

**ASSEMBLY, No. 1016**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Giblin, Assemblywomen Pintor Marin, Tucker, Murphy,  
Assemblyman Greenwald and Assemblywoman Downey**

**SYNOPSIS**

Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 11/27/2018)**

A1016 JOHNSON, VAINIERI HUTTLE

2

1 AN ACT concerning personalized handguns and revising various  
2 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. There is established in the Department of  
8 Law and Public Safety, a commission which shall be known as the  
9 Personalized Handgun Authorization Commission. The commission  
10 shall be responsible for establishing performance standards for  
11 personalized handguns and maintaining a roster of personalized  
12 handguns authorized for sale to the public pursuant to this act.

13 b. The commission shall consist of seven members as follows:

14 (1) as ex-officio members, the Attorney General or a designee;  
15 the Superintendent of State Police or a designee; the Commissioner  
16 of Health or a designee;

17 (2) as public members appointed by the Governor:

18 (a) one member of the American Academy of Pediatrics;

19 (b) one member who shall be a resident of this State who is a  
20 licensed firearms wholesaler, manufacturer, or retail dealer as  
21 defined in N.J.S.2C:39-1, or a resident of this State who is a  
22 representative of a New Jersey chapter of an organization that  
23 advocates for Second Amendment rights;

24 (c) one member who shall be a representative of an organization  
25 that advocates against handgun violence; and

26 (d) one member who shall be an engineer with substantial  
27 experience in radio frequency identification or biometric reading  
28 technology.

29 c. All appointments to the commission shall be made within six  
30 months of the effective date of this act. The chair of the commission  
31 shall be selected from among its members by the Governor. Members  
32 of the commission shall serve a term of four years from the date of  
33 their appointment and until their successors are appointed. Vacancies  
34 in the membership of the commission shall be filled in the same  
35 manner as the original appointments were made.

36 d. Members of the commission shall serve without compensation,  
37 but shall be reimbursed for necessary expenses incurred in the  
38 performance of their duties as members of the commission, and within  
39 the limits of funds appropriated or otherwise made available to the  
40 commission for its purpose.

41 e. The commission shall be entitled to call to its assistance and  
42 avail itself of the services of the employees of any State, county, or  
43 municipal department, board, bureau, commission, or agency as it may  
44 require and as may be available to it for its purposes.

**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 f. During the first year following the establishment of the  
2 commission, it shall meet monthly in order to comply with the  
3 provisions of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill); thereafter, the commission shall meet once every six  
5 months or at the call of the chairman of the commission or the  
6 majority of its members.

7  
8 2. (New section) a. The Personalized Handgun Authorization  
9 Commission shall maintain a roster of all personalized handguns  
10 approved for retail sales to the public. The roster of approved  
11 personalized handguns shall be published on a website maintained  
12 by the New Jersey State Police and shall be updated every six  
13 months. A copy of the roster shall be made available every six  
14 months to registered and licensed firearms dealers in this State.

15 b. Within one year of organizing, the commission shall develop  
16 personalized handgun performance standards which a personalized  
17 handgun shall meet in order to be placed on the personalized  
18 handgun roster.

19 The personalized handgun performance standards shall include,  
20 but not be limited to, the following:

21 (1) the handgun shall be reasonably resistant to being fired by  
22 anyone other than the handgun's authorized user as defined in  
23 N.J.S.2C:39-1;

24 (2) the personalized technology shall be incorporated into the  
25 design of the personalized handgun and shall be a permanent,  
26 irremovable part of the handgun and any device or object necessary  
27 for the authorized user to fire the handgun;

28 (3) the personalized handgun shall not be manufactured so as to  
29 permit the personalized characteristics of the handgun to be readily  
30 deactivated; and

31 (4) the personalized handgun shall meet any other reliability  
32 standards generally used in the industry for other commercially  
33 available handguns.

34 c. The commission shall recommend to the Attorney General  
35 any rule, regulation, guideline or revision thereto, or legislation  
36 which it deems necessary to establish a process by which handgun  
37 manufactures may request that their handguns be added to the roster  
38 established pursuant this section.

39  
40 3. (New section) a. The commission shall identify and  
41 approve a list of independent laboratories which shall be used to  
42 determine whether handguns comply with the personalized handgun  
43 performance standards established pursuant to section 2 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill). At least  
45 one independent laboratory shall be identified and included on the  
46 list of approved laboratories within one year of the commission's  
47 organization. An approved laboratory shall not be owned or

1 operated by a handgun manufacturer or any other organization that  
2 seeks to promote or restrict handgun ownership.

