

# ASSEMBLY, No. 3686

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

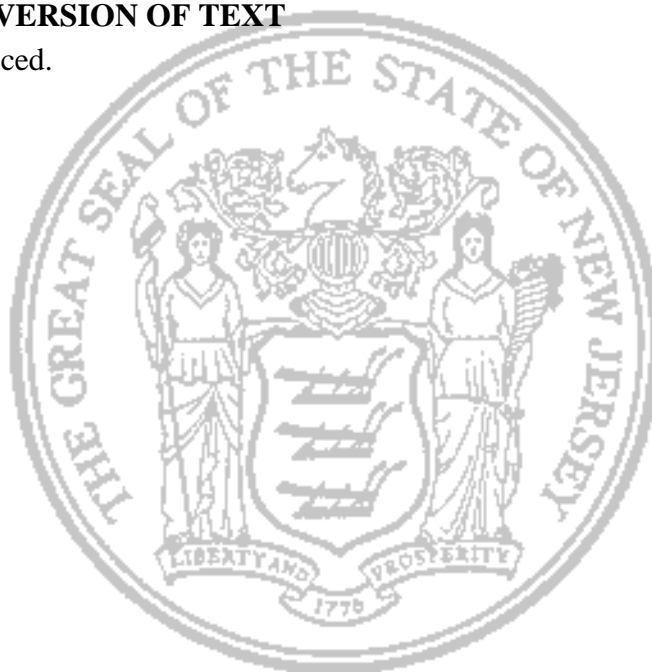
**Assemblyman Tully and Assemblywoman Carter**

**SYNOPSIS**

Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register firearms acquired out-of-State.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/6/2021)**

1 AN ACT concerning firearm ownership and amending N.J.S.2C:58-  
2 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  
2 the custody, control, ownership, purchase, possession, or receipt of  
3 a 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 chief of police of an organized full-time  
6 police department of the municipality where the applicant resides or  
7 the superintendent, in all other cases, shall upon application, issue  
8 to any person qualified under the provisions of subsection c. of this  
9 section a permit to purchase a handgun or a firearms purchaser  
10 identification card.

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

26 e. Applications. Applications for permits to purchase a  
27 handgun and for firearms purchaser identification cards shall be in  
28 the form prescribed by the superintendent and shall set forth the  
29 name, residence, place of business, age, date of birth, occupation,  
30 sex and physical description, including distinguishing physical  
31 characteristics, if any, of the applicant, and shall state whether the  
32 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
33 drug dependent person as defined in section 2 of P.L.1970, c.226  
34 (C.24:21-2), whether he has ever been confined or committed to a  
35 mental institution or hospital for treatment or observation of a  
36 mental or psychiatric condition on a temporary, interim or  
37 permanent basis, giving the name and location of the institution or  
38 hospital and the dates of confinement or commitment, whether he  
39 has been attended, treated or observed by any doctor or psychiatrist  
40 or at any hospital or mental institution on an inpatient or outpatient  
41 basis for any mental or psychiatric condition, giving the name and  
42 location of the doctor, psychiatrist, hospital or institution and the  
43 dates of the occurrence, whether he presently or ever has been a  
44 member of any organization which advocates or approves the  
45 commission of acts of force and violence to overthrow the  
46 Government of the United States or of this State, or which seeks to  
47 deny others their rights under the Constitution of either the United  
48 States or the State of New Jersey, whether he has ever been

1 convicted of a crime or disorderly persons offense, whether the  
2 person is subject to a restraining order issued pursuant to the  
3 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
4 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
5 firearm, whether the person is subject to a protective order issued  
6 pursuant to the "Extreme Risk Protective Order Act of 2018,"  
7 P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from  
8 possessing any firearm, and other information as the superintendent  
9 shall deem necessary for the proper enforcement of this chapter.  
10 For the purpose of complying with this subsection, the applicant  
11 shall waive any statutory or other right of confidentiality relating to  
12 institutional confinement. The application shall be signed by the  
13 applicant and shall contain as references the names and addresses of  
14 two reputable citizens personally acquainted with him.

