

VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
GOVERNOR'S SIGNING STATEMENT:	Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes
OTHER:	Yes

The New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety: Report to Governor Chris Christie. [Trenton, N.J.] : [Office of the Attorney General], 2013.
Call number 974.90 W362, 2013

<http://dspace.njstatelib.org:8080/xmlui/handle/10929/34559>

"Christie signs extensive package of gun-control bills into law," NJ SPOTLIGHT, 8-9-13

"Christie cautious on guns," The Record, 8-9-13

"Christie signs limits on guns," The Philadelphia Inquirer, 8-9-13

"Christie balks on controversial gun bills," The Star-Ledger, 8-9-13

"Christie signs 10 new gun bills, including local lawmakers' anti-trafficking measure", Burlington County Times, 8-9-13

"Tougher gun measures signed," CourierPostOnline.com, 8-9-13

"Christie signs some gun-control measures into law," The Trentonian, 8-9-13

LAW/RWH

P.L.2013, CHAPTER 114, *approved August 8, 2013*
Assembly, No. 3687 (*Second Reprint*)

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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun. No person shall sell,
8 give, transfer, assign or otherwise dispose of, nor receive, purchase,
9 or otherwise acquire a handgun unless the purchaser, assignee,
10 donee, receiver or holder is licensed as a dealer under this chapter
11 or has first secured a permit to purchase a handgun as provided by
12 this section.

13 b. Firearms purchaser identification card. No person shall sell,
14 give, transfer, assign or otherwise dispose of nor receive, purchase
15 or otherwise acquire an antique cannon or a rifle or shotgun, other
16 than an antique rifle or shotgun, unless the purchaser, assignee,
17 donee, receiver or holder is licensed as a dealer under this chapter
18 or possesses a valid firearms purchaser identification card, and first
19 exhibits said card to the seller, donor, transferor or assignor, and
20 unless the purchaser, assignee, donee, receiver or holder signs a
21 written certification, on a form prescribed by the superintendent,
22 which shall indicate that he presently complies with the
23 requirements of subsection c. of this section and shall contain his
24 name, address and firearms purchaser identification card number or
25 dealer's registration number. The said certification shall be retained
26 by the seller, as provided in paragraph (4) of subsection a. of
27 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
28 be filed with the chief of police of the municipality in which he
29 resides or with the superintendent.

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

37 (1) To any person who has been convicted of any crime, or a
38 disorderly persons offense involving an act of domestic violence as
39 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
40 not armed with or possessing a weapon at the time of such offense;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted May 9, 2013.

²Senate floor amendments adopted May 13, 2013.

- 1 (2) To any drug dependent person as defined in section 2 of
2 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
3 mental disorder to a hospital, mental institution or sanitarium, or to
4 any person who is presently an habitual drunkard;
- 5 (3) To any person who suffers from a physical defect or disease
6 which would make it unsafe for him to handle firearms, to any
7 person who has ever been confined for a mental disorder, or to any
8 alcoholic unless any of the foregoing persons produces a certificate
9 of a medical doctor or psychiatrist licensed in New Jersey, or other
10 satisfactory proof, that he is no longer suffering from that particular
11 disability in such a manner that would interfere with or handicap
12 him in the handling of firearms; to any person who knowingly
13 falsifies any information on the application form for a handgun
14 purchase permit or firearms purchaser identification card;
- 15 (4) To any person under the age of 18 years for a firearms
16 purchaser identification card and to any person under the age of 21
17 years for a permit to purchase a handgun;
- 18 (5) To any person where the issuance would not be in the
19 interest of the public health, safety or welfare ²**1. In determining**
20 **whether the issuance of a handgun purchase permit or firearms**
21 **purchaser identification card is in the interest of the public health,**
22 **safety or welfare the chief of police of an organized full-time police**
23 **department of the municipality where the applicant resides or the**
24 **superintendent may consider whether a criminal history background**
25 **check revealed that the applicant was named on the consolidated**
26 **Terrorist Watchlist maintained by the Terrorist Screening Center**
27 **administered by the Federal Bureau of Investigation, and whether**
28 **the applicant's inclusion on the list, when considered with other**
29 **information provided by the applicant, would justify denying a**
30 **permit to purchase a handgun or a firearms purchaser identification**
31 **card to the applicant**¹**2**;
- 32 (6) To any person who is subject to a restraining order issued
33 pursuant to the "Prevention of Domestic Violence Act of 1991,"
34 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
35 possessing any firearm;
- 36 (7) To any person who as a juvenile was adjudicated delinquent
37 for an offense which, if committed by an adult, would constitute a
38 crime and the offense involved the unlawful use or possession of a
39 weapon, explosive or destructive device or is enumerated in
40 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); **[or]**
- 41 (8) To any person whose firearm is seized pursuant to the
42 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
43 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 44 (9) To any person named on ¹**the consolidated Terrorist**
45 **Watchlist maintained by Terrorist Screening Center administed by**
46 **the Federal Bureau of Investigation** ²**a No-Fly List administered**
47 **by the United States Transportation Security Administration**

