



<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	Yes
"Jersey toughens law on the sale of handguns", 11-3-2000 Star-Ledger, p.25	

# SENATE, No. 2047

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 4, 2000

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

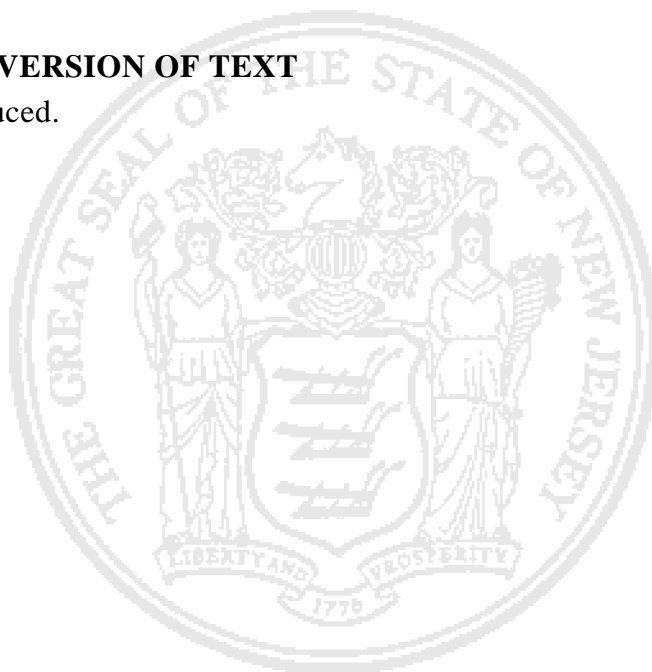
**Senators DiFrancesco, Allen, Inverso, Sinagra, Kosco, Schluter, Vitale,  
Assemblymen Doria, Charles, Greenwald, Assemblywoman Greenstein,  
Assemblyman Gusciora and Assemblywoman Heck**

**SYNOPSIS**

Prohibits sale of handguns to persons under 21 years of age.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/27/2000)**

1 AN ACT concerning handguns and amending N.J.S.2C:58-3,  
2 N.J.S.2C:39-10 and P.L.1979, c.179.

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. Purchase of Firearms.

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

14 b. Firearms purchaser identification card. No person shall sell,  
15 give, transfer, assign or otherwise dispose of nor receive, purchase or  
16 otherwise acquire an antique cannon or a rifle or shotgun, other than  
17 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
18 receiver or holder is licensed as a dealer under this chapter or  
19 possesses a valid firearms purchaser identification card, and first  
20 exhibits said card to the seller, donor, transferor or assignor, and  
21 unless the purchaser, assignee, donee, receiver or holder signs a  
22 written certification, on a form prescribed by the superintendent,  
23 which shall indicate that he presently complies with the requirements  
24 of subsection c. of this section and shall contain his name, address and  
25 firearms purchaser identification card number or dealer's registration  
26 number. The said certification shall be retained by the seller, as  
27 provided in section 2C:58-2a., or, in the case of a person who is not  
28 a dealer, it may be filed with the chief of police of the municipality in  
29 which he resides or with the superintendent.

30 c. Who may obtain. No person of good character and good repute  
31 in the community in which he lives, and who is not subject to any of  
32 the disabilities set forth in this section or other sections of this chapter,  
33 shall be denied a permit to purchase a handgun or a firearms purchaser  
34 identification card, except as hereinafter set forth. No handgun  
35 purchase permit or firearms purchaser identification card shall be  
36 issued:

37 (1) To any person who has been convicted of a crime, whether or  
38 not armed with or possessing a weapon at the time of such offense;

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

43 (3) To any person who suffers from a physical defect or disease

**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 which would make it unsafe for him to handle firearms, to any person  
2 who has ever been confined for a mental disorder, or to any alcoholic  
3 unless any of the foregoing persons produces a certificate of a medical  
4 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
5 proof, that he is no longer suffering from that particular disability in  
6 such a manner that would interfere with or handicap him in the  
7 handling of firearms; to any person who knowingly falsifies any  
8 information on the application form for a handgun purchase permit or  
9 firearms purchaser identification card;

10 (4) [To] In the case of a firearms purchaser identification card, to  
11 any person under the age of 18 years and, in the case of a handgun  
12 purchase permit, to any person under the age of 21 years;

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

15 (6) To any person who is subject to a court order issued pursuant  
16 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
17 from possessing any firearm.

18 d. Issuance. The chief of police of an organized full-time police  
19 department of the municipality where the applicant resides or the  
20 superintendent, in all other cases, shall upon application, issue to any  
21 person qualified under the provisions of subsection c. of this section  
22 a permit to purchase a handgun or a firearms purchaser identification  
23 card.

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

38 e. Applications. Applications for permits to purchase a handgun  
39 and for firearms purchaser identification cards shall be in the form  
40 prescribed by the superintendent and shall set forth the name,  
41 residence, place of business, age, date of birth, occupation, sex and  
42 physical description, including distinguishing physical characteristics,  
43 if any, of the applicant, and shall state whether the applicant is a  
44 citizen, whether he is an alcoholic, habitual drunkard, drug dependent  
45 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
46 he has ever been confined or committed to a mental institution or

1 hospital for treatment or observation of a mental or psychiatric  
2 condition on a temporary, interim or permanent basis, giving the name  
3 and location of the institution or hospital and the dates of such  
4 confinement or commitment, whether he has been attended, treated or  
5 observed by any doctor or psychiatrist or at any hospital or mental  
6 institution on an inpatient or outpatient basis for any mental or  
7 psychiatric condition, giving the name and location of the doctor,  
8 psychiatrist, hospital or institution and the dates of such occurrence,  
9 whether he presently or ever has been a member of any organization  
10 which advocates or approves the commission of acts of force and  
11 violence to overthrow the Government of the United States or of this  
12 State, or which seeks to deny others their rights under the Constitution  
13 of either the United States or the State of New Jersey, whether he has  
14 ever been convicted of a crime or disorderly persons offense, whether  
15 the person is subject to a court order issued pursuant to section 13 of  
16 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing  
17 any firearm, and such other information as the superintendent shall  
18 deem necessary for the proper enforcement of this chapter. For the  
19 purpose of complying with this subsection, the applicant shall waive  
20 any statutory or other right of confidentiality relating to institutional  
21 confinement. The application shall be signed by the applicant and shall  
22 contain as references the names and addresses of two reputable  
23 citizens personally acquainted with him.

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

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

40 f. Granting of permit or identification card; fee; term; renewal;  
41 revocation. The application for the permit to purchase a handgun  
42 together with a fee of \$2.00, or the application for the firearms  
43 purchaser identification card together with a fee of \$5.00, shall be  
44 delivered or forwarded to the licensing authority who shall investigate  
45 the same and, unless good cause for the denial thereof appears, shall  
46 grant the permit or the identification card, or both, if application has

1 been made therefor, within 30 days from the date of receipt of the  
2 application for residents of this State and within 45 days for  
3 nonresident applicants. A permit to purchase a handgun shall be valid  
4 for a period of 90 days from the date of issuance and may be renewed  
5 by the issuing authority for good cause for an additional 90 days. A  
6 firearms purchaser identification card shall be valid until such time as  
7 the holder becomes subject to any of the disabilities set forth in  
8 subsection c. of this section, whereupon the card shall be void and  
9 shall be returned within five days by the holder to the superintendent,  
10 who shall then advise the licensing authority. Failure of the holder to  
11 return the firearms purchaser identification card to the superintendent  
12 within the said five days shall be an offense under section 2C:39-10a.  
13 Any firearms purchaser identification card may be revoked by the  
14 Superior Court of the county wherein the card was issued, after  
15 hearing upon notice, upon a finding that the holder thereof no longer  
16 qualifies for the issuance of such permit. The county prosecutor of  
17 any county, the chief police officer of any municipality or any citizen  
18 may apply to such court at any time for the revocation of such card.

