

SENATE, No. 3605

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 19, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Increases from 18 to 21 age at which person is eligible to receive firearms purchaser identification.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2021)

1 AN ACT concerning the purchase and possession of firearms,
2 amending N.J.S.2C:58-3 and P.L.1979, c.179, and supplementing
3 Title 2C of the New Jersey Statutes.

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

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

9 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

23 (b) between law enforcement officers;

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

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

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

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

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

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

44 (d) any record produced pursuant to this subsection shall not be
45 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
46 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】** Except as provided by section 3 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), to any person under
31 **【the age of 18 years for a firearms purchaser identification card and**
32 **to any person under】** the age of 21 years **【for a permit to purchase a**
33 **handgun】**;

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

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

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

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

1 (9) To any person named on the consolidated Terrorist Watchlist
2 maintained by the Terrorist Screening Center administered by the
3 Federal Bureau of Investigation; or

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

8 d. Issuance. The chief of police of an organized full-time
9 police department of the municipality where the applicant resides or
10 the superintendent, in all other cases, shall upon application, issue
11 to any person qualified under the provisions of subsection c. of this
12 section a permit to purchase a handgun or a firearms purchaser
13 identification card.

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

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

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

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

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

36 f. Granting of permit or identification card; fee; term; renewal;
37 revocation. The application for the permit to purchase a handgun
38 together with a fee of \$2, or the application for the firearms
39 purchaser identification card together with a fee of \$5, shall be
40 delivered or forwarded to the licensing authority who shall
41 investigate the same and, unless good cause for the denial thereof
42 appears, shall grant the permit or the identification card, or both, if
43 application has been made therefor, within 30 days from the date of
44 receipt of the application for residents of this State and within 45
45 days for nonresident applicants. A permit to purchase a handgun
46 shall be valid for a period of 90 days from the date of issuance and
47 may be renewed by the issuing authority for good cause for an

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

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

19 g. Disposition of fees. All fees for permits shall be paid to the
20 State Treasury if the permit is issued by the superintendent, to the
21 municipality if issued by the chief of police, and to the county
22 treasurer if issued by the judge of the Superior Court.

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

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

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

43 (2) a collector of handguns as curios or relics as defined in Title
44 18, United States Code, section 921 (a) (13) who has in his
45 possession a valid Collector of Curios and Relics License issued by
46 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

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

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

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

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

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

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

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

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

15
16 2. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
17 read as follows:

18 14. a. **【No】** A person under the age of **【18】** 21 years shall
19 purchase, barter or otherwise acquire a firearm **【and no person**
20 under the age of 21 years shall purchase, barter or otherwise
21 acquire a**】** or handgun, unless the person is authorized to possess
22 the handgun in connection with the performance of official duties
23 under the provisions of N.J.S.2C:39-6.

24 b. **【No person under the age of 18 years shall possess, carry,**
25 fire or use a firearm except as provided under paragraphs (1), (2),
26 (3) and (4) of this subsection; and, unless**】** Unless authorized in
27 connection with the performance of official duties under the
28 provisions of N.J.S.2C:39-6, **【no】** a person under the age of 21
29 years shall possess, carry, fire or use a firearm or handgun except
30 under the following circumstances:

31 (1) In the actual presence or under the direct supervision of **【his**
32 father, mother**】** the person's parent or guardian, or some other
33 person who holds a permit to carry a handgun or a firearms
34 purchaser identification card, as the case may be; or

35 (2) For the purpose of military drill under the auspices of a
36 legally recognized military organization and under competent
37 supervision; or

38 (3) For the purpose of competition, target practice, instruction,
39 and training in and upon a firing range approved by the governing
40 body of the municipality in which the range is located or the
41 National Rifle Association and which is under competent
42 supervision at the time of such supervision or target practice or
43 instruction and training at any location; or

44 (4) For the purpose of hunting during the regularly designated
45 hunting season, provided that he possesses a valid hunting license
46 and has successfully completed a hunter's safety course taught by a

1 qualified instructor or conservation police officer and possesses a
2 certificate indicating the successful completion of such a course.

3 c. A person who violates this section shall be guilty of a crime
4 of the fourth degree. For purposes of this section the fact that the
5 act would not constitute a crime if committed by an adult shall not
6 be deemed to prohibit or require waiver of family court jurisdiction
7 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
8 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
9 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
10 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
11 70 et seq.).

12 (cf: P.L.2019, c.407, s.3)

13
14 3. (New section) a. A person who is at least 18 years of age
15 and who is authorized to carry a firearm in connection with the
16 performance of official duties under the provisions of N.J.S.2C:39-6
17 or demonstrates evidence of military training may obtain a firearms
18 purchaser identification card pursuant to N.J.S.2C:58-3.

19 b. A person who is at least 18 years of age and obtained a
20 firearms purchaser identification card or owned firearms prior to the
21 effective date of this act may continue to purchase and possess
22 firearms following the effective date of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24
25 4. This act shall take effect immediately.

26 27 28 STATEMENT

29
30 This bill increases from 18 to 21 the age at which a person is
31 eligible to receive a firearms purchaser identification card used to
32 purchase shotguns and rifles. Under current law, a person 18 years
33 of age and older may obtain a firearms purchaser identification card
34 and a handgun purchaser is required to be at least 21 years old.

35 Under the bill, a person under the age of 21 would be allowed to
36 possess a handgun, rifle, or shot gun in accordance with section 14
37 of P.L.1979, c.179 (C.2C:58-6) under the following circumstances:

38 (1) in the actual presence or under the direct supervision of a
39 parent or guardian, or some other person who holds a permit to
40 carry a handgun or a firearms purchaser identification card;

41 (2) for the purpose of military drill under the auspices of a
42 legally recognized military organization and under competent
43 supervision;

44 (3) for the purpose of competition, target practice, instruction,
45 and training in and upon a firing range approved by the governing
46 body of the municipality in which the range is located or the
47 National Rifle Association and which is under competent

1 supervision at the time of such supervision or target practice or
2 instruction and training at any location; or

3 (4) for the purpose of hunting during the regularly designated
4 hunting season, provided that the person possesses a valid hunting
5 license and has successfully completed a hunter's safety course
6 taught by a qualified instructor or conservation officer and
7 possesses a certificate indicating the successful completion of such
8 a course.

9 The bill preserves current law allowing minors to obtain a youth
10 hunting license and apprentice firearm hunting license. In addition,
11 the bill allows a person between the ages of 18 and 21 who
12 demonstrates evidence of military service to receive a firearms
13 purchaser identification card. Persons between the ages of 18 and
14 21 who obtained a firearms purchaser identification card prior to the
15 bill's effective date would be permitted to maintain the card and
16 continue to purchase and possess shotguns and rifles.