3 b. An independent laboratory may apply to the commission for  
4 inclusion on the list of approved laboratories. The application shall  
5 be in a form prescribed by the Attorney General, in consultation  
6 with the commission, and shall provide information regarding the  
7 laboratory's capabilities and objectivity. Once approved, the  
8 laboratory shall utilize testing methods formulated by the  
9 commission to determine whether a handgun is in compliance with  
10 personalized handgun performance standards established pursuant  
11 to section 2 of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill).

13 c. An independent laboratory shall test a handgun within a  
14 reasonable amount of time following a request made by the  
15 commission. The test shall be conducted:

16 (1) in accordance with the testing requirements formulated by  
17 the commission; and

18 (2) at the expense of the manufacturer or other entity seeking to  
19 include the handgun on the approved personalized handgun roster  
20 established pursuant to P.L. , c. (C. ) (pending before the  
21 Legislature as this bill).

22 The independent laboratory shall issue a final test report to the  
23 commission at the conclusion of the test. The report shall state  
24 whether the handgun meets the criteria established by the  
25 commission.

26 d. The commission shall review the final test report and based  
27 on the report's findings shall issue, within 45 days of receiving the  
28 report, a final decision by majority vote as to whether the handgun  
29 should be included on the roster.

30 e. Upon making a final determination pursuant to subsection d.  
31 of this section, the commission shall notify, in writing, the  
32 manufacturer as to whether the handgun has been approved or  
33 denied for inclusion on the roster. A notification informing the  
34 manufacturer that a firearm has been denied shall be provided along  
35 with a written description of the reasons for which a handgun failed  
36 to satisfy the criteria established by the commission as documented  
37 in the independent laboratory's report. Once notified that a make and  
38 model of handgun has been approved for addition on the roster, a  
39 manufacturer, seller, or possessor shall not alter the design of the  
40 handgun in a manner that it no longer meets the performance standard  
41 established by the commission.

42

43 4. (New section) a. Within 60 days of the first personalized  
44 handgun being included on the roster established pursuant to section  
45 2 of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill), each licensed firearms retail dealer shall have on the retail  
47 premises:

- 1 (1) at least one personalized handgun approved by the  
2 commission and listed on the roster as eligible for sale;
- 3 (2) an original exemption certificate issued pursuant to section 5  
4 of P.L. , c. (C. ) (pending before the Legislature as this  
5 bill); or
- 6 (3) a notarized copy of a pending application for an exemption  
7 certificate.
- 8 b. A personalized handgun offered for sale by a licensed retail  
9 dealer shall be displayed in a conspicuous manner that makes it  
10 easily visible to customers and distinguishable from other  
11 traditional handguns. A licensed retail dealer shall post a sign in  
12 close proximity to each personalized handgun that includes a clear  
13 and conspicuous statement disclosing the unique features of the  
14 personalized handgun that are not offered by traditional handguns.
- 15 c. In the event that a licensed retail dealer's inventory of  
16 personalized handguns is depleted and there are no personalized  
17 handguns available for purchase on the premises, the licensed retail  
18 dealer shall:
- 19 (1) place an order for at least one personalized handgun within  
20 21 days of the sale of the last personalized handgun;
- 21 (2) maintain written records of the retail dealer's efforts to place  
22 an order and maintain those records on the premises and allow them  
23 to be open for inspection at all times; and
- 24 (3) maintain a sign on the premises indicating that personalized  
25 handguns are routinely sold on the retail dealer's premises and will  
26 soon be available for purchase.
- 27 d. A licensed firearms retail dealer shall not make any claim  
28 that a handgun has been approved by the commission as meeting the  
29 performance standards for personalized handguns if that handgun is  
30 not included on the roster established pursuant to section 2 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 32 e. The Superintendent of State Police shall designate officers to  
33 inspect the personalized handgun inventory and records of all  
34 licensed firearms retailers. The inspections shall be conducted at  
35 least once every two years at any time during the normal business  
36 hours of the firearm retailer's business.
- 37
- 38 5. (New section) a. Upon application by a licensed retail  
39 dealer demonstrating that offering a personalized handgun for sale  
40 would impose an undue financial hardship, the Superintendent of  
41 State Police may issue a certificate exempting the licensed retail  
42 dealer from the requirement to offer a personalized handgun for sale  
43 established pursuant to P.L. , c. (C. ) (pending before the  
44 Legislature as this bill). In determining whether an exemption shall  
45 be granted, the superintendent may consider factors including, but  
46 not limited to, the retail dealer's inventory size and annual sales  
47 revenue or income generated from customer purchases.

