

ASSEMBLY, No. 4923

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Requires seizure of ammunition and certain firearm components in response to domestic violence restraining order or conviction.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning domestic violence and firearms and amending
2 various parts of the statutory law.

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:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique
11 cannon" means a destructive device defined in paragraph (3) of
12 subsection c. of this section, if the rifle, shotgun or destructive
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy
20 the name of the maker, model designation, manufacturer's serial
21 number or any other distinguishing identification mark or number
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object
24 designed to explode or produce uncontrolled combustion, including
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any
26 rocket having a propellant charge of more than four ounces or any
27 missile having an explosive or incendiary charge of more than one-
28 quarter of an ounce; (3) any weapon capable of firing a projectile of
29 a caliber greater than 60 caliber, except a shotgun or shotgun
30 ammunition generally recognized as suitable for sporting purposes;
31 (4) any Molotov cocktail or other device consisting of a breakable
32 container containing flammable liquid and having a wick or similar
33 device capable of being ignited. The term does not include any
34 device manufactured for the purpose of illumination, distress
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that
40 is commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible
42 materials or other ingredients in such proportions, quantities or
43 packing that an ignition by fire, by friction, by concussion or by
44 detonation of any part of the compound or mixture may cause such
45 a sudden generation of highly heated gases that the resultant

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 gaseous pressures are capable of producing destructive effects on
2 contiguous objects. The term shall not include small arms
3 ammunition, or explosives in the form prescribed by the official
4 United States Pharmacopoeia.

5 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
6 automatic or semi-automatic rifle, or any gun, device or instrument
7 in the nature of a weapon from which may be fired or ejected any
8 solid projectable ball, slug, pellet, missile or bullet, or any gas,
9 vapor or other noxious thing, by means of a cartridge or shell or by
10 the action of an explosive or the igniting of flammable or explosive
11 substances. It shall also include, without limitation, any firearm
12 which is in the nature of an air gun, spring gun or pistol or other
13 weapon of a similar nature in which the propelling force is a spring,
14 elastic band, carbon dioxide, compressed or other gas or vapor, air
15 or compressed air, or is ignited by compressed air, and ejecting a
16 bullet or missile smaller than three-eighths of an inch in diameter,
17 with sufficient force to injure a person.

18 g. "Firearm silencer" means any instrument, attachment,
19 weapon or appliance for causing the firing of any gun, revolver,
20 pistol or other firearm to be silent, or intended to lessen or muffle
21 the noise of the firing of any gun, revolver, pistol or other firearm.

22 h. "Gravity knife" means any knife which has a blade which is
23 released from the handle or sheath thereof by the force of gravity or
24 the application of centrifugal force.

25 i. "Machine gun" means any firearm, mechanism or instrument
26 not requiring that the trigger be pressed for each shot and having a
27 reservoir, belt or other means of storing and carrying ammunition
28 which can be loaded into the firearm, mechanism or instrument and
29 fired therefrom. A machine gun also shall include, without
30 limitation, any firearm with a trigger crank attached.

31 j. "Manufacturer" means any person who receives or obtains
32 raw materials or parts and processes them into firearms or finished
33 parts of firearms, except a person who exclusively processes grips,
34 stocks and other nonmetal parts of firearms. The term does not
35 include a person who repairs existing firearms or receives new and
36 used raw materials or parts solely for the repair of existing firearms.

37 k. "Handgun" means any pistol, revolver or other firearm
38 originally designed or manufactured to be fired by the use of a
39 single hand.

40 l. "Retail dealer" means any person including a gunsmith,
41 except a manufacturer or a wholesale dealer, who sells, transfers or
42 assigns for a fee or profit any firearm or parts of firearms or
43 ammunition which he has purchased or obtained with the intention,
44 or for the purpose, of reselling or reassigning to persons who are
45 reasonably understood to be the ultimate consumers, and includes
46 any person who is engaged in the business of repairing firearms or
47 who sells any firearm to satisfy a debt secured by the pledge of a
48 firearm.

- 1 m. "Rifle" means any firearm designed to be fired from the
2 shoulder and using the energy of the explosive in a fixed metallic
3 cartridge to fire a single projectile through a rifled bore for each
4 single pull of the trigger.
- 5 n. "Shotgun" means any firearm designed to be fired from the
6 shoulder and using the energy of the explosive in a fixed shotgun
7 shell to fire through a smooth bore either a number of ball shots or a
8 single projectile for each pull of the trigger, or any firearm designed
9 to be fired from the shoulder which does not fire fixed ammunition.
- 10 o. "Sawed-off shotgun" means any shotgun having a barrel or
11 barrels of less than 18 inches in length measured from the breech to
12 the muzzle, or a rifle having a barrel or barrels of less than 16
13 inches in length measured from the breech to the muzzle, or any
14 firearm made from a rifle or a shotgun, whether by alteration, or
15 otherwise, if such firearm as modified has an overall length of less
16 than 26 inches.
- 17 p. "Switchblade knife" means any knife or similar device
18 which has a blade which opens automatically by hand pressure
19 applied to a button, spring or other device in the handle of the knife.
- 20 q. "Superintendent" means the Superintendent of the State
21 Police.
- 22 r. "Weapon" means anything readily capable of lethal use or of
23 inflicting serious bodily injury. The term includes, but is not
24 limited to, all (1) firearms, even though not loaded or lacking a clip
25 or other component to render them immediately operable; (2)
26 components which can be readily assembled into a weapon; (3)
27 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
28 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
29 sandclubs, slingshots, cesti or similar leather bands studded with
30 metal filings or razor blades imbedded in wood; and (4) stun guns;
31 and any weapon or other device which projects, releases, or emits
32 tear gas or any other substance intended to produce temporary
33 physical discomfort or permanent injury through being vaporized or
34 otherwise dispensed in the air.
- 35 s. "Wholesale dealer" means any person, except a
36 manufacturer, who sells, transfers, or assigns firearms, or parts of
37 firearms, to persons who are reasonably understood not to be the
38 ultimate consumers, and includes persons who receive finished
39 parts of firearms and assemble them into completed or partially
40 completed firearms, in furtherance of such purpose, except that it
41 shall not include those persons dealing exclusively in grips, stocks
42 and other nonmetal parts of firearms.
- 43 t. "Stun gun" means any weapon or other device which emits
44 an electrical charge or current intended to temporarily or
45 permanently disable a person.
- 46 u. "Ballistic knife" means any weapon or other device capable
47 of lethal use and which can propel a knife blade.