1 pursuant to 49 U.S.C. s. 44903(j)(2)(C)¹ the consolidated Terrorist
2 Watchlist maintained by Terrorist Screening Center administered by
3 the Federal Bureau of Investigation².

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

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

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

1 person is subject to a restraining order issued pursuant to the
2 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
3 (C.2C:25-17 et seq.) prohibiting the person from possessing any
4 firearm, and such other information as the superintendent shall
5 deem necessary for the proper enforcement of this chapter. For the
6 purpose of complying with this subsection, the applicant shall
7 waive any statutory or other right of confidentiality relating to
8 institutional confinement. The application shall be signed by the
9 applicant and shall contain as references the names and addresses of
10 two reputable citizens personally acquainted with him.

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

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

28 f. Granting of permit or identification card; fee; term; renewal;
29 revocation. The application for the permit to purchase a handgun
30 together with a fee of \$2, or the application for the firearms
31 purchaser identification card together with a fee of \$5, shall be
32 delivered or forwarded to the licensing authority who shall
33 investigate the same and, unless good cause for the denial thereof
34 appears, shall grant the permit or the identification card, or both, if
35 application has been made therefor, within 30 days from the date of
36 receipt of the application for residents of this State and within 45
37 days for nonresident applicants. A permit to purchase a handgun
38 shall be valid for a period of 90 days from the date of issuance and
39 may be renewed by the issuing authority for good cause for an
40 additional 90 days. A firearms purchaser identification card shall
41 be valid until such time as the holder becomes subject to any of the
42 disabilities set forth in subsection c. of this section, whereupon the
43 card shall be void and shall be returned within five days by the
44 holder to the superintendent, who shall then advise the licensing
45 authority. Failure of the holder to return the firearms purchaser
46 identification card to the superintendent within the said five days
47 shall be an offense under subsection a. of N.J.S.2C:39-10. Any
48 firearms purchaser identification card may be revoked by the

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

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

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

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

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

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

35 (2) a collector of handguns as curios or relics as defined in Title
36 18, United States Code, section 921 (a) (13) who has in his
37 possession a valid Collector of Curios and Relics License issued by
38 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

39 (3) transfers of handguns among licensed retail dealers,
40 registered wholesale dealers and registered manufacturers

41 (4) transfers of handguns from any person to a licensed retail
42 dealer or a registered wholesale dealer or registered manufacturer.

43 (5) any transaction where the person has purchased a handgun
44 from a licensed retail dealer and has returned that handgun to the
45 dealer in exchange for another handgun within 30 days of the
46 original transaction, provided the retail dealer reports the exchange
47 transaction to the superintendent; or

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

4 The provisions of this subsection shall not be construed to afford
5 or authorize any other exemption from the regulatory provisions
6 governing firearms set forth in chapter 39 and chapter 58 of Title
7 2C of the New Jersey Statutes;

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

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

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

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

39 (cf: P.L. 2009, c.186, s.2)

40
41 2. This act shall take effect immediately.
42
43
44
45

46 Disqualifies person named on federal Terrorist Watchlist from
47 obtaining firearms identification card or permit to purchase
48 handgun.