1       b. A firearm retail dealer who can demonstrate that its firearm  
2 inventory consists solely of firearms other than handguns shall  
3 automatically be granted an exemption pursuant to this section.

4       c. A firearm retail dealer shall maintain an original copy of the  
5 exemption certificate issued pursuant to section 5 of P.L.       ,  
6 c. (C.       ) (pending before the Legislature as this bill) on the  
7 retail premises at all times.

8  
9       6. (New section) a. A licensed retail dealer who has not been  
10 issued an exemption certificate pursuant to section 5 of P.L.       ,  
11 c. (C.       ) (pending before the Legislature as this bill) and  
12 violates section 4 of P.L.       , c. (C.       ) (pending before the  
13 Legislature as this bill) shall be subject to the following penalties:

- 14       (1) for a first offense, a fine of up to \$500;  
15       (2) for a second offense, a fine of up to \$1,000;  
16       (3) for a third or subsequent offense, a six month license  
17 suspension following notice to the licensed retail dealer and  
18 opportunity to be heard.

19       b. Any person who violates the provisions of P.L.       ,  
20 c. (C.       ) (pending before the Legislature as this bill) by  
21 tampering or attempting to tamper with a personalized handgun by  
22 intentionally interfering with the user-authorized functionality of  
23 the personalized technology shall be guilty of a disorderly persons  
24 offense.

25  
26       7. N.J.S.2C:39-1 is amended to read as follows:  
27       2C:39-1. Definitions. The following definitions apply to this  
28 chapter and to chapter 58:

29       a. "Antique firearm" means any rifle or shotgun and "antique  
30 cannon" means a destructive device defined in paragraph (3) of  
31 subsection c. of this section, if the rifle, shotgun or destructive  
32 device, as the case may be, is incapable of being fired or  
33 discharged, or which does not fire fixed ammunition, regardless of  
34 date of manufacture, or was manufactured before 1898 for which  
35 cartridge ammunition is not commercially available, and is  
36 possessed as a curiosity or ornament or for its historical  
37 significance or value.

38       b. "Deface" means to remove, deface, cover, alter or destroy  
39 the name of the maker, model designation, manufacturer's serial  
40 number or any other distinguishing identification mark or number  
41 on any firearm.

42       c. "Destructive device" means any device, instrument or object  
43 designed to explode or produce uncontrolled combustion, including  
44 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
45 rocket having a propellant charge of more than four ounces or any  
46 missile having an explosive or incendiary charge of more than one-  
47 quarter of an ounce; (3) any weapon capable of firing a projectile of  
48 a caliber greater than 60 caliber, except a shotgun or shotgun

1 ammunition generally recognized as suitable for sporting purposes;  
2 (4) any Molotov cocktail or other device consisting of a breakable  
3 container containing flammable liquid and having a wick or similar  
4 device capable of being ignited. The term does not include any  
5 device manufactured for the purpose of illumination, distress  
6 signaling, line-throwing, safety or similar purposes.

7 d. "Dispose of" means to give, give away, lease, loan, keep for  
8 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
9 possession.

10 e. "Explosive" means any chemical compound or mixture that  
11 is commonly used or is possessed for the purpose of producing an  
12 explosion and which contains any oxidizing and combustible  
13 materials or other ingredients in such proportions, quantities or  
14 packing that an ignition by fire, by friction, by concussion or by  
15 detonation of any part of the compound or mixture may cause such  
16 a sudden generation of highly heated gases that the resultant  
17 gaseous pressures are capable of producing destructive effects on  
18 contiguous objects. The term shall not include small arms  
19 ammunition, or explosives in the form prescribed by the official  
20 United States Pharmacopoeia.

21 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
22 automatic or semi-automatic rifle, or any gun, device or instrument  
23 in the nature of a weapon from which may be fired or ejected any  
24 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
25 vapor or other noxious thing, by means of a cartridge or shell or by  
26 the action of an explosive or the igniting of flammable or explosive  
27 substances. It shall also include, without limitation, any firearm  
28 which is in the nature of an air gun, spring gun or pistol or other  
29 weapon of a similar nature in which the propelling force is a spring,  
30 elastic band, carbon dioxide, compressed or other gas or vapor, air  
31 or compressed air, or is ignited by compressed air, and ejecting a  
32 bullet or missile smaller than three-eighths of an inch in diameter,  
33 with sufficient force to injure a person.