- 1 v. "Imitation firearm" means an object or device reasonably
2 capable of being mistaken for a firearm.
- 3 w. "Assault firearm" means:
- 4 (1) The following firearms:
- 5 Algimec AGM1 type
- 6 Any shotgun with a revolving cylinder such as the "Street
7 Sweeper" or "Striker 12"
- 8 Armalite AR-180 type
- 9 Australian Automatic Arms SAR
- 10 Avtomat Kalashnikov type semi-automatic firearms
- 11 Beretta AR-70 and BM59 semi-automatic firearms
- 12 Bushmaster Assault Rifle
- 13 Calico M-900 Assault carbine and M-900
- 14 CETME G3
- 15 Chartered Industries of Singapore SR-88 type
- 16 Colt AR-15 and CAR-15 series
- 17 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 18 Demro TAC-1 carbine type
- 19 Encom MP-9 and MP-45 carbine types
- 20 FAMAS MAS223 types
- 21 FN-FAL, FN-LAR, or FN-FNC type semi-automatic
22 firearms
- 23 Franchi SPAS 12 and LAW 12 shotguns
- 24 G3SA type
- 25 Galil type Heckler and Koch HK91, HK93, HK94, MP5,
26 PSG-1
- 27 Intratec TEC 9 and 22 semi-automatic firearms
- 28 M1 carbine type
- 29 M14S type
- 30 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 31 PJK M-68 carbine type
- 32 Plainfield Machine Company Carbine
- 33 Ruger K-Mini-14/5F and Mini-14/5RF
- 34 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 35 SKS with detachable magazine type
- 36 Spectre Auto carbine type
- 37 Springfield Armory BM59 and SAR-48 type
- 38 Sterling MK-6, MK-7 and SAR types
- 39 Steyr A.U.G. semi-automatic firearms
- 40 USAS 12 semi-automatic type shotgun
- 41 Uzi type semi-automatic firearms
- 42 Valmet M62, M71S, M76, or M78 type semi-automatic
43 firearms
- 44 Weaver Arm Nighthawk.
- 45 (2) Any firearm manufactured under any designation which is
46 substantially identical to any of the firearms listed above.
- 47 (3) A semi-automatic shotgun with either a magazine capacity
48 exceeding six rounds, a pistol grip, or a folding stock.

1 (4) A semi-automatic rifle with a fixed magazine capacity
2 exceeding 10 rounds. "Assault firearm" shall not include a semi-
3 automatic rifle which has an attached tubular device and which is
4 capable of operating only with .22 caliber rimfire ammunition.

5 (5) A part or combination of parts designed or intended to
6 convert a firearm into an assault firearm, or any combination of
7 parts from which an assault firearm may be readily assembled if
8 those parts are in the possession or under the control of the same
9 person.

10 (6) A firearm with a bump stock attached.

11 x. "Semi-automatic" means a firearm which fires a single
12 projectile for each single pull of the trigger and is self-reloading or
13 automatically chambers a round, cartridge, or bullet.

14 y. "Large capacity ammunition magazine" means a box, drum,
15 tube or other container which is capable of holding more than 10
16 rounds of ammunition to be fed continuously and directly therefrom
17 into a semi-automatic firearm. The term shall not include an
18 attached tubular device which is capable of holding only .22 caliber
19 rimfire ammunition.

20 z. "Pistol grip" means a well-defined handle, similar to that
21 found on a handgun, that protrudes conspicuously beneath the
22 action of the weapon, and which permits the shotgun to be held and
23 fired with one hand.

24 aa. "Antique handgun" means a handgun manufactured before
25 1898, or a replica thereof, which is recognized as being historical in
26 nature or of historical significance and either (1) utilizes a match,
27 friction, flint, or percussion ignition, or which utilizes a pin-fire
28 cartridge in which the pin is part of the cartridge or (2) does not fire
29 fixed ammunition or for which cartridge ammunition is not
30 commercially available.

31 bb. "Trigger lock" means a commercially available device
32 approved by the Superintendent of State Police which is operated
33 with a key or combination lock that prevents a firearm from being
34 discharged while the device is attached to the firearm. It may
35 include, but need not be limited to, devices that obstruct the barrel
36 or cylinder of the firearm, as well as devices that immobilize the
37 trigger.

38 cc. "Trigger locking device" means a device that, if installed on
39 a firearm and secured by means of a key or mechanically,
40 electronically or electromechanically operated combination lock,
41 prevents the firearm from being discharged without first
42 deactivating or removing the device by means of a key or
43 mechanically, electronically or electromechanically operated
44 combination lock.

45 dd. "Personalized handgun" means a handgun which
46 incorporates within its design a permanent programmable feature as
47 part of its manufacture that cannot be deactivated and renders the
48 personalized handgun reasonably resistant to being fired except

1 when activated by the lawful owner or other authorized user. No
2 make or model of a handgun shall be deemed to be a "personalized
3 handgun" unless the Personalized Handgun Authorization
4 Commission established pursuant to section 1 of P.L.2019, c.164
5 (C.2C:58-2.7) has determined in accordance with section 2 of
6 P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets
7 the performance standards and qualifying criteria established
8 pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

9 ee. "Bump stock" means any device or instrument for a firearm
10 that increases the rate of fire achievable with the firearm by using
11 energy from the recoil of the firearm to generate a reciprocating
12 action that facilitates repeated activation of the trigger.

13 ff. "Trigger crank" means any device or instrument to be
14 attached to a firearm that repeatedly activates the trigger of the
15 firearm through the use of a lever or other part that is turned in a
16 circular motion; provided, however, the term shall not include any
17 weapon initially designed and manufactured to fire through the use
18 of a crank or lever.

19 gg. "Armor piercing ammunition" means: (1) a projectile or
20 projectile core which may be used in a handgun and is constructed
21 entirely, excluding the presence of traces of other substances, from
22 one or a combination of tungsten alloys, steel, iron, brass, bronze,
23 beryllium copper, or depleted uranium; or (2) a full jacketed
24 projectile larger than .22 caliber designed and intended for use in a
25 handgun and whose jacket has a weight of more than 25 percent of
26 the total weight of the projectile. "Armor piercing ammunition"
27 shall not include shotgun shot required by federal or State
28 environmental or game regulations for hunting purposes, a frangible
29 projectile designed for target shooting, a projectile which the United
30 States Attorney General finds is primarily intended to be used for
31 sporting purposes, or any other projectile or projectile core which
32 the United States Attorney General finds is intended to be used for
33 industrial purposes, including a charge used in an oil gas well
34 perforating device.