ASSEMBLY, No. 3687

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 14, 2013

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman ANGEL FUENTES

District 5 (Camden and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

**Assemblywoman Watson Coleman, Assemblymen McKeon, Schaer, Giblin
and Diegnan**

SYNOPSIS

Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2013)

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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun. No person shall sell,
8 give, transfer, assign or otherwise dispose of, nor receive, purchase,
9 or otherwise acquire a handgun unless the purchaser, assignee,
10 donee, receiver or holder is licensed as a dealer under this chapter
11 or has first secured a permit to purchase a handgun as provided by
12 this section.

13 b. Firearms purchaser identification card. No person shall sell,
14 give, transfer, assign or otherwise dispose of nor receive, purchase
15 or otherwise acquire an antique cannon or a rifle or shotgun, other
16 than an antique rifle or shotgun, unless the purchaser, assignee,
17 donee, receiver or holder is licensed as a dealer under this chapter
18 or possesses a valid firearms purchaser identification card, and first
19 exhibits said card to the seller, donor, transferor or assignor, and
20 unless the purchaser, assignee, donee, receiver or holder signs a
21 written certification, on a form prescribed by the superintendent,
22 which shall indicate that he presently complies with the
23 requirements of subsection c. of this section and shall contain his
24 name, address and firearms purchaser identification card number or
25 dealer's registration number. The said certification shall be retained
26 by the seller, as provided in paragraph (4) of subsection a. of
27 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
28 be filed with the chief of police of the municipality in which he
29 resides or with the superintendent.

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

37 (1) To any person who has been convicted of any crime, or a
38 disorderly persons offense involving an act of domestic violence as
39 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
40 not armed with or possessing a weapon at the time of such offense;

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

28 (9) To any person named on the consolidated Terrorist Watchlist
29 maintained by Terrorist Screening Center administered by the Federal
30 Bureau of Investigation.

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

37 Any person aggrieved by the denial of a permit or identification
38 card may request a hearing in the Superior Court of the county in
39 which he resides if he is a resident of New Jersey or in the Superior
40 Court of the county in which his application was filed if he is a
41 nonresident. The request for a hearing shall be made in writing
42 within 30 days of the denial of the application for a permit or
43 identification card. The applicant shall serve a copy of his request
44 for a hearing upon the chief of police of the municipality in which
45 he resides, if he is a resident of New Jersey, and upon the
46 superintendent in all cases. The hearing shall be held and a record
47 made thereof within 30 days of the receipt of the application for
48 such hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to such
2 hearing. Appeals from the results of such hearing shall be in
3 accordance with law.

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

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

41 The chief police officer or the superintendent shall obtain the
42 fingerprints of the applicant and shall have them compared with any
43 and all records of fingerprints in the municipality and county in
44 which the applicant resides and also the records of the State Bureau
45 of Identification and the Federal Bureau of Investigation, provided
46 that an applicant for a handgun purchase permit who possesses a
47 valid firearms purchaser identification card, or who has previously
48 obtained a handgun purchase permit from the same licensing

1 authority for which he was previously fingerprinted, and who
2 provides other reasonably satisfactory proof of his identity, need not
3 be fingerprinted again; however, the chief police officer or the
4 superintendent shall proceed to investigate the application to
5 determine whether or not the applicant has become subject to any of
6 the disabilities set forth in this chapter.

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

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

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

42 h. Form of permit; quadruplicate; disposition of copies. The
43 permit shall be in the form prescribed by the superintendent and
44 shall be issued to the applicant in quadruplicate. Prior to the time
45 he receives the handgun from the seller, the applicant shall deliver
46 to the seller the permit in quadruplicate and the seller shall
47 complete all of the information required on the form. Within five
48 days of the date of the sale, the seller shall forward the original

1 copy to the superintendent and the second copy to the chief of
2 police of the municipality in which the purchaser resides, except
3 that in a municipality having no chief of police, such copy shall be
4 forwarded to the superintendent. The third copy shall then be
5 returned to the purchaser with the pistol or revolver and the fourth
6 copy shall be kept by the seller as a permanent record.