34 g. "Firearm silencer" means any instrument, attachment,  
35 weapon or appliance for causing the firing of any gun, revolver,  
36 pistol or other firearm to be silent, or intended to lessen or muffle  
37 the noise of the firing of any gun, revolver, pistol or other firearm.

38 h. "Gravity knife" means any knife which has a blade which is  
39 released from the handle or sheath thereof by the force of gravity or  
40 the application of centrifugal force.

41 i. "Machine gun" means any firearm, mechanism or instrument  
42 not requiring that the trigger be pressed for each shot and having a  
43 reservoir, belt or other means of storing and carrying ammunition  
44 which can be loaded into the firearm, mechanism or instrument and  
45 fired therefrom.

46 j. "Manufacturer" means any person who receives or obtains  
47 raw materials or parts and processes them into firearms or finished  
48 parts of firearms, except a person who exclusively processes grips,

1 stocks and other nonmetal parts of firearms. The term does not  
2 include a person who repairs existing firearms or receives new and  
3 used raw materials or parts solely for the repair of existing firearms.

4 k. "Handgun" means any pistol, revolver or other firearm  
5 originally designed or manufactured to be fired by the use of a  
6 single hand.

7 l. "Retail dealer" means any person including a gunsmith,  
8 except a manufacturer or a wholesale dealer, who sells, transfers or  
9 assigns for a fee or profit any firearm or parts of firearms or  
10 ammunition which he has purchased or obtained with the intention,  
11 or for the purpose, of reselling or reassigning to persons who are  
12 reasonably understood to be the ultimate consumers, and includes  
13 any person who is engaged in the business of repairing firearms or  
14 who sells any firearm to satisfy a debt secured by the pledge of a  
15 firearm.

16 m. "Rifle" means any firearm designed to be fired from the  
17 shoulder and using the energy of the explosive in a fixed metallic  
18 cartridge to fire a single projectile through a rifled bore for each  
19 single pull of the trigger.

20 n. "Shotgun" means any firearm designed to be fired from the  
21 shoulder and using the energy of the explosive in a fixed shotgun  
22 shell to fire through a smooth bore either a number of ball shots or a  
23 single projectile for each pull of the trigger, or any firearm designed  
24 to be fired from the shoulder which does not fire fixed ammunition.

25 o. "Sawed-off shotgun" means any shotgun having a barrel or  
26 barrels of less than 18 inches in length measured from the breech to  
27 the muzzle, or a rifle having a barrel or barrels of less than 16  
28 inches in length measured from the breech to the muzzle, or any  
29 firearm made from a rifle or a shotgun, whether by alteration, or  
30 otherwise, if such firearm as modified has an overall length of less  
31 than 26 inches.

32 p. "Switchblade knife" means any knife or similar device  
33 which has a blade which opens automatically by hand pressure  
34 applied to a button, spring or other device in the handle of the knife.

35 q. "Superintendent" means the Superintendent of the State  
36 Police.

37 r. "Weapon" means anything readily capable of lethal use or of  
38 inflicting serious bodily injury. The term includes, but is not limited  
39 to, all (1) firearms, even though not loaded or lacking a clip or other  
40 component to render them immediately operable; (2) components  
41 which can be readily assembled into a weapon; (3) gravity knives,  
42 switchblade knives, daggers, dirks, stilettos, or other dangerous  
43 knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs,  
44 slingshots, cesti or similar leather bands studded with metal filings  
45 or razor blades imbedded in wood; and (4) stun guns; and any  
46 weapon or other device which projects, releases, or emits tear gas or  
47 any other substance intended to produce temporary physical



1 discomfort or permanent injury through being vaporized or  
2 otherwise dispensed in the air.

3 s. "Wholesale dealer" means any person, except a  
4 manufacturer, who sells, transfers, or assigns firearms, or parts of  
5 firearms, to persons who are reasonably understood not to be the  
6 ultimate consumers, and includes persons who receive finished  
7 parts of firearms and assemble them into completed or partially  
8 completed firearms, in furtherance of such purpose, except that it  
9 shall not include those persons dealing exclusively in grips, stocks  
10 and other nonmetal parts of firearms.

11 t. "Stun gun" means any weapon or other device which emits  
12 an electrical charge or current intended to temporarily or  
13 permanently disable a person.

14 u. "Ballistic knife" means any weapon or other device capable  
15 of lethal use and which can propel a knife blade.

16 v. "Imitation firearm" means an object or device reasonably  
17 capable of being mistaken for a firearm.