35 hh. "Covert firearm" means any firearm that is constructed in a
36 shape or configuration such that it does not resemble a handgun,
37 rifle, shotgun, or machine gun including, but not limited to, a
38 firearm that resembles a key-chain, pen, cigarette lighter, cigarette
39 package, cellphone, smart phone, wallet, or cane.

40 ii. "Undetectable firearm" means a firearm that: (1) after
41 removal of all parts other than major components, is not as
42 detectable as the Security Exemplar, by walk-through metal
43 detectors calibrated and operated to detect the Security Exemplar;
44 or (2) includes a major component which, if the firearm were
45 subjected to inspection by the types of detection devices commonly
46 used at airports for security screening, would not generate an image
47 that accurately depicts the shape of the component. "Undetectable
48 firearm" shall not be construed to include a firearm subject to the

1 provisions of paragraphs (3) through (6) of subsection (p) of 18
2 U.S.C. s.922.

3 jj. "Major component" means the slide or cylinder or the frame
4 or receiver of a firearm and, in the case of a rifle or shotgun, also
5 includes the barrel.

6 kk. "Security Exemplar" means the Security Exemplar fabricated
7 in accordance with subparagraph (C) of paragraph (2) of subsection
8 (p) of 18 U.S.C. s.922.

9 ll."Authorized user" means the lawful owner of a personalized
10 handgun or a person to whom the owner has given consent to use
11 the personalized handgun.

12 mm. "Firearm accessory" means any device that attaches to a
13 firearm, or that is used in or facilitates the operation of a firearm,
14 including but not limited to, stocks, grips, and detachable
15 magazines.

16 nn. "Firearm component" means any part of a firearm that is
17 material to the function of the firearm including, but not limited to,
18 a major component as defined in subsection jj. of this section.

19 (cf: P.L.2019, c.164, s.6)

20

21 2. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to
22 read as follows:

23 5. a. When a person claims to be a victim of domestic
24 violence, and where a law enforcement officer responding to the
25 incident finds probable cause to believe that domestic violence has
26 occurred, the law enforcement officer shall arrest the person who is
27 alleged to be the person who subjected the victim to domestic
28 violence and shall sign a criminal complaint if:

29 (1) The victim exhibits signs of injury caused by an act of
30 domestic violence;

31 (2) A warrant is in effect;

32 (3) There is probable cause to believe that the person has
33 violated N.J.S.2C:29-9, and there is probable cause to believe that
34 the person has been served with the order alleged to have been
35 violated. If the victim does not have a copy of a purported order,
36 the officer may verify the existence of an order with the appropriate
37 law enforcement agency; or

38 (4) There is probable cause to believe that a weapon as defined
39 in N.J.S.2C:39-1 has been involved in the commission of an act of
40 domestic violence.

41 b. A law enforcement officer may arrest a person; or may sign
42 a criminal complaint against that person, or may do both, where
43 there is probable cause to believe that an act of domestic violence
44 has been committed, but where none of the conditions in subsection
45 a. of this section applies.

46 c. (1) As used in this section, the word "exhibits" is to be
47 liberally construed to mean any indication that a victim has suffered
48 bodily injury, which shall include physical pain or any impairment

1 of physical condition. Where the victim exhibits no visible sign of
2 injury, but states that an injury has occurred, the officer should
3 consider other relevant factors in determining whether there is
4 probable cause to make an arrest.

5 (2) In determining which party in a domestic violence incident
6 is the victim where both parties exhibit signs of injury, the officer
7 should consider the comparative extent of the injuries, the history of
8 domestic violence between the parties, if any, and any other
9 relevant factors.

10 (3) No victim shall be denied relief or arrested or charged under
11 this act with an offense because the victim used reasonable force in
12 self defense against domestic violence by an attacker.

13 d. (1) In addition to a law enforcement officer's authority to
14 seize any weapon that is contraband, evidence or an instrumentality
15 of crime, a law enforcement officer who has probable cause to
16 believe that an act of domestic violence has been committed shall:

17 (a) question persons present to determine whether there are
18 weapons on the premises; and

19 (b) upon observing or learning that a weapon is present on the
20 premises, seize any weapon that the officer reasonably believes
21 would expose the victim to a risk of serious bodily injury. If a law
22 enforcement officer seizes any firearm pursuant to this paragraph,
23 the officer shall also seize any ammunition, or firearm accessory or
24 firearm component as defined in subsections mm. and nn. of
25 N.J.S.2C:39-1, and any firearm purchaser identification card or
26 permit to purchase a handgun issued to the person accused of the
27 act of domestic violence.

28 (2) A law enforcement officer shall deliver all weapons,
29 ammunition, firearm accessories, firearm components, firearms
30 purchaser identification cards, and permits to purchase a handgun
31 seized pursuant to this section to the county prosecutor and shall
32 append an inventory of all seized items to the domestic violence
33 report.

34 (3) Weapons, ammunition, firearm accessories, and firearm
35 components seized in accordance with the "Prevention of Domestic
36 Violence Act of 1991", P.L.1991,c.261(C.2C:25-17 et seq.) shall be
37 returned to the owner except upon order of the Superior Court. The
38 prosecutor who has possession of the seized weapons, ammunition,
39 firearm accessories, and firearm components may, upon notice to
40 the owner, petition a judge of the Family Part of the Superior Court,
41 Chancery Division, within 45 days of seizure, to obtain title to the
42 seized weapons, or to revoke any and all permits, licenses and other
43 authorizations for the use, possession, or ownership of such
44 weapons pursuant to the law governing such use, possession, or
45 ownership, or may object to the return of the weapons, ammunition,
46 firearm accessories, and firearm components on such grounds as are
47 provided for the initial rejection or later revocation of the
48 authorizations, or on the grounds that the owner is unfit or that the

1 owner poses a threat to the public in general or a person or persons
2 in particular.

3 A hearing shall be held and a record made thereof within 45 days
4 of the notice provided above. No formal pleading and no filing fee
5 shall be required as a preliminary to such hearing. The hearing
6 shall be summary in nature. Appeals from the results of the hearing
7 shall be to the Superior Court, Appellate Division, in accordance
8 with the law.

9 If the prosecutor does not institute an action within 45 days of
10 seizure, the seized weapons, ammunition, firearm accessories, and
11 firearm components shall be returned to the owner.

