

# SENATE, No. 805

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Beach, Cunningham, Greenstein and Ruiz**

**SYNOPSIS**

Revises certain laws concerning domestic violence and firearms.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning domestic violence and firearms and amending  
2 and supplementing 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. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to  
8 read as follows:

9 5. a. When a person claims to be a victim of domestic  
10 violence, and where a law enforcement officer responding to the  
11 incident finds probable cause to believe that domestic violence has  
12 occurred, the law enforcement officer shall arrest the person who is  
13 alleged to be the person who subjected the victim to domestic  
14 violence and shall sign a criminal complaint if:

15 (1) The victim exhibits signs of injury caused by an act of  
16 domestic violence;

17 (2) A warrant is in effect;

18 (3) There is probable cause to believe that the person has  
19 violated N.J.S.2C:29-9, and there is probable cause to believe that  
20 the person has been served with the order alleged to have been  
21 violated. If the victim does not have a copy of a purported order,  
22 the officer may verify the existence of an order with the appropriate  
23 law enforcement agency; or

24 (4) There is probable cause to believe that a weapon as defined  
25 in N.J.S.2C:39-1 has been involved in the commission of an act of  
26 domestic violence.

27 b. A law enforcement officer may arrest a person; or may sign  
28 a criminal complaint against that person, or may do both, where  
29 there is probable cause to believe that an act of domestic violence  
30 has been committed, but where none of the conditions in subsection  
31 a. of this section applies.

32 c. (1) As used in this section, the word "exhibits" is to be  
33 liberally construed to mean any indication that a victim has suffered  
34 bodily injury, which shall include physical pain or any impairment  
35 of physical condition. Where the victim exhibits no visible sign of  
36 injury, but states that an injury has occurred, the officer should  
37 consider other relevant factors in determining whether there is  
38 probable cause to make an arrest.

39 (2) In determining which party in a domestic violence incident  
40 is the victim where both parties exhibit signs of injury, the officer  
41 should consider the comparative extent of the injuries, the history of  
42 domestic violence between the parties, if any, and any other  
43 relevant factors.

44 (3) No victim shall be denied relief or arrested or charged under  
45 this act with an offense because the victim used reasonable force in  
46 self defense against domestic violence by an attacker.

**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 d. (1) In addition to a law enforcement officer's authority to  
2 seize any weapon that is contraband, evidence or an instrumentality  
3 of crime, a law enforcement officer who has probable cause to  
4 believe that an act of domestic violence has been committed shall:

5 (a) question persons present to determine whether there are  
6 weapons on the premises; and

7 (b) upon observing or learning that a weapon is present on the  
8 premises, seize any weapon that the officer reasonably believes  
9 would expose the victim to a risk of serious bodily injury. If a law  
10 enforcement officer seizes any firearm pursuant to this paragraph,  
11 the officer shall also seize any **firearm** firearms purchaser  
12 identification card or permit to purchase a handgun issued to the  
13 person accused of the act of domestic violence.

14 (2) A law enforcement officer shall deliver all weapons,  
15 firearms purchaser identification cards and permits to purchase a  
16 handgun seized pursuant to this section to the county prosecutor and  
17 shall append an inventory of all seized items to the domestic  
18 violence report.

19 (3) Weapons seized in accordance with the "Prevention of  
20 Domestic Violence Act of 1991", P.L.1991,c.261(C.2C:25-17 et  
21 seq.) shall be returned to the owner except upon order of the  
22 Superior Court. The prosecutor who has possession of the seized  
23 weapons may, upon notice to the owner, petition a judge of the  
24 Family Part of the Superior Court, Chancery Division, within 45  
25 days of seizure, to obtain title to the seized weapons, or to revoke  
26 any and all permits, licenses and other authorizations for the use,  
27 possession, or ownership of such weapons pursuant to the law  
28 governing such use, possession, or ownership, or may object to the  
29 return of the weapons on such grounds as are provided for the initial  
30 rejection or later revocation of the authorizations, or on the grounds  
31 that the owner is unfit or that the owner poses a threat to the public  
32 in general or a person or persons in particular.

33 A hearing shall be held and a record made thereof within 45 days  
34 of the notice provided above. No formal pleading and no filing fee  
35 shall be required as a preliminary to such hearing. The hearing  
36 shall be summary in nature. Appeals from the results of the hearing  
37 shall be to the Superior Court, Appellate Division, in accordance  
38 with the law.

39 If the prosecutor does not institute an action within 45 days of  
40 seizure, the seized weapons shall be returned to the owner. Before  
41 the weapons are returned, the prosecutor shall inform the victim of  
42 domestic violence of the availability of restraining orders in  
43 accordance with the "Prevention of Domestic Violence Act of  
44 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and the authority of a  
45 private citizen to apply to the court to seek revocation of the  
46 accused person's firearms purchaser identification card or permit to  
47 purchase a handgun pursuant to subsection f. of N.J.S.2C:58-3.

1 After the hearing the court shall order the return of the firearms,  
2 weapons and any authorization papers relating to the seized  
3 weapons to the owner if the court determines the owner is not  
4 subject to any of the disabilities set forth in **[N.J.S.2C:58-3c.]**  
5 subsection c. of N.J.S.2C:58-3 and finds that the complaint has been  
6 dismissed at the request of the complainant and the prosecutor  
7 determines that there is insufficient probable cause to indict; or if  
8 the defendant is found not guilty of the charges; or if the court  
9 determines that the domestic violence situation no longer exists.  
10 Nothing in this act shall impair the right of the State to retain  
11 evidence pending a criminal prosecution. Nor shall any provision  
12 of this act be construed to limit the authority of the State or a law  
13 enforcement officer to seize, retain or forfeit property pursuant to  
14 chapter 64 of Title 2C of the New Jersey Statutes.