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

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

14 (2) a collector of handguns as curios or relics as defined in Title
15 18, United States Code, section 921 (a) (13) who has in his
16 possession a valid Collector of Curios and Relics License issued by
17 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

18 (3) transfers of handguns among licensed retail dealers,
19 registered wholesale dealers and registered manufacturers

20 (4) transfers of handguns from any person to a licensed retail
21 dealer or a registered wholesale dealer or registered manufacturer.

22 (5) any transaction where the person has purchased a handgun
23 from a licensed retail dealer and has returned that handgun to the
24 dealer in exchange for another handgun within 30 days of the
25 original transaction, provided the retail dealer reports the exchange
26 transaction to the superintendent; or

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

30 The provisions of this subsection shall not be construed to afford
31 or authorize any other exemption from the regulatory provisions
32 governing firearms set forth in chapter 39 and chapter 58 of Title
33 2C of the New Jersey Statutes;

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

39 j. Firearms passing to heirs or legatees. Notwithstanding any
40 other provision of this section concerning the transfer, receipt or
41 acquisition of a firearm, a permit to purchase or a firearms
42 purchaser identification card shall not be required for the passing of
43 a firearm upon the death of an owner thereof to his heir or legatee,
44 whether the same be by testamentary bequest or by the laws of
45 intestacy. The person who shall so receive, or acquire said firearm
46 shall, however, be subject to all other provisions of this chapter. If
47 the heir or legatee of such firearm does not qualify to possess or
48 carry it, he may retain ownership of the firearm for the purpose of

1 sale for a period not exceeding 180 days, or for such further limited
2 period as may be approved by the chief law enforcement officer of
3 the municipality in which the heir or legatee resides or the
4 superintendent, provided that such firearm is in the custody of the
5 chief law enforcement officer of the municipality or the
6 superintendent during such period.

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

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

17 (cf: P.L. 2009, c.186, s.2)

18

19 2. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill would disqualify a person named on the consolidated
25 Terrorist Watchlist maintained by the Federal Bureau of
26 Investigation's Terrorist Screening Center from being issued either
27 a firearm's identification card or a permit to purchase a handgun.

28 Under current law, the issuance of a firearms identification card
29 or a permit to purchase a handgun may be denied to any person if it
30 "would not be in the interest of the public health, safety or welfare."
31 While this provision should provide grounds for denying a person
32 named on the Terrorist Watchlist from being issued either a
33 firearms identification card or a permit to purchase a handgun, the
34 inclusion of a person on the Terrorist Watchlist is of such a serious
35 and potentially threatening nature that it warrants a separate
36 statutory provision denying that person's capability to lawfully
37 obtain a firearm in this State.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3687

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2013

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3687.

Assembly Bill No. 3687 disqualifies a person named on the consolidated Terrorist Watchlist maintained by the Federal Bureau of Investigation's Terrorist Screening Center from being issued either a firearm's identification card or a permit to purchase a handgun.

Under current law, the issuance of a firearms identification card or a permit to purchase a handgun may be denied to any person if it "would not be in the interest of the public health, safety or welfare." While this provision should provide grounds for denying a person named on the Terrorist Watchlist from being issued either a firearms identification card or a permit to purchase a handgun, the inclusion of a person on the Terrorist Watchlist is of such a serious and potentially threatening nature that it warrants a separate statutory provision denying that person's capability to lawfully obtain a firearm in this State.

It is the committee's understanding that an aggrieved person who is denied a permit under the bill would have the right to request a hearing in Superior Court to appeal the denial.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3687

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 30, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3687.

As amended, this bill would disqualify a person named on a No-Fly list maintained by the United States Transportation Security Administration from being issued either a firearms purchaser identification card or a permit to purchase a handgun. The No-Fly List is a list of individuals who are prohibited from boarding an aircraft. The list is a subset of the Terrorist Screening Database, which is administered by the Terrorist Screening Center (TSC) within the Federal Bureau of Investigation. To be included on the No-Fly list, an individual must be in the Terrorist Screening Database and meet additional criteria, beyond the “reasonable suspicion” standard generally required for inclusion in the database.

