

2C:58-3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 3
NJSA: 2C:58-3 (Juveniles—handguns permits)
BILL NO: A764 (Substituted for S1490)

SPONSOR(S): Previte and Holzapfel

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law and Public Safety
 SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 26, 2000
 SENATE: December 4, 2000

DATE OF APPROVAL: January 16, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

A764

SPONSORS STATEMENT: (Begins on page 9 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1490

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes

Bill and Sponsors Statement identical to A764

COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes
FLOOR AMENDMENT STATEMENTS:		Yes
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		No

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

ASSEMBLY, No. 764

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

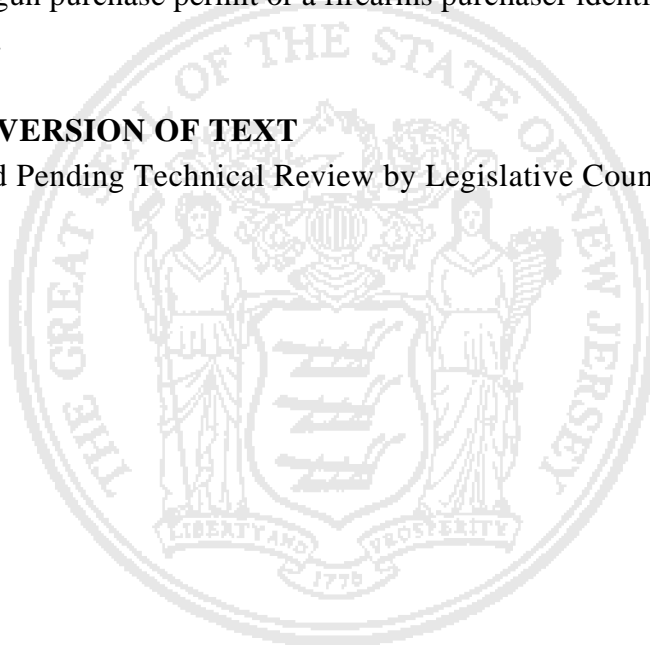
**Assemblymen Greenwald, Connors, Azzolina, Blee, Assemblywoman
Watson Coleman, Assemblymen Conaway, Gusciora, LeFevre and
T.Smith**

SYNOPSIS

Disqualifies a person adjudicated delinquent as a juvenile from obtaining either a handgun purchase permit or a firearms purchaser identification card in certain cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning handgun purchase permits and firearms purchaser
2 identification cards in certain cases and amending N.J.S.2C:58-3.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:58-3 is amended to read as follows:

8 2C:58-3. 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 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 any person under the age of 18 years;

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

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

16 (7) To any person who as a juvenile was adjudicated delinquent for
17 an offense which, if committed by an adult, would constitute a crime
18 and the offense involved the unlawful use or possession of a firearm.

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

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

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

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

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

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

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

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

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

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

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

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

46 j. Firearms passing to heirs or legatees. Notwithstanding any other

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

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

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

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

25

26 2. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as
27 follows:

28 1. Disclosure of juvenile information; penalties for disclosure. a.
29 Social, medical, psychological, legal and other records of the court and
30 probation division, and records of law enforcement agencies,
31 pertaining to juveniles charged as a delinquent or found to be part of
32 a juvenile-family crisis, shall be strictly safeguarded from public
33 inspection. Such records shall be made available only to:

34 (1) Any court or probation division;

35 (2) The Attorney General or county prosecutor;

36 (3) The parents or guardian and to the attorney of the juvenile;

37 (4) The Department of Human Services, if providing care or custody
38 of the juvenile;

39 (5) Any institution or facility to which the juvenile is currently
40 committed or in which the juvenile is placed;

41 (6) Any person or agency interested in a case or in the work of the
42 agency keeping the records, by order of the court for good cause
43 shown, except that information concerning adjudications of
44 delinquency, records of custodial confinement, payments owed on
45 assessments imposed pursuant to section 2 of P.L.1979, c.396
46 (C.2C:43-3.1) or restitution ordered following conviction of a crime

1 or adjudication of delinquency, and the juvenile's financial resources,
2 shall be made available upon request to the Victims of Crime
3 Compensation Board established pursuant to section 3 of P.L.1971,
4 c.317 (C.52:4B-3), which shall keep such information and records
5 confidential; and

6 (7) The Juvenile Justice Commission established pursuant to section
7 2 of P.L.1995, c.284 (C.52:17B-170).

8 b. Records of law enforcement agencies may be disclosed for law
9 enforcement purposes , or for the purpose of reviewing applications
10 for a permit to purchase a handgun or a firearms purchaser
11 identification card to any law enforcement agency of this State,
12 another state or the United States, and the identity of a juvenile under
13 warrant for arrest for commission of an act that would constitute a
14 crime if committed by an adult may be disclosed to the public when
15 necessary to execution of the warrant.

16 c. At the time of charge, adjudication or disposition, information
17 as to the identity of a juvenile charged with an offense, the offense
18 charged, the adjudication and disposition shall, upon request, be
19 disclosed to:

20 (1) The victim or a member of the victim's immediate family;

21 (2) Any law enforcement agency which investigated the offense, the
22 person or agency which filed the complaint, and any law enforcement
23 agency in the municipality where the juvenile resides; and

24 (3) On a confidential basis, the principal of the school where the
25 juvenile is enrolled for use by the principal and such members of the
26 staff and faculty of the school as the principal deems appropriate for
27 maintaining order, safety or discipline in the school or to planning
28 programs relevant to the juvenile's educational and social
29 development, provided that no record of such information shall be
30 maintained except as authorized by regulation of the Department of
31 Education; or

32 (4) A party in a subsequent legal proceeding involving the juvenile,
33 upon approval by the court.

34 d. A law enforcement or prosecuting agency shall, at the time of
35 a charge, adjudication or disposition, advise the principal of the school
36 where the juvenile is enrolled of the identity of the juvenile charged,
37 the offense charged, the adjudication and the disposition if:

38 (1) The offense occurred on school property or a school bus,
39 occurred at a school-sponsored function or was committed against an
40 employee or official of the school; or

41 (2) The juvenile was taken into custody as a result of information or
42 evidence provided by school officials; or

43 (3) The offense, if committed by an adult, would constitute a crime,
44 and the offense:

45 (a) resulted in death or serious bodily injury or involved an attempt
46 or conspiracy to cause death or serious bodily injury; or

1 (b) involved the unlawful use or possession of a firearm or other
2 weapon; or

3 (c) involved the unlawful manufacture, distribution or possession
4 with intent to distribute a controlled dangerous substance or controlled
5 substance analog; or

6 (d) was committed by a juvenile who acted with a purpose to
7 intimidate an individual or group of individuals because of race, color,
8 religion, sexual orientation or ethnicity; or

9 (e) would be a crime of the first or second degree.