15 If, after the hearing, the court determines that the weapons are  
16 not to be returned to the owner, the court may:

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

21 (b) Order the revocation of the owner's firearms purchaser  
22 identification card or any permit, license or authorization, in which  
23 case the court shall order the owner to surrender any firearm seized  
24 and all other firearms possessed to the prosecutor and shall order  
25 the prosecutor to dispose of the firearms if the owner does not  
26 arrange for the sale of the firearms to a registered dealer of the  
27 firearms within 60 days; or

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

32 (4) A civil suit may be brought to enjoin a wrongful failure to  
33 return a seized firearm where the prosecutor refuses to return the  
34 weapon after receiving a written request to do so and notice of the  
35 owner's intent to bring a civil action pursuant to this section.  
36 Failure of the prosecutor to comply with the provisions of this act  
37 shall entitle the prevailing party in the civil suit to reasonable costs,  
38 including attorney's fees, provided that the court finds that the  
39 prosecutor failed to act in good faith in retaining the seized weapon.

40 (5) No law enforcement officer or agency shall be held liable in  
41 any civil action brought by any person for failing to learn of, locate  
42 or seize a weapon pursuant to this act, or for returning a seized  
43 weapon to its owner.

44 (cf: P.L.2003, c.277, s.1)

45

46 2. Section 11 of P.L.1991, c.261 (C.C:25-27) is amended to  
47 read as follows:

1       11. a. When a defendant is found guilty of a crime or offense  
2 involving domestic violence and a condition of sentence restricts  
3 the defendant's ability to have contact with the victim, the victim's  
4 friends, co-workers, or relatives, or an animal owned, possessed,  
5 leased, kept, or held by either party or a minor child residing in the  
6 household, that condition shall be recorded in an order of the court  
7 and a written copy of that order shall be provided to the victim by  
8 the clerk of the court or other person designated by the court. In  
9 addition to restricting a defendant's ability to have contact with the  
10 victim, the victim's friends, co-workers, or relatives, or an animal  
11 owned, possessed, leased, kept, or held by either party or a minor  
12 child residing in the household, the court may require the defendant  
13 to receive professional counseling from either a private source or a  
14 source appointed by the court, and if the court so orders, the court  
15 shall require the defendant to provide documentation of attendance  
16 at the professional counseling. In any case where the court order  
17 contains a requirement that the defendant receive professional  
18 counseling, no application by the defendant to dissolve the  
19 restraining order shall be granted unless, in addition to any other  
20 provisions required by law or conditions ordered by the court, the  
21 defendant has completed all required attendance at such counseling.

22       b. In addition the court may enter an order directing the  
23 possession of an animal owned, possessed, leased, kept, or held by  
24 either party or a minor child residing in the household. Where a  
25 person has abused or threatened to abuse such animal, there shall be  
26 a presumption that possession of the animal shall be awarded to the  
27 non-abusive party.

28       c. (1) When a defendant is found guilty of a crime or offense  
29 involving domestic violence, the court shall inform the defendant  
30 that he is prohibited from purchasing, owning, possessing, or  
31 controlling a firearm pursuant to section 6 of P.L.1979, c.179  
32 (C.2C:39-7) and from receiving or retaining a firearms purchaser  
33 identification card or permit to purchase a handgun pursuant to  
34 N.J.S.2C:58-3. The court shall order the defendant to arrange for  
35 the immediate surrender to a law enforcement officer of any firearm  
36 that has not already been seized or surrendered and any firearms  
37 purchaser identification card or permit to purchase a handgun  
38 possessed by the defendant provided, however, that no later than  
39 five business days after the order is entered, the defendant may  
40 arrange to sell any surrendered firearm to a licensed retail dealer of  
41 firearms who shall be authorized to take possession of that  
42 purchased firearm from the law enforcement agency to which it was  
43 surrendered no later than 10 business days after the order is entered.  
44 Any card or permit issued to the defendant shall be deemed  
45 immediately revoked. The court shall establish a process for  
46 notifying the appropriate authorities of the conviction requiring the  
47 revocation of the card or permit. A law enforcement officer  
48 accepting a surrendered firearm shall provide the defendant with a

1 receipt listing the date of surrender, the name of defendant, and  
2 items that have been surrendered, including the serial number,  
3 manufacturer, and model of the surrendered firearm. The defendant  
4 shall provide a copy of this receipt to the prosecutor within 48 hours  
5 of service of the order, and shall attest under penalty that any  
6 firearms owned or possessed at the time of the order have been  
7 transferred in accordance with this section and that the defendant  
8 currently does not possess any firearms. The defendant  
9 alternatively may attest under penalty that he did not own or  
10 possess a firearm at the time of the order and currently does not  
11 possess a firearm. If the court, upon motion of the prosecutor, finds  
12 probable cause that the defendant has failed to surrender any  
13 firearm, card or permit, the court may order a search for and  
14 removal of these items at any location where the judge has  
15 reasonable cause to believe these items are located. The judge shall  
16 state with specificity the reasons for and the scope of the search and  
17 seizure authorized by the order.