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

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

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

39 i. Restriction on number of firearms person may purchase. Only  
40 one handgun shall be purchased or delivered on each permit, but a  
41 person shall not be restricted as to the number of rifles or shotguns he  
42 may purchase, provided he possesses a valid firearms purchaser  
43 identification card and provided further that he signs the certification  
44 required in subsection b. of this section for each transaction.

45 j. Firearms passing to heirs or legatees. Notwithstanding any other  
46 provision of this section concerning the transfer, receipt or acquisition

1 of a firearm, a permit to purchase or a firearms purchaser identification  
2 card shall not be required for the passing of a firearm upon the death  
3 of an owner thereof to his heir or legatee, whether the same be by  
4 testamentary bequest or by the laws of intestacy. The person who  
5 shall so receive, or acquire said firearm shall, however, be subject to  
6 all other provisions of this chapter. If the heir or legatee of such  
7 firearm does not qualify to possess or carry it, he may retain ownership  
8 of the firearm for the purpose of sale for a period not exceeding 180  
9 days, or for such further limited period as may be approved by the  
10 chief law enforcement officer of the municipality in which the heir or  
11 legatee resides or the superintendent, provided that such firearm is in  
12 the custody of the chief law enforcement officer of the municipality or  
13 the superintendent during such period.

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

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

23 (cf: P.L.1991, c.261, s.19)

24

25 2. N.J.S.2C:39-10 is amended to read as follows:

26 2C:39-10. Violation of the Regulatory Provisions Relating to  
27 Firearms; False Representation in Applications.

28 a. (1) Except as otherwise provided in paragraph (2) of this  
29 subsection, any person who knowingly violates the regulatory  
30 provisions relating to manufacturing or wholesaling of firearms  
31 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to  
32 purchase certain firearms (section 2C:58-3), permits to carry certain  
33 firearms (section 2C:58-4), licenses to procure machine guns or assault  
34 firearms (section 2C:58-5), or incendiary or tracer ammunition  
35 (section 2C:58-10), except acts which are punishable under section  
36 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

37 (2) A licensed dealer who knowingly violates the provisions of  
38 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
39 is a disorderly person.

40 b. Any person who knowingly violates the regulatory provisions  
41 relating to notifying the authorities of possessing certain items of  
42 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)  
43 is a disorderly person.

44 c. Any person who gives or causes to be given any false  
45 information, or signs a fictitious name or address, in applying for a  
46 firearms purchaser identification card, a permit to purchase a handgun,



1 a permit to carry a handgun, a permit to possess a machine gun, a  
2 permit to possess an assault firearm, or in completing the certificate or  
3 any other instrument required by law in purchasing or otherwise  
4 acquiring delivery of any rifle, shotgun, handgun, machine gun, or  
5 assault firearm or any other firearm, is guilty of a crime of the third  
6 degree.

7 d. Any person who gives or causes to be given any false  
8 information in registering an assault firearm pursuant to section 11 of  
9 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm  
10 was rendered inoperable pursuant to section 12 of P.L.1990, c.32  
11 (C.2C:58-13) commits a crime of the fourth degree.

12 e. Any person who knowingly sells, gives, transfers, assigns or  
13 otherwise disposes of a handgun to a person under the age of 21 years  
14 or of [a] any other type of firearm to a person who is under the age  
15 of 18 years, except as permitted in section 14 of P.L.1979, c.179  
16 (C.2C:58-6.1), is guilty of a crime of the third degree.  
17 Notwithstanding any other provision of law to the contrary, the  
18 sentence imposed for a conviction under this subsection shall include  
19 a mandatory minimum three-year term of imprisonment, during which  
20 the defendant shall be ineligible for parole.  
21 (cf: P.L.1999, c.233, s.4)

22

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

25 14. a. **[No]** (1) Except as otherwise provided in paragraph (2) of  
26 this subsection, no person under the age of 18 years shall purchase,  
27 barter or otherwise acquire a firearm.

28 (2) No person under the age of 21 shall purchase, barter or  
29 otherwise acquire a handgun.

30 b. No person under the age of 18 years shall possess, carry, fire or  
31 use a firearm except under the following circumstances:

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

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

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

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

1 indicating the successful completion of such a course.

2 c. Notwithstanding any other provisions of law, any person under  
3 the age of 18 years who violates any provision of this section shall be  
4 adjudged delinquent ; provided, however, any person who is at least  
5 18 years of age, but under the age of 21 years, who violates the  
6 provisions of paragraph (2) of subsection a. of section 1 of this section  
7 shall be guilty of a crime of the fourth degree

8 (cf: P.L.1980, c.52, s.1)

9

10 4. This act shall take effect immediately.

11

12

### STATEMENT

13

14 This bill amends the State's firearms statutes to prohibit the sale and  
15 possession of handguns by persons under the age of 21. This change  
16 will bring the New Jersey statutes into conformity with the provisions  
17 of federal law.

18 The bill also establishes the illegal possession of a handgun by a  
19 person under the age of 21, but at least 18 years of age as a crime of  
20 the fourth degree. Under current law, a person under the age of 18  
21 who unlawfully possesses a firearm is to be adjudicated delinquent.

22 Finally, the bill amends subsection e. of N.J.S.2C:39-10 to clarify  
23 that a person who knowingly sells or transfers a handgun to a person  
24 under the age of 21 is guilty of a crime of the third degree. In its  
25 present form, the statute only applies to persons who knowingly make  
26 illegal firearms transfers to persons under the age of 18. This bill does  
27 not change the penalty currently imposed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 2047**

**STATE OF NEW JERSEY**

DATED: MAY 11, 2000

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2047.

This bill amends the State's firearms statutes to prohibit the sale and possession of handguns by persons under the age of 21. This change will bring the New Jersey statutes into conformity with the provisions of federal law.

The bill also establishes the illegal possession of a handgun by a person under the age of 21, but at least 18 years of age, as a crime of the fourth degree. Under current law, a person under the age of 18 who unlawfully possesses a firearm is to be adjudicated delinquent.

Finally, the bill amends subsection e. of N.J.S.2C:39-10 to clarify that a person who knowingly sells or transfers a handgun to a person under the age of 21 is guilty of a crime of the third degree. In its present form, the statute only applies to persons who knowingly make illegal firearms transfers to persons under the age of 18. This bill does not change the penalty currently imposed.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2047**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 22, 2000

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2047.

As amended by the committee, Senate Bill No. 2047 raises from 18 years to 21 years the age for obtaining a permit to purchase a handgun. The amended bill does not affect the current age of 18 years for obtaining a firearms purchase identification card, which is required to purchase rifles and shotguns.

The amended bill makes it a crime of the third degree under N.J.S.2C:39-10 for a person to knowingly sell, give, transfer, assign or other dispose of a handgun to a person under 21 years old. Persons authorized to possess a handgun in connection with the performance of their official duties under N.J.S.2C:39-6, such as law enforcement officers, are exempted under the amended bill.

The committee also amended the bill to prohibit persons under 21 years of age from purchasing, bartering or otherwise acquiring a handgun unless they are authorized to possess a handgun in connection with the performance of their duties as provided for in N.J.S.2C:39-6. Currently, persons under 18 years old are prohibited from purchasing or bartering any type of firearm with certain exceptions provided for under P.L.1979, c.179 (C.2C:58-6.1). Under the amended bill, persons at least 18 years old would continue to be authorized to purchase rifles or shotguns. It is a crime of the fourth degree to violate these provisions under the bill as amended.

