

ASSEMBLY, No. 1279

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

Assemblywoman Downey and Assemblyman Houghtaling

SYNOPSIS

Establishes 180 day prohibition on purchase of handgun for certain individuals who fail to report loss or theft of firearm.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the sale and purchase of handguns, and
2 amending N.J.S.2C:58-3 and P.L.2007, c.299.

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

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

41 The chief police officer or the superintendent shall obtain the
42 fingerprints of the applicant and shall have them compared with any
43 and all records of fingerprints in the municipality and county in
44 which the applicant resides and also the records of the State Bureau
45 of Identification and the Federal Bureau of Investigation, provided
46 that an applicant for a handgun purchase permit who possesses a
47 valid firearms purchaser identification card, or who has previously
48 obtained a handgun purchase permit from the same licensing

1 authority for which he was previously fingerprinted, and who
2 provides other reasonably satisfactory proof of his identity, need not
3 be fingerprinted again; however, the chief police officer or the
4 superintendent shall proceed to investigate the application to
5 determine whether or not the applicant has become subject to any of
6 the disabilities set forth in this chapter.

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

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

37 g. Disposition of fees. All fees for permits shall be paid to the
38 State Treasury if the permit is issued by the superintendent, to the
39 municipality if issued by the chief of police, and to the county
40 treasurer if issued by the judge of the Superior Court.

41 h. Form of permit; quadruplicate; disposition of copies. The
42 permit shall be in the form prescribed by the superintendent and
43 shall be issued to the applicant in quadruplicate. Prior to the time
44 he receives the handgun from the seller, the applicant shall deliver
45 to the seller the permit in quadruplicate and the seller shall
46 complete all of the information required on the form. Within five
47 days of the date of the sale, the seller shall forward the original
48 copy to the superintendent and the second copy to the chief of

1 police of the municipality in which the purchaser resides, except
2 that in a municipality having no chief of police, the copy shall be
3 forwarded to the superintendent. The third copy shall then be
4 returned to the purchaser with the pistol or revolver and the fourth
5 copy shall be kept by the seller as a permanent record.

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

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

13 (2) a collector of handguns as curios or relics as defined in Title
14 18, United States Code, section 921 (a) (13) who has in his
15 possession a valid Collector of Curios and Relics License issued by
16 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

21 (5) any transaction where the person has purchased a handgun
22 from a licensed retail dealer and has returned that handgun to the
23 dealer in exchange for another handgun within 30 days of the
24 original transaction, provided the retail dealer reports the exchange
25 transaction to the superintendent; or

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

29 The provisions of this subsection shall not be construed to afford
30 or authorize any other exemption from the regulatory provisions
31 governing firearms set forth in chapter 39 and chapter 58 of Title
32 2C of the New Jersey Statutes **];** .

33 A person who is convicted of a violation of section 1 of
34 P.L.2007, c.299 (2C:58-19) for failing to report the loss or theft of a
35 firearm shall be prohibited from purchasing a handgun for a period
36 of 180 days from the date of conviction.

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

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

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

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

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

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

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

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29 2. Section 1 of P.L.2007, c.299 (C.2C:58-19) is amended to
30 read as follows:

31 1. The legal owner of a firearm, upon discovering that the
32 firearm is lost or stolen, shall report the loss or theft within 36 hours
33 to the chief law enforcement officer of the municipality in which
34 the loss or theft occurred or, if the municipality does not have a
35 local police force, to the Superintendent of State Police.

36 A person who violates the provisions of this section shall be
37 liable to a civil penalty of not less than \$500 for a first offense, and
38 not less than \$1,000 for any second or subsequent offense, and shall
39 be prohibited from purchasing a handgun for a period of 180 days
40 from the date of conviction. The civil penalty shall be collected
41 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
42 c.274 (C.2A:58-10 et seq.).

43 (cf: P.L.2007, c.299, s.1)

44

45 3. This act shall take effect on the first day of the third month
46 next following enactment.

STATEMENT

This bill prohibits a person convicted of failing to report the loss or theft of a firearm from purchasing a handgun for a period of 180 days from the date of conviction.

Under current law, the legal owner of a firearm is required to report to law enforcement authorities the loss or theft of that firearm within 36 hours of discovering the loss or theft. A person who fails to report the loss or theft within that time is punishable by a civil penalty of up to \$500 for a first offense and \$1,000 or more for any subsequent offense.