12 After the hearing the court shall order the return of the firearms,
13 weapons, ammunition, firearm accessories, firearm components,
14 and any authorization papers relating to the seized weapons,
15 ammunition, firearm accessories, firearm components to the owner
16 if the court determines the owner is not subject to any of the
17 disabilities set forth in N.J.S.2C:58-3c. and finds that the complaint
18 has been dismissed at the request of the complainant and the
19 prosecutor determines that there is insufficient probable cause to
20 indict; or if the defendant is found not guilty of the charges; or if
21 the court determines that the domestic violence situation no longer
22 exists. Nothing in this act shall impair the right of the State to retain
23 evidence pending a criminal prosecution. Nor shall any provision
24 of this act be construed to limit the authority of the State or a law
25 enforcement officer to seize, retain or forfeit property pursuant to
26 chapter 64 of Title 2C of the New Jersey Statutes.

27 If, after the hearing, the court determines that the weapons,
28 ammunition, firearm accessories, or firearm components, are not to
29 be returned to the owner, the court may:

30 (a) With respect to weapons other than firearms, ammunition,
31 firearm accessories, or firearm components, order the prosecutor to
32 dispose of the weapons if the owner does not arrange for the
33 transfer or sale of the weapons to an appropriate person within 60
34 days; or

35 (b) Order the revocation of the owner's firearms purchaser
36 identification card or any permit, license or authorization, in which
37 case the court shall order the owner to surrender any firearm,
38 ammunition, firearm accessory, or firearm component seized and all
39 other firearms, ammunition, firearm accessories, or firearm
40 components possessed to the prosecutor and shall order the
41 prosecutor to dispose of the firearms, ammunition, firearm
42 accessories, or firearm components if the owner does not arrange
43 for the sale of the firearms, ammunition, firearm accessories, or
44 firearm components to a registered dealer of the firearms within 60
45 days; or

46 (c) Order such other relief as it may deem appropriate. When
47 the court orders the weapons, firearms, ammunition, firearm
48 accessories, or firearm components forfeited to the State or the

1 prosecutor is required to dispose of the weapons, the prosecutor
2 shall dispose of the property as provided in N.J.S.2C:64-6.

3 (4) A civil suit may be brought to enjoin a wrongful failure to
4 return a seized firearm, ammunition, firearm accessory, or firearm
5 component where the prosecutor refuses to return the **【weapon】**
6 firearm, ammunition, firearm accessory, or firearm component after
7 receiving a written request to do so and notice of the owner's intent
8 to bring a civil action pursuant to this section. Failure of the
9 prosecutor to comply with the provisions of this act shall entitle the
10 prevailing party in the civil suit to reasonable costs, including
11 attorney's fees, provided that the court finds that the prosecutor
12 failed to act in good faith in retaining the seized weapon.

13 (5) No law enforcement officer or agency shall be held liable in
14 any civil action brought by any person for failing to learn of, locate
15 or seize a weapon, ammunition, firearm accessory, or firearm
16 component pursuant to this act, or for returning a seized weapon ,
17 ammunition, firearm accessory, or firearm component to its owner.
18 (cf: P.L.2003, c.277, s.1)

19
20 3. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to
21 read as follows:

22 10. a. When a defendant charged with a crime or offense
23 involving domestic violence is released from custody before trial on
24 bail or personal recognizance, the court authorizing the release may
25 as a condition of release issue an order prohibiting the defendant
26 from having any contact with the victim including, but not limited
27 to, restraining the defendant from entering the victim's residence,
28 place of employment or business, or school, and from harassing or
29 stalking the victim or the victim's friends, co-workers, or relatives
30 in any way. The court may also enter an order prohibiting the
31 defendant from having any contact with any animal owned,
32 possessed, leased, kept, or held by either party or a minor child
33 residing in the household. In addition, the court may enter an order
34 directing the possession of the animal and providing that the animal
35 shall not be disposed of prior to the disposition of the crime or
36 offense. The court may enter an order prohibiting the defendant
37 from possessing any firearm , ammunition, or firearm accessory or
38 firearm component as defined in subsections mm. and nn. of
39 N.J.S.2C:39-1, or **【other】** weapon enumerated in subsection r. of
40 N.J.S.2C:39-1 and ordering the search for and seizure of any such
41 weapon at any location where the judge has reasonable cause to
42 believe the weapon is located. The judge shall state with specificity
43 the reasons for and scope of the search and seizure authorized by
44 the order.

45 b. The written court order releasing the defendant shall contain
46 the court's directives specifically restricting the defendant's ability
47 to have contact with the victim, the victim's friends, co-workers, or
48 relatives, or any animal owned, possessed, leased, kept, or held by

1 either party or a minor child residing in the household. The clerk of
2 the court or other person designated by the court shall provide a
3 copy of this order to the victim forthwith.

4 c. The victim's location shall remain confidential and shall not
5 appear on any documents or records to which the defendant has
6 access.

7 d. Before bail is set, the defendant's prior record shall be
8 considered by the court. The court shall also conduct a search of
9 the domestic violence central registry. Bail shall be set as soon as
10 is feasible, but in all cases within 24 hours of arrest.

11 e. Once bail is set it shall not be reduced without prior notice
12 to the county prosecutor and the victim. Bail shall not be reduced
13 by a judge other than the judge who originally ordered bail, unless
14 the reasons for the amount of the original bail are available to the
15 judge who reduces the bail and are set forth in the record.

16 f. A victim shall not be prohibited from applying for, and a
17 court shall not be prohibited from issuing, temporary restraints
18 pursuant to this act because the victim has charged any person with
19 commission of a criminal act.

20 (cf: P.L.2011, c.213, s.1)

21

22 4. Section 11 of P.L.1991, c.261 (C.2C:25-27) is amended to
23 read as follows:

24 11. a. When a defendant is found guilty of a crime or offense
25 involving domestic violence and a condition of sentence restricts
26 the defendant's ability to have contact with the victim, the victim's
27 friends, co-workers, or relatives, or an animal owned, possessed,
28 leased, kept, or held by either party or a minor child residing in the
29 household, that condition shall be recorded in an order of the court
30 and a written copy of that order shall be provided to the victim by
31 the clerk of the court or other person designated by the court. In
32 addition to restricting a defendant's ability to have contact with the
33 victim, the victim's friends, co-workers, or relatives, or an animal
34 owned, possessed, leased, kept, or held by either party or a minor
35 child residing in the household, the court may require the defendant
36 to receive professional counseling from either a private source or a
37 source appointed by the court, and if the court so orders, the court
38 shall require the defendant to provide documentation of attendance
39 at the professional counseling. In any case where the court order
40 contains a requirement that the defendant receive professional
41 counseling, no application by the defendant to dissolve the
42 restraining order shall be granted unless, in addition to any other
43 provisions required by law or conditions ordered by the court, the
44 defendant has completed all required attendance at such counseling.