10 Information provided to the principal pursuant to this subsection
11 shall be treated as confidential but may be made available to such
12 members of the staff and faculty of the school as the principal deems
13 appropriate for maintaining order, safety or discipline in the school or
14 for planning programs relevant to a juvenile's educational and social
15 development, and no record of such information shall be maintained
16 except as authorized by regulation of the Department of Education.

17 e. Nothing in this section prohibits a law enforcement or
18 prosecuting agency from providing the principal of a school with
19 information identifying one or more juveniles who are under
20 investigation or have been taken into custody for commission of any
21 act that would constitute an offense if committed by an adult when the
22 law enforcement or prosecuting agency determines that the
23 information may be useful to the principal in maintaining order, safety
24 or discipline in the school or in planning programs relevant to the
25 juvenile's educational and social development. Information provided
26 to the principal pursuant to this subsection shall be treated as
27 confidential but may be made available to such members of the staff
28 and faculty of the school as the principal deems appropriate for
29 maintaining order, safety or discipline in the school or for planning
30 programs relevant to the juvenile's educational and social
31 development. No information provided pursuant to this section shall
32 be maintained.

33 f. Information as to the identity of a juvenile adjudicated
34 delinquent, the offense, the adjudication and the disposition shall be
35 disclosed to the public where the offense for which the juvenile has
36 been adjudicated delinquent if committed by an adult, would constitute
37 a crime of the first, second or third degree, or aggravated assault,
38 destruction or damage to property to an extent of more than \$500.00,
39 unless upon application at the time of disposition the juvenile
40 demonstrates a substantial likelihood that specific and extraordinary
41 harm would result from such disclosure in the specific case. Where
42 the court finds that disclosure would be harmful to the juvenile, the
43 reasons therefor shall be stated on the record.

44 g. Nothing in this section shall prohibit the establishment and
45 maintaining of a central registry of the records of law enforcement
46 agencies relating to juveniles for the purpose of exchange between

1 State or local law enforcement agencies of this State, another state, or
2 the United States.

3 h. Whoever, except as provided by law, knowingly discloses,
4 publishes, receives, or makes use of or knowingly permits the
5 unauthorized use of information concerning a particular juvenile
6 derived from records listed in subsection a. or acquired in the course
7 of court proceedings, probation, or police duties, shall, upon
8 conviction thereof, be guilty of a disorderly persons offense.

9 i. The court may, upon application by the juvenile or his parent
10 or guardian, the prosecutor or any other interested party, including the
11 victim or complainant or members of the news media, permit public
12 attendance during any court proceeding at a delinquency case, where
13 it determines that a substantial likelihood that specific harm to the
14 juvenile would not result, and the court shall permit a victim, or a
15 family member of a victim to make a statement prior to ordering a
16 disposition in any delinquency proceeding involving an offense that
17 would constitute a crime if committed by an adult. The court shall
18 have the authority to limit and control the attendance in any manner
19 and to the extent it deems appropriate.

20 j. The Department of Education, in consultation with the
21 Attorney General, shall adopt, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
23 regulations concerning the creation, maintenance and disclosure of
24 pupil records including information acquired pursuant to this section.
25 (cf: P.L.1995, c.280, s.15)

26

27 3. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill provides that any person who, as a juvenile, was adjudicated
33 delinquent for an offense involving the use or possession of a firearm
34 which, if committed by an adult would constitute a crime, would be
35 disqualified as an adult from obtaining either a handgun purchase
36 permit or a firearms purchaser identification card.

37 The bill also amends section 1 of P.L.1982, c.79, which pertains to
38 the disclosure of juvenile records, to clarify that law enforcement
39 agencies may disclose juvenile records for the purpose of reviewing
40 applications for a handgun purchase permit or firearms purchaser
41 identification card.

42 The law currently provides that any person who has been convicted
43 of a crime may not be issued either a handgun purchase permit or a
44 firearms purchaser identification card.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 764

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 22, 2000

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 764.

Assembly Bill No. 764 provides that any person who, as a juvenile, was adjudicated delinquent for an offense involving the use or possession of a firearm, which if committed by an adult would constitute a crime, is disqualified as an adult from obtaining either a handgun purchase permit or a firearms purchaser identification card.

The bill also amends subsection b. of section 1 of P.L.1982, c.79 (C.2A:4A-60) to clarify that law enforcement agencies may disclose juvenile records for the purpose of reviewing applications for a handgun purchase permit or firearms purchaser identification card.

The committee amended the bill by also amending that same section to authorize the courts to disclose juvenile records to law enforcement agencies for the purpose of reviewing applications for a permit to purchase a handgun or a firearms purchaser identification card.

The committee also made technical corrections to the bill.

This bill was pre-filed for introduction in the 2000 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

[First Reprint]

ASSEMBLY, No. 764

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

**Assemblymen Greenwald, Conners, Azzolina, Blee, Assemblywoman
Watson Coleman, Assemblymen Conaway, Gusciora, LeFevre, T.Smith,
Guear, Assemblywoman Greenstein, Senators Allen, Bennett and Inverso**

SYNOPSIS

Disqualifies a person adjudicated delinquent as a juvenile from obtaining either a handgun purchase permit or a firearms purchaser identification card in certain cases.

CURRENT VERSION OF TEXT

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

(Sponsorship Updated As Of: 12/5/2000)

1 AN ACT concerning handgun purchase permits and firearms purchaser
2 identification cards in certain cases and amending N.J.S.2C:58-3
3 ¹and P.L.1982, c.79¹.

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

7
8 1. N.J.S.2C:58-3 is amended to read as follows:
9 2C:58-3. Purchase of Firearms.

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted May 22, 2000.

1 any person who is presently an habitual drunkard;

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

12 (4) To any person under the age of 18 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 ; or

18 (7) To any person who as a juvenile was adjudicated delinquent for
19 an offense which, if committed by an adult, would constitute a crime
20 and the offense involved the unlawful use or possession of a firearm.

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

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

41 e. Applications. Applications for permits to purchase a handgun
42 and for firearms purchaser identification cards shall be in the form
43 prescribed by the superintendent and shall set forth the name,
44 residence, place of business, age, date of birth, occupation, sex and
45 physical description, including distinguishing physical characteristics,
46 if any, of the applicant, and shall state whether the applicant is a

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

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

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

43 f. Granting of permit or identification card; fee; term; renewal;
44 revocation. The application for the permit to purchase a handgun
45 together with a fee of \$2.00, or the application for the firearms
46 purchaser identification card together with a fee of \$5.00, shall be

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

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

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

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

42 i. Restriction on number of firearms person may purchase. Only one
43 handgun shall be purchased or delivered on each permit, but a person
44 shall not be restricted as to the number of rifles or shotguns he may
45 purchase, provided he possesses a valid firearms purchaser
46 identification card and provided further that he signs the certification

1 required in subsection b. of this section for each transaction.

