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RWH/CL

P.L.2016, CHAPTER 74, *approved December 5, 2016*  
Senate, No. 2337 (*First 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】** the card to the seller, donor, transferor or assignor,  
20 and 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  
26 retained by the seller, as provided in paragraph (4) of subsection a.  
27 of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it  
28 may 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】** the  
41 offense;

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

**Matter underlined thus is new matter.**

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

**<sup>1</sup>Senate SLP committee amendments adopted June 20, 2016.**

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;

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

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

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

32 (9) To any person named on the consolidated Terrorist  
33 Watchlist maintained by Terrorist Screening Center administered by  
34 the Federal Bureau of Investigation.

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

41 Any person aggrieved by the denial of a permit or identification  
42 card may request a hearing in the Superior Court of the county in  
43 which he resides if he is a resident of New Jersey or in the Superior  
44 Court of the county in which his application was filed if he is a  
45 nonresident. The request for a hearing shall be made in writing  
46 within 30 days of the denial of the application for a permit or  
47 identification card. The applicant shall serve a copy of his request  
48 for a hearing upon the chief of police of the municipality in which

1 he resides, if he is a resident of New Jersey, and upon the  
2 superintendent in all cases. The hearing shall be held and a record  
3 made thereof within 30 days of the receipt of the application for  
4 **【such】** a hearing by the judge of the Superior Court. No formal  
5 pleading and no filing fee shall be required as a preliminary to  
6 **【such】** a hearing. Appeals from the results of **【such】** a hearing  
7 shall be in accordance with law.

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

42 Application blanks shall be obtainable from the superintendent,  
43 from any other officer authorized to grant **【such】** a permit or  
44 identification card, and from licensed retail dealers.

45 The chief police officer or the superintendent shall obtain the  
46 fingerprints of the applicant and shall have them compared with any  
47 and all records of fingerprints in the municipality and county in  
48 which the applicant resides and also the records of the State Bureau

1 of Identification and the Federal Bureau of Investigation, provided  
2 that an applicant for a handgun purchase permit who possesses a  
3 valid firearms purchaser identification card, or who has previously  
4 obtained a handgun purchase permit from the same licensing  
5 authority for which he was previously fingerprinted, and who  
6 provides other reasonably satisfactory proof of his identity, need not  
7 be fingerprinted again; however, the chief police officer or the  
8 superintendent shall proceed to investigate the application to  
9 determine whether or not the applicant has become subject to any of  
10 the disabilities set forth in this chapter.

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

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

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

46 h. Form of permit; quadruplicate; disposition of copies. The  
47 permit shall be in the form prescribed by the superintendent and  
48 shall be issued to the applicant in quadruplicate. Prior to the time

1 he receives the handgun from the seller, the applicant shall deliver  
2 to the seller the permit in quadruplicate and the seller shall  
3 complete all of the information required on the form. Within five  
4 days of the date of the sale, the seller shall forward the original  
5 copy to the superintendent and the second copy to the chief of  
6 police of the municipality in which the purchaser resides, except  
7 that in a municipality having no chief of police, **[such]** the copy  
8 shall be forwarded to the superintendent. The third copy shall then  
9 be returned to the purchaser with the pistol or revolver and the  
10 fourth copy shall be kept by the seller as a permanent record.

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

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

18 (2) a collector of handguns as curios or relics as defined in Title  
19 18, United States Code, section 921 (a) (13) who has in his  
20 possession a valid Collector of Curios and Relics License issued by  
21 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

34 The provisions of this subsection shall not be construed to afford  
35 or authorize any other exemption from the regulatory provisions  
36 governing firearms set forth in chapter 39 and chapter 58 of Title  
37 2C of the New Jersey Statutes;

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

43 j. Firearms passing to heirs or legatees. Notwithstanding any  
44 other provision of this section concerning the transfer, receipt or  
45 acquisition of a firearm, a permit to purchase or a firearms  
46 purchaser identification card shall not be required for the passing of  
47 a firearm upon the death of an owner thereof to his heir or legatee,  
48 whether the same be by testamentary bequest or by the laws of

1 intestacy. The person who shall so receive, or acquire **【said】** the  
2 firearm shall, however, be subject to all other provisions of this  
3 chapter. If the heir or legatee of **【such】** the firearm does not qualify  
4 to possess or carry it, he may retain ownership of the firearm for the  
5 purpose of sale for a period not exceeding 180 days, or for **【such】** a  
6 further limited period as may be approved by the chief law  
7 enforcement officer of the municipality in which the heir or legatee  
8 resides or the superintendent, provided that **【such】** the firearm is in  
9 the custody of the chief law enforcement officer of the municipality  
10 or the superintendent during **【such】** that period.