The amended bill does not affect the current statutory exemptions provided for in subsection b. of P.L.1992, c.74 (C.2C:58-6.1) for possessing, carrying or using a firearm by persons under 18 years of age, except that it does add language to paragraph (3) to allow instruction and training at any location, rather than limiting instruction to firing ranges.

Finally, the amended bill changes P.L.1992, c.74 (C.2C:58-3.1), the provision governing the temporary transfer of firearms by an owner or a licensed dealer. The committee added language concerning instruction and training at any location to the provisions governing temporary transfer of a handgun, rifle or shotgun to a person who is

18 years of age or older, whether or not the person receiving the firearm or handgun holds a firearms purchaser identification card or a permit to purchase a handgun.

The amended bill has a delayed effective date in order to permit proper notification of the new age requirement and provides an exemption for persons who are between the ages of 18 and 21 on the effective date of this bill and who have, prior to the effective date of this bill, acquired a handgun with a valid permit to purchase a handgun or otherwise legally acquired a handgun.

As amended, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 1514 and 2510, also reported by the committee on this same date.

[First Reprint]

**SENATE, No. 2047**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 4, 2000

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

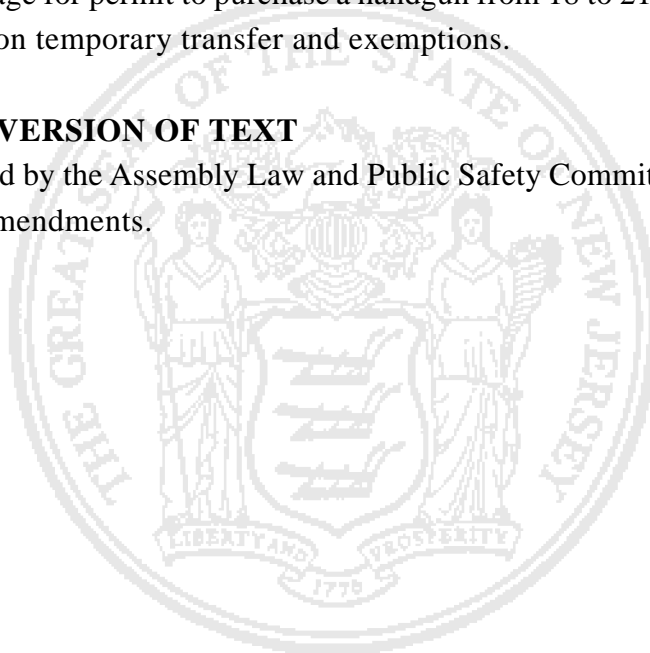
**Senators DiFrancesco, Allen, Inverso, Sinagra, Kosco, Schluter, Vitale and  
Robertson**

**SYNOPSIS**

Increases age for permit to purchase a handgun from 18 to 21 years; changes related laws on temporary transfer and exemptions.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on June 22, 2000, with amendments.



**(Sponsorship Updated As Of: 9/22/2000)**

1 AN ACT concerning <sup>1</sup>[handguns] the age for obtaining a permit to  
2 purchase a handgun and the possession and transfer of firearms  
3 under certain circumstances<sup>1</sup> and amending N.J.S.2C:58-3,  
4 N.J.S.2C:39-10 <sup>1</sup>[and], <sup>1</sup>P.L.1979, c.179 <sup>1</sup>and P.L.1992, c.74<sup>1</sup>.

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

8  
9 1. N.J.S.2C:58-3 is amended to read as follows:  
10 2C:58-3. Purchase of Firearms.

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

16 b. Firearms purchaser identification card. No person shall sell,  
17 give, transfer, assign or otherwise dispose of nor receive, purchase or  
18 otherwise acquire an antique cannon or a rifle or shotgun, other than  
19 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
20 receiver or holder is licensed as a dealer under this chapter or  
21 possesses a valid firearms purchaser identification card, and first  
22 exhibits said card to the seller, donor, transferor or assignor, and  
23 unless the purchaser, assignee, donee, receiver or holder signs a  
24 written certification, on a form prescribed by the superintendent,  
25 which shall indicate that he presently complies with the requirements  
26 of subsection c. of this section and shall contain his name, address and  
27 firearms purchaser identification card number or dealer's registration  
28 number. The said certification shall be retained by the seller, as  
29 provided in section 2C:58-2a., or, in the case of a person who is not  
30 a dealer, it may be filed with the chief of police of the municipality in  
31 which he resides or with the superintendent.

32 c. Who may obtain. No person of good character and good repute  
33 in the community in which he lives, and who is not subject to any of  
34 the disabilities set forth in this section or other sections of this chapter,  
35 shall be denied a permit to purchase a handgun or a firearms purchaser  
36 identification card, except as hereinafter set forth. No handgun  
37 purchase permit or firearms purchaser identification card shall be  
38 issued:

- 39 (1) To any person who has been convicted of a crime, whether or  
40 not armed with or possessing a weapon at the time of such offense;  
41 (2) To any drug dependent person as defined in section 2 of

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted June 22, 2000.

1 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
2 mental disorder to a hospital, mental institution or sanitarium, or to  
3 any person who is presently an habitual drunkard;

4 (3) To any person who suffers from a physical defect or disease  
5 which would make it unsafe for him to handle firearms, to any person  
6 who has ever been confined for a mental disorder, or to any alcoholic  
7 unless any of the foregoing persons produces a certificate of a medical  
8 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
9 proof, that he is no longer suffering from that particular disability in  
10 such a manner that would interfere with or handicap him in the  
11 handling of firearms; to any person who knowingly falsifies any  
12 information on the application form for a handgun purchase permit or  
13 firearms purchaser identification card;

14 (4) ~~[To]~~ <sup>1</sup>[In the case of a firearms purchaser identification card,  
15 to ] <sup>1</sup>To any person under the age of 18 years <sup>1</sup>[and, in the case of a  
16 handgun purchase permit,] for a firearms purchaser identification card  
17 <sup>1</sup>and to any person under the age of 21 years <sup>1</sup>for a permit to purchase  
18 a handgun<sup>1</sup>;

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

21 (6) To any person who is subject to a court order issued pursuant  
22 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
23 from possessing any firearm.

24 d. Issuance. The chief of police of an organized full-time police  
25 department of the municipality where the applicant resides or the  
26 superintendent, in all other cases, shall upon application, issue to any  
27 person qualified under the provisions of subsection c. of this section  
28 a permit to purchase a handgun or a firearms purchaser identification  
29 card.

30 Any person aggrieved by the denial of a permit or identification  
31 card may request a hearing in the Superior Court of the county in  
32 which he resides if he is a resident of New Jersey or in the Superior  
33 Court of the county in which his application was filed if he is a  
34 nonresident. The request for a hearing shall be made in writing within  
35 30 days of the denial of the application for a permit or identification  
36 card. The applicant shall serve a copy of his request for a hearing  
37 upon the chief of police of the municipality in which he resides, if he  
38 is a resident of New Jersey, and upon the superintendent in all cases.  
39 The hearing shall be held and a record made thereof within 30 days of  
40 the receipt of the application for such hearing by the judge of the  
41 Superior Court. No formal pleading and no filing fee shall be required  
42 as a preliminary to such hearing. Appeals from the results of such  
43 hearing shall be in accordance with law.