18 (2) A law enforcement officer who receives a firearm that is  
19 surrendered, but not purchased and taken possession of by a  
20 licensed retail dealer of firearms within 10 business days of when  
21 the order is entered as set forth in paragraph (1) of this subsection,  
22 may dispose of the surrendered firearm in accordance with the  
23 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed  
24 retail dealer from a defendant shall become part of the inventory of  
25 the dealer.

26 (cf: P.L.2011, c.213, s.2)

27

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

30 12. a. A victim may file a complaint alleging the commission of  
31 an act of domestic violence with the Family Part of the Chancery  
32 Division of the Superior Court in conformity with the Rules of  
33 Court. The court shall not dismiss any complaint or delay  
34 disposition of a case because the victim has left the residence to  
35 avoid further incidents of domestic violence. Filing a complaint  
36 pursuant to this section shall not prevent the filing of a criminal  
37 complaint for the same act.

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

44 A plaintiff may apply for relief under this section in a court  
45 having jurisdiction over the place where the alleged act of domestic  
46 violence occurred, where the defendant resides, or where the  
47 plaintiff resides or is sheltered, and the court shall follow the same  
48 procedures applicable to other emergency applications. Criminal

1 complaints filed pursuant to this act shall be investigated and  
2 prosecuted in the jurisdiction where the offense is alleged to have  
3 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9  
4 shall be prosecuted in the county where the contempt is alleged to  
5 have been committed and a copy of the contempt complaint shall be  
6 forwarded to the court that issued the order alleged to have been  
7 violated.

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

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

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

17 (3) Information provided by the plaintiff concerning firearms to  
18 which the defendant has access shall be kept confidential and shall  
19 not be disseminated or disclosed, provided that nothing in this  
20 subsection shall prohibit dissemination or disclosure of this  
21 information in a manner consistent with and in furtherance of the  
22 purpose for which the information was provided.

23 d. Summons and complaint forms shall be readily available at  
24 the clerk's office, at the municipal courts and at municipal and State  
25 police stations.

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

29 f. A plaintiff may seek emergency, ex parte relief in the nature  
30 of a temporary restraining order. A municipal court judge or a  
31 judge of the Family Part of the Chancery Division of the Superior  
32 Court may enter an ex parte order when necessary to protect the  
33 life, health or well-being of a victim on whose behalf the relief is  
34 sought.

35 g. If it appears that the plaintiff is in danger of domestic  
36 violence, the judge shall, upon consideration of the plaintiff's  
37 domestic violence complaint, order emergency ex parte relief, in the  
38 nature of a temporary restraining order. A decision shall be made  
39 by the judge regarding the emergency relief forthwith.

40 h. A judge may issue a temporary restraining order upon sworn  
41 testimony or complaint of an applicant who is not physically  
42 present, pursuant to court rules, or by a person who represents a  
43 person who is physically or mentally incapable of filing personally.  
44 A temporary restraining order may be issued if the judge is satisfied  
45 that exigent circumstances exist sufficient to excuse the failure of  
46 the applicant to appear personally and that sufficient grounds for  
47 granting the application have been shown.

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

16 j. Emergency relief may include forbidding the defendant from  
17 returning to the scene of the domestic violence, forbidding the  
18 defendant from possessing any firearm or other weapon enumerated  
19 in subsection r. of N.J.S.2C:39-1, ordering the search for and  
20 seizure of any **[such]** firearm or other weapon at any location  
21 where the judge has reasonable cause to believe the weapon is  
22 located and the seizure of any firearms purchaser identification card  
23 or permit to purchase a handgun issued to the defendant and any  
24 other appropriate relief. Other appropriate relief may include but is  
25 not limited to an order directing the possession of any animal  
26 owned, possessed, leased, kept, or held by either party or a minor  
27 child residing in the household and providing that the animal shall  
28 not be disposed of prior to entry of a final order pursuant to section  
29 13 of P.L.1991, c.261 (C.2C:25-29).

30 The judge shall state with specificity the reasons for and scope of  
31 any search and seizure authorized by the order. The provisions of  
32 this subsection prohibiting a defendant from possessing a firearm or  
33 other weapon shall not apply to any law enforcement officer while  
34 actually on duty, or to any member of the Armed Forces of the  
35 United States or member of the National Guard while actually on  
36 duty or traveling to or from an authorized place of duty.

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

41 l. An order granting emergency relief, together with the  
42 complaint or complaints, shall immediately be forwarded to the  
43 appropriate law enforcement agency for service on the defendant,  
44 and to the police of the municipality in which the plaintiff resides or  
45 is sheltered, and shall immediately be served upon the defendant by  
46 the police, except that an order issued during regular court hours  
47 may be forwarded to the sheriff for immediate service upon the  
48 defendant in accordance with the Rules of Court. If personal



1 service cannot be effected upon the defendant, the court may order  
2 other appropriate substituted service. At no time shall the plaintiff  
3 be asked or required to serve any order on the defendant.

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

5 n. Notice of temporary restraining orders issued pursuant to  
6 this section shall be sent by the clerk of the court or other person  
7 designated by the court to the appropriate chiefs of police, members  
8 of the State Police and any other appropriate law enforcement  
9 agency or court.

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

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

14 q. Prior to the issuance of any temporary or final restraining  
15 order issued pursuant to this section, the court shall order that a  
16 search be made of the domestic violence central registry with regard  
17 to the defendant's record, and require the appropriate law  
18 enforcement agency to conduct a reasonable search of any available  
19 records of firearm ownership, including records of a firearms  
20 purchaser identification card, permit to purchase a handgun, and  
21 handguns sold when these records have been made available under  
22 subsection m. of N.J.S.2C:58-3. The search for records of firearm  
23 ownership shall not delay issuance of the restraining order.