45 b. In addition the court may enter an order directing the
46 possession of an animal owned, possessed, leased, kept, or held by
47 either party or a minor child residing in the household. Where a
48 person has abused or threatened to abuse such animal, there shall be

1 a presumption that possession of the animal shall be awarded to the
2 non-abusive party.

3 c. (1) When a defendant is found guilty of a crime or offense
4 involving domestic violence, the court shall inform the defendant
5 that the defendant is prohibited from purchasing, owning,
6 possessing, or controlling a firearm or ammunition pursuant to
7 section 6 of P.L.1979, c.179 (C.2C:39-7), or firearm accessories or
8 firearm components as defined in subsections mm. and nn. of
9 N.J.S.2C:39-1 and from receiving or retaining a firearms purchaser
10 identification card or permit to purchase a handgun pursuant to
11 N.J.S.2C:58-3. The court shall order the defendant to arrange for
12 the immediate surrender to a law enforcement officer of any
13 firearm, ammunition, firearm accessory or firearm component that
14 has not already been seized or surrendered and any firearms
15 purchaser identification card or permit to purchase a handgun
16 possessed by the defendant. No later than five business days after
17 the order is entered, however, the defendant may arrange to sell any
18 surrendered firearm, ammunition, firearm accessory, or firearm
19 component to a licensed retail dealer of firearms who shall be
20 authorized to take possession of that purchased firearm ,
21 ammunition, firearm accessory, or firearm component from the law
22 enforcement agency to which it was surrendered no later than 10
23 business days after the order is entered. Any card or permit issued
24 to the defendant shall be deemed immediately revoked. The court
25 shall establish a process for notifying the appropriate authorities of
26 the conviction requiring the revocation of the card or permit. A law
27 enforcement officer accepting a surrendered firearm , ammunition,
28 firearm accessory, or firearm component shall provide the
29 defendant with a receipt listing the date of surrender, the name of
30 the defendant, and any item that has been surrendered, including ,
31 as appropriate, the serial number, manufacturer, and model of the
32 surrendered firearm , ammunition, firearm accessory, or firearm
33 component. The defendant shall provide a copy of this receipt to
34 the prosecutor within 48 hours of service of the order, and shall
35 attest under penalty that any firearms , ammunition, firearm
36 accessories, or firearm components owned or possessed at the time
37 of the order have been transferred in accordance with this section
38 and that the defendant currently does not possess any **【firearms】** of
39 these items. The defendant alternatively may attest under penalty
40 that he did not own or possess a firearm, ammunition, firearm
41 accessory, or firearm component at the time of the order and
42 currently does not possess a firearm, ammunition, firearm
43 accessory, or firearm component. If the court, upon motion of the
44 prosecutor, finds probable cause that the defendant has failed to
45 surrender any firearm, ammunition, firearm accessory, firearm
46 component, card, or permit, the court may order a search for and
47 removal of these items at any location where the judge has
48 reasonable cause to believe these items are located. The judge shall

1 state with specificity the reasons for and the scope of the search and
2 seizure authorized by the order.

3 (2) A law enforcement officer who receives a firearm ,
4 ammunition, firearm accessory, or firearm component that is
5 surrendered, but not purchased and taken possession of by a
6 licensed retail dealer of firearms within 10 business days of when
7 the order is entered pursuant to paragraph (1) of this subsection,
8 may dispose of the surrendered firearm, ammunition, firearm
9 accessory, or firearm component in accordance with the provisions
10 of N.J.S.2C:64-6. A firearm , ammunition, firearm accessory, or
11 firearm component purchased by a licensed retail dealer from a
12 defendant shall become part of the inventory of the dealer.
13 (cf: P.L.2016, c.91, s.1)

14
15 5. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
16 read as follows:

17 12. a. A victim may file a complaint alleging the commission of
18 an act of domestic violence with the Family Part of the Chancery
19 Division of the Superior Court in conformity with the Rules of
20 Court. The court shall not dismiss any complaint or delay
21 disposition of a case because the victim has left the residence to
22 avoid further incidents of domestic violence. Filing a complaint
23 pursuant to this section shall not prevent the filing of a criminal
24 complaint for the same act.

25 On weekends, holidays and other times when the court is closed,
26 a victim may file a complaint before a judge of the Family Part of
27 the Chancery Division of the Superior Court or a municipal court
28 judge who shall be assigned to accept complaints and issue
29 emergency, ex parte relief in the form of temporary restraining
30 orders pursuant to this act.

31 A plaintiff may apply for relief under this section in a court
32 having jurisdiction over the place where the alleged act of domestic
33 violence occurred, where the defendant resides, or where the
34 plaintiff resides or is sheltered, and the court shall follow the same
35 procedures applicable to other emergency applications. Criminal
36 complaints filed pursuant to this act shall be investigated and
37 prosecuted in the jurisdiction where the offense is alleged to have
38 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
39 shall be prosecuted in the county where the contempt is alleged to
40 have been committed and a copy of the contempt complaint shall be
41 forwarded to the court that issued the order alleged to have been
42 violated.

43 b. The court shall waive any requirement that the petitioner's
44 place of residence appear on the complaint.

45 c. (1) The clerk of the court, or other person designated by the
46 court, shall assist the parties in completing any forms necessary for
47 the filing of a summons, complaint, answer or other pleading.

1 (2) The plaintiff may provide information concerning firearms
2 to which the defendant has access, including the location of these
3 firearms, if known, on a form to be prescribed by the
4 Administrative Director of the Courts.

5 (3) Information provided by the plaintiff concerning firearms ,
6 ammunition, or firearm accessories or firearm components as
7 defined in subsections mm. and nn. of N.J.S.2C:39-1 to which the
8 defendant has access shall be kept confidential and shall not be
9 disseminated or disclosed, provided that nothing in this subsection
10 shall prohibit dissemination or disclosure of this information in a
11 manner consistent with and in furtherance of the purpose for which
12 the information was provided.