44 e. Applications. Applications for permits to purchase a handgun  
45 and for firearms purchaser identification cards shall be in the form  
46 prescribed by the superintendent and shall set forth the name,



1 residence, place of business, age, date of birth, occupation, sex and  
2 physical description, including distinguishing physical characteristics,  
3 if any, of the applicant, and shall state whether the applicant is a  
4 citizen, whether he is an alcoholic, habitual drunkard, drug dependent  
5 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
6 he has ever been confined or committed to a mental institution or  
7 hospital for treatment or observation of a mental or psychiatric  
8 condition on a temporary, interim or permanent basis, giving the name  
9 and location of the institution or hospital and the dates of such  
10 confinement or commitment, whether he has been attended, treated or  
11 observed by any doctor or psychiatrist or at any hospital or mental  
12 institution on an inpatient or outpatient basis for any mental or  
13 psychiatric condition, giving the name and location of the doctor,  
14 psychiatrist, hospital or institution and the dates of such occurrence,  
15 whether he presently or ever has been a member of any organization  
16 which advocates or approves the commission of acts of force and  
17 violence to overthrow the Government of the United States or of this  
18 State, or which seeks to deny others their rights under the Constitution  
19 of either the United States or the State of New Jersey, whether he has  
20 ever been convicted of a crime or disorderly persons offense, whether  
21 the person is subject to a court order issued pursuant to section 13 of  
22 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing  
23 any firearm, and such other information as the superintendent shall  
24 deem necessary for the proper enforcement of this chapter. For the  
25 purpose of complying with this subsection, the applicant shall waive  
26 any statutory or other right of confidentiality relating to institutional  
27 confinement. The application shall be signed by the applicant and shall  
28 contain as references the names and addresses of two reputable  
29 citizens personally acquainted with him.

30 Application blanks shall be obtainable from the superintendent,  
31 from any other officer authorized to grant such permit or identification  
32 card, and from licensed retail dealers.

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

46 f. Granting of permit or identification card; fee; term; renewal;

1 revocation. The application for the permit to purchase a handgun  
2 together with a fee of \$2.00, or the application for the firearms  
3 purchaser identification card together with a fee of \$5.00, shall be  
4 delivered or forwarded to the licensing authority who shall investigate  
5 the same and, unless good cause for the denial thereof appears, shall  
6 grant the permit or the identification card, or both, if application has  
7 been made therefor, within 30 days from the date of receipt of the  
8 application for residents of this State and within 45 days for  
9 nonresident applicants. A permit to purchase a handgun shall be valid  
10 for a period of 90 days from the date of issuance and may be renewed  
11 by the issuing authority for good cause for an additional 90 days. A  
12 firearms purchaser identification card shall be valid until such time as  
13 the holder becomes subject to any of the disabilities set forth in  
14 subsection c. of this section, whereupon the card shall be void and  
15 shall be returned within five days by the holder to the superintendent,  
16 who shall then advise the licensing authority. Failure of the holder to  
17 return the firearms purchaser identification card to the superintendent  
18 within the said five days shall be an offense under section 2C:39-10a.  
19 Any firearms purchaser identification card may be revoked by the  
20 Superior Court of the county wherein the card was issued, after  
21 hearing upon notice, upon a finding that the holder thereof no longer  
22 qualifies for the issuance of such permit. The county prosecutor of  
23 any county, the chief police officer of any municipality or any citizen  
24 may apply to such court at any time for the revocation of such card.

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

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

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

45 i. Restriction on number of firearms person may purchase. Only  
46 one handgun shall be purchased or delivered on each permit, but a

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

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

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

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

29 (cf: P.L.1991, c.261, s.19)

30

31 2. N.J.S.2C:39-10 is amended to read as follows:

32 2C:39-10. Violation of the Regulatory Provisions Relating to  
33 Firearms; False Representation in Applications.

34 a. (1) Except as otherwise provided in paragraph (2) of this  
35 subsection, any person who knowingly violates the regulatory  
36 provisions relating to manufacturing or wholesaling of firearms  
37 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to  
38 purchase certain firearms (section 2C:58-3), permits to carry certain  
39 firearms (section 2C:58-4), licenses to procure machine guns or assault  
40 firearms (section 2C:58-5), or incendiary or tracer ammunition  
41 (section 2C:58-10), except acts which are punishable under section  
42 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

43 (2) A licensed dealer who knowingly violates the provisions of  
44 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
45 is a disorderly person.

46 b. Any person who knowingly violates the regulatory provisions

1 relating to notifying the authorities of possessing certain items of  
2 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)  
3 is a disorderly person.

4 c. Any person who gives or causes to be given any false  
5 information, or signs a fictitious name or address, in applying for a  
6 firearms purchaser identification card, a permit to purchase a handgun,  
7 a permit to carry a handgun, a permit to possess a machine gun, a  
8 permit to possess an assault firearm, or in completing the certificate or  
9 any other instrument required by law in purchasing or otherwise  
10 acquiring delivery of any rifle, shotgun, handgun, machine gun, or  
11 assault firearm or any other firearm, is guilty of a crime of the third  
12 degree.

13 d. Any person who gives or causes to be given any false  
14 information in registering an assault firearm pursuant to section 11 of  
15 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm  
16 was rendered inoperable pursuant to section 12 of P.L.1990, c.32  
17 (C.2C:58-13) commits a crime of the fourth degree.

18 e. Any person who knowingly sells, gives, transfers, assigns or  
19 otherwise disposes <sup>1</sup>[of a handgun to a person under the age of 21  
20 years or] <sup>1</sup> of [a] <sup>1</sup>[any other type of] a <sup>1</sup>firearm to a person who is  
21 under the age of 18 years, except as permitted in section 14 of  
22 P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.  
23 Notwithstanding any other provision of law to the contrary, the  
24 sentence imposed for a conviction under this subsection shall include  
25 a mandatory minimum three-year term of imprisonment, during which  
26 the defendant shall be ineligible for parole.

27 <sup>1</sup> f. Unless the recipient is authorized to possess the handgun in  
28 connection with the performance of official duties under the provisions  
29 of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers,  
30 assigns or otherwise disposes of a handgun to a person who is under  
31 the age of 21 years, except as permitted in section 14 of P.L.1979,  
32 c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.<sup>1</sup>  
33 (cf: P.L.1999, c.233, s.4)

34  
35 3. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to read  
36 as follows:

37 14. a. [No] <sup>1</sup>[(1) Except as otherwise provided in paragraph (2)  
38 of this subsection, no] No<sup>1</sup> person under the age of 18 years shall  
39 purchase, barter or otherwise acquire a firearm <sup>1</sup>and no person under  
40 the age of 21 years shall purchase, barter or otherwise acquire a  
41 handgun, unless the person is authorized to possess the handgun in  
42 connection with the performance of official duties under the provisions  
43 of N.J.S.2C:39-6<sup>1</sup>.

44 <sup>1</sup>[(2) No person under the age of 21 shall purchase, barter or  
45 otherwise acquire a handgun.]<sup>1</sup>

46 b. No person under the age of 18 years shall possess, carry, fire or

1 use a firearm <sup>1</sup>except as provided under paragraphs (1), (2), (3) and  
2 (4) of this subsection; and, unless authorized in connection with the  
3 performance of official duties under the provisions of N.J.S.2C:39-6,  
4 no person under the age of 21 years shall possess, carry, fire or use a  
5 handgun<sup>1</sup>except under the following circumstances:

6 (1) In the actual presence or under the direct supervision of his  
7 father, mother or guardian, or some other person who holds a permit  
8 to carry a handgun or a firearms purchaser identification card, as the  
9 case may be; or

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

12 (3) For the purpose of competition or target practice in and upon  
13 a firing range approved by the governing body of the municipality in  
14 which the range is located or the National Rifle Association and which  
15 is under competent supervision at the time of such supervision or  
16 target practice <sup>1</sup>or instruction and training at any location<sup>1</sup>; or

17 (4) For the purpose of hunting during the regularly designated  
18 hunting season, provided that he possesses a valid hunting license and  
19 has successfully completed a hunter's safety course taught by a  
20 qualified instructor or conservation officer and possesses a certificate  
21 indicating the successful completion of such a course.