24 r. The law enforcement officer who receives firearms that are  
25 surrendered or removes firearms in furtherance of an order issued  
26 pursuant to this section shall ensure that these firearms are properly  
27 stored for the duration of the order, and may charge the defendant  
28 for the reasonable costs of storing these firearms. If the order is  
29 dismissed, any card or permit surrendered by or removed from a  
30 defendant pursuant to this section shall be returned to the defendant  
31 unless the defendant is subject to any of the disabilities set forth in  
32 subsection c. of N.J.S. 2C:58-3, and any firearm surrendered by or  
33 removed from a defendant pursuant to this section shall be returned  
34 to the defendant subject to the forfeiture procedure set forth in  
35 paragraph (3) of subsection d. of section 5 of P.L.1991, c.261  
36 (C.2C:25-21).

37 (cf: P.L.2011, c.213, s.3)

38  
39 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
40 read as follows:

41 13. a. A hearing shall be held in the Family Part of the  
42 Chancery Division of the Superior Court within 10 days of the  
43 filing of a complaint pursuant to section 12 of P.L.1991,  
44 c.261 (C.2C:25-28) in the county where the ex parte restraints were  
45 ordered, unless good cause is shown for the hearing to be held  
46 elsewhere. A copy of the complaint shall be served on the  
47 defendant in conformity with the Rules of Court. If a criminal  
48 complaint arising out of the same incident which is the subject

1 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et  
2 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,  
3 testimony given by the plaintiff or defendant in the domestic  
4 violence matter shall not be used in the simultaneous or subsequent  
5 criminal proceeding against the defendant, other than domestic  
6 violence contempt matters and where it would otherwise be  
7 admissible hearsay under the rules of evidence that govern where a  
8 party is unavailable. At the hearing the standard for proving the  
9 allegations in the complaint shall be by a preponderance of the  
10 evidence. The court shall consider but not be limited to the  
11 following factors:

12 (1) The previous history of domestic violence between the  
13 plaintiff and defendant, including threats, harassment and physical  
14 abuse;

15 (2) The existence of immediate danger to person or property;

16 (3) The financial circumstances of the plaintiff and defendant;

17 (4) The best interests of the victim and any child;

18 (5) In determining custody and parenting time the protection of  
19 the victim's safety; and

20 (6) The existence of a verifiable order of protection from  
21 another jurisdiction.

22 An order issued under this act shall only restrain or provide  
23 damages payable from a person against whom a complaint has been  
24 filed under this act and only after a finding or an admission is made  
25 that an act of domestic violence was committed by that person. The  
26 issue of whether or not a violation of this act occurred, including an  
27 act of contempt under this act, shall not be subject to mediation or  
28 negotiation in any form. In addition, where a temporary or final  
29 order has been issued pursuant to this act, no party shall be ordered  
30 to participate in mediation on the issue of custody or parenting time.

31 b. In proceedings in which complaints for restraining orders  
32 have been filed, the court shall grant any relief necessary to prevent  
33 further abuse. In addition to any other provisions, any restraining  
34 order issued by the court shall bar the defendant from purchasing,  
35 owning, possessing or controlling a firearm and from receiving or  
36 retaining a firearms purchaser identification card or permit to  
37 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in  
38 which the restraining order is in effect or two years, whichever is  
39 greater, **【except that this provision】**, and shall order the defendant  
40 to arrange for the immediate surrender to a law enforcement officer  
41 of any firearm that has not already been seized or surrendered and  
42 any firearms purchaser identification card or permit to purchase a  
43 handgun possessed by the defendant provided, however, that no  
44 later than five business days after the order is entered, the defendant  
45 may arrange to sell any surrendered firearm to a retail dealer of  
46 firearms who shall be authorized to take possession of that  
47 purchased firearm from the law enforcement agency to which it was  
48 surrendered no later than 10 business days after the order is entered.

1 Any card or permit issued to the defendant shall be deemed  
2 immediately suspended. The court shall establish a process for  
3 notifying the appropriate authorities of the restraining order  
4 requiring the suspension of the card or permit. The law  
5 enforcement officer accepting surrendered firearms shall provide  
6 the defendant with a receipt listing the date of surrender, the name  
7 of the defendant, items that have been surrendered, including the  
8 serial number, manufacturer, and model of all surrendered firearms.  
9 The defendant shall provide a copy of this receipt to the court  
10 within 48 hours of service of the order and shall attest under penalty  
11 that any firearms owned or possessed at the time of the order have  
12 been transferred in accordance with this section and that the  
13 defendant does not currently possess any firearms. A defendant  
14 alternatively may attest under penalty that he did not own or  
15 possess a firearm at the time of the order and currently does not  
16 possess a firearm. If the court, upon motion of the prosecutor, finds  
17 probable cause that the defendant has failed to surrender any  
18 firearm, card or permit, the court may order a search for and  
19 removal of these items at any location where the judge has  
20 reasonable cause to believe these items are located. The judge shall  
21 state with specificity the reasons for and the scope of the search and  
22 seizure authorized by the order. The provisions of this subsection  
23 requiring the surrender or removal of a firearm, card, or permit shall  
24 not apply to any law enforcement officer while actually on duty, or  
25 to any member of the Armed Forces of the United States or member  
26 of the National Guard while actually on duty or traveling to or from  
27 an authorized place of duty. At the hearing the judge of the Family  
28 Part of the Chancery Division of the Superior Court may issue an  
29 order granting any or all of the following relief:

30 (1) An order restraining the defendant from subjecting the  
31 victim to domestic violence, as defined in this act.