In addition, this bill allows a chief of police or the Superintendent of State Police, when determining whether to issue a handgun purchase permit or firearms purchaser identification card to an applicant, to consider whether a criminal history background check revealed that the applicant was named on the consolidated Terrorist Watchlist maintained by the Federal Bureau of Investigation. In making such a determination, the chief of police or the superintendent would consider whether providing a person named on the Terrorist Watchlist with a handgun purchase permit or firearms purchaser identification card, along with any other information provided by the applicant, would be within the interest of the public health, safety or welfare.

Under current law, the issuance of a firearms identification card or a permit to purchase a handgun may be denied to any person if it “would not be in the interest of the public health, safety or welfare.” While this provision should provide grounds for denying a person named on the Terrorist Watchlist from being issued either a firearms identification card or a permit to purchase a handgun, the inclusion of a person on the Terrorist Watchlist is of such a serious and potentially threatening nature that it may warrant a statutory provision preventing that person from lawfully obtaining a firearm in this State.

As introduced, the bill disqualified a person named on the consolidated Terrorist Watchlist maintained by the Federal Bureau of Investigation's Terrorist Screening Center from being issued either a firearm's identification card or a permit to purchase a handgun.

As reported by the committee, this bill is identical to Senate Bill No. 2485, also amended and reported by the committee on the same date.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3687

with Senate Floor Amendments
(Proposed by Senator SCUTARI)

ADOPTED: MAY 13, 2013

Assembly No.3687 (1R) would have permitted issuing authorities to consider whether an applicant is named on the Terrorist Watchlist when determining whether that applicant should be issued either a firearms purchaser identification card or permit to purchase a handgun. The bill also would have disqualified any applicant who was named on the No-Fly List administered by the United States Transportation Security Administration.

These Senate Amendments would disqualify any applicant who was named on the Terrorist Watchlist from being issued a firearms purchaser identification card or a permit to purchase a handgun.

SENATE, No. 2485

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JANUARY 28, 2013

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Beach

SYNOPSIS

Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2013)

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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun. No person shall sell,
8 give, transfer, assign or otherwise dispose of, nor receive, purchase,
9 or otherwise acquire a handgun unless the purchaser, assignee,
10 donee, receiver or holder is licensed as a dealer under this chapter
11 or has first secured a permit to purchase a handgun as provided by
12 this section.

13 b. Firearms purchaser identification card. No person shall sell,
14 give, transfer, assign or otherwise dispose of nor receive, purchase
15 or otherwise acquire an antique cannon or a rifle or shotgun, other
16 than an antique rifle or shotgun, unless the purchaser, assignee,
17 donee, receiver or holder is licensed as a dealer under this chapter
18 or possesses a valid firearms purchaser identification card, and first
19 exhibits said card to the seller, donor, transferor or assignor, and
20 unless the purchaser, assignee, donee, receiver or holder signs a
21 written certification, on a form prescribed by the superintendent,
22 which shall indicate that he presently complies with the
23 requirements of subsection c. of this section and shall contain his
24 name, address and firearms purchaser identification card number or
25 dealer's registration number. The said certification shall be retained
26 by the seller, as provided in paragraph (4) of subsection a. of
27 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
28 be filed with the chief of police of the municipality in which he
29 resides or with the superintendent.

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

37 (1) To any person who has been convicted of any crime, or a
38 disorderly persons offense involving an act of domestic violence as
39 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
40 not armed with or possessing a weapon at the time of such offense;

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

28 (9) To any person named on the consolidated Terrorist Watchlist
29 maintained by Terrorist Screening Center administered by the Federal
30 Bureau of Investigation.

