatment with the outpatient treatment provider; provided,
45 however, that both certificates shall not be signed by the same
46 psychiatrist unless the psychiatrist has made a reasonable but
47 unsuccessful attempt to have another psychiatrist conduct the
48 evaluation and execute the certificate.

1 b. Court proceedings for the involuntary commitment to
2 treatment of any person not referred by a screening service may be
3 initiated by the submission to the court of two clinical certificates,
4 at least one of which is prepared by a psychiatrist. A psychiatrist or
5 physician shall ascertain whether the person is an owner of a
6 firearm or other weapon enumerated in subsection r. of
7 N.J.S.2C:39-1 or possesses a firearms purchaser identification card,
8 a valid permit to purchase a handgun, or a driver's license
9 embedded with information affirming the holder is qualified and
10 eligible to purchase a rifle, shotgun, or handgun, and the location of
11 any such firearm, weapon, card, permit, or license and shall include
12 that information on the clinical certificate.

13 The person shall not be involuntarily committed before the court
14 issues a temporary court order.

15 c. A court proceeding for involuntary commitment to treatment
16 of an inmate who is scheduled for release upon expiration of a
17 maximum term of incarceration shall be initiated by the Attorney
18 General or county prosecutor by submission to the court of two
19 clinical certificates, at least one of which is prepared by a
20 psychiatrist.

21 d. The Attorney General, in exercise of the State's authority as
22 *parens patriae*, may initiate a court proceeding for the involuntary
23 commitment to treatment of any person in accordance with the
24 procedures set forth in subsection a. or b. of this section. When the
25 Attorney General determines that the public safety requires
26 initiation of a proceeding pursuant to subsection b. of this section,
27 the Attorney General may apply to the court for an order
28 compelling the psychiatric evaluation of the person. The court shall
29 grant the Attorney General's application if the court finds that there
30 is reasonable cause to believe that the person may be in need of
31 involuntary commitment to treatment. The Attorney General may
32 delegate the authority granted pursuant to this subsection, on a case
33 by case basis, to the county prosecutor.

34 e. Any person who is a relative by blood or marriage of the
35 person being screened who executes a clinical certificate, or any
36 person who signs a clinical certificate for any purpose or motive
37 other than for purposes of care, treatment and confinement of a
38 person in need of involuntary commitment to treatment, shall be
39 guilty of a crime of the fourth degree.

40 f. Upon receiving these documents the court shall immediately
41 review them in order to determine whether there is probable cause
42 to believe that the person is in need of involuntary commitment to
43 treatment.

44 g. (1) If the court finds that there is probable cause to believe
45 that the person, other than a person whose commitment is sought
46 pursuant to subsection c. of this section, is in need of involuntary
47 commitment to treatment, it shall issue a temporary order
48 authorizing the assignment of the person to an outpatient treatment

1 provider or the admission to or retention of the person in the
2 custody of the facility, that is both appropriate to the person's
3 condition and is the least restrictive environment, pending a final
4 hearing.

5 (2) If the court finds that there is probable cause to believe that
6 a person is in need of involuntary commitment to treatment, the
7 court shall order a law enforcement officer to search for and seize
8 any firearm or other weapon enumerated in subsection r. of
9 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
10 permit to purchase a handgun, or driver's license embedded with
11 information affirming that the holder is qualified and eligible to
12 purchase a rifle, shotgun, or handgun at any location where the
13 court has reasonable cause to believe any such firearm, weapon,
14 card, permit, or license may be located.

15 h. If the court finds that there is probable cause to believe that
16 a person whose commitment is sought pursuant to subsection c. of
17 this section is in need of involuntary commitment to treatment, it
18 shall issue an order setting a date for a final hearing and authorizing
19 the Commissioner of the Department of Corrections to arrange for
20 temporary commitment pursuant to section 2 of P.L.1986, c.71
21 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other
22 facility designated for the criminally insane pending the final
23 hearing and prior to the expiration of the person's term. The order
24 shall specifically provide for transfer of custody to the Ann Klein
25 Forensic Center in Trenton or other facility designated for the
26 criminally insane if the person's maximum term will expire prior to
27 the final hearing.