32 (2) An order granting exclusive possession to the plaintiff of the  
33 residence or household regardless of whether the residence or  
34 household is jointly or solely owned by the parties or jointly or  
35 solely leased by the parties. This order shall not in any manner  
36 affect title or interest to any real property held by either party or  
37 both jointly. If it is not possible for the victim to remain in the  
38 residence, the court may order the defendant to pay the victim's rent  
39 at a residence other than the one previously shared by the parties if  
40 the defendant is found to have a duty to support the victim and the  
41 victim requires alternative housing.

42 (3) An order providing for parenting time. The order shall  
43 protect the safety and well-being of the plaintiff and minor children  
44 and shall specify the place and frequency of parenting time.  
45 Parenting time arrangements shall not compromise any other  
46 remedy provided by the court by requiring or encouraging contact  
47 between the plaintiff and defendant. Orders for parenting time may  
48 include a designation of a place of parenting time away from the

1 plaintiff, the participation of a third party, or supervised parenting  
2 time.

3 (a) The court shall consider a request by a custodial parent who  
4 has been subjected to domestic violence by a person with parenting  
5 time rights to a child in the parent's custody for an investigation or  
6 evaluation by the appropriate agency to assess the risk of harm to  
7 the child prior to the entry of a parenting time order. Any denial of  
8 such a request must be on the record and shall only be made if the  
9 judge finds the request to be arbitrary or capricious.

10 (b) The court shall consider suspension of the parenting time  
11 order and hold an emergency hearing upon an application made by  
12 the plaintiff certifying under oath that the defendant's access to the  
13 child pursuant to the parenting time order has threatened the safety  
14 and well-being of the child.

15 (4) An order requiring the defendant to pay to the victim  
16 monetary compensation for losses suffered as a direct result of the  
17 act of domestic violence. The order may require the defendant to  
18 pay the victim directly, to reimburse the Victims of Crime  
19 Compensation Office for any and all compensation paid by the  
20 Victims of Crime Compensation Office directly to or on behalf of  
21 the victim, and may require that the defendant reimburse any parties  
22 that may have compensated the victim, as the court may determine.  
23 Compensatory losses shall include, but not be limited to, loss of  
24 earnings or other support, including child or spousal support, out-  
25 of-pocket losses for injuries sustained, cost of repair or replacement  
26 of real or personal property damaged or destroyed or taken by the  
27 defendant, cost of counseling for the victim, moving or other travel  
28 expenses, reasonable attorney's fees, court costs, and compensation  
29 for pain and suffering. Where appropriate, punitive damages may be  
30 awarded in addition to compensatory damages.

31 (5) An order requiring the defendant to receive professional  
32 domestic violence counseling from either a private source or a  
33 source appointed by the court and, in that event, requiring the  
34 defendant to provide the court at specified intervals with  
35 documentation of attendance at the professional counseling. The  
36 court may order the defendant to pay for the professional  
37 counseling. No application by the defendant to dissolve a final  
38 order which contains a requirement for attendance at professional  
39 counseling pursuant to this paragraph shall be granted by the court  
40 unless, in addition to any other provisions required by law or  
41 conditions ordered by the court, the defendant has completed all  
42 required attendance at such counseling.

43 (6) An order restraining the defendant from entering the  
44 residence, property, school, or place of employment of the victim or  
45 of other family or household members of the victim and requiring  
46 the defendant to stay away from any specified place that is named  
47 in the order and is frequented regularly by the victim or other  
48 family or household members.

1 (7) An order restraining the defendant from making contact with  
2 the plaintiff or others, including an order forbidding the defendant  
3 from personally or through an agent initiating any communication  
4 likely to cause annoyance or alarm including, but not limited to,  
5 personal, written, or telephone contact with the victim or other  
6 family members, or their employers, employees, or fellow workers,  
7 or others with whom communication would be likely to cause  
8 annoyance or alarm to the victim.

9 (8) An order requiring that the defendant make or continue to  
10 make rent or mortgage payments on the residence occupied by the  
11 victim if the defendant is found to have a duty to support the victim  
12 or other dependent household members; provided that this issue has  
13 not been resolved or is not being litigated between the parties in  
14 another action.

15 (9) An order granting either party temporary possession of  
16 specified personal property, such as an automobile, checkbook,  
17 documentation of health insurance, an identification document, a  
18 key, and other personal effects.

19 (10) An order awarding emergency monetary relief, including  
20 emergency support for minor children, to the victim and other  
21 dependents, if any. An ongoing obligation of support shall be  
22 determined at a later date pursuant to applicable law.

23 (11) An order awarding temporary custody of a minor child.  
24 The court shall presume that the best interests of the child are  
25 served by an award of custody to the non-abusive parent.

26 (12) An order requiring that a law enforcement officer  
27 accompany either party to the residence or any shared business  
28 premises to supervise the removal of personal belongings in order  
29 to ensure the personal safety of the plaintiff when a restraining  
30 order has been issued. This order shall be restricted in duration.

31 (13) (Deleted by amendment, P.L.1995, c.242).