13 d. Summons and complaint forms shall be readily available at
14 the clerk's office, at the municipal courts and at municipal and State
15 police stations.

16 e. As soon as the domestic violence complaint is filed, both the
17 victim and the abuser shall be advised of any programs or services
18 available for advice and counseling.

19 f. A plaintiff may seek emergency, ex parte relief in the nature
20 of a temporary restraining order. A municipal court judge or a
21 judge of the Family Part of the Chancery Division of the Superior
22 Court may enter an ex parte order when necessary to protect the
23 life, health or well-being of a victim on whose behalf the relief is
24 sought.

25 g. If it appears that the plaintiff is in danger of domestic
26 violence, the judge shall, upon consideration of the plaintiff's
27 domestic violence complaint, order emergency ex parte relief, in the
28 nature of a temporary restraining order. A decision shall be made
29 by the judge regarding the emergency relief forthwith.

30 h. A judge may issue a temporary restraining order upon sworn
31 testimony or complaint of an applicant who is not physically
32 present, pursuant to court rules, or by a person who represents a
33 person who is physically or mentally incapable of filing personally.
34 A temporary restraining order may be issued if the judge is satisfied
35 that exigent circumstances exist sufficient to excuse the failure of
36 the applicant to appear personally and that sufficient grounds for
37 granting the application have been shown.

38 i. An order for emergency, ex parte relief shall be granted
39 upon good cause shown and shall remain in effect until a judge of
40 the Family Part issues a further order. Any temporary order
41 hereunder is immediately appealable for a plenary hearing de novo
42 not on the record before any judge of the Family Part of the county
43 in which the plaintiff resides or is sheltered if that judge issued the
44 temporary order or has access to the reasons for the issuance of the
45 temporary order and sets forth in the record the reasons for the
46 modification or dissolution. The denial of a temporary restraining
47 order by a municipal court judge and subsequent administrative
48 dismissal of the complaint shall not bar the victim from refiling a

1 complaint in the Family Part based on the same incident and
2 receiving an emergency, ex parte hearing de novo not on the record
3 before a Family Part judge, and every denial of relief by a
4 municipal court judge shall so state.

5 j. Emergency relief may include forbidding the defendant from
6 returning to the scene of the domestic violence, forbidding the
7 defendant from possessing any firearm **【or other】**, weapon
8 enumerated in subsection r. of N.J.S.2C:39-1, ammunition, or
9 firearm accessory or firearm component as defined in subsections
10 mm. and nn. of N.J.S.2C:39-1, ordering the search for and seizure
11 of any firearm **【or other】**, weapon, ammunition, firearm accessory,
12 or firearm component at any location where the judge has
13 reasonable cause to believe the weapon, ammunition, firearm
14 accessory, or firearm component is located and the seizure of any
15 firearms purchaser identification card or permit to purchase a
16 handgun issued to the defendant and any other appropriate relief.

17 If the order requires the surrender of any firearm **【or , other】**,
18 weapon, ammunition, firearm accessory, or firearm component a
19 law enforcement officer shall accompany the defendant, or may
20 proceed without the defendant if necessary, to the scene of the
21 domestic violence or any other location where the judge has
22 reasonable cause to believe any firearm **【or other】**, weapon, ammunition, firearm accessory, or firearm component belonging to
23 the defendant is located, to ensure that the defendant does not gain
24 access to any firearm **【or other】**, weapon, ammunition, firearm
25 accessory, or firearm component and that the firearm **【or other】**,
26 weapon, ammunition, firearm accessory, or firearm component is
27 appropriately surrendered in accordance with the order. If the order
28 prohibits the defendant from returning to the scene of domestic
29 violence or any other location where the judge has reasonable cause
30 to believe any firearm **【or other】**, weapon, ammunition, firearm
31 accessory, or firearm component belonging to the defendant is
32 located, any firearm **【or other】**, weapon, ammunition, firearm
33 accessory, or firearm component located there shall be seized by a
34 law enforcement officer. The order shall include notice to the
35 defendant of the penalties for a violation of any provision of the
36 order, including but not limited to the penalties for contempt of
37 court and unlawful possession of a firearm or other weapon
38 pursuant to N.J.S.2C:39-5. Other appropriate relief may include but
39 is not limited to an order directing the possession of any animal
40 owned, possessed, leased, kept, or held by either party or a minor
41 child residing in the household and providing that the animal shall
42 not be disposed of prior to entry of a final order pursuant to section
43 13 of P.L.1991, c.261 (C.2C:25-29).

45 The judge shall state with specificity the reasons for and scope of
46 any search and seizure authorized by the order. The provisions of
47 this subsection prohibiting a defendant from possessing a firearm

1 **【or other】** , weapon , ammunition, firearm accessory, or firearm
2 component shall not apply to any law enforcement officer while
3 actually on duty, or to any member of the Armed Forces of the
4 United States or member of the National Guard while actually on
5 duty or traveling to or from an authorized place of duty.

6 k. The judge may permit the defendant to return to the scene of
7 the domestic violence to pick up personal belongings and effects
8 but shall, in the order granting relief, restrict the time and duration
9 of such permission and provide for police supervision of such visit.

10 l. An order granting emergency relief, together with the
11 complaint or complaints, shall immediately be forwarded to the
12 appropriate law enforcement agency for service on the defendant,
13 and to the police of the municipality in which the plaintiff resides or
14 is sheltered, and shall immediately be served upon the defendant by
15 the police, except that an order issued during regular court hours
16 may be forwarded to the sheriff for immediate service upon the
17 defendant in accordance with the Rules of Court. If personal
18 service cannot be effected upon the defendant, the court may order
19 other appropriate substituted service. At no time shall the plaintiff
20 be asked or required to serve any order on the defendant.

21 m. (Deleted by amendment, P.L.1994, c.94.)

22 n. Notice of temporary restraining orders issued pursuant to
23 this section shall be sent by the clerk of the court or other person
24 designated by the court to the appropriate chiefs of police, members
25 of the State Police and any other appropriate law enforcement
26 agency or court.

27 o. (Deleted by amendment, P.L.1994, c.94.)

28 p. Any temporary or final restraining order issued pursuant to
29 this act shall be in effect throughout the State, and shall be enforced
30 by all law enforcement officers.

31 q. Prior to the issuance of any temporary or final restraining
32 order issued pursuant to this section, the court shall order that a
33 search be made of the domestic violence central registry with regard
34 to the defendant's record.