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

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

21 m. <sup>1</sup>**【A】** The provisions of subsections a. and b. of this section  
22 and paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall  
23 not apply to the purchase of firearms by a<sup>1</sup> law enforcement agency  
24 <sup>1</sup>【may purchase firearms】<sup>1</sup> for use by law enforcement officers in  
25 the actual performance of the officers' official duties <sup>1</sup>, which  
26 purchase may be made<sup>1</sup> directly from a manufacturer or <sup>1</sup>from<sup>1</sup> a  
27 licensed dealer <sup>1</sup>located in this State or any other state<sup>1</sup>.

28 (cf: P.L.2013, c.114, s.1)

29

30 2. This act shall take effect immediately.

31

32

33

34

35 \_\_\_\_\_  
36 Permits law enforcement agencies to buy firearms directly from  
37 manufacturers; clarifies permits and identification cards not  
required.



**SENATE, No. 2337**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED JUNE 9, 2016

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Clarifies that law enforcement agencies are permitted to purchase firearms directly from manufacturers.

**CURRENT VERSION OF TEXT**

As introduced.



S2337 SACCO

2

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]** the card to the seller, donor, transferor or assignor,  
20 and 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  
26 retained by the seller, as provided in paragraph (4) of subsection a.  
27 of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it  
28 may 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]** the  
41 offense;

42 (2) To any drug dependent person as defined in section 2 of  
43 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
44 mental disorder to a hospital, mental institution or sanitarium, or to  
45 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);

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  
29 Watchlist maintained by Terrorist Screening Center administered by  
30 the Federal 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]** a hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to  
2 **【such】** a hearing. Appeals from the results of **【such】** a hearing  
3 shall be in 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,  
17 whether 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】** the occurrence, whether he  
22 presently or ever has been a member of any organization which  
23 advocates or approves the commission of acts of force and violence  
24 to overthrow the Government of the United States or of this State,  
25 or which seeks to deny others their rights under the Constitution of  
26 either the United States or the State of New Jersey, whether he has  
27 ever been convicted of a crime or disorderly persons offense,  
28 whether the person is subject to a restraining order issued pursuant  
29 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
30 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing  
31 any firearm, and **【such】** other information as the superintendent  
32 shall deem necessary for the proper enforcement of this chapter.  
33 For the purpose of complying with this subsection, the applicant  
34 shall 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】** a 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】** the permit. The county  
31 prosecutor of any county, the chief police officer of any  
32 municipality or any citizen may apply to **【such】** the court at any  
33 time for the revocation of **【such】** the 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]** the copy  
4 shall be forwarded to the superintendent. The third copy shall then  
5 be returned to the purchaser with the pistol or revolver and the  
6 fourth 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]** the  
46 firearm shall, however, be subject to all other provisions of this  
47 chapter. If the heir or legatee of **[such]** the firearm does not qualify  
48 to possess or carry it, he may retain ownership of the firearm for the

1 purpose of sale for a period not exceeding 180 days, or for **【such】** a  
2 further limited period as may be approved by the chief law  
3 enforcement officer of the municipality in which the heir or legatee  
4 resides or the superintendent, provided that **【such】** the firearm is in  
5 the custody of the chief law enforcement officer of the municipality  
6 or the superintendent during **【such】** that 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 l. 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 m. A law enforcement agency may purchase firearms for use by  
18 law enforcement officers in the actual performance of the officers'  
19 official duties directly from a manufacturer or a licensed dealer.

20 (cf: P.L.2013, c.114, s.1)

21

22 2. This act shall take effect immediately.

23

24

25

#### STATEMENT

26

27 This bill clarifies that law enforcement agencies are permitted to  
28 purchase firearms directly from manufacturers.

29 Specifically, under the provisions of this bill, law enforcement  
30 agencies are permitted to purchase firearms for use by law  
31 enforcement officers in the actual performance of the officers'  
32 official duties directly from a manufacturer or from a licensed  
33 dealer.

34 According to the sponsor, the Bureau of Alcohol, Tobacco,  
35 Firearms and Explosives (ATF) recently interpreted a New Jersey  
36 regulation (N.J.A.C.13:54-1.3) to mean that law enforcement  
37 agencies are only permitted to purchase firearms through a licensed  
38 firearms dealer and therefore, are prohibited from purchasing  
39 firearms directly from a manufacturer. This bill clarifies that law  
40 enforcement agencies are permitted to purchase firearms directly  
41 from manufacturers, in addition to licensed dealers.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2337**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 20, 2016

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2337.