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

37 Any person aggrieved by the denial of a permit or identification
38 card may request a hearing in the Superior Court of the county in
39 which he resides if he is a resident of New Jersey or in the Superior
40 Court of the county in which his application was filed if he is a
41 nonresident. The request for a hearing shall be made in writing
42 within 30 days of the denial of the application for a permit or
43 identification card. The applicant shall serve a copy of his request
44 for a hearing upon the chief of police of the municipality in which
45 he resides, if he is a resident of New Jersey, and upon the
46 superintendent in all cases. The hearing shall be held and a record
47 made thereof within 30 days of the receipt of the application for
48 such hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to such
2 hearing. Appeals from the results of such hearing shall be in
3 accordance with law.

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

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

41 The chief police officer or the superintendent shall obtain the
42 fingerprints of the applicant and shall have them compared with any
43 and all records of fingerprints in the municipality and county in
44 which the applicant resides and also the records of the State Bureau
45 of Identification and the Federal Bureau of Investigation, provided
46 that an applicant for a handgun purchase permit who possesses a
47 valid firearms purchaser identification card, or who has previously
48 obtained a handgun purchase permit from the same licensing

1 authority for which he was previously fingerprinted, and who
2 provides other reasonably satisfactory proof of his identity, need not
3 be fingerprinted again; however, the chief police officer or the
4 superintendent shall proceed to investigate the application to
5 determine whether or not the applicant has become subject to any of
6 the disabilities set forth in this chapter.

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

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

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

42 h. Form of permit; quadruplicate; disposition of copies. The
43 permit shall be in the form prescribed by the superintendent and
44 shall be issued to the applicant in quadruplicate. Prior to the time
45 he receives the handgun from the seller, the applicant shall deliver
46 to the seller the permit in quadruplicate and the seller shall
47 complete all of the information required on the form. Within five
48 days of the date of the sale, the seller shall forward the original

1 copy to the superintendent and the second copy to the chief of
2 police of the municipality in which the purchaser resides, except
3 that in a municipality having no chief of police, such copy shall be
4 forwarded to the superintendent. The third copy shall then be
5 returned to the purchaser with the pistol or revolver and the fourth
6 copy shall be kept by the seller as a permanent record.

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

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

14 (2) a collector of handguns as curios or relics as defined in Title
15 18, United States Code, section 921 (a) (13) who has in his
16 possession a valid Collector of Curios and Relics License issued by
17 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

18 (3) transfers of handguns among licensed retail dealers,
19 registered wholesale dealers and registered manufacturers

20 (4) transfers of handguns from any person to a licensed retail
21 dealer or a registered wholesale dealer or registered manufacturer.

22 (5) any transaction where the person has purchased a handgun
23 from a licensed retail dealer and has returned that handgun to the
24 dealer in exchange for another handgun within 30 days of the
25 original transaction, provided the retail dealer reports the exchange
26 transaction to the superintendent; or

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

30 The provisions of this subsection shall not be construed to afford
31 or authorize any other exemption from the regulatory provisions
32 governing firearms set forth in chapter 39 and chapter 58 of Title
33 2C of the New Jersey Statutes;

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

39 j. Firearms passing to heirs or legatees. Notwithstanding any
40 other provision of this section concerning the transfer, receipt or
41 acquisition of a firearm, a permit to purchase or a firearms
42 purchaser identification card shall not be required for the passing of
43 a firearm upon the death of an owner thereof to his heir or legatee,
44 whether the same be by testamentary bequest or by the laws of
45 intestacy. The person who shall so receive, or acquire said firearm
46 shall, however, be subject to all other provisions of this chapter. If
47 the heir or legatee of such firearm does not qualify to possess or
48 carry it, he may retain ownership of the firearm for the purpose of

1 sale for a period not exceeding 180 days, or for such further limited
2 period as may be approved by the chief law enforcement officer of
3 the municipality in which the heir or legatee resides or the
4 superintendent, provided that such firearm is in the custody of the
5 chief law enforcement officer of the municipality or the
6 superintendent during such period.

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

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

17 (cf: P.L. 2009, c.186, s.2)

18

19 2. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill would disqualify a person named on the consolidated
25 Terrorist Watchlist maintained by the Federal Bureau of
26 Investigation's Terrorist Screening Center from being issued either
27 a firearm's identification card or a permit to purchase a handgun.