32 (14) An order granting any other appropriate relief for the  
33 plaintiff and dependent children, provided that the plaintiff consents  
34 to such relief, including relief requested by the plaintiff at the final  
35 hearing, whether or not the plaintiff requested such relief at the time  
36 of the granting of the initial emergency order.

37 (15) An order that requires that the defendant report to the  
38 intake unit of the Family Part of the Chancery Division of the  
39 Superior Court for monitoring of any other provision of the order.

40 (16) In addition to the order required by this subsection  
41 prohibiting the defendant from possessing any firearm, the court  
42 may also issue an order prohibiting the defendant from possessing  
43 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and  
44 ordering the search for and seizure of any **【firearm or】** other  
45 weapon at any location where the judge has reasonable cause to  
46 believe the weapon is located. The judge shall state with specificity  
47 the reasons for and scope of the search and seizure authorized by  
48 the order.

1 (17) An order prohibiting the defendant from stalking or  
2 following, or threatening to harm, to stalk or to follow, the  
3 complainant or any other person named in the order in a manner  
4 that, taken in the context of past actions of the defendant, would put  
5 the complainant in reasonable fear that the defendant would cause  
6 the death or injury of the complainant or any other person.  
7 Behavior prohibited under this act includes, but is not limited to,  
8 behavior prohibited under the provisions of P.L.1992,  
9 c.209 (C.2C:12-10).

10 (18) An order requiring the defendant to undergo a psychiatric  
11 evaluation.

12 (19) An order directing the possession of any animal owned,  
13 possessed, leased, kept, or held by either party or a minor child  
14 residing in the household. Where a person has abused or threatened  
15 to abuse such animal, there shall be a presumption that possession  
16 of the animal shall be awarded to the non-abusive party.

17 c. Notice of orders issued pursuant to this section shall be sent  
18 by the clerk of the Family Part of the Chancery Division of the  
19 Superior Court or other person designated by the court to the  
20 appropriate chiefs of police, members of the State Police and any  
21 other appropriate law enforcement agency.

22 d. Upon good cause shown, any final order may be dissolved or  
23 modified upon application to the Family Part of the Chancery  
24 Division of the Superior Court, but only if the judge who dissolves  
25 or modifies the order is the same judge who entered the order, or  
26 has available a complete record of the hearing or hearings on which  
27 the order was based.

28 e. Prior to the issuance of any order pursuant to this section,  
29 the court shall order that a search be made of the domestic violence  
30 central registry , and require the appropriate law enforcement  
31 agency to conduct a reasonable search of any available records of  
32 firearm ownership, including records of firearms purchaser  
33 identification cards, permits to purchase handguns, and handguns  
34 sold when such records have been made available under subsection  
35 m. of N.J.S.2C:58-3. The search for records of firearm ownership  
36 shall not delay issuance of the restraining order.

37 f. The law enforcement officer who receives a firearm that is  
38 surrendered or removes a firearm in furtherance of an order issued  
39 pursuant to this section shall ensure that the firearm is properly  
40 stored for the duration of the firearm prohibition under subsection b.  
41 of this section and may charge the defendant for the reasonable  
42 costs of storing the firearm. If the firearm prohibition under  
43 subsection b. is terminated, any card or permit surrendered by or  
44 removed from a defendant pursuant to this section shall be returned  
45 to the defendant unless the defendant is subject to any of the  
46 disabilities set forth in subsection c. of N.J.S.2C:58-3, and any  
47 firearm surrendered by or removed from a defendant pursuant to  
48 this section shall be returned to the defendant subject to the

1 forfeiture procedure set forth in paragraph (3) of subsection d. of  
2 section 5 of P.L.1991, c.261 (C.2C:25-21).

3 (cf: P.L.2011, c.213, s.4)

4  
5 5. (New section) A law enforcement officer or prosecutor who  
6 takes possession of firearms in furtherance of an order issued  
7 pursuant to sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28 and  
8 C.2C:25-29), or when a firearms purchaser identification card or  
9 permit to purchase a handgun is revoked under section 11 of  
10 P.L.1991, c.261 (C.2C:25-27) or subsection f. of N.J.S.2C:58-3 in  
11 whole or in part because of the holder's involvement in domestic  
12 violence, shall prepare an inventory of all firearms, cards, and  
13 permits removed from the defendant. The prosecutor or law  
14 enforcement officer shall compare this inventory with available  
15 records of firearm ownership, including information provided by  
16 the plaintiff or witnesses, and records of cards, permits, and  
17 handguns sold to the extent such records have been made available  
18 under subsection m. of N.J.S.2C:58-3. If there are discrepancies  
19 between these records, the prosecutor or law enforcement officer  
20 shall take appropriate action to ensure that the defendant does not  
21 have access to a firearm, including but not limited to, seeking a  
22 search warrant or initiating contempt proceedings pursuant to  
23 section 15 of P.L.1991, c.261 (C.2C:25-31), if appropriate. If a  
24 retail dealer of firearms takes possession of firearms in furtherance  
25 of an order issued pursuant to section 13 of P.L.1991, c.261  
26 (C.2C:25-29), the prosecutor shall ensure that an inventory is  
27 prepared as described in this section and shall take appropriate  
28 action to ensure the defendant no longer has access to firearms.

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

31 2C:58-3. a. 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 permit to purchase a handgun as  
36 provided by this section.