35 (cf: P.L.2016, c.91, s.2)

36
37 6. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
38 read as follows:

39 13. a. A hearing shall be held in the Family Part of the
40 Chancery Division of the Superior Court within 10 days of the
41 filing of a complaint pursuant to section 12 of P.L.1991, c.261
42 (C.2C:25-28) in the county where the ex parte restraints were
43 ordered, unless good cause is shown for the hearing to be held
44 elsewhere. A copy of the complaint shall be served on the
45 defendant in conformity with the Rules of Court. If a criminal
46 complaint arising out of the same incident which is the subject
47 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
48 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,

1 testimony given by the plaintiff or defendant in the domestic
2 violence matter shall not be used in the simultaneous or subsequent
3 criminal proceeding against the defendant, other than domestic
4 violence contempt matters and where it would otherwise be
5 admissible hearsay under the rules of evidence that govern where a
6 party is unavailable. At the hearing the standard for proving the
7 allegations in the complaint shall be by a preponderance of the
8 evidence. The court shall consider but not be limited to the
9 following factors:

10 (1) The previous history of domestic violence between the
11 plaintiff and defendant, including threats, harassment and physical
12 abuse;

13 (2) The existence of immediate danger to person or property;

14 (3) The financial circumstances of the plaintiff and defendant;

15 (4) The best interests of the victim and any child;

16 (5) In determining custody and parenting time the protection of
17 the victim's safety; and

18 (6) The existence of a verifiable order of protection from
19 another jurisdiction.

20 An order issued under this act shall only restrain or provide
21 damages payable from a person against whom a complaint has been
22 filed under this act and only after a finding or an admission is made
23 that an act of domestic violence was committed by that person. The
24 issue of whether or not a violation of this act occurred, including an
25 act of contempt under this act, shall not be subject to mediation or
26 negotiation in any form. In addition, where a temporary or final
27 order has been issued pursuant to this act, no party shall be ordered
28 to participate in mediation on the issue of custody or parenting time.

29 b. In proceedings in which complaints for restraining orders
30 have been filed, the court shall grant any relief necessary to prevent
31 further abuse. In addition to any other provisions, any restraining
32 order issued by the court shall bar the defendant from purchasing,
33 owning, possessing or controlling a firearm or ammunition, or any
34 firearm accessory or firearm component as defined in subsections
35 mm. and nn. of N.J.S.2C:39-1 and from receiving or retaining a
36 firearms purchaser identification card or permit to purchase a
37 handgun pursuant to N.J.S.2C:58-3 during the period in which the
38 restraining order is in effect or two years, whichever is greater. The
39 order shall require the immediate surrender of any firearm **【or**
40 **other】** , weapon, ammunition, firearm accessory, or firearm
41 component belonging to the defendant. The order shall include
42 notice to the defendant of the penalties for a violation of any
43 provision of the order, including but not limited to the penalties for
44 contempt of court and unlawful possession of a firearm or other
45 weapon pursuant to N.J.S.2C:39-5.

46 A law enforcement officer shall accompany the defendant, or
47 may proceed without the defendant if necessary, to any place where
48 any firearm **【or other】** , weapon , ammunition, firearm accessory, or

1 firearm component belonging to the defendant is located to ensure
2 that the defendant does not gain access to any firearm **【or other】** ,
3 weapon, ammunition, firearm accessory, or firearm component, and
4 a law enforcement officer shall take custody of any firearm or other
5 weapon belonging to the defendant. If the order prohibits the
6 defendant from returning to the scene of domestic violence or other
7 place where firearms **【or other weapon】** , weapons, ammunition,
8 firearm accessories, or firearm components belonging to the
9 defendant are located, any firearm **【or other】** , weapon,
10 ammunition, firearm accessory, or firearm component located there
11 shall be seized by a law enforcement officer. The provisions of this
12 subsection requiring the surrender or removal of a firearm,
13 ammunition, firearm accessory, or firearm component, card, or
14 permit shall not apply to any law enforcement officer while actually
15 on duty, or to any member of the Armed Forces of the United States
16 or member of the National Guard while actually on duty or
17 traveling to or from an authorized place of duty. At the hearing the
18 judge of the Family Part of the Chancery Division of the Superior
19 Court may issue an order granting any or all of the following relief:

20 (1) An order restraining the defendant from subjecting the
21 victim to domestic violence, as defined in this act.

22 (2) An order granting exclusive possession to the plaintiff of the
23 residence or household regardless of whether the residence or
24 household is jointly or solely owned by the parties or jointly or
25 solely leased by the parties. This order shall not in any manner
26 affect title or interest to any real property held by either party or
27 both jointly. If it is not possible for the victim to remain in the
28 residence, the court may order the defendant to pay the victim's rent
29 at a residence other than the one previously shared by the parties if
30 the defendant is found to have a duty to support the victim and the
31 victim requires alternative housing.

32 (3) An order providing for parenting time. The order shall
33 protect the safety and well-being of the plaintiff and minor children
34 and shall specify the place and frequency of parenting time.
35 Parenting time arrangements shall not compromise any other
36 remedy provided by the court by requiring or encouraging contact
37 between the plaintiff and defendant. Orders for parenting time may
38 include a designation of a place of parenting time away from the
39 plaintiff, the participation of a third party, or supervised parenting
40 time.

41 (a) The court shall consider a request by a custodial parent who
42 has been subjected to domestic violence by a person with parenting
43 time rights to a child in the parent's custody for an investigation or
44 evaluation by the appropriate agency to assess the risk of harm to
45 the child prior to the entry of a parenting time order. Any denial of
46 such a request must be on the record and shall only be made if the
47 judge finds the request to be arbitrary or capricious.

1 (b) The court shall consider suspension of the parenting time
2 order and hold an emergency hearing upon an application made by
3 the plaintiff certifying under oath that the defendant's access to the
4 child pursuant to the parenting time order has threatened the safety
5 and well-being of the child.

6 (4) An order requiring the defendant to pay to the victim
7 monetary compensation for losses suffered as a direct result of the
8 act of domestic violence. The order may require the defendant to
9 pay the victim directly, to reimburse the Victims of Crime
10 Compensation Office for any and all compensation paid by the
11 Victims of Crime Compensation Office directly to or on behalf of
12 the victim, and may require that the defendant reimburse any parties
13 that may have compensated the victim, as the court may determine.
14 Compensatory losses shall include, but not be limited to, loss of
15 earnings or other support, including child or spousal support, out-
16 of-pocket losses for injuries sustained, cost of repair or replacement
17 of real or personal property damaged or destroyed or taken by the
18 defendant, cost of counseling for the victim, moving or other travel
19 expenses, reasonable attorney's fees, court costs, and compensation
20 for pain and suffering. Where appropriate, punitive damages may be
21 awarded in addition to compensatory damages.