28 i. In the case of a person committed to treatment at a short-
29 term care facility or special psychiatric hospital, after the facility's
30 treatment team conducts a mental and physical examination,
31 administers appropriate treatment and prepares a discharge
32 assessment, the facility may transfer the patient to a psychiatric
33 facility prior to the final hearing; provided that: (1) the patient, his
34 family and his attorney are given 24 hours' advance notice of the
35 pending transfer; and (2) the transfer is accomplished in a manner
36 which will give the receiving facility adequate time to examine the
37 patient, become familiar with his behavior and condition and
38 prepare for the hearing. In no event shall the transfer be made less
39 than five days prior to the date of the hearing unless an unexpected
40 transfer is dictated by a change in the person's clinical condition.
41 (cf: P.L.2009, c.112, s.11)

42

43 20. Section 15 of P.L.1987, c.116 (C.30:4-27.15) is amended to
44 read as follows:

45 15. a. If the court finds by clear and convincing evidence that
46 the patient needs continued involuntary commitment to treatment, it
47 shall:

1 (1) issue an order authorizing the involuntary commitment of
2 the patient and the assignment or admission of the patient pursuant
3 to section 17 of P.L.2009, c.112 (C.30:4-27.15a) **[and shall]**;

4 (2) schedule a subsequent court hearing in the event the patient
5 is not administratively discharged pursuant to section 17 of
6 P.L.1987, c.116 (C.30:4-27.17) prior thereto; and

7 (3) order a law enforcement officer to search for and seize any
8 firearm or other weapon enumerated in subsection r. of
9 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
10 permit to purchase a handgun, or driver's license or identification
11 card embedded with information affirming that the holder is
12 qualified and eligible to purchase a rifle, shotgun, or handgun at any
13 location where the court has reasonable cause to believe any such
14 firearm, weapon, card, permit, or license may be located, unless
15 such search and seizure has already occurred pursuant to section 10
16 of P.L.1987, c.116 (C.30:4-27.10).

17 b. If the court finds that the patient does not need continued
18 involuntary commitment to treatment, the court shall so order. A
19 patient who is serving a term of incarceration shall be returned to
20 the appropriate State, county or local authority to complete service
21 of the term of incarceration imposed until released in accordance
22 with law, and any other patient shall be discharged by the facility
23 within 48 hours of the court's verbal order or by the end of the next
24 working day, whichever is longer, with a discharge plan prepared
25 pursuant to section 18 of P.L.1987, c.116 (C.30:4-27.18).

26 c. (1) The court may discharge the patient subject to
27 conditions, if the court finds that the person does not need
28 involuntary or continued involuntary commitment to treatment and
29 the court finds:

30 (a) that the patient's history indicates a high risk of
31 rehospitalization because of the patient's failure to comply with
32 discharge plans; or

33 (b) that there is substantial likelihood that by reason of mental
34 illness the patient will be dangerous to himself, others or property if
35 the patient does not receive other appropriate and available services
36 that render involuntary commitment to treatment unnecessary.

37 (2) Conditions imposed pursuant to this section shall include
38 those recommended by the facility and mental health agency and
39 developed with the participation of the patient. Conditions imposed
40 on the patient shall be specific and their duration shall not exceed
41 90 days unless the court determines, in a case in which the Attorney
42 General or a county prosecutor participated, that the conditions
43 should be imposed for a longer period. If the court imposes
44 conditions for a period exceeding six months, the court shall
45 provide for a review hearing on a date the court deems appropriate
46 but in no event later than six months from the date of the order.
47 The review hearing shall be conducted in the manner provided in

1 this section, and the court may impose any order authorized
2 pursuant to this section.