37 b. Firearms purchaser identification card. No person shall sell,  
38 give, transfer, assign or otherwise dispose of nor receive, purchase  
39 or otherwise acquire an antique cannon or a rifle or shotgun, other  
40 than an antique rifle or shotgun, unless the purchaser, assignee,  
41 donee, receiver or holder is licensed as a dealer under this chapter  
42 or possesses a valid firearms purchaser identification card, and first  
43 exhibits said card to the seller, donor, transferor or assignor, and  
44 unless the purchaser, assignee, donee, receiver or holder signs a  
45 written certification, on a form prescribed by the superintendent,  
46 which shall indicate that he presently complies with the  
47 requirements of subsection c. of this section and shall contain his  
48 name, address and firearms purchaser identification card number or

1 dealer's registration number. The said certification shall be retained  
2 by the seller, as provided in paragraph (4) of subsection a. of  
3 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
4 be filed with the chief of police of the municipality in which he  
5 resides or with the superintendent.

6 c. Who may obtain. No person of good character and good  
7 repute in the community in which he lives, and who is not subject to  
8 any of the disabilities set forth in this section or other sections of  
9 this chapter, shall be denied a permit to purchase a handgun or a  
10 firearms purchaser identification card, except as hereinafter set  
11 forth. No handgun purchase permit or firearms purchaser  
12 identification card shall be issued:

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

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

21 (3) To any person who suffers from a physical defect or disease  
22 which would make it unsafe for him to handle firearms, to any  
23 person who has ever been confined for a mental disorder, or to any  
24 alcoholic unless any of the foregoing persons produces a certificate  
25 of a medical doctor or psychiatrist licensed in New Jersey, or other  
26 satisfactory proof, that he is no longer suffering from that particular  
27 disability in such a manner that would interfere with or handicap  
28 him in the handling of firearms; to any person who knowingly  
29 falsifies any information on the application form for a handgun  
30 purchase permit or firearms purchaser identification card;

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

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

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

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

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



1 (9) To any person named on the consolidated Terrorist  
2 Watchlist maintained by Terrorist Screening Center administered by  
3 the Federal Bureau of Investigation.

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

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

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

1 person is subject to a restraining order issued pursuant to the  
2 "Prevention of Domestic Violence Act of 1991," P.L.1991,  
3 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing  
4 any firearm, and such other information as the superintendent shall  
5 deem necessary for the proper enforcement of this chapter. For the  
6 purpose of complying with this subsection, the applicant shall  
7 waive any statutory or other right of confidentiality relating to  
8 institutional confinement. The application shall be signed by the  
9 applicant and shall contain as references the names and addresses of  
10 two reputable citizens personally acquainted with him.

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

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

28 As part of the investigation of an applicant for a firearms  
29 purchaser identification card or permit to purchase a handgun  
30 pursuant to this section, the chief police officer or the  
31 superintendent also shall search the domestic violence central  
32 registry with regard to the applicant's record.

33 f. Granting of permit or identification card; fee; term; renewal;  
34 revocation. The application for the permit to purchase a handgun  
35 together with a fee of \$2, or the application for the firearms  
36 purchaser identification card together with a fee of \$5, shall be  
37 delivered or forwarded to the licensing authority who shall  
38 investigate the same and, unless good cause for the denial thereof  
39 appears, shall grant the permit or the identification card, or both, if  
40 application has been made therefor, within 30 days from the date of  
41 receipt of the application for residents of this State and within 45  
42 days for nonresident applicants. A permit to purchase a handgun  
43 shall be valid for a period of 90 days from the date of issuance and  
44 may be renewed by the issuing authority for good cause for an  
45 additional 90 days. A firearms purchaser identification card shall  
46 be valid until such time as the holder becomes subject to any of the  
47 disabilities set forth in subsection c. of this section, whereupon the  
48 card shall be void and shall be returned within five days by the

1 holder to the superintendent, who shall then advise the licensing  
2 authority. Failure of the holder to return the firearms purchaser  
3 identification card to the superintendent within the said five days  
4 shall be an offense under subsection a. of N.J.S.2C:39-10. Any  
5 firearms purchaser identification card or permit to purchase a  
6 handgun may be revoked by the Superior Court of the county  
7 wherein the card or permit was issued, after hearing upon notice,  
8 upon a finding that the holder **【thereof】** of the card or permit no  
9 longer qualifies for the issuance of **【such】** the card or permit. The  
10 county prosecutor of any county, the chief police officer of any  
11 municipality or any citizen may apply to **【such】** the court at any  
12 time for the revocation of **【such】** a card or permit.

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

17 g. Disposition of fees. All fees for permits shall be paid to the  
18 State Treasury if the permit is issued by the superintendent, to the  
19 municipality if issued by the chief of police, and to the county  
20 treasurer if issued by the judge of the Superior Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 m. Law enforcement records of firearms purchaser  
45 identification cards and permits to purchase handguns issued or  
46 revoked under this section, or suspended or revoked under the  
47 "Prevention of Domestic Violence Act of 1991," (C.2C:25-17 et  
48 seq.) and records of handgun sales that the superintendent receives

1 under subsection h. of this section shall be made available to  
2 prosecutors and law enforcement agencies for the purposes of  
3 enforcing the provisions of the "Prevention of Domestic Violence  
4 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.).  
5 (cf: P.L. 2013, c.114, s.1)  
6

7 7. This act shall take effect on the first day of the fourth month  
8 next following enactment.  
9

10

11

## STATEMENT

12

13 This bill enhances protections currently afforded victims of  
14 domestic violence by requiring attackers to surrender their firearms  
15 while domestic violence restraining orders are in effect or when  
16 they are convicted of a domestic violence crime or offense. The bill  
17 also requires firearms purchaser identification cards and permits to  
18 purchase handguns to be revoked if the holder of the card or permit  
19 is convicted of a domestic violence crime or offense. The bill  
20 further requires cross-referencing of records to assist in determining  
21 whether the alleged attacker owns a firearm and in removing those  
22 firearms.