18 w. "Assault firearm" means:

19 (1) The following firearms:

20 Algimec AGM1 type

21 Any shotgun with a revolving cylinder such as the "Street  
22 Sweeper" or "Striker 12"

23 Armalite AR-180 type

24 Australian Automatic Arms SAR

25 Avtomat Kalashnikov type semi-automatic firearms

26 Beretta AR-70 and BM59 semi-automatic firearms

27 Bushmaster Assault Rifle

28 Calico M-900 Assault carbine and M-900

29 CETME G3

30 Chartered Industries of Singapore SR-88 type

31 Colt AR-15 and CAR-15 series

32 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

33 Demro TAC-1 carbine type

34 Encom MP-9 and MP-45 carbine types

35 FAMAS MAS223 types

36 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

37 Franchi SPAS 12 and LAW 12 shotguns

38 G3SA type

39 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

40 Intratec TEC 9 and 22 semi-automatic firearms

41 M1 carbine type

42 M14S type

43 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

44 PJK M-68 carbine type

45 Plainfield Machine Company Carbine

46 Ruger K-Mini-14/5F and Mini-14/5RF

47 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

48 SKS with detachable magazine type

- 1 Spectre Auto carbine type
- 2 Springfield Armory BM59 and SAR-48 type
- 3 Sterling MK-6, MK-7 and SAR types
- 4 Steyr A.U.G. semi-automatic firearms
- 5 USAS 12 semi-automatic type shotgun
- 6 Uzi type semi-automatic firearms
- 7 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 8 Weaver Arm Nighthawk.
- 9 (2) Any firearm manufactured under any designation which is
- 10 substantially identical to any of the firearms listed above.
- 11 (3) A semi-automatic shotgun with either a magazine capacity
- 12 exceeding six rounds, a pistol grip, or a folding stock.
- 13 (4) A semi-automatic rifle with a fixed magazine capacity
- 14 exceeding 15 rounds.
- 15 (5) A part or combination of parts designed or intended to
- 16 convert a firearm into an assault firearm, or any combination of
- 17 parts from which an assault firearm may be readily assembled if
- 18 those parts are in the possession or under the control of the same
- 19 person.
- 20 x. "Semi-automatic" means a firearm which fires a single
- 21 projectile for each single pull of the trigger and is self-reloading or
- 22 automatically chambers a round, cartridge, or bullet.
- 23 y. "Large capacity ammunition magazine" means a box, drum,
- 24 tube or other container which is capable of holding more than 15
- 25 rounds of ammunition to be fed continuously and directly therefrom
- 26 into a semi-automatic firearm.
- 27 z. "Pistol grip" means a well-defined handle, similar to that
- 28 found on a handgun, that protrudes conspicuously beneath the
- 29 action of the weapon, and which permits the shotgun to be held and
- 30 fired with one hand.
- 31 aa. "Antique handgun" means a handgun manufactured before
- 32 1898, or a replica thereof, which is recognized as being historical in
- 33 nature or of historical significance and either (1) utilizes a match,
- 34 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 35 cartridge in which the pin is part of the cartridge or (2) does not fire
- 36 fixed ammunition or for which cartridge ammunition is not
- 37 commercially available.
- 38 bb. "Trigger lock" means a commercially available device
- 39 approved by the Superintendent of State Police which is operated
- 40 with a key or combination lock that prevents a firearm from being
- 41 discharged while the device is attached to the firearm. It may
- 42 include, but need not be limited to, devices that obstruct the barrel
- 43 or cylinder of the firearm, as well as devices that immobilize the
- 44 trigger.
- 45 cc. "Trigger locking device" means a device that, if installed on
- 46 a firearm and secured by means of a key or mechanically,
- 47 electronically or electromechanically operated combination lock,
- 48 prevents the firearm from being discharged without first

1 deactivating or removing the device by means of a key or  
2 mechanically, electronically or electromechanically operated  
3 combination lock.

4 dd. "Personalized handgun" means a handgun which  
5 incorporates within its design **】, and as part of its original**  
6 manufacture, technology which automatically limits its operational  
7 use and which cannot be readily deactivated, so that it may only be  
8 fired by an authorized or recognized user. The technology limiting  
9 the handgun's operational use may include, but not be limited to:  
10 radio frequency tagging, touch memory, remote control, fingerprint,  
11 magnetic encoding and other automatic user identification systems  
12 utilizing biometric, mechanical or electronic systems **】 a permanent**  
13 programmable feature as part of its manufacture that cannot be  
14 deactivated and renders the personalized handgun reasonably  
15 resistant to being fired except when activated by the lawful owner  
16 or other user authorized by the lawful owner. No make or model of  
17 a handgun shall be deemed to be a "personalized handgun" unless  
18 the **【Attorney General】 State Personalized Handgun Authorization**  
19 Commission has determined **】, through testing or other reasonable**  
20 means, that the handgun meets any reliability standards that the  
21 manufacturer may require for its commercially available handguns  
22 that are not personalized or, if the manufacturer has no such  
23 reliability standards, **】 the personalized handgun meets the**  
24 **【reliability】 standards 【generally used in the industry for**  
25 **commercially available handguns】 established pursuant to section 3**  
26 of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill).

