

# ASSEMBLY, No. 3454

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Provides law enforcement officers option to obtain handgun permit or firearms identification card from municipality where they are employed.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning firearms applications and amending  
2 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.

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

14 (2) A person who is not a licensed retail dealer and sells, gives,  
15 transfers, assigns, or otherwise disposes of, or receives, purchases  
16 or otherwise acquires a handgun pursuant to this section shall  
17 conduct the transaction through a licensed retail dealer.

18 The provisions of this paragraph shall not apply if the transaction  
19 is:

20 (a) between members of an immediate family as defined in  
21 subsection n. of this section;

22 (b) between law enforcement officers;

23 (c) between collectors of firearms or ammunition as curios or  
24 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
25 in their possession a valid Collector of Curios and Relics License  
26 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
27 Explosives; or

28 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
29 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

30 (3) Prior to a transaction conducted pursuant to this subsection,  
31 the retail dealer shall complete a National Instant Criminal  
32 Background Check of the person acquiring the handgun. In  
33 addition:

34 (a) the retail dealer shall submit to the Superintendent of State  
35 Police, on a form approved by the superintendent, information  
36 identifying and confirming the background check;

37 (b) every retail dealer shall maintain a record of transactions  
38 conducted pursuant to this subsection, which shall be maintained at  
39 the address displayed on the retail dealer's license for inspection by  
40 a law enforcement officer during reasonable hours;

41 (c) a retail dealer may charge a fee for a transaction conducted  
42 pursuant to this subsection; and

43 (d) any record produced pursuant to this subsection shall not be  
44 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
45 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

**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       b. Firearms purchaser identification card.

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

18      (2) A person who is not a licensed retail dealer and sells, gives,  
19      transfers, assigns, or otherwise disposes of, or receives, purchases  
20      or otherwise acquires an antique cannon or a rifle or shotgun  
21      pursuant to this section shall conduct the transaction through a  
22      licensed retail dealer.

23      The provisions of this paragraph shall not apply if the transaction  
24      is:

25      (a) between members of an immediate family as defined in  
26      subsection n. of this section;

27      (b) between law enforcement officers;

28      (c) between collectors of firearms or ammunition as curios or  
29      relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
30      in their possession a valid Collector of Curios and Relics License  
31      issued by the Bureau of Alcohol, Tobacco, Firearms, and  
32      Explosives; or

33      (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
34      (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

35      (3) Prior to a transaction conducted pursuant to this subsection,  
36      the retail dealer shall complete a National Instant Criminal  
37      Background Check of the person acquiring an antique cannon or a  
38      rifle or shotgun. In addition:

39      (a) the retail dealer shall submit to the Superintendent of State  
40      Police, on a form approved by the superintendent, information  
41      identifying and confirming the background check;

42      (b) every retail dealer shall maintain a record of transactions  
43      conducted pursuant to this section which shall be maintained at the  
44      address set forth on the retail dealer's license for inspection by a law  
45      enforcement officer during reasonable hours;

46      (c) a retail dealer may charge a fee for a transaction conducted  
47      pursuant to this subsection; and

1 (d) any record produced pursuant to this subsection shall not be  
2 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
3 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

4 c. Who may obtain. No person of good character and good  
5 repute in the community in which he lives, and who is not subject to  
6 any of the disabilities set forth in this section or other sections of  
7 this chapter, shall be denied a permit to purchase a handgun or a  
8 firearms purchaser identification card, except as hereinafter set  
9 forth. No handgun purchase permit or firearms purchaser  
10 identification card shall be issued:

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

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

19 (3) To any person who suffers from a physical defect or disease  
20 which would make it unsafe for him to handle firearms, to any  
21 person who has ever been confined for a mental disorder, or to any  
22 alcoholic unless any of the foregoing persons produces a certificate  
23 of a medical doctor or psychiatrist licensed in New Jersey, or other  
24 satisfactory proof, that he is no longer suffering from that particular  
25 disability in a manner that would interfere with or handicap him in  
26 the handling of firearms; to any person who knowingly falsifies any  
27 information on the application form for a handgun purchase permit  
28 or firearms purchaser identification card;

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

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

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

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

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

46 (9) To any person named on the consolidated Terrorist Watchlist  
47 maintained by the Terrorist Screening Center administered by the  
48 Federal Bureau of Investigation; or

1 (10) To any person who is subject to a court order prohibiting the  
2 custody, control, ownership, purchase, possession, or receipt of a  
3 firearm or ammunition issued pursuant to the "Extreme Risk  
4 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

5 d. Issuance. **【The】** For all applicants other than a permanent,  
6 regularly appointed full-time law enforcement officer, the chief of  
7 police of an organized full-time police department of the  
8 municipality where the applicant resides or the superintendent, in  
9 all other cases, shall upon application, issue to any person qualified  
10 under the provisions of subsection c. of this section a permit to  
11 purchase a handgun or a firearms purchaser identification card. If  
12 the applicant is a permanent, regularly appointed full-time law  
13 enforcement officer, the chief of police of the department which  
14 employs the law enforcement officer also, upon application by the  
15 officer, may issue the permit or identification card. If the chief of  
16 police where the officer is employed issues the permit or  
17 identification card, that chief shall notify the chief of police where  
18 the law enforcement resides, or the superintendent, of the granting  
19 of a permit or identification card.