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

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

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

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

27

28 2. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as
29 follows:

30 1. Disclosure of juvenile information; penalties for disclosure. a.
31 Social, medical, psychological, legal and other records of the court and
32 probation division, and records of law enforcement agencies,
33 pertaining to juveniles charged as a delinquent or found to be part of
34 a juvenile-family crisis, shall be strictly safeguarded from public
35 inspection. Such records shall be made available only to:

36 (1) Any court or probation division;

37 (2) The Attorney General or county prosecutor;

38 (3) The parents or guardian and to the attorney of the juvenile;

39 (4) The Department of Human Services, if providing care or custody
40 of the juvenile;

41 (5) Any institution or facility to which the juvenile is currently
42 committed or in which the juvenile is placed;

43 (6) Any person or agency interested in a case or in the work of the
44 agency keeping the records, by order of the court for good cause
45 shown, except that information concerning adjudications of
46 delinquency, records of custodial confinement, payments owed on

1 assessments imposed pursuant to section 2 of P.L.1979, c.396
2 (C.2C:43-3.1) or restitution ordered following conviction of a crime
3 or adjudication of delinquency, and the juvenile's financial resources,
4 shall be made available upon request to the Victims of Crime
5 Compensation Board established pursuant to section 3 of P.L.1971,
6 c.317 (C.52:4B-3), which shall keep such information and records
7 confidential; ¹[and]¹

8 (7) The Juvenile Justice Commission established pursuant to section
9 2 of P.L.1995, c.284 (C.52:17B-170)¹; and

10 (8) Law enforcement agencies for the purpose of reviewing
11 applications for a permit to purchase a handgun or firearms purchaser
12 identification card¹.

13 b. Records of law enforcement agencies may be disclosed for law
14 enforcement purposes , or for the purpose of reviewing applications
15 for a permit to purchase a handgun or a firearms purchaser
16 identification card to any law enforcement agency of this State,
17 another state or the United States, and the identity of a juvenile under
18 warrant for arrest for commission of an act that would constitute a
19 crime if committed by an adult may be disclosed to the public when
20 necessary to execution of the warrant.

21 c. At the time of charge, adjudication or disposition, information as
22 to the identity of a juvenile charged with an offense, the offense
23 charged, the adjudication and disposition shall, upon request, be
24 disclosed to:

25 (1) The victim or a member of the victim's immediate family;

26 (2) Any law enforcement agency which investigated the offense, the
27 person or agency which filed the complaint, and any law enforcement
28 agency in the municipality where the juvenile resides; and

29 (3) On a confidential basis, the principal of the school where the
30 juvenile is enrolled for use by the principal and such members of the
31 staff and faculty of the school as the principal deems appropriate for
32 maintaining order, safety or discipline in the school or to planning
33 programs relevant to the juvenile's educational and social
34 development, provided that no record of such information shall be
35 maintained except as authorized by regulation of the Department of
36 Education; or

37 (4) A party in a subsequent legal proceeding involving the juvenile,
38 upon approval by the court.

39 d. A law enforcement or prosecuting agency shall, at the time of a
40 charge, adjudication or disposition, advise the principal of the school
41 where the juvenile is enrolled of the identity of the juvenile charged,
42 the offense charged, the adjudication and the disposition if:

43 (1) The offense occurred on school property or a school bus,
44 occurred at a school-sponsored function or was committed against an
45 employee or official of the school; or

46 (2) The juvenile was taken into custody as a result of information or

1 evidence provided by school officials; or

2 (3) The offense, if committed by an adult, would constitute a crime,
3 and the offense:

4 (a) resulted in death or serious bodily injury or involved an attempt
5 or conspiracy to cause death or serious bodily injury; or

6 (b) involved the unlawful use or possession of a firearm or other
7 weapon; or

8 (c) involved the unlawful manufacture, distribution or possession
9 with intent to distribute a controlled dangerous substance or controlled
10 substance analog; or

11 (d) was committed by a juvenile who acted with a purpose to
12 intimidate an individual or group of individuals because of race, color,
13 religion, sexual orientation or ethnicity; or

14 (e) would be a crime of the first or second degree.

15 Information provided to the principal pursuant to this subsection
16 shall be treated as confidential but may be made available to such
17 members of the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school or
19 for planning programs relevant to a juvenile's educational and social
20 development, and no record of such information shall be maintained
21 except as authorized by regulation of the Department of Education.

22 e. Nothing in this section prohibits a law enforcement or prosecuting
23 agency from providing the principal of a school with information
24 identifying one or more juveniles who are under investigation or have
25 been taken into custody for commission of any act that would
26 constitute an offense if committed by an adult when the law
27 enforcement or prosecuting agency determines that the information
28 may be useful to the principal in maintaining order, safety or discipline
29 in the school or in planning programs relevant to the juvenile's
30 educational and social development. Information provided to the
31 principal pursuant to this subsection shall be treated as confidential but
32 may be made available to such members of the staff and faculty of the
33 school as the principal deems appropriate for maintaining order, safety
34 or discipline in the school or for planning programs relevant to the
35 juvenile's educational and social development. No information
36 provided pursuant to this section shall be maintained.

37 f. Information as to the identity of a juvenile adjudicated delinquent,
38 the offense, the adjudication and the disposition shall be disclosed to
39 the public where the offense for which the juvenile has been
40 adjudicated delinquent if committed by an adult, would constitute a
41 crime of the first, second or third degree, or aggravated assault,
42 destruction or damage to property to an extent of more than \$500.00,
43 unless upon application at the time of disposition the juvenile
44 demonstrates a substantial likelihood that specific and extraordinary
45 harm would result from such disclosure in the specific case. Where
46 the court finds that disclosure would be harmful to the juvenile, the

1 reasons therefor shall be stated on the record.

2 g. Nothing in this section shall prohibit the establishment and
3 maintaining of a central registry of the records of law enforcement
4 agencies relating to juveniles for the purpose of exchange between
5 State or local law enforcement agencies of this State, another state, or
6 the United States.

7 h. Whoever, except as provided by law, knowingly discloses,
8 publishes, receives, or makes use of or knowingly permits the
9 unauthorized use of information concerning a particular juvenile
10 derived from records listed in subsection a. or acquired in the course
11 of court proceedings, probation, or police duties, shall, upon
12 conviction thereof, be guilty of a disorderly persons offense.

13 i. The court may, upon application by the juvenile or his parent or
14 guardian, the prosecutor or any other interested party, including the
15 victim or complainant or members of the news media, permit public
16 attendance during any court proceeding at a delinquency case, where
17 it determines that a substantial likelihood that specific harm to the
18 juvenile would not result, and the court shall permit a victim, or a
19 family member of a victim to make a statement prior to ordering a
20 disposition in any delinquency proceeding involving an offense that
21 would constitute a crime if committed by an adult. The court shall
22 have the authority to limit and control the attendance in any manner
23 and to the extent it deems appropriate.

24 j. The Department of Education, in consultation with the Attorney
25 General, shall adopt, pursuant to the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
27 concerning the creation, maintenance and disclosure of pupil records
28 including information acquired pursuant to this section.

29 (cf: P.L.1995, c.280, s.15)

30

31 3. This act shall take effect immediately.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 764

STATE OF NEW JERSEY

DATED: SEPTEMBER 25, 2000

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 764 (1R).