22 c. <sup>1</sup>[Notwithstanding any other provisions of law, any person  
23 under the age of 18 years who violates any provision of this section  
24 shall be adjudged delinquent; provided, however, any person who is at  
25 least 18 years of age, but under the age of 21 years, who violates the  
26 provisions of paragraph (2) of subsection a. of section 1 of this section  
27 shall be guilty of a crime of the fourth degree] A person who violates  
28 this section shall be guilty of a crime of the fourth degree. For  
29 purposes of this section the fact that the act would not constitute a  
30 crime if committed by an adult shall not be deemed to prohibit or  
31 require waiver of family court jurisdiction pursuant to N.J.S.2C:4-11  
32 or to preclude a finding of delinquency under the "New Jersey Code  
33 of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982,  
34 c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and  
35 P.L.1982, c.81 (C.2A:4A-70 et seq.).<sup>1</sup>

36 (cf: P.L.1980, c.52, s.1)

37

38 <sup>1</sup>4. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read  
39 as follows:

40 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,  
41 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
42 concerning the transfer or disposition of firearms, the legal owner, or  
43 a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a  
44 handgun, rifle[, ]or shotgun to another person who is 18 years of age  
45 or older, whether or not the person receiving the firearm holds a  
46 firearms purchaser identification card or a permit to carry a handgun.

1 The person to whom a handgun, rifle or shotgun is temporarily  
2 transferred by the legal owner of the firearm or a licensed dealer may  
3 receive, possess, carry and use that handgun, rifle or shotgun, if the  
4 transfer is made upon a firing range operated by a licensed dealer, by  
5 a law enforcement agency, a legally recognized military organization  
6 or a rifle or pistol club which has filed a copy of its charter with the  
7 superintendent and annually submits to the superintendent a list of its  
8 members and if the firearm is received, possessed, carried and used for  
9 the sole purpose of target practice, trap or skeet shooting, or  
10 competition upon that firing range or instruction and training at any  
11 location.

12 A transfer under this subsection shall be for not more than eight  
13 consecutive hours in any 24-hour period and may be made for a set fee  
14 or an hourly charge.

15 The firearm shall be handled and used by the person to whom it is  
16 temporarily transferred only in the actual presence or under the direct  
17 supervision of the legal owner of the firearm, the dealer who  
18 transferred the firearm or any other person competent to supervise the  
19 handling and use of firearms and authorized to act for that purpose by  
20 the legal owner or licensed dealer. The legal owner of the firearm or  
21 the licensed dealer shall be on the premises or the property of the  
22 firing range during the entire time that the firearm is in the possession  
23 of the person to whom it is temporarily transferred.

24 The term "legal owner" as used in this subsection means a natural  
25 person and does not include an organization, commercial enterprise,  
26 or a licensed manufacturer, wholesaler or dealer of firearms.

27 b. Notwithstanding the provisions of N.J.S.2C:39-9,  
28 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
29 concerning the transfer and disposition of firearms, a legal owner of a  
30 shotgun or a rifle may temporarily transfer that firearm to another  
31 person who is 18 years of age or older, whether or not the person  
32 receiving the firearm holds a firearms purchaser identification card.  
33 The person to whom a shotgun or rifle is temporarily transferred by  
34 the legal owner may receive, possess, carry and use that shotgun or  
35 rifle in the woods or fields or upon the waters of this State for the  
36 purposes of hunting if the transfer is made in the woods or fields or  
37 upon the waters of this State, the shotgun or rifle is legal and  
38 appropriate for hunting and the person to whom the firearm is  
39 temporarily transferred possesses a valid license to hunt with a firearm,  
40 and a valid rifle permit if the firearm is a rifle, obtained in accordance  
41 with the provisions of chapter 3 of Title 23 of the Revised Statutes.

42 The transfer of a firearm under this subsection shall be for not more  
43 than eight consecutive hours in any 24-hour period and no fee shall be  
44 charged for the transfer.

45 The legal owner of the firearm which is temporarily transferred shall  
46 remain in the actual presence or in the vicinity of the person to whom

1 it was transferred during the entire time that the firearm is in that  
2 person's possession.

3 The term "legal owner" as used in this subsection means a natural  
4 person and does not include an organization, commercial enterprise,  
5 or a licensed manufacturer, wholesaler or dealer of firearms.

6 c. No firearm shall be temporarily transferred or received under the  
7 provisions of subsections a. or b. of this section for the purposes  
8 described in section 1 of P.L.1983, c.229 (C.2C:39-14).

9 d. An owner or dealer shall not transfer a firearm to any person  
10 pursuant to the provisions of this section if the owner or dealer knows  
11 the person does not meet the qualifications set forth in subsection c.  
12 of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser  
13 identification card or a handgun purchase permit. A person shall not  
14 receive, possess, carry or use a firearm pursuant to the provisions of  
15 this section if the person knows he does not meet the qualifications set  
16 forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a  
17 firearms purchaser identification card or a handgun purchase permit.<sup>1</sup>  
18 (cf: P.L.1992, c.74, s.1)

19

20 <sup>1</sup>[4. This act shall take effect immediately] 5. This act shall take  
21 effect on the 60th day following enactment, but nothing in this act  
22 shall apply to persons who are between the ages of 18 and 21 on the  
23 effective date of this act and who have, prior to the effective date of  
24 this act, acquired a handgun with a valid permit to purchase a handgun  
25 or otherwise legally acquired a handgun<sup>1</sup>.

P.L. 2000, CHAPTER 145, *approved November 2, 2000*  
Senate, No. 2047 (*First Reprint*)

1 AN ACT concerning <sup>1</sup>[handguns] the age for obtaining a permit to  
2 purchase a handgun and the possession and transfer of firearms  
3 under certain circumstances<sup>1</sup> and amending N.J.S.2C:58-3,  
4 N.J.S.2C:39-10 <sup>1</sup>[and],<sup>1</sup> P.L.1979, c.179 <sup>1</sup>and P.L.1992, c.74<sup>1</sup>.

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

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

10 2C:58-3. Purchase of Firearms.

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

16 b. Firearms purchaser identification card. No person shall sell,  
17 give, transfer, assign or otherwise dispose of nor receive, purchase or  
18 otherwise acquire an antique cannon or a rifle or shotgun, other than  
19 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
20 receiver or holder is licensed as a dealer under this chapter or  
21 possesses a valid firearms purchaser identification card, and first  
22 exhibits said card to the seller, donor, transferor or assignor, and  
23 unless the purchaser, assignee, donee, receiver or holder signs a  
24 written certification, on a form prescribed by the superintendent,  
25 which shall indicate that he presently complies with the requirements  
26 of subsection c. of this section and shall contain his name, address and  
27 firearms purchaser identification card number or dealer's registration  
28 number. The said certification shall be retained by the seller, as  
29 provided in section 2C:58-2a., or, in the case of a person who is not  
30 a dealer, it may be filed with the chief of police of the municipality in  
31 which he resides or with the superintendent.

32 c. Who may obtain. No person of good character and good repute  
33 in the community in which he lives, and who is not subject to any of  
34 the disabilities set forth in this section or other sections of this chapter,  
35 shall be denied a permit to purchase a handgun or a firearms purchaser  
36 identification card, except as hereinafter set forth. No handgun  
37 purchase permit or firearms purchaser identification card shall be  
38 issued:

39 (1) To any person who has been convicted of a crime, whether or  
40 not armed with or possessing a weapon at the time of such offense;

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted June 22, 2000.