20 Any person aggrieved by the denial of a permit or identification  
21 card may request a hearing in the Superior Court of the county in  
22 which he resides if he is a resident of New Jersey or in the Superior  
23 Court of the county in which his application was filed if he is a  
24 nonresident. The request for a hearing shall be made in writing  
25 within 30 days of the denial of the application for a permit or  
26 identification card. The applicant shall serve a copy of his request  
27 for a hearing upon the chief of police of the municipality in which  
28 he resides, if he is a resident of New Jersey, and upon the  
29 superintendent in all cases. The hearing shall be held and a record  
30 made thereof within 30 days of the receipt of the application for a  
31 hearing by the judge of the Superior Court. No formal pleading and  
32 no filing fee shall be required as a preliminary to a hearing.  
33 Appeals from the results of a hearing shall be in accordance with  
34 law.

35 e. Applications. Applications for permits to purchase a  
36 handgun and for firearms purchaser identification cards shall be in  
37 the form prescribed by the superintendent and shall set forth the  
38 name, residence, place of business, age, date of birth, occupation,  
39 sex and physical description, including distinguishing physical  
40 characteristics, if any, of the applicant, and shall state whether the  
41 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
42 drug dependent person as defined in section 2 of P.L.1970, c.226  
43 (C.24:21-2), whether he has ever been confined or committed to a  
44 mental institution or hospital for treatment or observation of a  
45 mental or psychiatric condition on a temporary, interim or  
46 permanent basis, giving the name and location of the institution or  
47 hospital and the dates of confinement or commitment, whether he  
48 has been attended, treated or observed by any doctor or psychiatrist

1 or at any hospital or mental institution on an inpatient or outpatient  
2 basis for any mental or psychiatric condition, giving the name and  
3 location of the doctor, psychiatrist, hospital or institution and the  
4 dates of the occurrence, whether he presently or ever has been a  
5 member of any organization which advocates or approves the  
6 commission of acts of force and violence to overthrow the  
7 Government of the United States or of this State, or which seeks to  
8 deny others their rights under the Constitution of either the United  
9 States or the State of New Jersey, whether he has ever been  
10 convicted of a crime or disorderly persons offense, whether the  
11 person is subject to a restraining order issued pursuant to the  
12 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
13 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
14 firearm, whether the person is subject to a protective order issued  
15 pursuant to the "Extreme Risk Protective Order Act of 2018,"  
16 P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from  
17 possessing any firearm, and other information as the superintendent  
18 shall deem necessary for the proper enforcement of this chapter.  
19 For the purpose of complying with this subsection, the applicant  
20 shall waive any statutory or other right of confidentiality relating to  
21 institutional confinement. The application shall be signed by the  
22 applicant and shall contain as references the names and addresses of  
23 two reputable citizens personally acquainted with him.

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

27 The chief police officer or the superintendent shall obtain the  
28 fingerprints of the applicant and shall have them compared with any  
29 and all records of fingerprints in the municipality and county in  
30 which the applicant resides and also the records of the State Bureau  
31 of Identification and the Federal Bureau of Investigation, provided  
32 that an applicant for a handgun purchase permit who possesses a  
33 valid firearms purchaser identification card, or who has previously  
34 obtained a handgun purchase permit from the same licensing  
35 authority for which he was previously fingerprinted, and who  
36 provides other reasonably satisfactory proof of his identity, need not  
37 be fingerprinted again; however, the chief police officer or the  
38 superintendent shall proceed to investigate the application to  
39 determine whether or not the applicant has become subject to any of  
40 the disabilities set forth in this chapter.

41 f. Granting of permit or identification card; fee; term; renewal;  
42 revocation. The application for the permit to purchase a handgun  
43 together with a fee of \$2, or the application for the firearms  
44 purchaser identification card together with a fee of \$5, shall be  
45 delivered or forwarded to the licensing authority who shall  
46 investigate the same and, unless good cause for the denial thereof  
47 appears, shall grant the permit or the identification card, or both, if  
48 application has been made therefor, within 30 days from the date of

1 receipt of the application for residents of this State and within 45  
2 days for nonresident applicants. A permit to purchase a handgun  
3 shall be valid for a period of 90 days from the date of issuance and  
4 may be renewed by the issuing authority for good cause for an  
5 additional 90 days. A firearms purchaser identification card shall  
6 be valid until such time as the holder becomes subject to any of the  
7 disabilities set forth in subsection c. of this section, whereupon the  
8 card shall be void and shall be returned within five days by the  
9 holder to the superintendent, who shall then advise the licensing  
10 authority. Failure of the holder to return the firearms purchaser  
11 identification card to the superintendent within the five days shall  
12 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
13 purchaser identification card may be revoked by the Superior Court  
14 of the county wherein the card was issued, after hearing upon  
15 notice, upon a finding that the holder thereof no longer qualifies for  
16 the issuance of the permit. The county prosecutor of any county,  
17 the chief police officer of any municipality or any citizen may apply  
18 to the court at any time for the revocation of the card.