This bill provides that any person who, as a juvenile, was adjudicated delinquent for an offense involving the use or possession of a firearm, which if committed by an adult would constitute a crime, is disqualified as an adult from obtaining either a handgun purchase permit or a firearms purchaser identification card.

The bill also clarifies that law enforcement agencies may disclose juvenile records for the purpose of reviewing applications for a handgun purchase permit or firearms purchaser identification card.

SENATE, No. 1490

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 29, 2000

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator JOHN O. BENNETT

District 12 (Monmouth)

SYNOPSIS

Disqualifies a person adjudicated delinquent as a juvenile from obtaining either a handgun purchase permit or a firearms purchaser identification card in certain cases.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning handgun purchase permits and firearms purchaser
2 identification cards in certain cases and amending N.J.S.2C:58-3
3 P.L.1982, c.79.

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

7
8 1. N.J.S.2C:58-3 is amended to read as follows:
9 2C:58-3. Purchase of Firearms.

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

11 (4) To any person under the age of 18 years;

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

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

17 (7) To any person who as a juvenile was adjudicated delinquent for
18 an offense which, if committed by an adult, would constitute a crime
19 and the offense involved the unlawful use or possession of a firearm.

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

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

40 e. Applications. Applications for permits to purchase a handgun
41 and for firearms purchaser identification cards shall be in the form
42 prescribed by the superintendent and shall set forth the name,
43 residence, place of business, age, date of birth, occupation, sex and
44 physical description, including distinguishing physical characteristics,
45 if any, of the applicant, and shall state whether the applicant is a
46 citizen, whether he is an alcoholic, habitual drunkard, drug dependent

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

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

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

42 f. Granting of permit or identification card; fee; term; renewal;
43 revocation. The application for the permit to purchase a handgun
44 together with a fee of \$2.00, or the application for the firearms
45 purchaser identification card together with a fee of \$5.00, shall be
46 delivered or forwarded to the licensing authority who shall investigate

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

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

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

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

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

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17 to authorize the purchase or possession of any sawed-off shotgun.

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

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

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34 inspection. Such records shall be made available only to:

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36 (2) The Attorney General or county prosecutor;

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39 of the juvenile;

40 (5) Any institution or facility to which the juvenile is currently
41 committed or in which the juvenile is placed;

42 (6) Any person or agency interested in a case or in the work of the
43 agency keeping the records, by order of the court for good cause
44 shown, except that information concerning adjudications of
45 delinquency, records of custodial confinement, payments owed on
46 assessments imposed pursuant to section 2 of P.L.1979, c.396

1 (C.2C:43-3.1) or restitution ordered following conviction of a crime
2 or adjudication of delinquency, and the juvenile's financial resources,
3 shall be made available upon request to the Victims of Crime
4 Compensation Board established pursuant to section 3 of P.L.1971,
5 c.317 (C.52:4B-3), which shall keep such information and records
6 confidential; and

7 (7) The Juvenile Justice Commission established pursuant to section
8 2 of P.L.1995, c.284 (C.52:17B-170).

9 b. Records of law enforcement agencies may be disclosed for law
10 enforcement purposes , or for the purpose of reviewing applications
11 for a permit to purchase a handgun or a firearms purchaser
12 identification card to any law enforcement agency of this State,
13 another state or the United States, and the identity of a juvenile under
14 warrant for arrest for commission of an act that would constitute a
15 crime if committed by an adult may be disclosed to the public when
16 necessary to execution of the warrant.

17 c. At the time of charge, adjudication or disposition, information
18 as to the identity of a juvenile charged with an offense, the offense
19 charged, the adjudication and disposition shall, upon request, be
20 disclosed to:

21 (1) The victim or a member of the victim's immediate family;

22 (2) Any law enforcement agency which investigated the offense, the
23 person or agency which filed the complaint, and any law enforcement
24 agency in the municipality where the juvenile resides; and

25 (3) On a confidential basis, the principal of the school where the
26 juvenile is enrolled for use by the principal and such members of the
27 staff and faculty of the school as the principal deems appropriate for
28 maintaining order, safety or discipline in the school or to planning
29 programs relevant to the juvenile's educational and social
30 development, provided that no record of such information shall be
31 maintained except as authorized by regulation of the Department of
32 Education; or

33 (4) A party in a subsequent legal proceeding involving the juvenile,
34 upon approval by the court.

35 d. A law enforcement or prosecuting agency shall, at the time of
36 a charge, adjudication or disposition, advise the principal of the school
37 where the juvenile is enrolled of the identity of the juvenile charged,
38 the offense charged, the adjudication and the disposition if:

39 (1) The offense occurred on school property or a school bus,
40 occurred at a school-sponsored function or was committed against an
41 employee or official of the school; or

42 (2) The juvenile was taken into custody as a result of information or
43 evidence provided by school officials; or

1 (3) The offense, if committed by an adult, would constitute a crime,
2 and the offense:

3 (a) resulted in death or serious bodily injury or involved an attempt
4 or conspiracy to cause death or serious bodily injury; or

5 (b) involved the unlawful use or possession of a firearm or other
6 weapon; or

7 (c) involved the unlawful manufacture, distribution or possession
8 with intent to distribute a controlled dangerous substance or controlled
9 substance analog; or

10 (d) was committed by a juvenile who acted with a purpose to
11 intimidate an individual or group of individuals because of race, color,
12 religion, sexual orientation or ethnicity; or

13 (e) would be a crime of the first or second degree.

14 Information provided to the principal pursuant to this subsection
15 shall be treated as confidential but may be made available to such
16 members of the staff and faculty of the school as the principal deems
17 appropriate for maintaining order, safety or discipline in the school or
18 for planning programs relevant to a juvenile's educational and social
19 development, and no record of such information shall be maintained
20 except as authorized by regulation of the Department of Education.

21 e. Nothing in this section prohibits a law enforcement or
22 prosecuting agency from providing the principal of a school with
23 information identifying one or more juveniles who are under
24 investigation or have been taken into custody for commission of any
25 act that would constitute an offense if committed by an adult when the
26 law enforcement or prosecuting agency determines that the
27 information may be useful to the principal in maintaining order, safety
28 or discipline in the school or in planning programs relevant to the
29 juvenile's educational and social development. Information provided
30 to the principal pursuant to this subsection shall be treated as
31 confidential but may be made available to such members of the staff
32 and faculty of the school as the principal deems appropriate for
33 maintaining order, safety or discipline in the school or for planning
34 programs relevant to the juvenile's educational and social
35 development. No information provided pursuant to this section shall
36 be maintained.

37 f. Information as to the identity of a juvenile adjudicated
38 delinquent, the offense, the adjudication and the disposition shall be
39 disclosed to the public where the offense for which the juvenile has
40 been adjudicated delinquent if committed by an adult, would constitute
41 a crime of the first, second or third degree, or aggravated assault,
42 destruction or damage to property to an extent of more than \$500.00,
43 unless upon application at the time of disposition the juvenile
44 demonstrates a substantial likelihood that specific and extraordinary
45 harm would result from such disclosure in the specific case. Where
46 the court finds that disclosure would be harmful to the juvenile, the

1 reasons therefor shall be stated on the record.