22 (5) An order requiring the defendant to receive professional
23 domestic violence counseling from either a private source or a
24 source appointed by the court and, in that event, requiring the
25 defendant to provide the court at specified intervals with
26 documentation of attendance at the professional counseling. The
27 court may order the defendant to pay for the professional
28 counseling. No application by the defendant to dissolve a final
29 order which contains a requirement for attendance at professional
30 counseling pursuant to this paragraph shall be granted by the court
31 unless, in addition to any other provisions required by law or
32 conditions ordered by the court, the defendant has completed all
33 required attendance at such counseling.

34 (6) An order restraining the defendant from entering the
35 residence, property, school, or place of employment of the victim or
36 of other family or household members of the victim and requiring
37 the defendant to stay away from any specified place that is named
38 in the order and is frequented regularly by the victim or other
39 family or household members.

40 (7) An order restraining the defendant from making contact with
41 the plaintiff or others, including an order forbidding the defendant
42 from personally or through an agent initiating any communication
43 likely to cause annoyance or alarm including, but not limited to,
44 personal, written, or telephone contact with the victim or other
45 family members, or their employers, employees, or fellow workers,
46 or others with whom communication would be likely to cause
47 annoyance or alarm to the victim.

1 (8) An order requiring that the defendant make or continue to
2 make rent or mortgage payments on the residence occupied by the
3 victim if the defendant is found to have a duty to support the victim
4 or other dependent household members; provided that this issue has
5 not been resolved or is not being litigated between the parties in
6 another action.

7 (9) An order granting either party temporary possession of
8 specified personal property, such as an automobile, checkbook,
9 documentation of health insurance, an identification document, a
10 key, and other personal effects.

11 (10) An order awarding emergency monetary relief, including
12 emergency support for minor children, to the victim and other
13 dependents, if any. An ongoing obligation of support shall be
14 determined at a later date pursuant to applicable law.

15 (11) An order awarding temporary custody of a minor child. The
16 court shall presume that the best interests of the child are served by
17 an award of custody to the non-abusive parent.

18 (12) An order requiring that a law enforcement officer
19 accompany either party to the residence or any shared business
20 premises to supervise the removal of personal belongings in order
21 to ensure the personal safety of the plaintiff when a restraining
22 order has been issued. This order shall be restricted in duration.

23 (13) (Deleted by amendment, P.L.1995, c.242).

24 (14) An order granting any other appropriate relief for the
25 plaintiff and dependent children, provided that the plaintiff consents
26 to such relief, including relief requested by the plaintiff at the final
27 hearing, whether or not the plaintiff requested such relief at the time
28 of the granting of the initial emergency order.

29 (15) An order that requires that the defendant report to the intake
30 unit of the Family Part of the Chancery Division of the Superior
31 Court for monitoring of any other provision of the order.

32 (16) In addition to the order required by this subsection
33 prohibiting the defendant from possessing any firearm, the court
34 may also issue an order prohibiting the defendant from possessing
35 any other weapon enumerated in subsection r. of N.J.S.2C:39-1,
36 ammunition, or any firearm accessory or firearm component as
37 defined in subsections mm. and nn. of N.J.S.2C:39-1 and ordering
38 the search for and seizure of any firearm **【or other】** , weapon ,
39 ammunition, firearm accessory, or firearm component at any
40 location where the judge has reasonable cause to believe the
41 firearm, weapon , ammunition, firearm accessory, or firearm
42 component is located. The judge shall state with specificity the
43 reasons for and scope of the search and seizure authorized by the
44 order.

45 (17) An order prohibiting the defendant from stalking or
46 following, or threatening to harm, to stalk or to follow, the
47 complainant or any other person named in the order in a manner
48 that, taken in the context of past actions of the defendant, would put

1 the complainant in reasonable fear that the defendant would cause
2 the death or injury of the complainant or any other person.
3 Behavior prohibited under this act includes, but is not limited to,
4 behavior prohibited under the provisions of P.L.1992, c.209
5 (C.2C:12-10).

6 (18) An order requiring the defendant to undergo a psychiatric
7 evaluation.

8 (19) An order directing the possession of any animal owned,
9 possessed, leased, kept, or held by either party or a minor child
10 residing in the household. Where a person has abused or threatened
11 to abuse such animal, there shall be a presumption that possession
12 of the animal shall be awarded to the non-abusive party.

13 c. Notice of orders issued pursuant to this section shall be sent
14 by the clerk of the Family Part of the Chancery Division of the
15 Superior Court or other person designated by the court to the
16 appropriate chiefs of police, members of the State Police and any
17 other appropriate law enforcement agency.

18 d. Upon good cause shown, any final order may be dissolved or
19 modified upon application to the Family Part of the Chancery
20 Division of the Superior Court, but only if the judge who dissolves
21 or modifies the order is the same judge who entered the order, or
22 has available a complete record of the hearing or hearings on which
23 the order was based.

24 e. Prior to the issuance of any order pursuant to this section,
25 the court shall order that a search be made of the domestic violence
26 central registry.

27 (cf: P.L.2016, c.91, s.3)

28
29 7. This act shall take effect immediately.
30
31

32 STATEMENT

33
34 This bill requires domestic violence offenders to surrender
35 ammunition and certain firearm components while a domestic
36 violence restraining order is in effect or following a conviction for a
37 domestic violence crime or offense.

38 Under current law, a law enforcement officer is required to seize
39 firearms and weapons observed at the scene of a domestic violence
40 incident. In addition, persons convicted of domestic violence are
41 prohibited from possessing or owning a firearm. This bill includes
42 ammunition, firearm accessories, and firearm components among
43 the items that may be seized or surrendered pursuant to a domestic
44 violence restraining order or following a conviction for domestic
45 violence.

46 The bill defines "firearm accessory" as any device that attaches
47 to a firearm, or that is used in or facilitates the operation of a
48 firearm, including but not limited to stocks, grips, and detachable

- 1 magazines. "Firearm component" is defined as any part of a firearm
- 2 that is material to the function of the firearm, including but not
- 3 limited to the slide or cylinder or the frame or receiver of a firearm
- 4 and, in the case of a rifle or shotgun, the barrel.