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

23 g. Disposition of fees. All fees for permits shall be paid to the  
24 State Treasury if the permit is issued by the superintendent, to the  
25 municipality if issued by the chief of police, and to the county  
26 treasurer if issued by the judge of the Superior Court.

27 h. Form of permit; quadruplicate; disposition of copies. The  
28 permit shall be in the form prescribed by the superintendent and  
29 shall be issued to the applicant in quadruplicate. Prior to the time  
30 he receives the handgun from the seller, the applicant shall deliver  
31 to the seller the permit in quadruplicate and the seller shall  
32 complete all of the information required on the form. Within five  
33 days of the date of the sale, the seller shall forward the original  
34 copy to the superintendent and the second copy to the chief of  
35 police of the municipality in which the purchaser resides, except  
36 that in a municipality having no chief of police, the copy shall be  
37 forwarded to the superintendent. The third copy shall then be  
38 returned to the purchaser with the pistol or revolver and the fourth  
39 copy shall be kept by the seller as a permanent record.

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

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

47 (2) a collector of handguns as curios or relics as defined in Title  
48 18, United States Code, section 921 (a) (13) who has in his

1 possession a valid Collector of Curios and Relics License issued by  
2 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

15 The provisions of this subsection shall not be construed to afford  
16 or authorize any other exemption from the regulatory provisions  
17 governing firearms set forth in chapter 39 and chapter 58 of Title  
18 2C of the New Jersey Statutes;

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

24 j. Firearms passing to heirs or legatees. Notwithstanding any  
25 other provision of this section concerning the transfer, receipt or  
26 acquisition of a firearm, a permit to purchase or a firearms  
27 purchaser identification card shall not be required for the passing of  
28 a firearm upon the death of an owner thereof to his heir or legatee,  
29 whether the same be by testamentary bequest or by the laws of  
30 intestacy. The person who shall so receive, or acquire the firearm  
31 shall, however, be subject to all other provisions of this chapter. If  
32 the heir or legatee of the firearm does not qualify to possess or carry  
33 it, he may retain ownership of the firearm for the purpose of sale for  
34 a period not exceeding 180 days, or for a further limited period as  
35 may be approved by the chief law enforcement officer of the  
36 municipality in which the heir or legatee resides or the  
37 superintendent, provided that the firearm is in the custody of the  
38 chief law enforcement officer of the municipality or the  
39 superintendent during that period.

40 k. Sawed-off shotguns. Nothing in this section shall be  
41 construed to authorize the purchase or possession of any sawed-off  
42 shotgun.

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

1 sell to a person under the age of 18 years a visual distress signalling  
2 device.

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

10 n. For the purposes of this section, "immediate family" means a  
11 spouse, domestic partner as defined in section 3 of P.L.2003, c.246  
12 (C.26:8A-3), partner in a civil union couple as defined in section 2  
13 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,  
14 sibling, stepsibling, child, stepchild, and grandchild, as related by  
15 blood or by law.  
16 (cf: P.L.2018, c.36, s.1)

17

18 2. This act shall take effect immediately.

19

20

21

## STATEMENT

22

23 This bill gives full-time law enforcement officers the option to  
24 also apply for a handgun permit or firearms purchaser identification  
25 card through the town where they are employed in addition to the  
26 town where they reside.

27 Under current law, a person who applies for a permit to purchase  
28 a handgun or a firearms purchaser identification card is required to  
29 apply through the chief of police of an organized full-time police  
30 department of the municipality where the person resides or the  
31 Superintendent of State Police if the municipality does not have a  
32 police department.

33 Under the bill, the law enforcement officer is also is authorized  
34 to apply to the chief of police of the town where he or she is  
35 employed. If the permit or identification card is issued by the town  
36 where the officer is employed, the bill requires the chief of police in  
37 the employing town to notify the chief of police where the law  
38 enforcement officer resides that the permit or identification card  
39 was granted.

40 In many instances, law enforcement officers have little or no  
41 contact with the police department where they live. Conversely, the  
42 chief of police of the department where a law enforcement officer is  
43 employed presumably would know whether the officer was  
44 qualified to own a firearm. Authorizing the chief of police where  
45 the officer is employed to conduct the background check would  
46 streamline the application process for these law enforcement  
47 officers.