2 g. Nothing in this section shall prohibit the establishment and
3 maintaining of a central registry of the records of law enforcement
4 agencies relating to juveniles for the purpose of exchange between
5 State or local law enforcement agencies of this State, another state, or
6 the United States.

7 h. Whoever, except as provided by law, knowingly discloses,
8 publishes, receives, or makes use of or knowingly permits the
9 unauthorized use of information concerning a particular juvenile
10 derived from records listed in subsection a. or acquired in the course
11 of court proceedings, probation, or police duties, shall, upon
12 conviction thereof, be guilty of a disorderly persons offense.

13 i. The court may, upon application by the juvenile or his parent or
14 guardian, the prosecutor or any other interested party, including the
15 victim or complainant or members of the news media, permit public
16 attendance during any court proceeding at a delinquency case, where
17 it determines that a substantial likelihood that specific harm to the
18 juvenile would not result, and the court shall permit a victim, or a
19 family member of a victim to make a statement prior to ordering a
20 disposition in any delinquency proceeding involving an offense that
21 would constitute a crime if committed by an adult. The court shall
22 have the authority to limit and control the attendance in any manner
23 and to the extent it deems appropriate.

24 j. The Department of Education, in consultation with the Attorney
25 General, shall adopt, pursuant to the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
27 concerning the creation, maintenance and disclosure of pupil records
28 including information acquired pursuant to this section.

29 (cf: P.L.1995, c.280, s.15)

30

31 3. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill provides that any person who, as a juvenile, was adjudicated
37 delinquent for an offense involving the use or possession of a firearm
38 which, if committed by an adult would constitute a crime, would be
39 disqualified as an adult from obtaining either a handgun purchase
40 permit or a firearms purchaser identification card.

41 The bill also amends section 1 of P.L.1982, c.79, which pertains to
42 the disclosure of juvenile records, to clarify that law enforcement
43 agencies may disclose juvenile records for the purpose of reviewing
44 applications for a handgun purchase permit or firearms purchaser
45 identification card.

S1490 ALLEN, BENNETT

10

1 The law currently provides that any person who has been convicted
2 of a crime may not be issued either a handgun purchase permit or a
3 firearms purchaser identification card.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1490

STATE OF NEW JERSEY

DATED: SEPTEMBER 25, 2000

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1490.

This bill provides that any person who, as a juvenile, was adjudicated delinquent for an offense involving the use or possession of a firearm which, if committed by an adult would constitute a crime, would be disqualified as an adult from obtaining either a handgun purchase permit or a firearms purchaser identification card.

The law currently provides that any person who has been convicted of a crime may not be issued either a handgun purchase permit or a firearms purchaser identification card.

[First Reprint]

SENATE, No. 1490

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JUNE 29, 2000

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

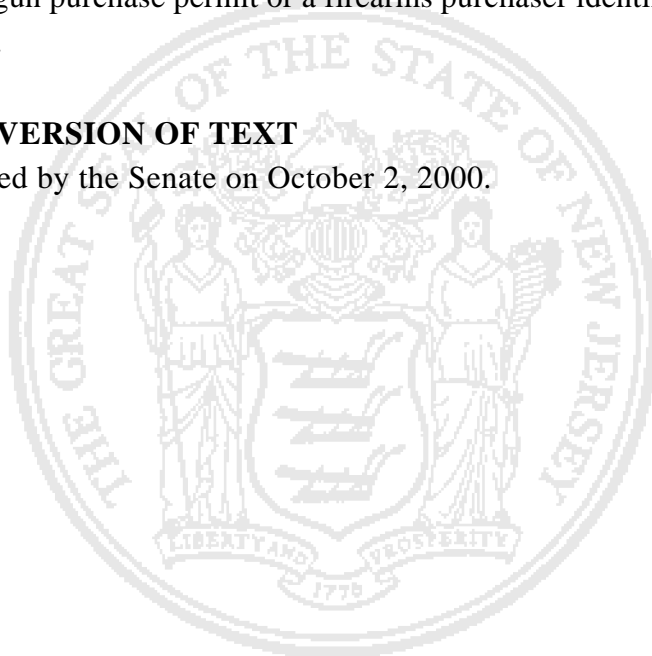
Senators Inverso, Sinagra, Kosco and Matheussen

SYNOPSIS

Disqualifies a person adjudicated delinquent as a juvenile from obtaining either a handgun purchase permit or a firearms purchaser identification card in certain cases.

CURRENT VERSION OF TEXT

As amended by the Senate on October 2, 2000.



(Sponsorship Updated As Of: 12/19/2000)

1 AN ACT concerning handgun purchase permits and firearms purchaser
2 identification cards in certain cases and amending N.J.S.2C:58-3
3 P.L.1982, c.79.

4

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

7

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

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted October 2, 2000.

1 any person who is presently an habitual drunkard;

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

12 (4) To any person under the age of 18 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 ; or

18 (7) To any person who as a juvenile was adjudicated delinquent for
19 an offense which, if committed by an adult, would constitute a crime
20 and the offense involved the unlawful use or possession of a firearm.

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

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

41 e. Applications. Applications for permits to purchase a handgun
42 and for firearms purchaser identification cards shall be in the form
43 prescribed by the superintendent and shall set forth the name,
44 residence, place of business, age, date of birth, occupation, sex and
45 physical description, including distinguishing physical characteristics,
46 if any, of the applicant, and shall state whether the applicant is a

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

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

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

43 f. Granting of permit or identification card; fee; term; renewal;
44 revocation. The application for the permit to purchase a handgun
45 together with a fee of \$2.00, or the application for the firearms
46 purchaser identification card together with a fee of \$5.00, shall be

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

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

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

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

42 i. Restriction on number of firearms person may purchase. Only one
43 handgun shall be purchased or delivered on each permit, but a person
44 shall not be restricted as to the number of rifles or shotguns he may
45 purchase, provided he possesses a valid firearms purchaser
46 identification card and provided further that he signs the certification

1 required in subsection b. of this section for each transaction.