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

5 (3) To any person who suffers from a physical defect or disease  
6 which would make it unsafe for him to handle firearms, to any person  
7 who has ever been confined for a mental disorder, or to any alcoholic  
8 unless any of the foregoing persons produces a certificate of a medical  
9 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
10 proof, that he is no longer suffering from that particular disability in  
11 such a manner that would interfere with or handicap him in the  
12 handling of firearms; to any person who knowingly falsifies any  
13 information on the application form for a handgun purchase permit or  
14 firearms purchaser identification card;

15 (4) ~~[To]~~ <sup>1</sup>[In the case of a firearms purchaser identification card,  
16 to ] ~~To~~<sup>1</sup> any person under the age of 18 years <sup>1</sup>[and, in the case of a  
17 handgun purchase permit,] ~~for a firearms purchaser identification card~~  
18 ~~and~~<sup>1</sup> ~~to any person under the age of 21 years~~ <sup>1</sup>for a permit to purchase  
19 a handgun<sup>1</sup>;

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

22 (6) To any person who is subject to a court order issued pursuant  
23 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
24 from possessing any firearm.

25 d. Issuance. The chief of police of an organized full-time police  
26 department of the municipality where the applicant resides or the  
27 superintendent, in all other cases, shall upon application, issue to any  
28 person qualified under the provisions of subsection c. of this section  
29 a permit to purchase a handgun or a firearms purchaser identification  
30 card.

31 Any person aggrieved by the denial of a permit or identification  
32 card may request a hearing in the Superior Court of the county in  
33 which he resides if he is a resident of New Jersey or in the Superior  
34 Court of the county in which his application was filed if he is a  
35 nonresident. The request for a hearing shall be made in writing within  
36 30 days of the denial of the application for a permit or identification  
37 card. The applicant shall serve a copy of his request for a hearing  
38 upon the chief of police of the municipality in which he resides, if he  
39 is a resident of New Jersey, and upon the superintendent in all cases.  
40 The hearing shall be held and a record made thereof within 30 days of  
41 the receipt of the application for such hearing by the judge of the  
42 Superior Court. No formal pleading and no filing fee shall be required  
43 as a preliminary to such hearing. Appeals from the results of such  
44 hearing shall be in accordance with law.

45 e. Applications. Applications for permits to purchase a handgun  
46 and for firearms purchaser identification cards shall be in the form

1 prescribed by the superintendent and shall set forth the name,  
2 residence, place of business, age, date of birth, occupation, sex and  
3 physical description, including distinguishing physical characteristics,  
4 if any, of the applicant, and shall state whether the applicant is a  
5 citizen, whether he is an alcoholic, habitual drunkard, drug dependent  
6 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
7 he has ever been confined or committed to a mental institution or  
8 hospital for treatment or observation of a mental or psychiatric  
9 condition on a temporary, interim or permanent basis, giving the name  
10 and location of the institution or hospital and the dates of such  
11 confinement or commitment, whether he has been attended, treated or  
12 observed by any doctor or psychiatrist or at any hospital or mental  
13 institution on an inpatient or outpatient basis for any mental or  
14 psychiatric condition, giving the name and location of the doctor,  
15 psychiatrist, hospital or institution and the dates of such occurrence,  
16 whether he presently or ever has been a member of any organization  
17 which advocates or approves the commission of acts of force and  
18 violence to overthrow the Government of the United States or of this  
19 State, or which seeks to deny others their rights under the Constitution  
20 of either the United States or the State of New Jersey, whether he has  
21 ever been convicted of a crime or disorderly persons offense, whether  
22 the person is subject to a court order issued pursuant to section 13 of  
23 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing  
24 any firearm, and such other information as the superintendent shall  
25 deem necessary for the proper enforcement of this chapter. For the  
26 purpose of complying with this subsection, the applicant shall waive  
27 any statutory or other right of confidentiality relating to institutional  
28 confinement. The application shall be signed by the applicant and shall  
29 contain as references the names and addresses of two reputable  
30 citizens personally acquainted with him.

31 Application blanks shall be obtainable from the superintendent,  
32 from any other officer authorized to grant such permit or identification  
33 card, and from licensed retail dealers.

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

1 f. Granting of permit or identification card; fee; term; renewal;  
2 revocation. The application for the permit to purchase a handgun  
3 together with a fee of \$2.00, or the application for the firearms  
4 purchaser identification card together with a fee of \$5.00, shall be  
5 delivered or forwarded to the licensing authority who shall investigate  
6 the same and, unless good cause for the denial thereof appears, shall  
7 grant the permit or the identification card, or both, if application has  
8 been made therefor, within 30 days from the date of receipt of the  
9 application for residents of this State and within 45 days for  
10 nonresident applicants. A permit to purchase a handgun shall be valid  
11 for a period of 90 days from the date of issuance and may be renewed  
12 by the issuing authority for good cause for an additional 90 days. A  
13 firearms purchaser identification card shall be valid until such time as  
14 the holder becomes subject to any of the disabilities set forth in  
15 subsection c. of this section, whereupon the card shall be void and  
16 shall be returned within five days by the holder to the superintendent,  
17 who shall then advise the licensing authority. Failure of the holder to  
18 return the firearms purchaser identification card to the superintendent  
19 within the said five days shall be an offense under section 2C:39-10a.  
20 Any firearms purchaser identification card may be revoked by the  
21 Superior Court of the county wherein the card was issued, after  
22 hearing upon notice, upon a finding that the holder thereof no longer  
23 qualifies for the issuance of such permit. The county prosecutor of  
24 any county, the chief police officer of any municipality or any citizen  
25 may apply to such court at any time for the revocation of such card.

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

30 g. Disposition of fees. All fees for permits shall be paid to the  
31 State Treasury if the permit is issued by the superintendent, to the  
32 municipality if issued by the chief of police, and to the county treasurer  
33 if issued by the judge of the Superior Court.

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

46 i. Restriction on number of firearms person may purchase. Only

1 one handgun shall be purchased or delivered on each permit, but a  
2 person shall not be restricted as to the number of rifles or shotguns he  
3 may purchase, provided he possesses a valid firearms purchaser  
4 identification card and provided further that he signs the certification  
5 required in subsection b. of this section for each transaction.

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

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

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

30 (cf: P.L.1991, c.261, s.19)

31

32 2. N.J.S.2C:39-10 is amended to read as follows:

33 2C:39-10. Violation of the Regulatory Provisions Relating to  
34 Firearms; False Representation in Applications.

35 a. (1) Except as otherwise provided in paragraph (2) of this  
36 subsection, any person who knowingly violates the regulatory  
37 provisions relating to manufacturing or wholesaling of firearms  
38 (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to  
39 purchase certain firearms (section 2C:58-3), permits to carry certain  
40 firearms (section 2C:58-4), licenses to procure machine guns or assault  
41 firearms (section 2C:58-5), or incendiary or tracer ammunition  
42 (section 2C:58-10), except acts which are punishable under section  
43 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

44 (2) A licensed dealer who knowingly violates the provisions of  
45 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
46 is a disorderly person.

1 b. Any person who knowingly violates the regulatory provisions  
2 relating to notifying the authorities of possessing certain items of  
3 explosives (section 2C:58-7), or of certain wounds (section 2C:58-8)  
4 is a disorderly person.

5 c. Any person who gives or causes to be given any false  
6 information, or signs a fictitious name or address, in applying for a  
7 firearms purchaser identification card, a permit to purchase a handgun,  
8 a permit to carry a handgun, a permit to possess a machine gun, a  
9 permit to possess an assault firearm, or in completing the certificate or  
10 any other instrument required by law in purchasing or otherwise  
11 acquiring delivery of any rifle, shotgun, handgun, machine gun, or  
12 assault firearm or any other firearm, is guilty of a crime of the third  
13 degree.

14 d. Any person who gives or causes to be given any false  
15 information in registering an assault firearm pursuant to section 11 of  
16 P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm  
17 was rendered inoperable pursuant to section 12 of P.L.1990, c.32  
18 (C.2C:58-13) commits a crime of the fourth degree.