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

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

32 f. Granting of permit or identification card; fee; term; renewal;  
33 revocation. The application for the permit to purchase a handgun  
34 together with a fee of \$2, or the application for the firearms  
35 purchaser identification card together with a fee of \$5, shall be  
36 delivered or forwarded to the licensing authority who shall  
37 investigate the same and, unless good cause for the denial thereof  
38 appears, shall grant the permit or the identification card, or both, if  
39 application has been made therefor, within 30 days from the date of  
40 receipt of the application for residents of this State and within 45  
41 days for nonresident applicants. A permit to purchase a handgun  
42 shall be valid for a period of 90 days from the date of issuance and  
43 may be renewed by the issuing authority for good cause for an  
44 additional 90 days. A firearms purchaser identification card shall  
45 be valid until such time as the holder becomes subject to any of the  
46 disabilities set forth in subsection c. of this section, whereupon the  
47 card shall be void and shall be returned within five days by the  
48 holder to the superintendent, who shall then advise the licensing

1 authority. Failure of the holder to return the firearms purchaser  
2 identification card to the superintendent within the five days shall  
3 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
4 purchaser identification card may be revoked by the Superior Court  
5 of the county wherein the card was issued, after hearing upon  
6 notice, upon a finding that the holder thereof no longer qualifies for  
7 the issuance of the permit. The county prosecutor of any county,  
8 the chief police officer of any municipality or any citizen may apply  
9 to the court at any time for the revocation of the card.

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

14 g. Disposition of fees. All fees for permits shall be paid to the  
15 State Treasury if the permit is issued by the superintendent, to the  
16 municipality if issued by the chief of police, and to the county  
17 treasurer if issued by the judge of the Superior Court.

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

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

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

38 (2) a collector of handguns as curios or relics as defined in Title  
39 18, United States Code, section 921 (a) (13) who has in his  
40 possession a valid Collector of Curios and Relics License issued by  
41 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

46 (5) any transaction where the person has purchased a handgun  
47 from a licensed retail dealer and has returned that handgun to the  
48 dealer in exchange for another handgun within 30 days of the

1 original transaction, provided the retail dealer reports the exchange  
2 transaction to the superintendent; or

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

6 The provisions of this subsection shall not be construed to afford  
7 or authorize any other exemption from the regulatory provisions  
8 governing firearms set forth in chapter 39 and chapter 58 of Title  
9 2C of the New Jersey Statutes;

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

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

31 k. Sawed-off shotguns. Nothing in this section shall be  
32 construed to authorize the purchase or possession of any sawed-off  
33 shotgun.

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

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



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

7 o. Registration of firearms owned by new residents. Any  
8 person who becomes a resident of this State following the effective  
9 date of P.L. , c. (pending before the Legislature as this bill) and  
10 who transports into this State a firearm that the person owned or  
11 acquired while residing in another state shall apply for a firearm  
12 purchaser identification card and register the firearm within 30 days  
13 of becoming a New Jersey resident.

14 A person who registers a firearm pursuant to this subsection shall  
15 complete a registration statement, which shall be in a form  
16 prescribed by the superintendent. The information provided in the  
17 registration statement shall include, but shall not be limited to, the  
18 name and address of the person and the make, model, and serial  
19 number of the firearm being registered. Each registration statement  
20 shall be signed by the person, and the signature shall constitute a  
21 representation of the accuracy of the information contained in the  
22 registration statement.

23 The registration statement shall be submitted to the law  
24 enforcement agency of the municipality in which the person resides  
25 or, if the municipality does not have a municipal law enforcement  
26 agency, any State Police station.

27 Within 60 days prior to the effective date of  
28 P.L. , c. (pending before the Legislature as this bill), the  
29 superintendent shall prepare the form of registration statement as  
30 described in this subsection and shall provide a suitable supply of  
31 statements to each organized full-time municipal police department  
32 and each State Police station.

33 (cf: P.L.2018, c.36, s.1)

34

35 2. This act shall take effect on the first day of the seventh  
36 month following the date of enactment.

37

38

39

STATEMENT

40

41 This bill requires firearm owners who move to New Jersey to  
42 obtain a firearm purchaser identification card (FPIC) and register  
43 their firearm within 30 days of residing in this State.

44 Under current law, a person who purchases a firearm in this State  
45 is required to display an FPIC, which identifies the card holder as a  
46 person who meets the statutory qualifications to purchase a firearm  
47 in this State. A person who legally owned a firearm while residing in

1 another state and then moves to New Jersey is not required to obtain  
2 an FPIC.

3 This bill requires a firearm owner who becomes a resident of this  
4 State to obtain an FPIC and register his or her firearm. In order to  
5 register the firearm, a person would be required to submit to the  
6 municipal law enforcement agency or the State Police a registration  
7 statement that provides the person's name and address and the  
8 make, model, and serial number of the firearm being registered.

9 Under the bill, the Superintendent of State Police is required to  
10 prepare the form of registration statement and provide a suitable  
11 supply of statements to each organized full-time municipal police  
12 department and each State Police station within 60 days prior to the  
13 bill's enactment.