28 Under current law, the issuance of a firearms identification card
29 or a permit to purchase a handgun may be denied to any person if it
30 "would not be in the interest of the public health, safety or welfare."
31 While this provision should provide grounds for denying a person
32 named on the Terrorist Watchlist from being issued either a
33 firearms identification card or a permit to purchase a handgun, the
34 inclusion of a person on the Terrorist Watchlist is of such a serious
35 and potentially threatening nature that it warrants a separate
36 statutory provision denying that person's capability to lawfully
37 obtain a firearm in this State.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2485

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 30, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2485.

As amended, this bill would disqualify a person named on a No-Fly list maintained by the United States Transportation Security Administration from being issued either a firearms purchaser identification card or a permit to purchase a handgun. The No-Fly List is a list of individuals who are prohibited from boarding an aircraft. The list is a subset of the Terrorist Screening Database, which is administered by the Terrorist Screening Center (TSC) within the Federal Bureau of Investigation. To be included on the No-Fly list, an individual must be in the Terrorist Screening Database and meet additional criteria, beyond the “reasonable suspicion” standard generally required for inclusion in the database.

In addition, this bill allows a chief of police or the Superintendent of State Police, when determining whether to issue a handgun purchase permit or firearms purchaser identification card to an applicant, to consider whether a criminal history background check revealed that the applicant was named on the consolidated Terrorist Watchlist maintained by the Federal Bureau of Investigation. In making such a determination, the chief of police or the superintendent would consider whether providing a person named on the Terrorist Watchlist with a handgun purchase permit or firearms purchaser identification card, along with any other information provided by the applicant, would be within the interest of the public health, safety or welfare.

Under current law, the issuance of a firearms identification card or a permit to purchase a handgun may be denied to any person if it “would not be in the interest of the public health, safety or welfare.” While this provision should provide grounds for denying a person named on the Terrorist Watchlist from being issued either a firearms identification card or a permit to purchase a handgun, the inclusion of a person on the Terrorist Watchlist is of such a serious and potentially threatening nature that it may warrant a statutory provision preventing that person from lawfully obtaining a firearm in this State.

As introduced, the bill disqualified a person named on the consolidated Terrorist Watchlist maintained by the Federal Bureau of Investigation's Terrorist Screening Center from being issued either a firearm's identification card or a permit to purchase a handgun.

As reported by the committee, this bill is identical to Assembly Bill No. 3687, also amended and reported by the committee on the same date.

STATEMENT TO
[First Reprint]
SENATE No. 2485

with Senate Floor Amendments
(Proposed by Senator SCUTARI)

ADOPTED: MAY 13, 2013

Senate No. 2485 (1R) would have permitted issuing authorities to consider whether an applicant is named on the Terrorist Watchlist when determining whether that applicant should be issued either a firearms purchaser identification card or permit to purchase a handgun. The bill also would have disqualified any applicant who was named on the No-Fly List administered by the United States Transportation Security Administration.

These Senate Amendments would disqualify any applicant who was named on the Terrorist Watchlist from being issued a firearms purchaser identification card or a permit to purchase a handgun.

[Home](#) [Newsroom](#) [Media](#) [Administration](#) [NJ's Priorities](#) [Contact Us](#)
[Press Releases](#) [Public Addresses](#) [Executive Orders](#) [Press Kit](#) [Reports](#)
[Home](#) > [Newsroom](#) > [Press Releases](#) > 2013

Governor Chris Christie Builds On Comprehensive Plan To Address Gun Violence, Takes Action On Gun Legislation

Thursday, August 08, 2013

Tags: [Bill Action](#)

Trenton, NJ – Responsibly addressing gun violence in a comprehensive manner, Governor Christie today signed into law 10 pieces of gun violence and firearm-related legislation recently passed by the Legislature. These bills build on the plan Governor Christie introduced in April, as well as New Jersey's already strict gun laws, currently the second toughest in the nation.

"These commonsense measures will both strengthen New Jersey's already tough gun laws and upgrade penalties for those who commit gun crimes and violate gun trafficking laws," said Governor Christie. "As elected leaders, our first duty is to maintain public safety, and these new laws will help reduce gun violence and keep our streets and communities safer."