19 e. Any person who knowingly sells, gives, transfers, assigns or  
20 otherwise disposes <sup>1</sup>[of a handgun to a person under the age of 21  
21 years or] <sup>1</sup> of [a] <sup>1</sup>[any other type of] a <sup>1</sup>firearm to a person who is  
22 under the age of 18 years, except as permitted in section 14 of  
23 P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.  
24 Notwithstanding any other provision of law to the contrary, the  
25 sentence imposed for a conviction under this subsection shall include  
26 a mandatory minimum three-year term of imprisonment, during which  
27 the defendant shall be ineligible for parole.

28 <sup>1</sup> f. Unless the recipient is authorized to possess the handgun in  
29 connection with the performance of official duties under the provisions  
30 of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers,  
31 assigns or otherwise disposes of a handgun to a person who is under  
32 the age of 21 years, except as permitted in section 14 of P.L.1979,  
33 c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.<sup>1</sup>

34 (cf: P.L.1999, c.233, s.4)

35  
36 3. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to read  
37 as follows:

38 14. a. [No] <sup>1</sup>[(1) Except as otherwise provided in paragraph (2)  
39 of this subsection, no] No<sup>1</sup> person under the age of 18 years shall  
40 purchase, barter or otherwise acquire a firearm <sup>1</sup>and no person under  
41 the age of 21 years shall purchase, barter or otherwise acquire a  
42 handgun, unless the person is authorized to possess the handgun in  
43 connection with the performance of official duties under the provisions  
44 of N.J.S.2C:39-6<sup>1</sup>.

45 <sup>1</sup>[(2) No person under the age of 21 shall purchase, barter or  
46 otherwise acquire a handgun.]<sup>1</sup>

1 b. No person under the age of 18 years shall possess, carry, fire or  
2 use a firearm <sup>1</sup>except as provided under paragraphs (1), (2), (3) and  
3 (4) of this subsection; and, unless authorized in connection with the  
4 performance of official duties under the provisions of N.J.S.2C:39-6,  
5 no person under the age of 21 years shall possess, carry, fire or use a  
6 handgun<sup>1</sup>except under the following circumstances:

7 (1) In the actual presence or under the direct supervision of his  
8 father, mother or guardian, or some other person who holds a permit  
9 to carry a handgun or a firearms purchaser identification card, as the  
10 case may be; or

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

13 (3) For the purpose of competition or target practice in and upon  
14 a firing range approved by the governing body of the municipality in  
15 which the range is located or the National Rifle Association and which  
16 is under competent supervision at the time of such supervision or  
17 target practice <sup>1</sup>or instruction and training at any location<sup>1</sup>; or

18 (4) For the purpose of hunting during the regularly designated  
19 hunting season, provided that he possesses a valid hunting license and  
20 has successfully completed a hunter's safety course taught by a  
21 qualified instructor or conservation officer and possesses a certificate  
22 indicating the successful completion of such a course.

23 c. <sup>1</sup>[Notwithstanding any other provisions of law, any person  
24 under the age of 18 years who violates any provision of this section  
25 shall be adjudged delinquent; provided, however, any person who is at  
26 least 18 years of age, but under the age of 21 years, who violates the  
27 provisions of paragraph (2) of subsection a. of section 1 of this section  
28 shall be guilty of a crime of the fourth degree] A person who violates  
29 this section shall be guilty of a crime of the fourth degree. For  
30 purposes of this section the fact that the act would not constitute a  
31 crime if committed by an adult shall not be deemed to prohibit or  
32 require waiver of family court jurisdiction pursuant to N.J.S.2C:4-11  
33 or to preclude a finding of delinquency under the "New Jersey Code  
34 of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982,  
35 c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and  
36 P.L.1982, c.81 (C.2A:4A-70 et seq.).<sup>1</sup>

37 (cf: P.L.1980, c.52, s.1)

38

39 <sup>1</sup>4. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read  
40 as follows:

41 1. a. Notwithstanding the provisions of N.J.S.2C:39-9,  
42 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
43 concerning the transfer or disposition of firearms, the legal owner, or  
44 a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a  
45 handgun, rifle[, ]or shotgun to another person who is 18 years of age  
46 or older, whether or not the person receiving the firearm holds a

1 firearms purchaser identification card or a permit to carry a handgun.  
2 The person to whom a handgun, rifle or shotgun is temporarily  
3 transferred by the legal owner of the firearm or a licensed dealer may  
4 receive, possess, carry and use that handgun, rifle or shotgun, if the  
5 transfer is made upon a firing range operated by a licensed dealer, by  
6 a law enforcement agency, a legally recognized military organization  
7 or a rifle or pistol club which has filed a copy of its charter with the  
8 superintendent and annually submits to the superintendent a list of its  
9 members and if the firearm is received, possessed, carried and used for  
10 the sole purpose of target practice, trap or skeet shooting, or  
11 competition upon that firing range or instruction and training at any  
12 location.

13 A transfer under this subsection shall be for not more than eight  
14 consecutive hours in any 24-hour period and may be made for a set fee  
15 or an hourly charge.

16 The firearm shall be handled and used by the person to whom it is  
17 temporarily transferred only in the actual presence or under the direct  
18 supervision of the legal owner of the firearm, the dealer who  
19 transferred the firearm or any other person competent to supervise the  
20 handling and use of firearms and authorized to act for that purpose by  
21 the legal owner or licensed dealer. The legal owner of the firearm or  
22 the licensed dealer shall be on the premises or the property of the  
23 firing range during the entire time that the firearm is in the possession  
24 of the person to whom it is temporarily transferred.

25 The term "legal owner" as used in this subsection means a natural  
26 person and does not include an organization, commercial enterprise,  
27 or a licensed manufacturer, wholesaler or dealer of firearms.

28 b. Notwithstanding the provisions of N.J.S.2C:39-9,  
29 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary  
30 concerning the transfer and disposition of firearms, a legal owner of a  
31 shotgun or a rifle may temporarily transfer that firearm to another  
32 person who is 18 years of age or older, whether or not the person  
33 receiving the firearm holds a firearms purchaser identification card.  
34 The person to whom a shotgun or rifle is temporarily transferred by  
35 the legal owner may receive, possess, carry and use that shotgun or  
36 rifle in the woods or fields or upon the waters of this State for the  
37 purposes of hunting if the transfer is made in the woods or fields or  
38 upon the waters of this State, the shotgun or rifle is legal and  
39 appropriate for hunting and the person to whom the firearm is  
40 temporarily transferred possesses a valid license to hunt with a firearm,  
41 and a valid rifle permit if the firearm is a rifle, obtained in accordance  
42 with the provisions of chapter 3 of Title 23 of the Revised Statutes.

43 The transfer of a firearm under this subsection shall be for not more  
44 than eight consecutive hours in any 24-hour period and no fee shall be  
45 charged for the transfer.

46 The legal owner of the firearm which is temporarily transferred shall

1 remain in the actual presence or in the vicinity of the person to whom  
2 it was transferred during the entire time that the firearm is in that  
3 person's possession.

4 The term "legal owner" as used in this subsection means a natural  
5 person and does not include an organization, commercial enterprise,  
6 or a licensed manufacturer, wholesaler or dealer of firearms.

7 c. No firearm shall be temporarily transferred or received under the  
8 provisions of subsections a. or b. of this section for the purposes  
9 described in section 1 of P.L.1983, c.229 (C.2C:39-14).

10 d. An owner or dealer shall not transfer a firearm to any person  
11 pursuant to the provisions of this section if the owner or dealer knows  
12 the person does not meet the qualifications set forth in subsection c.  
13 of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser  
14 identification card or a handgun purchase permit. A person shall not  
15 receive, possess, carry or use a firearm pursuant to the provisions of  
16 this section if the person knows he does not meet the qualifications set  
17 forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a  
18 firearms purchaser identification card or a handgun purchase permit.<sup>1</sup>  
19 (cf: P.L.1992, c.74, s.1)

20

21 <sup>1</sup>[4. This act shall take effect immediately] 5. This act shall take  
22 effect on the 60th day following enactment, but nothing in this act  
23 shall apply to persons who are between the ages of 18 and 21 on the  
24 effective date of this act and who have, prior to the effective date of  
25 this act, acquired a handgun with a valid permit to purchase a handgun  
26 or otherwise legally acquired a handgun<sup>1</sup>.