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

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

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

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

27

28 2. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as
29 follows:

30 1. Disclosure of juvenile information; penalties for disclosure. a.
31 Social, medical, psychological, legal and other records of the court and
32 probation division, and records of law enforcement agencies,
33 pertaining to juveniles charged as a delinquent or found to be part of
34 a juvenile-family crisis, shall be strictly safeguarded from public
35 inspection. Such records shall be made available only to:

36 (1) Any court or probation division;

37 (2) The Attorney General or county prosecutor;

38 (3) The parents or guardian and to the attorney of the juvenile;

39 (4) The Department of Human Services, if providing care or custody
40 of the juvenile;

41 (5) Any institution or facility to which the juvenile is currently
42 committed or in which the juvenile is placed;

43 (6) Any person or agency interested in a case or in the work of the
44 agency keeping the records, by order of the court for good cause
45 shown, except that information concerning adjudications of
46 delinquency, records of custodial confinement, payments owed on

1 assessments imposed pursuant to section 2 of P.L.1979, c.396
2 (C.2C:43-3.1) or restitution ordered following conviction of a crime
3 or adjudication of delinquency, and the juvenile's financial resources,
4 shall be made available upon request to the Victims of Crime
5 Compensation Board established pursuant to section 3 of P.L.1971,
6 c.317 (C.52:4B-3), which shall keep such information and records
7 confidential; ¹[and]¹

8 (7) The Juvenile Justice Commission established pursuant to section
9 2 of P.L.1995, c.284 (C.52:17B-170)¹; and

10 (8) Law enforcement agencies for the purpose of reviewing
11 applications for a permit to purchase a handgun or firearms purchaser
12 identification card¹.

13 b. Records of law enforcement agencies may be disclosed for law
14 enforcement purposes , or for the purpose of reviewing applications
15 for a permit to purchase a handgun or a firearms purchaser
16 identification card to any law enforcement agency of this State,
17 another state or the United States, and the identity of a juvenile under
18 warrant for arrest for commission of an act that would constitute a
19 crime if committed by an adult may be disclosed to the public when
20 necessary to execution of the warrant.

21 c. At the time of charge, adjudication or disposition, information as
22 to the identity of a juvenile charged with an offense, the offense
23 charged, the adjudication and disposition shall, upon request, be
24 disclosed to:

25 (1) The victim or a member of the victim's immediate family;

26 (2) Any law enforcement agency which investigated the offense, the
27 person or agency which filed the complaint, and any law enforcement
28 agency in the municipality where the juvenile resides; and

29 (3) On a confidential basis, the principal of the school where the
30 juvenile is enrolled for use by the principal and such members of the
31 staff and faculty of the school as the principal deems appropriate for
32 maintaining order, safety or discipline in the school or to planning
33 programs relevant to the juvenile's educational and social
34 development, provided that no record of such information shall be
35 maintained except as authorized by regulation of the Department of
36 Education; or

37 (4) A party in a subsequent legal proceeding involving the juvenile,
38 upon approval by the court.

39 d. A law enforcement or prosecuting agency shall, at the time of a
40 charge, adjudication or disposition, advise the principal of the school
41 where the juvenile is enrolled of the identity of the juvenile charged,
42 the offense charged, the adjudication and the disposition if:

43 (1) The offense occurred on school property or a school bus,
44 occurred at a school-sponsored function or was committed against an
45 employee or official of the school; or

46 (2) The juvenile was taken into custody as a result of information or

1 evidence provided by school officials; or

2 (3) The offense, if committed by an adult, would constitute a crime,
3 and the offense:

4 (a) resulted in death or serious bodily injury or involved an attempt
5 or conspiracy to cause death or serious bodily injury; or

6 (b) involved the unlawful use or possession of a firearm or other
7 weapon; or

8 (c) involved the unlawful manufacture, distribution or possession
9 with intent to distribute a controlled dangerous substance or controlled
10 substance analog; or

11 (d) was committed by a juvenile who acted with a purpose to
12 intimidate an individual or group of individuals because of race, color,
13 religion, sexual orientation or ethnicity; or

14 (e) would be a crime of the first or second degree.

15 Information provided to the principal pursuant to this subsection
16 shall be treated as confidential but may be made available to such
17 members of the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school or
19 for planning programs relevant to a juvenile's educational and social
20 development, and no record of such information shall be maintained
21 except as authorized by regulation of the Department of Education.

22 e. Nothing in this section prohibits a law enforcement or prosecuting
23 agency from providing the principal of a school with information
24 identifying one or more juveniles who are under investigation or have
25 been taken into custody for commission of any act that would
26 constitute an offense if committed by an adult when the law
27 enforcement or prosecuting agency determines that the information
28 may be useful to the principal in maintaining order, safety or discipline
29 in the school or in planning programs relevant to the juvenile's
30 educational and social development. Information provided to the
31 principal pursuant to this subsection shall be treated as confidential but
32 may be made available to such members of the staff and faculty of the
33 school as the principal deems appropriate for maintaining order, safety
34 or discipline in the school or for planning programs relevant to the
35 juvenile's educational and social development. No information
36 provided pursuant to this section shall be maintained.

37 f. Information as to the identity of a juvenile adjudicated delinquent,
38 the offense, the adjudication and the disposition shall be disclosed to
39 the public where the offense for which the juvenile has been
40 adjudicated delinquent if committed by an adult, would constitute a
41 crime of the first, second or third degree, or aggravated assault,
42 destruction or damage to property to an extent of more than \$500.00,
43 unless upon application at the time of disposition the juvenile
44 demonstrates a substantial likelihood that specific and extraordinary
45 harm would result from such disclosure in the specific case. Where
46 the court finds that disclosure would be harmful to the juvenile, the

1 reasons therefor shall be stated on the record.

2 g. Nothing in this section shall prohibit the establishment and
3 maintaining of a central registry of the records of law enforcement
4 agencies relating to juveniles for the purpose of exchange between
5 State or local law enforcement agencies of this State, another state, or
6 the United States.

7 h. Whoever, except as provided by law, knowingly discloses,
8 publishes, receives, or makes use of or knowingly permits the
9 unauthorized use of information concerning a particular juvenile
10 derived from records listed in subsection a. or acquired in the course
11 of court proceedings, probation, or police duties, shall, upon
12 conviction thereof, be guilty of a disorderly persons offense.

13 i. The court may, upon application by the juvenile or his parent or
14 guardian, the prosecutor or any other interested party, including the
15 victim or complainant or members of the news media, permit public
16 attendance during any court proceeding at a delinquency case, where
17 it determines that a substantial likelihood that specific harm to the
18 juvenile would not result, and the court shall permit a victim, or a
19 family member of a victim to make a statement prior to ordering a
20 disposition in any delinquency proceeding involving an offense that
21 would constitute a crime if committed by an adult. The court shall
22 have the authority to limit and control the attendance in any manner
23 and to the extent it deems appropriate.

24 j. The Department of Education, in consultation with the Attorney
25 General, shall adopt, pursuant to the "Administrative Procedure Act,"
26 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
27 concerning the creation, maintenance and disclosure of pupil records
28 including information acquired pursuant to this section.

29 (cf: P.L.1995, c.280, s.15)

30

31 3. This act shall take effect immediately.

P.L. 2001, CHAPTER 3, *approved January 16, 2001*
Assembly, No. 764 (*First Reprint*)

1 **AN ACT** concerning handgun purchase permits and firearms purchaser
2 identification cards in certain cases and amending N.J.S.2C:58-3
3 ¹and P.L.1982, c.79¹.

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

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

9 2C:58-3. Purchase of Firearms.

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

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

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

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

40 (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 intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted May 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 any person under the age of 18 years;

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

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

20 (7) To any person who as a juvenile was adjudicated delinquent for
21 an offense which, if committed by an adult, would constitute a crime
22 and the offense involved the unlawful use or possession of a firearm.

