

ASSEMBLY, No. 4427

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 20, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Authorizes issuance of duplicate firearms purchaser identification cards for change of address with certain proof.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/23/2020)

1 AN ACT concerning firearms purchaser identification cards and
2 amending N.J.S.2C:58-3.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

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

8 2C:58-3. a. Permit to purchase a handgun.

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-
45 1 et 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-
3 1 et 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 A person shall apply for a duplicate firearms purchaser
15 identification card in the case of a change of residence. The
16 application, in a form prescribed by the superintendent, shall be
17 submitted to the chief of police of the municipality in which he
18 resides or with the superintendent, as the case may be. A driver's
19 license or a State-issued non-driver identification card, which
20 includes a photograph of the holder, shall be used to provide proof
21 of the change of address. The person shall certify that he is not
22 subject to any of the disabilities set forth in this section or other
23 sections of this chapter and the duplicate card shall be issued
24 without a criminal history records check or mental health records
25 check first being conducted.

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

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

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

- 1 (1) a federal, State, or local law enforcement officer or agency
- 2 purchasing handguns for use by officers in the actual performance
- 3 of their law enforcement duties;
- 4 (2) a collector of handguns as curios or relics as defined in Title
- 5 18, United States Code, section 921 (a) (13) who has in his
- 6 possession a valid Collector of Curios and Relics License issued by
- 7 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 8 (3) transfers of handguns among licensed retail dealers,
- 9 registered wholesale dealers and registered manufacturers;
- 10 (4) transfers of handguns from any person to a licensed retail
- 11 dealer or a registered wholesale dealer or registered manufacturer;
- 12 (5) any transaction where the person has purchased a handgun
- 13 from a licensed retail dealer and has returned that handgun to the
- 14 dealer in exchange for another handgun within 30 days of the
- 15 original transaction, provided the retail dealer reports the exchange
- 16 transaction to the superintendent; or
- 17 (6) any transaction where the superintendent issues an
- 18 exemption from the prohibition in this subsection pursuant to the
- 19 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 20 The provisions of this subsection shall not be construed to afford
- 21 or authorize any other exemption from the regulatory provisions
- 22 governing firearms set forth in chapter 39 and chapter 58 of Title
- 23 2C of the New Jersey Statutes;
- 24 A person shall not be restricted as to the number of rifles or
- 25 shotguns he may purchase, provided he possesses a valid firearms
- 26 purchaser identification card and provided further that he signs the
- 27 certification required in subsection b. of this section for each
- 28 transaction.
- 29 j. Firearms passing to heirs or legatees. Notwithstanding any
- 30 other provision of this section concerning the transfer, receipt or
- 31 acquisition of a firearm, a permit to purchase or a firearms
- 32 purchaser identification card shall not be required for the passing of
- 33 a firearm upon the death of an owner thereof to his heir or legatee,
- 34 whether the same be by testamentary bequest or by the laws of
- 35 intestacy. The person who shall so receive, or acquire the firearm
- 36 shall, however, be subject to all other provisions of this chapter. If
- 37 the heir or legatee of the firearm does not qualify to possess or carry
- 38 it, he may retain ownership of the firearm for the purpose of sale for
- 39 a period not exceeding 180 days, or for a further limited period as
- 40 may be approved by the chief law enforcement officer of the
- 41 municipality in which the heir or legatee resides or the
- 42 superintendent, provided that the firearm is in the custody of the
- 43 chief law enforcement officer of the municipality or the
- 44 superintendent during that period.
- 45 k. Sawed-off shotguns. Nothing in this section shall be
- 46 construed to authorize the purchase or possession of any sawed-off
- 47 shotgun.

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

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

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

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

22
23 2. This act shall take effect immediately.
24
25

26 STATEMENT

27
28 This bill provides that prior to the issuance of a duplicate
29 firearms purchaser identification card for the purposes of a change
30 of address a criminal history records check and a mental health
31 records check need not be performed.

32 Under current regulation, N.J.A.C.13:54-1.11, the holder of a
33 firearms purchaser identification card must apply for a duplicate
34 card upon a change of residence to reflect the current address. The
35 regulation requires that prior to the issuance of the duplicate, the
36 person must consent to a mental health records check and the chief
37 of police in the municipality where the person resides, or the
38 Superintendent of State Police, as the case may be, must conduct a
39 criminal history records check. Essentially, the card holder must
40 repeat the same background check process required for the original
41 issuance of the identification card. By contrast, a card holder who
42 never requires a duplicate card must only undergo the background
43 check one time.

44 Under the bill, the issuance of a duplicate identification card, due
45 to a change of residence, will not first require that a criminal history
46 records check or mental health records check be performed.
47 However, the applicant must certify that he is not subject to any of
48 the disabilities set forth in chapter 58 of Title 2C of the New Jersey

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- 1 Statutes which would render him ineligible to possess a firearms
- 2 purchaser identification card. The bill also requires that an
- 3 applicant for a duplicate card use his driver's license or non-driver
- 4 identification card as proof of the change of address.