3 (3) The designated mental health agency staff person shall
4 notify the court if the patient fails to meet the conditions of the
5 discharge plan, and the court shall issue an order directing that the
6 person be taken to a screening service for an assessment. The court
7 shall determine, in conjunction with the findings of a screening
8 service, if the patient needs to be rehospitalized and, if so, the
9 patient shall be returned to the facility. The court shall hold a
10 hearing within 20 days of the day the patient was returned to the
11 facility to determine if the order of conditional discharge should be
12 vacated.

13 d. Notwithstanding subsection a. of this section, or any
14 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
15 30:4-27.17 or 30:4-27.18), no person committed while serving a
16 term of incarceration shall be discharged by the court or
17 administratively discharged prior to the date on which the person's
18 maximum term would have expired had he not been committed. If
19 the person is no longer in need of involuntary commitment to
20 treatment, the person shall be returned to the appropriate State,
21 county or local authority to complete service of the term of
22 incarceration imposed until released in accordance with law, and
23 the person shall be given day for day credit for all time during
24 which the person was committed.

25 e. Notwithstanding subsection a. of this section, or any
26 provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16,
27 30:4-27.17 or 30:4-27.18), no person committed pursuant to
28 N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of
29 insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental
30 competence to stand trial shall be discharged by the court or
31 administratively discharged unless the prosecuting attorney in the
32 case receives prior notice and an opportunity to be heard.

33 (cf: P.L.2009, c.112, s.16)

34

35 21. (New section) a. The Superintendent of State Police shall
36 promulgate guidelines to effectuate the purposes of this act. Those
37 guidelines shall include, but not be limited to, policies and
38 procedures governing the regular periodic review of the information
39 stored in the firearms database to ensure that the information is
40 current and accurate, policies and procedures governing the
41 disabling of embedded driver's licenses and identification cards
42 should their holders be determined to no longer be lawfully
43 qualified and eligible to purchase or receive a rifle, shotgun or
44 handgun, and such other matters as the superintendent deem to be
45 appropriate and necessary to effectuate the purposes of this act.

46 b. The Commissioner of Human Services, in accordance with
47 the provisions of the "Administrative Procedure Act," P.L.1968,
48 c.410 (C.52:14B-1 et seq.), and after consultation with the

1 Superintendent of State Police, may adopt rules and regulations
2 necessary to effectuate the purposes of this act.

3 c. The Supreme Court of New Jersey may adopt court rules to
4 effectuate the purposes of this act.

5
6 22. This act shall take effect the first day of the seventh month
7 following enactment, but the Superintendent of State Police and the
8 Commissioner of Human Services may take such anticipatory
9 administrative action in advance as shall be necessary for the
10 implementation of the act, and paragraph (2) of subsection a. and
11 paragraph (2) of subsection b. of N.J.S.2C:58-3 shall take effect on
12 the first day of the 25th month after enactment.

13

14

15 STATEMENT

16

17 This bill revises various statutes concerning the regulation of
18 firearms.

19 Under this bill, the current paper firearms purchaser
20 identification card (FPIC) would no longer be issued to New Jersey
21 residents. The information contained on the card would be
22 embedded in the holder's driver's license. The transition from the
23 current paper card to having this information embedded in a
24 person's driver's license would take place over a four year period,
25 making the transition coincide with the State's driver's license
26 renewal cycle. The bill specifies that a person whose driver's
27 license is suspended does not necessarily forfeit his right to
28 purchase a firearm during the period of that suspension. Residents
29 who do not have a driver's license would have their FPIC
30 information embedded on the identification cards that are issued by
31 the Motor Vehicle Commission under the "Identification Cards for
32 Nondrivers' Act," P.L.1980, c.47 (C.39:3-29.2). The provisions of
33 the bill would not affect the way firearms purchaser identification
34 cards are issued to nonresidents.

35 The bill requires that the firearms database and the motor vehicle
36 database be distinct and separate entities; the firearms database by
37 the Superintendent of State Police and the motor vehicles database
38 by the chief administrator. The superintendent and the chief
39 administrator also are required to adopt protocols for access to these
40 databases by law enforcement. Non-law enforcement entities would
41 not be permitted access to the firearms database.