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

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

43 e. Applications. Applications for permits to purchase a handgun
44 and for firearms purchaser identification cards shall be in the form
45 prescribed by the superintendent and shall set forth the name,
46 residence, place of business, age, date of birth, occupation, sex and

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

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

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

45 f. Granting of permit or identification card; fee; term; renewal;
46 revocation. The application for the permit to purchase a handgun

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

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

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

44 i. Restriction on number of firearms person may purchase. Only one
45 handgun shall be purchased or delivered on each permit, but a person
46 shall not be restricted as to the number of rifles or shotguns he may

1 purchase, provided he possesses a valid firearms purchaser
2 identification card and provided further that he signs the certification
3 required in subsection b. of this section for each transaction.

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

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

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

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

29

30 2. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as
31 follows:

32 1. Disclosure of juvenile information; penalties for disclosure. a.
33 Social, medical, psychological, legal and other records of the court and
34 probation division, and records of law enforcement agencies,
35 pertaining to juveniles charged as a delinquent or found to be part of
36 a juvenile-family crisis, shall be strictly safeguarded from public
37 inspection. Such records shall be made available only to:

38 (1) Any court or probation division;

39 (2) The Attorney General or county prosecutor;

40 (3) The parents or guardian and to the attorney of the juvenile;

41 (4) The Department of Human Services, if providing care or custody
42 of the juvenile;

43 (5) Any institution or facility to which the juvenile is currently
44 committed or in which the juvenile is placed;

45 (6) Any person or agency interested in a case or in the work of the
46 agency keeping the records, by order of the court for good cause

1 shown, except that information concerning adjudications of
2 delinquency, records of custodial confinement, payments owed on
3 assessments imposed pursuant to section 2 of P.L.1979, c.396
4 (C.2C:43-3.1) or restitution ordered following conviction of a crime
5 or adjudication of delinquency, and the juvenile's financial resources,
6 shall be made available upon request to the Victims of Crime
7 Compensation Board established pursuant to section 3 of P.L.1971,
8 c.317 (C.52:4B-3), which shall keep such information and records
9 confidential; ¹[and]¹

10 (7) The Juvenile Justice Commission established pursuant to section
11 2 of P.L.1995, c.284 (C.52:17B-170)¹; and

12 (8) Law enforcement agencies for the purpose of reviewing
13 applications for a permit to purchase a handgun or firearms purchaser
14 identification card¹.

15 b. Records of law enforcement agencies may be disclosed for law
16 enforcement purposes , or for the purpose of reviewing applications
17 for a permit to purchase a handgun or a firearms purchaser
18 identification card to any law enforcement agency of this State,
19 another state or the United States, and the identity of a juvenile under
20 warrant for arrest for commission of an act that would constitute a
21 crime if committed by an adult may be disclosed to the public when
22 necessary to execution of the warrant.

23 c. At the time of charge, adjudication or disposition, information as
24 to the identity of a juvenile charged with an offense, the offense
25 charged, the adjudication and disposition shall, upon request, be
26 disclosed to:

27 (1) The victim or a member of the victim's immediate family;

28 (2) Any law enforcement agency which investigated the offense, the
29 person or agency which filed the complaint, and any law enforcement
30 agency in the municipality where the juvenile resides; and

31 (3) On a confidential basis, the principal of the school where the
32 juvenile is enrolled for use by the principal and such members of the
33 staff and faculty of the school as the principal deems appropriate for
34 maintaining order, safety or discipline in the school or to planning
35 programs relevant to the juvenile's educational and social
36 development, provided that no record of such information shall be
37 maintained except as authorized by regulation of the Department of
38 Education; or

39 (4) A party in a subsequent legal proceeding involving the juvenile,
40 upon approval by the court.

41 d. A law enforcement or prosecuting agency shall, at the time of a
42 charge, adjudication or disposition, advise the principal of the school
43 where the juvenile is enrolled of the identity of the juvenile charged,
44 the offense charged, the adjudication and the disposition if:

45 (1) The offense occurred on school property or a school bus,
46 occurred at a school-sponsored function or was committed against an

1 employee or official of the school; or

2 (2) The juvenile was taken into custody as a result of information or
3 evidence provided by school officials; or

4 (3) The offense, if committed by an adult, would constitute a crime,
5 and the offense:

6 (a) resulted in death or serious bodily injury or involved an attempt
7 or conspiracy to cause death or serious bodily injury; or

8 (b) involved the unlawful use or possession of a firearm or other
9 weapon; or

10 (c) involved the unlawful manufacture, distribution or possession
11 with intent to distribute a controlled dangerous substance or controlled
12 substance analog; or

13 (d) was committed by a juvenile who acted with a purpose to
14 intimidate an individual or group of individuals because of race, color,
15 religion, sexual orientation or ethnicity; or

16 (e) would be a crime of the first or second degree.

17 Information provided to the principal pursuant to this subsection
18 shall be treated as confidential but may be made available to such
19 members of the staff and faculty of the school as the principal deems
20 appropriate for maintaining order, safety or discipline in the school or
21 for planning programs relevant to a juvenile's educational and social
22 development, and no record of such information shall be maintained
23 except as authorized by regulation of the Department of Education.

24 e. Nothing in this section prohibits a law enforcement or prosecuting
25 agency from providing the principal of a school with information
26 identifying one or more juveniles who are under investigation or have
27 been taken into custody for commission of any act that would
28 constitute an offense if committed by an adult when the law
29 enforcement or prosecuting agency determines that the information
30 may be useful to the principal in maintaining order, safety or discipline
31 in the school or in planning programs relevant to the juvenile's
32 educational and social development. Information provided to the
33 principal pursuant to this subsection shall be treated as confidential but
34 may be made available to such members of the staff and faculty of the
35 school as the principal deems appropriate for maintaining order, safety
36 or discipline in the school or for planning programs relevant to the
37 juvenile's educational and social development. No information
38 provided pursuant to this section shall be maintained.

39 f. Information as to the identity of a juvenile adjudicated delinquent,
40 the offense, the adjudication and the disposition shall be disclosed to
41 the public where the offense for which the juvenile has been
42 adjudicated delinquent if committed by an adult, would constitute a
43 crime of the first, second or third degree, or aggravated assault,
44 destruction or damage to property to an extent of more than \$500.00,
45 unless upon application at the time of disposition the juvenile
46 demonstrates a substantial likelihood that specific and extraordinary

1 harm would result from such disclosure in the specific case. Where
2 the court finds that disclosure would be harmful to the juvenile, the
3 reasons therefor shall be stated on the record.

4 g. Nothing in this section shall prohibit the establishment and
5 maintaining of a central registry of the records of law enforcement
6 agencies relating to juveniles for the purpose of exchange between
7 State or local law enforcement agencies of this State, another state, or
8 the United States.