28 ee. "Authorized user" means the owner of a personalized  
29 handgun or a person to whom the owner has given consent to use  
30 the personalized handgun.

31 (cf: P.L.2002, c.130, s.5)

32

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

34 2C:58-2. a. Licensing of retail dealers and their employees.  
35 No retail dealer of firearms nor any employee of a retail dealer shall  
36 sell or expose for sale, or possess with the intent of selling, any  
37 firearm unless licensed to do so as hereinafter provided. The  
38 superintendent shall prescribe standards and qualifications for retail  
39 dealers of firearms and their employees for the protection of the  
40 public safety, health and welfare.

41 Applications shall be made in the form prescribed by the  
42 superintendent, accompanied by a fee of \$50 payable to the  
43 superintendent, and shall be made to a judge of the Superior Court  
44 in the county where the applicant maintains his place of business.  
45 The judge shall grant a license to an applicant if he finds that the  
46 applicant meets the standards and qualifications established by the  
47 superintendent and that the applicant can be permitted to engage in

1 business as a retail dealer of firearms or employee thereof without  
2 any danger to the public safety, health and welfare. Each license  
3 shall be valid for a period of three years from the date of issuance,  
4 and shall authorize the holder to sell firearms at retail in a specified  
5 municipality.

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

11 No license shall be granted to any retail dealer under the age of  
12 21 years or to any employee of a retail dealer under the age of 18 or  
13 to any person who could not qualify to obtain a permit to purchase a  
14 handgun or a firearms purchaser identification card, or to any  
15 corporation, partnership or other business organization in which the  
16 actual or equitable controlling interest is held or possessed by such  
17 an ineligible person.

18 All licenses shall be granted subject to the following conditions,  
19 for breach of any of which the license shall be subject to revocation  
20 on the application of any law enforcement officer and after notice  
21 and hearing by the issuing court:

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

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

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

31 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
32 be delivered to any person unless such person possesses and  
33 exhibits a valid firearms purchaser identification card and furnishes  
34 the seller, on the form prescribed by the superintendent, a  
35 certification signed by him setting forth his name, permanent  
36 address, firearms purchaser identification card number and such  
37 other information as the superintendent may by rule or regulation  
38 require. The certification shall be retained by the dealer and shall be  
39 made available for inspection by any law enforcement officer at any  
40 reasonable time.

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

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

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

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

1 (d) **【**Except as otherwise provided in subparagraph (e) of this  
2 paragraph, **the】** The handgun is accompanied by a trigger lock or a  
3 locked case, gun box, container or other secure facility; provided,  
4 however, this provision shall not apply to antique handguns or  
5 personalized handguns included in the roster pursuant to section 2  
6 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
7 bill). The **【**exemption**】** exemptions afforded under this  
8 subparagraph for antique handguns and personalized handguns shall  
9 be narrowly construed, limited solely to the requirements set forth  
10 herein and shall not be deemed to afford or authorize any other  
11 exemption from the regulatory provisions governing firearms set  
12 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
13 Statutes; and

14 (e) **【**On and after the first day of the sixth month following the  
15 date on which the list of personalized handguns is prepared and  
16 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),  
17 the handgun is identified as a personalized handgun and included  
18 on that list or is an antique handgun. The provisions of  
19 subparagraph (d) of this section shall not apply to the delivery of a  
20 personalized handgun.**】** (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
21 (pending before the Legislature as this bill)

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

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

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

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

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

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

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

1       b. Records. Every person engaged in the retail business of  
2 selling, leasing or otherwise transferring a handgun, as a retail  
3 dealer or otherwise, shall keep a register in which shall be entered  
4 the time of the sale, lease or other transfer, the date thereof, the  
5 name, age, date of birth, complexion, occupation, residence and a  
6 physical description including distinguishing physical  
7 characteristics, if any, of the purchaser, lessee or transferee, the  
8 name and permanent home address of the person making the sale,  
9 lease or transfer, the place of the transaction, and the make, model,  
10 manufacturer's number, caliber and other marks of identification on  
11 such handgun and such other information as the superintendent  
12 shall deem necessary for the proper enforcement of this chapter.  
13 The register shall be retained by the dealer and shall be made  
14 available at all reasonable hours for inspection by any law  
15 enforcement officer.