27

28

29

30

31 \_\_\_\_\_  
32 Increases age for permit to purchase a handgun from 18 to 21 years;  
changes related laws on temporary transfer and exemptions.



## CHAPTER 145

AN ACT concerning the age for obtaining a permit to purchase a handgun and the possession and transfer of firearms under certain circumstances and amending N.J.S.2C:58-3, N.J.S.2C:39-10, P.L.1979, c.179 and P.L.1992, c.74.

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

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

Purchase of Firearms.

2C:58-3. Purchase of Firearms.

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

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

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

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

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

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

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

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

(6) To any person who is subject to a court order issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing any firearm.

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

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for

a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a court order issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

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

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

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2.00, or the application for the firearms purchaser identification card together with a fee of \$5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said five days shall be an offense under section 2C:39-10a. Any firearms purchaser identification

card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

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

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

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

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

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

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

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

2. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relating to firearms; false representation in applications.

2C:39-10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.

a. (1) Except as otherwise provided in paragraph (2) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth degree.

e. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 18 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree. Notwithstanding any other provision of law to the contrary, the sentence imposed for a conviction under this subsection shall include a mandatory minimum three-year term of imprisonment, during which the defendant shall be ineligible for parole.

f. Unless the recipient is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a handgun to a person who is under the age of 21 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree.

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

C.2C:58-6.1 Possession of firearms by minors; exceptions.

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

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

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

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

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

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

c. A person who violates this section shall be guilty of a crime of the fourth degree. For purposes of this section the fact that the act would not constitute a crime if committed by an adult shall not be deemed to prohibit or require waiver of family court jurisdiction pursuant to

N.J.S.2C:4-11 or to preclude a finding of delinquency under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et seq.).  
(cf: P.L.1980, c.52, s.1)

4. Section 1 of P.L.1992, c.74 (C.2C:58-3.1) is amended to read as follows:

C.2C:58-3.1 Temporary transfer of firearms.

1. a. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary concerning the transfer or disposition of firearms, the legal owner, or a dealer licensed under N.J.S.2C:58-2, may temporarily transfer a handgun, rifle or shotgun to another person who is 18 years of age or older, whether or not the person receiving the firearm holds a firearms purchaser identification card or a permit to carry a handgun. The person to whom a handgun, rifle or shotgun is temporarily transferred by the legal owner of the firearm or a licensed dealer may receive, possess, carry and use that handgun, rifle or shotgun, if the transfer is made upon a firing range operated by a licensed dealer, by a law enforcement agency, a legally recognized military organization or a rifle or pistol club which has filed a copy of its charter with the superintendent and annually submits to the superintendent a list of its members and if the firearm is received, possessed, carried and used for the sole purpose of target practice, trap or skeet shooting, or competition upon that firing range or instruction and training at any location.

A transfer under this subsection shall be for not more than eight consecutive hours in any 24-hour period and may be made for a set fee or an hourly charge.

The firearm shall be handled and used by the person to whom it is temporarily transferred only in the actual presence or under the direct supervision of the legal owner of the firearm, the dealer who transferred the firearm or any other person competent to supervise the handling and use of firearms and authorized to act for that purpose by the legal owner or licensed dealer. The legal owner of the firearm or the licensed dealer shall be on the premises or the property of the firing range during the entire time that the firearm is in the possession of the person to whom it is temporarily transferred.

The term "legal owner" as used in this subsection means a natural person and does not include an organization, commercial enterprise, or a licensed manufacturer, wholesaler or dealer of firearms.

b. Notwithstanding the provisions of N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary concerning the transfer and disposition of firearms, a legal owner of a shotgun or a rifle may temporarily transfer that firearm to another person who is 18 years of age or older, whether or not the person receiving the firearm holds a firearms purchaser identification card. The person to whom a shotgun or rifle is temporarily transferred by the legal owner may receive, possess, carry and use that shotgun or rifle in the woods or fields or upon the waters of this State for the purposes of hunting if the transfer is made in the woods or fields or upon the waters of this State, the shotgun or rifle is legal and appropriate for hunting and the person to whom the firearm is temporarily transferred possesses a valid license to hunt with a firearm, and a valid rifle permit if the firearm is a rifle, obtained in accordance with the provisions of chapter 3 of Title 23 of the Revised Statutes.

The transfer of a firearm under this subsection shall be for not more than eight consecutive hours in any 24-hour period and no fee shall be charged for the transfer.

The legal owner of the firearm which is temporarily transferred shall remain in the actual presence or in the vicinity of the person to whom it was transferred during the entire time that the firearm is in that person's possession.

The term "legal owner" as used in this subsection means a natural person and does not include an organization, commercial enterprise, or a licensed manufacturer, wholesaler or dealer of firearms.

c. No firearm shall be temporarily transferred or received under the provisions of subsections a. or b. of this section for the purposes described in section 1 of P.L.1983, c.229 (C.2C:39-14).

d. An owner or dealer shall not transfer a firearm to any person pursuant to the provisions of this section if the owner or dealer knows the person does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit. A person shall not receive, possess, carry or use a firearm pursuant to the provisions of this section if the person knows he does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit.

5. This act shall take effect on the 60th day following enactment, but nothing in this act shall apply to persons who are between the ages of 18 and 21 on the effective date of this act and who have, prior to the effective date of this act, acquired a handgun with a valid permit to purchase a handgun or otherwise legally acquired a handgun

Approved November 2, 2000.

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**NEWS RELEASE**

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**Governor Signs Bill Prohibiting Sale of Handguns to Under 21 Age Group**

Governor Christie Whitman today signed a bill prohibiting the sale of handguns to persons under 21 years old.

"With this piece of legislation, we are striving to make New Jersey safer by making it more difficult for young people to obtain a handgun," said Gov. Whitman. "Gun violence has already taken the lives of too many young people in America and in our state. I hope this new law will save lives."

Gov. Whitman said that right now federal law prohibits firearms dealers from selling handguns to anyone under 21 years of age - but until now New Jersey law has permitted private sales to buyers 18 years or older. As a result, the Governor said that young people under 21 have still been able to buy handguns, counteracting the benefits of the federal requirement.

Gov. Whitman explained that this piece of legislation will close this loophole because the state law will now require that everyone seeking a handgun purchase permit to be 21 years old. If you try to sell a handgun to anyone under 21 - whether you are a federally licensed dealer or a private citizen - you will be committing a crime and subject to prosecution.

The bill, S-2047, which was sponsored by Senators Singer (R-Burlington/Monmouth/Ocean) and Matheussen (R-Camden/Gloucester) and Assembly Members Doria (D-Hudson) and Charles (D-Hudson), closes the "private sale" loophole preventing people between 18 and 21 years old from buying firearms in the secondary market. Federal law already prohibits federally licensed dealers from selling handguns to persons under 21 years old; all dealers in New Jersey must have federal licenses and as a result can't sell to those under 21.

The bill also amends New Jersey's firearms' statutes to change the age for obtaining a handgun purchase permit from 18 to 21 years. It also modifies the current third-degree crime for selling or transferring a firearm to a minor by changing the relevant age from 18 to 21 years.

"Let us all work together - parents, schools, communities and law enforcement - to keep guns out of the hands of young people," said Gov. Whitman. "Let's work to replace the potential for tragedy with the prospect of a bright, safe and productive future."