As amended and reported by the committee, this bill permits law enforcement agencies to buy firearms directly from manufacturers and clarifies that permits and identification cards are not required.

Under the provisions of this amended bill, law enforcement agencies are permitted to purchase firearms directly from a manufacturer or from a licensed dealer that is located in this State or in any other state.

According to the sponsor, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recently interpreted a New Jersey regulation (N.J.A.C.13:54-1.3) to mean that law enforcement agencies are only permitted to purchase firearms through a licensed firearms dealer, and therefore, are prohibited from purchasing firearms directly from a manufacturer. This amended bill clarifies that law enforcement agencies are permitted to purchase firearms directly from manufacturers, in addition to licensed dealers.

In addition, under current law, a person is required to obtain a permit to purchase a handgun or a firearms purchaser identification card in order to purchase a firearm. This amended bill clarifies that this requirement does not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the officers' official duties.

#### COMMITTEE AMENDMENTS

The committee amended the bill to clarify that:

(1) law enforcement agencies may purchase firearms from a manufacturer or from a licensed dealer located in this State or any other state; and

(2) law enforcement agencies are not required to obtain a permit to purchase a handgun or a firearms purchaser identification card in order to purchase firearms.



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2337**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 6, 2016

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2337 (1R).

Senate Bill No. 2337 (1R) permits law enforcement agencies to buy firearms directly from manufacturers and clarifies that permits and identification cards are not required.

Under the provisions of this bill, law enforcement agencies are permitted to purchase firearms directly from a manufacturer or from a licensed dealer that is located in this State or in any other state.

According to the sponsor, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recently interpreted a New Jersey regulation (N.J.A.C.13:54-1.3) to mean that law enforcement agencies are only permitted to purchase firearms through a licensed firearms dealer and, therefore, are prohibited from purchasing firearms directly from a manufacturer. This bill clarifies that law enforcement agencies are permitted to purchase firearms directly from manufacturers, in addition to licensed dealers.

In addition, under current law, a person is required to obtain a permit to purchase a handgun or a firearms purchaser identification card in order to purchase a firearm. This bill clarifies that this requirement does not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the officers' official duties.

As reported by the committee, Senate Bill No. 2337 (1R) is identical to Assembly Bill No. 3985 which was amended and reported by this committee on this date.

[First Reprint]

**SENATE, No. 2337**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED JUNE 9, 2016

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

**Senator Beck and Assemblyman Chiaravalloti**

**SYNOPSIS**

Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on June 20, 2016, with amendments.

**(Sponsorship Updated As Of: 10/21/2016)**

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]** the card to the seller, donor, transferor or assignor,  
20 and 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  
26 retained by the seller, as provided in paragraph (4) of subsection a.  
27 of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it  
28 may 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]** the  
41 offense;

42 (2) To any drug dependent person as defined in section 2 of  
43 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
44 mental disorder to a hospital, mental institution or sanitarium, or to  
45 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.**

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

**<sup>1</sup>Senate SLP committee amendments adopted June 20, 2016.**

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);

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  
29 Watchlist maintained by Terrorist Screening Center administered by  
30 the Federal 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]** a hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to  
2 **【such】** a hearing. Appeals from the results of **【such】** a hearing  
3 shall be in 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,  
17 whether 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】** the occurrence, whether he  
22 presently or ever has been a member of any organization which  
23 advocates or approves the commission of acts of force and violence  
24 to overthrow the Government of the United States or of this State,  
25 or which seeks to deny others their rights under the Constitution of  
26 either the United States or the State of New Jersey, whether he has  
27 ever been convicted of a crime or disorderly persons offense,  
28 whether the person is subject to a restraining order issued pursuant  
29 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
30 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing  
31 any firearm, and **【such】** other information as the superintendent  
32 shall deem necessary for the proper enforcement of this chapter.  
33 For the purpose of complying with this subsection, the applicant  
34 shall 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】** a 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】** the permit. The county  
31 prosecutor of any county, the chief police officer of any  
32 municipality or any citizen may apply to **【such】** the court at any  
33 time for the revocation of **【such】** the 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]** the copy  
4 shall be forwarded to the superintendent. The third copy shall then  
5 be returned to the purchaser with the pistol or revolver and the  
6 fourth 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]** the  
46 firearm shall, however, be subject to all other provisions of this  
47 chapter. If the heir or legatee of **[such]** the firearm does not qualify  
48 to possess or carry it, he may retain ownership of the firearm for the