Governor Christie included a signing statement with Assembly Bill No. 3687, which prevents individuals on the federal Terrorist Watchlist from obtaining a firearms identification card or permit to purchase handgun. The Governor noted that the bill represents his "commitment to keeping the citizens of New Jersey safe," but also noted the federal government's obligation to protect law-abiding citizens against "improper scrutiny." In carrying out that balance, Governor Christie said, "the government must be circumspect in its application of the law. There is little room for mistakes since they may harm the innocent and law abiding."

BILLS SIGNED:

S-1279/A-4179 (Turner, Norcross/Mainor, Singleton, Johnson) - Upgrades penalty for unlawfully transferring a firearm to an underage person; permits transfer for instruction and training

SCS for S-2430/ACS for A-3690 (Lesniak, Turner/Cryan, Coutinho, Gusciora, Tucker, Malnor, Quijano, Sumter) - Declares violence a public health crisis and establish "Study Commission on Violence"

S-2468/A-4180 (Norcross, Bateman/Wilson) – Authorizes impoundment of motor vehicles for certain crimes and offenses

S-2719/ACS for A-3953, 3854 (Norcross, Gill, Allen/Singleton, Oliver, Eustace, Spencer, Sumter, Caride) – Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013

S-2720/A-4181 (Weinberg/Johnson) - Clarifies that information concerning the total number of firearms purchaser identification cards and permits to purchase a handgun issued in a municipality are public records

S-2804/A-4152 (Turner, Sweeney/Wilson, Johnson) - Upgrades certain unlawful possession of firearms to first degree crime; revises certain penalties under the "Grave Act"

A-3687/S-2485 (Stender, Fuentes, Quijano/Scutari, Gill) – **W/STATEMENT** - Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun

A -3717/SCS for S-2492 (Lampitt, Singleton, Eustace, Gusciora, Johnson/Buono, Gill) - Requires submission of certain mental health records to National Instant Criminal Background Check System

A -3788/S-2552 (Rible, Dancer, A.M. Bucco, McHose, Webber/Van Drew, Oroho) - Codifies regulation exempting firearms records from State's open public records law

A -3796/S-2722 (Mainor/Norcross) - Provides 180-day window for persons to dispose of certain unlawfully possessed firearms

A copy of the Governor's signing statement A-3687 [pdf 27kB]

###

Press Contact:

<http://www.nj.gov/governor/news/news/552013/approved/20130808b.html>

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.

SHARE    ...

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL No. 3687
(Second Reprint)**

Assembly Bill No. 3687, which I have signed today, disqualifies "any person named on the consolidated Terrorist Watch list maintained by Terrorist Screening Center administered by the Federal Bureau of Investigation" from being issued a firearms identification card or handgun purchase permit. To the extent that this bill will keep guns out of the hands of known terrorists, or those who have taken active steps to support terrorist activities, my signature on this bill represents my commitment to keeping the citizens of New Jersey safe. Our diligence against terrorism must never fade.

The President and Congress have a duty to the law abiding citizens of this country to not only protect them against acts of terror but to protect them also against improper scrutiny by federal law enforcement. As a former federal prosecutor, I understand the obligation of government to ensure the safety and security of its people. However, in carrying out that task, the government must be circumspect in its application of the law. There is little room for mistakes since they may harm the innocent and law abiding.

The federal government takes great effort to ensure the reliability and accuracy of data in their Terrorist Screening Database. Further, when positive matches are identified through background checks performed by the FBI, field agents from numerous groups coordinate and investigate those "hits" to determine their accuracy. Nevertheless, some have expressed concerns with this bill based on the reliability and accuracy of background check information provided to law enforcement officers by the Federal Bureau of Investigation. I believe that federal elected officials must continue to ensure that federal law enforcement and intelligence gathering entities constantly strive to improve the levels of accuracy and reliability in terrorist screening databases. Therefore, as I sign Assembly Bill No. 3687 into law, I urge Congress to take steps to ensure that law-abiding American citizens are never swept into these databases.

Date: August 8, 2013

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor