

ASSEMBLY, No. 1575

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Establishes registry allowing persons to voluntarily include their names on list of individuals prohibited from owning a firearm.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the sale of firearms, supplementing Title 2C of
2 the New Jersey Statutes, 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. (New section) a. The Superintendent of State Police shall
8 establish an Internet-based “Do Not Sell” registry to prohibit the
9 sale of firearms to persons residing in this State who have
10 voluntarily requested to be included in the registry. The
11 superintendent shall ensure that the registered person's information
12 is included among the criteria prohibiting a person from purchasing
13 a firearm pursuant to subsection c. of N.J.S.2C:58-3 when
14 conducting a criminal history record background check. In addition,
15 the superintendent shall ensure that the registry:

16 (1) verifies the identity of any person who chooses to register;

17 (2) prevents unauthorized disclosure of the personal information
18 of any registered person; and

19 (3) informs registered persons of the implications of being
20 included in the registry.

21 b. A person who registers pursuant to this section may
22 subsequently request through the registry to have the person’s
23 information removed from the registry. The superintendent shall not
24 remove the information until 21 days following the person’s
25 request. The superintendent shall subsequently destroy all records
26 of the registration, associated transactions, and the request for
27 removal of that individual's name from the registry.

28 c. The registry shall allow persons, at the time of registration
29 or anytime thereafter, to submit email addresses of personal
30 contacts and shall be programmed to notify via email those
31 personal contacts that the registered person has been included in the
32 registry and is prohibited from purchasing a firearm. The registry
33 also shall notify the same personal contacts via email if the
34 registered person subsequently requests to be removed from the
35 registry.

36 d. Information regarding a person’s inclusion in the registry
37 established pursuant to this section shall not be deemed a public
38 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001,
39 c.404 (C.47:1A-5 et al.), or common law concerning access to
40 public records.

41 e. The Attorney General shall prepare and disseminate
42 educational information regarding the “Do Not Sell” registry to
43 each psychiatric facility in the State which shall be made available
44 to the public.

45 f. It shall be a crime of the third degree to:

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 (1) transfer a firearm to a registered person with knowledge that
2 the person receiving the firearm is included in the registry
3 established pursuant to this section; and

4 (2) knowingly register another person's information in the
5 registry without that person's consent.

6 g. As used in this section, "psychiatric facility" means a State
7 psychiatric facility listed in R.S.30:1-7, a county psychiatric
8 hospital or the psychiatric unit of a county hospital, a short-term
9 care facility, special psychiatric hospital or psychiatric unit of a
10 general hospital or other health care facility licensed by the
11 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
12 seq.), or a hospital or community-based mental health center or
13 other entity licensed or funded by the Department of Human
14 Services to provide community-based mental health services.

15
16 2. N.J.S.2C:58-3 is amended to read as follows:

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

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

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

47 (1) To any person who has been convicted of any crime, or a
48 disorderly persons offense involving an act of domestic violence as

1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of the offense;

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

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

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

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

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

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

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

34 (9) To any person named on the consolidated Terrorist Watchlist
35 maintained by the Terrorist Screening Center administered by the
36 Federal Bureau of Investigation; or

37 (10) To any person named on the registry established pursuant to
38 section 1 of P.L. , c. (C.) (pending before the Legislature as
39 this bill).

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

46 Any person aggrieved by the denial of a permit or identification
47 card may request a hearing in the Superior Court of the county in
48 which he resides if he is a resident of New Jersey or in the Superior

1 Court of the county in which his application was filed if he is a
2 nonresident. The request for a hearing shall be made in writing
3 within 30 days of the denial of the application for a permit or
4 identification card. The applicant shall serve a copy of his request
5 for a hearing upon the chief of police of the municipality in which
6 he resides, if he is a resident of New Jersey, and upon the
7 superintendent in all cases. The hearing shall be held and a record
8 made thereof within 30 days of the receipt of the application for a
9 hearing by the judge of the Superior Court. No formal pleading and
10 no filing fee shall be required as a preliminary to a hearing.
11 Appeals from the results of a hearing shall be in accordance with
12 law.

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

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

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

18 f. Granting of permit or identification card; fee; term; renewal;
19 revocation. The application for the permit to purchase a handgun
20 together with a fee of \$2, or the application for the firearms
21 purchaser identification card together with a fee of \$5, shall be
22 delivered or forwarded to the licensing authority who shall
23 investigate the same and, unless good cause for the denial thereof
24 appears, shall grant the permit or the identification card, or both, if
25 application has been made therefor, within 30 days from the date of
26 receipt of the application for residents of this State and within 45
27 days for nonresident applicants. A permit to purchase a handgun
28 shall be valid for a period of 90 days from the date of issuance and
29 may be renewed by the issuing authority for good cause for an
30 additional 90 days. A firearms purchaser identification card shall
31 be valid until such time as the holder becomes subject to any of the
32 disabilities set forth in subsection c. of this section, whereupon the
33 card shall be void and shall be returned within five days by the
34 holder to the superintendent, who shall then advise the licensing
35 authority. Failure of the holder to return the firearms purchaser
36 identification card to the superintendent within the five days shall
37 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
38 purchaser identification card may be revoked by the Superior Court
39 of the county wherein the card was issued, after hearing upon
40 notice, upon a finding that the holder thereof no longer qualifies for
41 the issuance of the permit. The county prosecutor of any county,
42 the chief police officer of any municipality or any citizen may apply
43 to the court at 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 3. This act shall take effect on the first day of the seventh
39 month next following the date of enactment, but the Superintendent
40 of State Police may take anticipatory administrative action in
41 advance thereof as shall be necessary for the implementation of this
42 act.

43

44

45 STATEMENT

46

47 This bill requires the Superintendent of State Police to establish
48 an Internet-based "Do Not Sell" registry to prohibit the sale of

1 firearms to any person residing in this State who has voluntarily
2 requested to be included in the registry. Under the bill, a person
3 would be permitted to voluntarily enter his or her name on the
4 registry and be prohibited from purchasing a firearm. The person's
5 information would be included among the criteria prohibiting a
6 person from purchasing a firearm when a criminal history record
7 background check is conducted.

8 The bill requires the superintendent to ensure that the Internet-
9 based registry verifies the identity of a registered person, prevents
10 unauthorized disclosures of personal information, and informs
11 registered persons of the implications of being included in the
12 registry.

13 Under the bill, a person would be permitted to submit email
14 addresses of personal contacts. The bill requires the registry to be
15 programmed to notify and advise via email the personal contacts
16 that the registered person has included in the registry. The registry
17 also would notify the same personal contacts via email if the
18 registered person subsequently requests to be removed from the
19 registry.

20 The bill allows a person who voluntarily registers to
21 subsequently request through the Internet-based registry to have his
22 or her information removed from the registry. The superintendent
23 would be prohibited from removing the information until 21 days
24 after the person's request. Following the request, the
25 superintendent would be required to destroy all records of the
26 registration, associated transactions, and the request for removal of
27 that individual's name from the registry. Information regarding a
28 person's registration would not be deemed a public record pursuant
29 to the open public records act.

30 The bill requires the Attorney General to prepare and
31 disseminate educational information regarding the "Do Not Sell"
32 registry to each psychiatric facility in the State which would be
33 made available to the public.

34 Under the bill, it would be a crime of the third degree to transfer
35 a firearm to a registered person with knowledge that the person
36 receiving the firearm is included in the registry. In addition, it
37 would be a crime of the third degree to knowingly register another
38 person's information in the registry without that person's consent.
39 A crime of the third degree is punishable by fine of up to \$15,000, a
40 term of imprisonment between three and five years, or both.