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

20       d. Signatures in register. The purchaser, lessee or transferee of  
21 any handgun shall sign, and the dealer shall require him to sign his  
22 name to the register, in triplicate, and the person making the sale,  
23 lease or transfer shall affix his name, in triplicate, as a witness to  
24 the signature. The signatures shall constitute a representation of the  
25 accuracy of the information contained in the register.

26       e. Copies of register entries; delivery to chief of police or  
27 county clerk. Within five days of the date of the sale, assignment or  
28 transfer, the dealer shall deliver or mail by certified mail, return  
29 receipt requested, legible copies of the register forms to the office  
30 of the chief of police of the municipality in which the purchaser  
31 resides, or to the office of the captain of the precinct of the  
32 municipality in which the purchaser resides, and to the  
33 superintendent. If hand delivered a receipt shall be given to the  
34 dealer therefor.

35       Where a sale, assignment or transfer is made to a purchaser who  
36 resides in a municipality having no chief of police, the dealer shall,  
37 within five days of the transaction, mail a duplicate copy of the  
38 register sheet to the clerk of the county within which the purchaser  
39 resides.

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

41

42       9. Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read  
43 as follows:

44       8. **[No]** The action or inaction by a public entity or public  
45 employee **[in implementing the provisions of P.L.2002, c.130**  
46 **(C.2C:58-2.2 et al.), including but not limited to the]** when  
47 promulgating, amending or supplementing [of a list] the roster of  
48 personalized handguns that may be sold in this State [.] pursuant to

1 P.L. , c. (C. ) (pending before the Legislature as this bill  
2 shall not constitute a representation, warranty or guarantee by any  
3 public entity or employee with regard to the safety, use or any other  
4 aspect or attribute of a personalized handgun.

5 **【No】** An action to recover damages shall not arise or **【shall】**  
6 be brought against any public entity or public employee for any  
7 action or inaction related to or in connection with **【the**  
8 implementation of any aspect of P.L.2002, c.130 (C.2C:58-2.2 et  
9 al.)】 the roster of personalized handguns established pursuant to  
10 section 2 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill).

12 (cf: P.L.2002, c.130, s.8)

13

14 10. The following sections are repealed:

15 Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through  
16 (C.2C:58-2.5); and

17 Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

18

19 11. This act shall take effect on the first day of the seventh  
20 month following enactment, but the Attorney General and  
21 Superintendent of State Police may take any anticipatory  
22 administrative action in advance of that date as shall be necessary  
23 for the implementation of this act.

24

25

26

#### STATEMENT

27

28 This bill establishes a Personalized Handgun Authorization  
29 Commission which would be responsible for establishing  
30 performance standards for personalized handguns, also known as  
31 “smart guns” and “child-proof guns.” The commission also would  
32 be responsible for approving and maintaining a roster of  
33 personalized handguns authorized for sale to the public.

34 In addition, this bill repeals certain sections of the current law.  
35 Under P.L.2002, c.130 (C.2C:58-2.2 et al.), three years after  
36 personalized handguns are available for retail purposes, it will be  
37 illegal for a firearms manufacturer or dealer to sell or transfer a  
38 handgun unless that handgun is a personalized handgun. This bill  
39 repeals certain sections of P.L.2002, c.130 (C.2C:58-2.2 et al.) and  
40 requires firearm retailers to have at least one personalized handgun  
41 approved by the commission for sale on the retail premises.

42 The Personalized Handgun Authorization Commission is to  
43 consist of seven members, including the Attorney General,  
44 Superintendent of State Police, the Commissioner of Health, or their  
45 respective designees all serving ex-officio. The remaining four  
46 members are to be appointed by the Governor as follows: (1) one  
47 member of the American Academy of Pediatrics; (2) one licensed  
48 firearms wholesaler, manufacturer, or retail dealer, or a

1 representative of a New Jersey chapter of an organization that  
2 advocates for Second Amendment rights; (3) one representative of  
3 an organization that advocates against handgun violence; and (4)  
4 one engineer with substantial experience in radio frequency  
5 identification or biometric reading technology.