42 The superintendent would be able to operationally disable the
43 license or identification card for purposes of purchasing or
44 receiving a firearm if the holder becomes subject to any of the
45 statutory disabilities.

46 This bill does not alter the qualifications and requirements for
47 the issuance of a FPIC or embedded driver's license or
48 identification card. A person who applies for a FPIC or embedded

1 driver's license is still required to submit to a criminal history
2 background check to determine if the applicant is disqualified from
3 owning a firearm under the law.

4 In addition, this bill clarifies that any person who purchases a
5 handgun is also required obtain a FPIC or embedded driver's
6 license or identification card, in addition to a permit to purchase a
7 handgun (PPH). The PPH information also could be embedded on
8 the person's driver's license or identification card. Current law
9 requires handgun purchasers to have a valid PPH. Any paper FPICs
10 or PPH issued under current law would remain valid until the
11 holder's driver's license or identification card is subject to renewal;
12 the information thereafter would be embedded on the license or
13 card.

14 The bill requires the Attorney General to develop and implement
15 the system that will allow retail firearms dealers to use the
16 embedded driver's license or identification card to instantly
17 determine whether that buyer is qualified to purchase a firearm.
18 Between the first day of the 25th month and the first day of the 73rd
19 month following the bill's effective date, the superintendent is to
20 test and evaluate the system. The superintendent also is to select,
21 and over time expand, the number of the retail licensees to
22 participate in the test.

23 If the superintendent determines after 36 months of testing that
24 the system is seriously flawed, the superintendent is to report to the
25 Governor and the Legislature recommending that implementation
26 be postponed until the Attorney General and the superintendent
27 determine that the system is fully operational.

28 After the Attorney General has implemented this system, all
29 retail firearms dealers would be required to use the system. In the
30 case of a handgun purchase, the system would enable a retail dealer
31 to determine whether the transaction violates the State's prohibition
32 on purchasing more than one handgun in a 30 day period. The
33 system also would permit a retail dealer to transmit to the
34 superintendent a summary of every transaction to purchase a
35 firearm consummated by that dealer, including the type of firearm,
36 the quantity of firearms purchased, the date of purchase and any
37 other appropriate information as determined by the superintendent
38 and required under current law.

39 The bill further requires applicants for a FPIC, a PPH, or an
40 embedded license or identification card to present evidence of the
41 successful completion of a firearms safety class or course approved
42 by the superintendent as a condition for being issued the card,
43 license, or permit. This requirement only would be applicable to
44 persons who apply for a card or permit or embedded license or
45 identification card after the bill's effective date. Applicants who
46 have received firearms training through any of the training
47 programs specified in the bill may substitute that experience for the
48 required class or course training. Acceptable evidence of

1 successfully completing a firearms safety class or course is to
2 include, but not be limited to, a copy of the applicant's DD214 or a
3 Certificate of Release or Discharge from Active Duty; a certificate
4 indicating satisfactory completion of an NRA firearms course; a
5 New Jersey hunting license or New Jersey Hunter's Education
6 Course card or certificate; a New Jersey permit to carry a handgun;
7 a certificate that the applicant is a certified NRA Firearms
8 Instructor; a copy of a firearms or hunting license or permit from
9 any other jurisdiction that requires the holder to successfully
10 complete a comparable firearms safety class or course; or any other
11 such documentation, certificate, or certification that the
12 superintendent deems appropriate. The superintendent would
13 determine the form and presentation of acceptable evidence by the
14 applicant. Any person, including an instructor or provider, who
15 submits a false statement in connection with this requirement would
16 be guilty of a crime of the third degree.

