

ASSEMBLY, No. 555

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROBERT AUTH
District 39 (Bergen and Passaic)

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SYNOPSIS

Gives priority to applicants for firearms purchaser identification card and permits to purchase handguns when domestic violence restraining order is in effect.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning firearms purchaser identification cards and
2 permits to purchase handguns and amending 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:58-3 is amended to read as follows:

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

28 (9) To any person named on the consolidated Terrorist Watchlist
29 maintained by the Terrorist Screening Center administered by the
30 Federal Bureau of Investigation.

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

37 Any person aggrieved by the denial of a permit or identification
38 card may request a hearing in the Superior Court of the county in
39 which he resides if he is a resident of New Jersey or in the Superior
40 Court of the county in which his application was filed if he is a
41 nonresident. The request for a hearing shall be made in writing
42 within 30 days of the denial of the application for a permit or
43 identification card. The applicant shall serve a copy of his request
44 for a hearing upon the chief of police of the municipality in which
45 he resides, if he is a resident of New Jersey, and upon the
46 superintendent in all cases. The hearing shall be held and a record
47 made thereof within 30 days of the receipt of the application for a
48 hearing by the judge of the Superior Court. No formal pleading and

1 no filing fee shall be required as a preliminary to a hearing.
2 Appeals from the results of a hearing shall be in accordance with
3 law.

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

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

46 The chief police officer or the superintendent shall obtain the
47 fingerprints of the applicant and shall have them compared with any

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

13 f. Granting of permit or identification card; fee; term; renewal;
14 revocation. The application for the permit to purchase a handgun
15 together with a fee of \$2, or the application for the firearms
16 purchaser identification card together with a fee of \$5, shall be
17 delivered or forwarded to the licensing authority who shall
18 investigate the same and, unless good cause for the denial thereof
19 appears, shall grant the permit or the identification card, or both, if
20 application has been made therefor, within 30 days from the date of
21 receipt of the application for residents of this State and within 45
22 days for nonresident applicants. If a restraining order obtained by
23 the applicant against a domestic violence offender pursuant to the
24 “Prevention of Domestic Violence Act of 1991,” P.L.1991,
25 c.261 (C.2C:25-17 et seq.) is in effect, the investigation of the
26 applicant shall take precedence over the investigation of other
27 applicants. A permit to purchase a handgun shall be valid for a
28 period of 90 days from the date of issuance and may be renewed by
29 the issuing authority for good cause for an additional 90 days. A
30 firearms purchaser identification card shall be valid until such time
31 as the holder becomes subject to any of the disabilities set forth in
32 subsection c. of this section, whereupon the card shall be void and
33 shall be returned within five days by the holder to the
34 superintendent, who shall then advise the licensing authority.
35 Failure of the holder to return the firearms purchaser identification
36 card to the superintendent within the five days shall be an offense
37 under subsection a. of N.J.S.2C:39-10. Any firearms purchaser
38 identification card may be revoked by the Superior Court of the
39 county wherein the card was issued, after hearing upon notice, upon
40 a finding that the holder thereof no longer qualifies for the issuance
41 of the permit. The county prosecutor of any county, the chief police
42 officer of any municipality or any citizen may apply to the court at
43 any time for the revocation of the card.

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

- 1 g. Disposition of fees. All fees for permits shall be paid to the
2 State Treasury if the permit is issued by the superintendent, to the
3 municipality if issued by the chief of police, and to the county
4 treasurer if issued by the judge of the Superior Court.
- 5 h. Form of permit; quadruplicate; disposition of copies. The
6 permit shall be in the form prescribed by the superintendent and
7 shall be issued to the applicant in quadruplicate. Prior to the time
8 he receives the handgun from the seller, the applicant shall deliver
9 to the seller the permit in quadruplicate and the seller shall
10 complete all of the information required on the form. Within five
11 days of the date of the sale, the seller shall forward the original
12 copy to the superintendent and the second copy to the chief of
13 police of the municipality in which the purchaser resides, except
14 that in a municipality having no chief of police, the copy shall be
15 forwarded to the superintendent. The third copy shall then be
16 returned to the purchaser with the pistol or revolver and the fourth
17 copy shall be kept by the seller as a permanent record.
- 18 i. Restriction on number of firearms person may purchase.
19 Only one handgun shall be purchased or delivered on each permit
20 and no more than one handgun shall be purchased within any 30-
21 day period, but this limitation shall not apply to:
- 22 (1) a federal, State, or local law enforcement officer or agency
23 purchasing handguns for use by officers in the actual performance
24 of their law enforcement duties;
- 25 (2) a collector of handguns as curios or relics as defined in Title
26 18, United States Code, section 921 (a) (13) who has in his
27 possession a valid Collector of Curios and Relics License issued by
28 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 29 (3) transfers of handguns among licensed retail dealers,
30 registered wholesale dealers and registered manufacturers;
- 31 (4) transfers of handguns from any person to a licensed retail
32 dealer or a registered wholesale dealer or registered manufacturer;
- 33 (5) any transaction where the person has purchased a handgun
34 from a licensed retail dealer and has returned that handgun to the
35 dealer in exchange for another handgun within 30 days of the
36 original transaction, provided the retail dealer reports the exchange
37 transaction to the superintendent; or
- 38 (6) any transaction where the superintendent issues an
39 exemption from the prohibition in this subsection pursuant to the
40 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 41 The provisions of this subsection shall not be construed to afford
42 or authorize any other exemption from the regulatory provisions
43 governing firearms set forth in chapter 39 and chapter 58 of Title
44 2C of the New Jersey Statutes;
- 45 A person shall not be restricted as to the number of rifles or
46 shotguns he may purchase, provided he possesses a valid firearms
47 purchaser identification card and provided further that he signs the

1 certification required in subsection b. of this section for each
2 transaction.

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

19 k. Sawed-off shotguns. Nothing in this section shall be
20 construed to authorize the purchase or possession of any sawed-off
21 shotgun.

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

29 m. The provisions of subsections a. and b. of this section and
30 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
31 apply to the purchase of firearms by a law enforcement agency for
32 use by law enforcement officers in the actual performance of the
33 officers' official duties, which purchase may be made directly from
34 a manufacturer or from a licensed dealer located in this State or any
35 other state.

36 (cf: P.L.2016, c.74, s.1)

37

38 2. This act shall take effect immediately.

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STATEMENT

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43 This bill establishes that the background investigation of an
44 applicant for a firearms purchaser identification card or permit to
45 purchase a handgun is to take precedence over the investigation of
46 other applicants if a restraining order obtained by the applicant
47 against a domestic violence offender pursuant to the "Prevention of
48 Domestic Violence Act of 1991" is in effect.

1 To implement this provision, the bill also requires the standard
2 application form for an identification card or permit to set forth
3 whether a restraining order obtained by the applicant against a
4 domestic violence offender pursuant to the “Prevention of Domestic
5 Violence Act of 1991” is in effect.

6 The intent of the bill is to expedite the process of obtaining
7 identification cards or permits for victims of domestic violence so
8 they are better able to protect themselves from their attackers.