6 The bill requires the commission's appointments to be made  
7 within six months of the bill's effective date. The commission  
8 members are to serve a term of four years from the date of their  
9 appointment and until their successors are appointed. The  
10 commission is to meet monthly during the first year following its  
11 establishment; thereafter, the commission is to meet once every six  
12 months or at the call of the chairman or a majority of the  
13 commission members. The bill requires the commission to  
14 maintain a roster of all personalized handguns approved for retail  
15 sales to the public. The roster of approved personalized handguns  
16 is to be published on a website maintained by the New Jersey State  
17 Police and updated every six months. A copy of the roster is to be  
18 made available every six months to licensed firearms retail dealers  
19 in this State.

20 The bill requires the commission, within one year of organizing,  
21 to establish personalized handgun performance standards to serve as  
22 criteria for placement on the personalized handgun roster. The  
23 commission also would be required to identify and approve a list of  
24 independent laboratories to be used to determine whether handguns  
25 comply with the performance standards. At least one independent  
26 laboratory is to be identified and added to the list of approved  
27 laboratories within one year of the commission's organization. The  
28 bill prohibits an approved laboratory from being owned or operated  
29 by a handgun manufacturer or any organization that seeks to  
30 promote or restrict handgun ownership.

31 Independent laboratories would be permitted to apply to the  
32 commission for inclusion on the list. Once approved, a laboratory  
33 would utilize testing methods established by the commission to  
34 determine whether a handgun is compliant with the performance  
35 standards. The tests are to be conducted at the expense of the  
36 manufacturer or other entity seeking to include the handgun on the  
37 approved roster. At the conclusion of the tests, the laboratory is to  
38 issue to the commission a final test report stating whether the  
39 handgun met the commission's criteria.

40 The bill requires the commission to review the final test report  
41 and, within 45 days, make a final determination by majority vote as  
42 to whether the handgun should be included on the roster. The  
43 commission is to notify the handgun manufacturer, in writing, as to  
44 whether the handgun has been approved or denied for inclusion on  
45 the roster. A denial notification is required to provide a detailed  
46 description of the reasons for which the handgun failed to satisfy  
47 the commission's performance standards. Following an approval  
48 notice, a manufacturer, seller, or possessor of the handgun would be



1 prohibited from altering the handgun design so that it no longer  
2 meets the commission's performance standards.

3 The bill also requires the Superintendent of State Police to issue  
4 an exemption certificate to any firearms retail dealer who  
5 demonstrates undue hardship. In determining whether to issue a  
6 certificate, the superintendent may consider the retail dealer's  
7 inventory size and annual sales revenue or income generated from  
8 customer purchases. A firearm retail dealer who demonstrates that  
9 the business's inventory consists entirely of firearms other than  
10 handguns is automatically entitled to an exemption certification. A  
11 retail dealer is required to maintain an original copy of the  
12 exemption certificate on premises at all times. In addition, a retail  
13 dealer in the process of applying for an exemption certification may  
14 display a notarized copy of the application.

15 Within 60 days of the first personalized handgun being included  
16 on the roster, each firearms retail dealer would be required to have  
17 at least one personalized handgun approved by the commission for  
18 sale on the business's premises. In addition, the bill requires retail  
19 dealers to display personalized handguns in a conspicuous manner  
20 and in close proximity to a sign that displays a statement disclosing  
21 the unique features of personalized handguns.

22 The bill also requires a retail dealer to place an order for at least  
23 one personalized handgun within 21 days after its personalized  
24 handgun inventory is depleted. The retail dealer would be required  
25 to maintain the written records of the business's efforts to place an  
26 order for additional personalized handguns. The retail dealer also  
27 would be required to maintain a sign on the premises indicating that  
28 personalized handguns are routinely sold on the retail dealer's  
29 premises and will soon be available for purchase.

30 The bill requires the superintendent to designate law enforcement  
31 officers to inspect the personalized handgun inventory and records  
32 of licensed firearms retailers. The inspections are to be conducted  
33 at least once every two years at any time during the normal business  
34 hours of the firearm retailer's business.

35 Finally, the bill imposes penalties for retail dealers who fail to  
36 maintain a personalized handgun or an exemption certificate on the  
37 retail premises. Under the bill, a retail dealer is subject to a \$500  
38 fine for a first offense and a \$1,000 fine for a second offense. For a  
39 third or subsequent offense, the retail dealer would be subject to a  
40 six month license suspension following notice and an opportunity to  
41 be heard. The bill also makes it a disorderly persons offense for  
42 tampering or attempting to tamper with a personalized handgun by  
43 intentionally interfering with the user-authorized functionality of  
44 the personalized technology. A disorderly persons offense is  
45 punishable by a term of imprisonment of up to six months, a fine of  
46 up to \$1,000, or both.