17 In developing the curriculum, the superintendent is to work in
18 cooperation with a firearms safety panel. If the panel does not
19 develop the curriculum within 60 days of the appointment of its
20 members, the superintendent is required to develop the curriculum.
21 The panel is to consist of four members, with two members
22 appointed by the Senate President and two members by the Speaker
23 of the General Assembly. One of the Senate President's appointees
24 is to represent organizations, associations, or clubs that promote and
25 sponsor hunting or shooting activities or competitions; the other is
26 to represent organizations, associations or other entities that
27 advocate gun violence prevention. Similarly, the Speaker's
28 appointees are to represent these two interest groups. The
29 curriculum is to include, but not be limited to, classes relating to
30 responsible firearms ownership, safe storage, restricting access to
31 firearms by unsupervised minors, and other matters relating to
32 protecting the safety and well being of New Jersey's families and
33 children.

34 The bill's provisions also require the court, upon motion of the
35 prosecutor, to determine whether a person who has been convicted
36 of a crime possesses a FPIC, a valid PPH, an embedded driver's
37 license or identification card, or a permit to carry a handgun. If the
38 court determines that the convicted person possesses such a card,
39 license, or permit, the court is to revoke the card, license, or permit
40 at sentencing, after notice and a hearing. Currently, failure to
41 comply with any of the regulatory provisions relating to firearms is
42 a crime of the fourth degree under subsection a. of N.J.S.2C:39-10.

43 The bill also:

- 44 • provides that it is a crime of the fourth degree for a person to
45 purchase, own, or possess ammunition if the person has been
46 previously convicted of certain crimes.
- 47 • requires all sales or other transfers of a handgun, rifle, or
48 shotgun to be conducted through a retail dealer licensed

- 1 under State law or a Federal Firearms Licensee. The
2 licensee would be required to complete a National Instant
3 Criminal Background Check (NICS) on the recipient of the
4 handgun, rifle or shotgun. The recipient would pay a fee of
5 \$15, in addition to the fee for the NICS check. Exceptions
6 include transactions between members of an immediate
7 family, between law enforcement officers, between licensed
8 collectors of firearms or ammunition as curios or relics, and
9 temporary transfers to participate in certain training courses.
10 The definition of "family member" under the bill includes a
11 spouse, domestic partner, partner in a civil union couple,
12 parent, stepparent, grandparent, uncle or aunt, sibling,
13 stepsibling, child, stepchild, and grandchild. This
14 requirement, however, will not be implemented until two
15 years after the bill's effective date.
- 16 • increases the penalties for allowing a minor to gain access to
17 a loaded firearm when such a violation results in bodily
18 injury or death. The bill upgrades this offense from a
19 disorderly persons offense to a crime of the fourth degree if
20 a violation of the current law results in bodily injury or
21 death.
 - 22 • mandates that in any sale or transfer of ammunition where
23 the seller and purchaser are not in each other's physical
24 presence, the seller is to send or transfer the ammunition
25 only to the address on the purchaser's FPIC, PPH, embedded
26 driver's license, or embedded identification card. The bill
27 also prohibits the sale of shotgun or rifle ammunition to any
28 person who is not a licensed firearms manufacturer,
29 wholesaler or dealer or who possesses an FPIC, PPH or New
30 Jersey hunting license, or embedded driver's license or
31 embedded identification card.
 - 32 • provides a mechanism for a court to authorize law
33 enforcement officers to search for and seize weapons from a
34 person whom a court has found needs involuntary
35 commitment to treatment pursuant to P.L.1987, c.116
36 (C.30:4-27.1 et seq.). The procedures established in the bill
37 are modeled on the "Prevention of Domestic Violence Act of
38 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.).
 - 39 • requires the superintendent to promulgate guidelines which
40 would include, but not be limited to, policies and procedures
41 governing the regular periodic review of the information
42 stored in the firearms database to ensure that the information
43 is current and accurate, policies and procedures governing
44 the disabling of embedded driver's licenses and
45 identification cards should their holders be determined to no
46 longer be lawfully qualified and eligible to purchase or
47 receive a rifle, shotgun or handgun, and such other matters

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1 the superintendent deems to be appropriate and necessary to
2 effectuate the bill's purposes. The bill also requires the
3 Commissioner of Human Services, after consultation with
4 the superintendent, to adopt rules and regulations.