

ASSEMBLY, No. 163

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

- 1 (2) The license or a copy certified by the issuing authority shall
2 be displayed at all times in a conspicuous place on the business
3 premises where it can be easily read.
- 4 (3) No firearm or imitation thereof shall be placed in any
5 window or in any other part of the premises where it can be readily
6 seen from the outside.
- 7 (4) No rifle or shotgun, except antique rifles or shotguns, shall
8 be delivered to any person unless such person possesses and
9 exhibits a valid firearms purchaser identification card and furnishes
10 the seller, on the form prescribed by the superintendent, a
11 certification signed by him setting forth his name, permanent
12 address, firearms purchaser identification card number and such
13 other information as the superintendent may by rule or regulation
14 require. The certification shall be retained by the dealer and shall
15 be made available for inspection by any law enforcement officer at
16 any reasonable time.
- 17 (5) No handgun shall be delivered to any person unless:
- 18 (a) Such person possesses and exhibits a valid permit to
19 purchase a firearm and at least seven days have elapsed since the
20 date of application for the permit;
- 21 (b) The person is personally known to the seller or presents
22 evidence of his identity;
- 23 (c) The handgun is unloaded and securely wrapped;
- 24 (d) Except as otherwise provided in subparagraph (e) of this
25 paragraph, the handgun is accompanied by a trigger lock or a locked
26 case, gun box, container or other secure facility; provided, however,
27 this provision shall not apply to antique handguns. The exemption
28 afforded under this subparagraph for antique handguns shall be
29 narrowly construed, limited solely to the requirements set forth
30 herein and shall not be deemed to afford or authorize any other
31 exemption from the regulatory provisions governing firearms set
32 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
33 Statutes; and
- 34 (e) On and after the first day of the sixth month following the
35 date on which the list of personalized handguns is prepared and
36 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
37 the handgun is identified as a personalized handgun and included on
38 that list or is an antique handgun. The provisions of subparagraph
39 (d) of this section shall not apply to the delivery of a personalized
40 handgun.
- 41 (6) The dealer shall keep a true record of every handgun sold,
42 given or otherwise delivered or disposed of, in accordance with the
43 provisions of subsections b. through e. of this section and the record
44 shall note whether a trigger lock, locked case, gun box, container or
45 other secure facility was delivered along with the handgun.
- 46 (7) **[A** dealer shall not knowingly deliver more than one
47 handgun to any person within any 30-day period. This limitation
48 shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

12
13 2. N.J.S.2C:58-3 is amended to read as follows:

14 2C:58-3 Purchase of firearms.

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

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

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

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

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

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

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

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

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

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

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

32 (9) To any person named on the consolidated Terrorist
33 Watchlist maintained by Terrorist Screening Center administered by
34 the Federal Bureau of Investigation.

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

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

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

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

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

45 The chief police officer or the superintendent shall obtain the
46 fingerprints of the applicant and shall have them compared with any
47 and all records of fingerprints in the municipality and county in
48 which the applicant resides and also the records of the State Bureau

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

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

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

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

46 h. Form of permit; quadruplicate; disposition of copies. The
47 permit shall be in the form prescribed by the superintendent and
48 shall be issued to the applicant in quadruplicate. Prior to the time

1 he receives the handgun from the seller, the applicant shall deliver
2 to the seller the permit in quadruplicate and the seller shall
3 complete all of the information required on the form. Within five
4 days of the date of the sale, the seller shall forward the original
5 copy to the superintendent and the second copy to the chief of
6 police of the municipality in which the purchaser resides, except
7 that in a municipality having no chief of police, such copy shall be
8 forwarded to the superintendent. The third copy shall then be
9 returned to the purchaser with the pistol or revolver and the fourth
10 copy shall be kept by the seller as a permanent record.

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

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

18 (2) a collector of handguns as curios or relics as defined in Title
19 18, United States Code, section 921 (a) (13) who has in his
20 possession a valid Collector of Curios and Relics License issued by
21 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

34 The provisions of this subsection shall not be construed to afford
35 or authorize any other exemption from the regulatory provisions
36 governing firearms set forth in chapter 39 and chapter 58 of Title
37 2C of the New Jersey Statutes;

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

43 j. Firearms passing to heirs or legatees. Notwithstanding any
44 other provision of this section concerning the transfer, receipt or
45 acquisition of a firearm, a permit to purchase or a firearms
46 purchaser identification card shall not be required for the passing of
47 a firearm upon the death of an owner thereof to his heir or legatee,
48 whether the same be by testamentary bequest or by the laws of

1 intestacy. The person who shall so receive, or acquire said firearm
2 shall, however, be subject to all other provisions of this chapter. If
3 the heir or legatee of such firearm does not qualify to possess or
4 carry it, he may retain ownership of the firearm for the purpose of
5 sale for a period not exceeding 180 days, or for such further limited
6 period as may be approved by the chief law enforcement officer of
7 the municipality in which the heir or legatee resides or the
8 superintendent, provided that such firearm is in the custody of the
9 chief law enforcement officer of the municipality or the
10 superintendent during such period.

11 k. Sawed-off shotguns. Nothing in this section shall be
12 construed to authorize the purchase or possession of any sawed-off
13 shotgun.

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

21 (cf: P.L.2013, c.114)

22

23 3. This act shall take effect immediately.

24

25

26

STATEMENT

27

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