23

### Seizure of Weapon at Scene of Domestic Violence

24 The bill requires the prosecutor, prior to returning a firearm  
25 seized at the scene of a domestic violence incident, to inform the  
26 victim of the availability of restraining orders and the ability to seek  
27 revocation of the accused person's card or permit.  
28

29

### Domestic Violence Offenders

30 The bill revises the law regarding defendants convicted of  
31 domestic violence crimes and offenses by:

32 • Requiring the sentencing court to inform defendants convicted of  
33 a domestic violence crime or offense that they are prohibited from  
34 possessing a firearm.  
35

36 • Requiring the court to order the defendant to arrange for the  
37 immediate surrender of firearms, firearms purchaser identification  
38 cards, and permits to purchase a handgun to a law enforcement  
39 officer. The bill allows the defendant five days from when the  
40 order of conviction is entered to arrange to sell a surrendered  
41 firearm to a licensed firearms dealer; the dealer has 10 days from  
42 the date of the order to take possession of the firearm from the law  
43 enforcement agency to which it was surrendered.

44 • Deeming any identification card and permit that has been issued to  
45 the defendant to be immediately revoked and requiring the court to  
46 establish a process for notifying the appropriate authorities of the  
47 revocation.

- 1 • Requiring a law enforcement officer to whom weapons are
- 2 surrendered to provide the defendant with a receipt naming the
- 3 defendant, the surrender date, and description of a surrendered item;
- 4 and requiring the defendant to provide a copy of the receipt to the
- 5 prosecutor within 48 hours.
- 6 • Requiring defendants to attest under penalty that they surrendered
- 7 or do not possess a firearm.
- 8 • Permitting the court to order a search for and removal of firearms
- 9 if there is probable cause that the defendant has failed to surrender
- 10 firearms and requiring the court to state with specificity the reasons
- 11 for and the scope of the search and seizure.

12

13 Domestic Violence Restraining Orders

14 The bill revises the laws governing temporary and final  
15 restraining orders issued pursuant to the provisions of the  
16 “Prevention of Domestic Violence Act of 1991” by:

- 17 • Specifying that the plaintiff may provide information concerning
- 18 firearms to which the defendant has access, including the location
- 19 of these firearms, if known, on a form to be prescribed by the
- 20 Administrative Director of the Courts and clarifying the
- 21 confidential nature of this information.
- 22 • Requiring the law enforcement officer to properly store
- 23 surrendered or removed firearms and authorizing the officer to
- 24 charge the defendant a fee for storage during a temporary
- 25 restraining order.
- 26 • Specifying that if an order is dismissed, any firearms, cards and
- 27 permits are to be returned to defendants who are not otherwise
- 28 disqualified in accordance with the provisions of the “Prevention of
- 29 Domestic Violence Act of 1991.”
- 30 • Requiring the court issuing a final restraining order to order the
- 31 defendant to arrange for the immediate surrender of firearms, cards,
- 32 and permits to a law enforcement officer. The bill allows the
- 33 defendant five days from when the order is entered to arrange to sell
- 34 a surrendered firearm to a licensed firearms dealer; the dealer has
- 35 10 days from the date of the order to take possession of the firearm
- 36 from the law enforcement agency to which it was surrendered.
- 37 • Deeming the defendant’s cards and permits to be immediately
- 38 suspended and requiring the court to establish a process for
- 39 notifying the appropriate authorities of this suspension.
- 40 • Requiring a law enforcement officer to whom weapons are
- 41 surrendered to provide the defendant with a receipt naming the
- 42 defendant, the surrender date, and description of a surrendered item;
- 43 and requiring the defendant to provide a copy of the receipt to the
- 44 prosecutor within 48 hours.
- 45 • Requiring the defendant to attest under penalty that he surrendered
- 46 or does not possess a firearm.
- 47 • Permitting the court to order a search for and removal of firearms
- 48 if there is probable cause that the defendant has failed to surrender

- 1 firearms and requiring the court to state with specificity the reasons  
2 for and the scope of the search and seizure.  
3 • Requiring the court to order the appropriate law enforcement  
4 agency to make a reasonable search of records of firearm ownership  
5 before issuing a temporary or final restraining order.

6

7 Firearms Licensing

8 Current law governing firearms licensing requirements is revised  
9 by:

- 10 • Requiring law enforcement to search the State's central registry of  
11 domestic violence reports as part of the investigation of the  
12 applicant for a firearm purchaser identification card or permit to  
13 purchase a handgun.  
14 • Requiring records relating to issuance of cards and permits, as  
15 well as firearms purchase records, to be made available to  
16 prosecutors and law enforcement agencies to enforce the State's  
17 domestic violence laws. Current law requires these records to be  
18 sent to certain law enforcement agencies, but does not specify how  
19 these records may be used.  
20 • Requiring a law enforcement officer or prosecutor in possession of  
21 any firearms, cards, or permits surrendered or removed in whole or  
22 in part because of domestic violence to prepare an inventory of  
23 these items, cross-reference the inventory with records of firearm  
24 ownership, and if there are discrepancies, take appropriate action to  
25 ensure the defendant does not have access to a firearm.