9 h. Whoever, except as provided by law, knowingly discloses,
10 publishes, receives, or makes use of or knowingly permits the
11 unauthorized use of information concerning a particular juvenile
12 derived from records listed in subsection a. or acquired in the course
13 of court proceedings, probation, or police duties, shall, upon
14 conviction thereof, be guilty of a disorderly persons offense.

15 i. The court may, upon application by the juvenile or his parent or
16 guardian, the prosecutor or any other interested party, including the
17 victim or complainant or members of the news media, permit public
18 attendance during any court proceeding at a delinquency case, where
19 it determines that a substantial likelihood that specific harm to the
20 juvenile would not result, and the court shall permit a victim, or a
21 family member of a victim to make a statement prior to ordering a
22 disposition in any delinquency proceeding involving an offense that
23 would constitute a crime if committed by an adult. The court shall
24 have the authority to limit and control the attendance in any manner
25 and to the extent it deems appropriate.

26 j. The Department of Education, in consultation with the Attorney
27 General, shall adopt, pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
29 concerning the creation, maintenance and disclosure of pupil records
30 including information acquired pursuant to this section.

31 (cf: P.L.1995, c.280, s.15)

32

33 3. This act shall take effect immediately.

34

35

36

37

38 _____
39 Disqualifies a person adjudicated delinquent as a juvenile from
40 obtaining either a handgun purchase permit or a firearms purchaser
identification card in certain cases.

CHAPTER 3

AN ACT concerning handgun purchase permits and firearms purchaser identification cards in certain cases and amending N.J.S.2C:58-3 and P.L.1982, c.79.

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;

(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; or

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a 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. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as follows:

C.2A:4A-60 Disclosure of juvenile information; penalties for disclosure.

1. Disclosure of juvenile information; penalties for disclosure. a. Social, medical, psychological, legal and other records of the court and probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation division;
- (2) The Attorney General or county prosecutor;

- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Department of Human Services, if providing care or custody of the juvenile;
- (5) Any institution or facility to which the juvenile is currently committed or in which the juvenile is placed;
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown, except that information concerning adjudications of delinquency, records of custodial confinement, payments owed on assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution ordered following conviction of a crime or adjudication of delinquency, and the juvenile's financial resources, shall be made available upon request to the Victims of Crime Compensation Board established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3), which shall keep such information and records confidential;
- (7) The Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170); and
- (8) Law enforcement agencies for the purpose of reviewing applications for a permit to purchase a handgun or firearms purchaser identification card.
 - b. Records of law enforcement agencies may be disclosed for law enforcement purposes, or for the purpose of reviewing applications for a permit to purchase a handgun or a firearms purchaser identification card to any law enforcement agency of this State, another state or the United States, and the identity of a juvenile under warrant for arrest for commission of an act that would constitute a crime if committed by an adult may be disclosed to the public when necessary to execution of the warrant.
 - c. At the time of charge, adjudication or disposition, information as to the identity of a juvenile charged with an offense, the offense charged, the adjudication and disposition shall, upon request, be disclosed to:
 - (1) The victim or a member of the victim's immediate family;
 - (2) Any law enforcement agency which investigated the offense, the person or agency which filed the complaint, and any law enforcement agency in the municipality where the juvenile resides; and
 - (3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or to planning programs relevant to the juvenile's educational and social development, provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education; or
 - (4) A party in a subsequent legal proceeding involving the juvenile, upon approval by the court.
 - d. A law enforcement or prosecuting agency shall, at the time of a charge, adjudication or disposition, advise the principal of the school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition if:
 - (1) The offense occurred on school property or a school bus, occurred at a school-sponsored function or was committed against an employee or official of the school; or
 - (2) The juvenile was taken into custody as a result of information or evidence provided by school officials; or
 - (3) The offense, if committed by an adult, would constitute a crime, and the offense:
 - (a) resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury; or
 - (b) involved the unlawful use or possession of a firearm or other weapon; or
 - (c) involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog; or
 - (d) was committed by a juvenile who acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or
 - (e) would be a crime of the first or second degree.

Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as

the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to a juvenile's educational and social development, and no record of such information shall be maintained except as authorized by regulation of the Department of Education.

e. Nothing in this section prohibits a law enforcement or prosecuting agency from providing the principal of a school with information identifying one or more juveniles who are under investigation or have been taken into custody for commission of any act that would constitute an offense if committed by an adult when the law enforcement or prosecuting agency determines that the information may be useful to the principal in maintaining order, safety or discipline in the school or in planning programs relevant to the juvenile's educational and social development. Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to the juvenile's educational and social development. No information provided pursuant to this section shall be maintained.

f. Information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00, unless upon application at the time of disposition the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

g. Nothing in this section shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State or local law enforcement agencies of this State, another state, or the United States.

h. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

i. The court may, upon application by the juvenile or his parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding at a delinquency case, where it determines that a substantial likelihood that specific harm to the juvenile would not result, and the court shall permit a victim, or a family member of a victim to make a statement prior to ordering a disposition in any delinquency proceeding involving an offense that would constitute a crime if committed by an adult. The court shall have the authority to limit and control the attendance in any manner and to the extent it deems appropriate.

j. The Department of Education, in consultation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the creation, maintenance and disclosure of pupil records including information acquired pursuant to this section.

3. This act shall take effect immediately.

Approved January 16, 2001.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

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RELEASE: January 16, 2001

Gov. Christie Whitman today signed the following legislation:

A-1438, sponsored by Assemblymen Moran (R-Atlantic/Burlington/Ocean) and Connors (R-Atlantic/Burlington/Ocean) and Senators DiGaetano (R-Bergen/Essex/Passaic) and Crecco (R-Essex/Passaic), increases by 5 percent the pension allowance payable to certain previously retired members of the Consolidated Police and Fireman's Pension Fund (CPFPPF), the Police and Fireman's Retirement System (PFRS), and to certain past and prospective law enforcement officer (LEO) retirants under the Public Employee's Retirement System (PERS). To be eligible for the increase a retiree must have rendered at least 25 years of creditable service under the system.

A-1484, sponsored by Assembly Members Heck (R-Bergen) and O'Toole (R-Essex/Union) and Senators Bark (R-Atlantic/Burlington/Camden) and Adler (D-Camden), revises the administrative rule-making process.

A-2274, sponsored by Assembly Member Collins (R-Salem/Cumberland/Gloucester), allows the transfer of certain service credit between the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund.

A-733, sponsored by Assembly Members Talarico (R-Bergen) and Chatzidakis (R-Atlantic/Burlington/Camden) and Senators Sinagra (R-Middlesex) and Matheussen (R-Camden/Gloucester), subjects health maintenance organizations to the law regulating insurance holding company systems and revises the calculation of health insurance policy reserves.

A-764, sponsored by Assembly Members Previte (D-Camden) and Holzapfel (R-Monmouth/Ocean) and Senators Allen (R-Burlington/Camden) and Bennett (R-Monmouth), disqualifies a person adjudicated delinquent as a juvenile from obtaining either a handgun purchase permit or a firearms purchaser identification card in certain cases.