1 purpose of sale for a period not exceeding 180 days, or for **[such]** a  
2 further limited period as may be approved by the chief law  
3 enforcement officer of the municipality in which the heir or legatee  
4 resides or the superintendent, provided that **[such]** the firearm is in  
5 the custody of the chief law enforcement officer of the municipality  
6 or the superintendent during **[such]** that 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 l. 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 m. **1[A]** The provisions of subsections a. and b. of this section  
18 and paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall  
19 not apply to the purchase of firearms by a<sup>1</sup> law enforcement agency  
20 **<sup>1</sup>[may purchase firearms]**<sup>1</sup> for use by law enforcement officers in  
21 the actual performance of the officers' official duties <sup>1</sup>, which  
22 purchase may be made<sup>1</sup> directly from a manufacturer or <sup>1</sup>from<sup>1</sup> a  
23 licensed dealer <sup>1</sup>located in this State or any other state<sup>1</sup>.

24 (cf: P.L.2013, c.114, s.1)

25

26 2. This act shall take effect immediately.



# ASSEMBLY, No. 3985

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

**Sponsored by:**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**SYNOPSIS**

Clarifies that law enforcement agencies are permitted to purchase firearms directly from manufacturers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/7/2016)**

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]** the card to the seller, donor, transferor or assignor,  
20 and 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  
26 retained by the seller, as provided in paragraph (4) of subsection a.  
27 of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it  
28 may 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]** the  
41 offense;

42 (2) To any drug dependent person as defined in section 2 of  
43 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
44 mental disorder to a hospital, mental institution or sanitarium, or to  
45 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);

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  
29 Watchlist maintained by Terrorist Screening Center administered by  
30 the Federal 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]** a hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to  
2 **【such】** a hearing. Appeals from the results of **【such】** a hearing  
3 shall be in 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,  
17 whether 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】** the occurrence, whether he  
22 presently or ever has been a member of any organization which  
23 advocates or approves the commission of acts of force and violence  
24 to overthrow the Government of the United States or of this State,  
25 or which seeks to deny others their rights under the Constitution of  
26 either the United States or the State of New Jersey, whether he has  
27 ever been convicted of a crime or disorderly persons offense,  
28 whether the person is subject to a restraining order issued pursuant  
29 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
30 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing  
31 any firearm, and **【such】** other information as the superintendent  
32 shall deem necessary for the proper enforcement of this chapter.  
33 For the purpose of complying with this subsection, the applicant  
34 shall 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】** a 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】** the permit. The county  
31 prosecutor of any county, the chief police officer of any  
32 municipality or any citizen may apply to **【such】** the court at any  
33 time for the revocation of **【such】** the 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]** the copy  
4 shall be forwarded to the superintendent. The third copy shall then  
5 be returned to the purchaser with the pistol or revolver and the  
6 fourth 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]** the  
46 firearm shall, however, be subject to all other provisions of this  
47 chapter. If the heir or legatee of **[such]** the firearm does not qualify  
48 to possess or carry it, he may retain ownership of the firearm for the

1 purpose of sale for a period not exceeding 180 days, or for **【such】** a  
2 further limited period as may be approved by the chief law  
3 enforcement officer of the municipality in which the heir or legatee  
4 resides or the superintendent, provided that **【such】** the firearm is in  
5 the custody of the chief law enforcement officer of the municipality  
6 or the superintendent during **【such】** that 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 l. 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 m. A law enforcement agency may purchase firearms for use by  
18 law enforcement officers in the actual performance of the officers'  
19 official duties directly from a manufacturer or a licensed dealer.

20 (cf: P.L.2013, c.114, s.1)

21

22 2. This act shall take effect immediately.

23

24

25

#### STATEMENT

26

27 This bill clarifies that law enforcement agencies are permitted to  
28 purchase firearms directly from manufacturers.

29 Specifically, under the provisions of this bill, law enforcement  
30 agencies are permitted to purchase firearms for use by law  
31 enforcement officers in the actual performance of the officers'  
32 official duties directly from a manufacturer or from a licensed  
33 dealer.

34 According to the sponsor, the Bureau of Alcohol, Tobacco,  
35 Firearms and Explosives (ATF) recently interpreted a New Jersey  
36 regulation (N.J.A.C.13:54-1.3) to mean that law enforcement  
37 agencies are only permitted to purchase firearms through a licensed  
38 firearms dealer and therefore, are prohibited from purchasing  
39 firearms directly from a manufacturer. This bill clarifies that law  
40 enforcement agencies are permitted to purchase firearms directly  
41 from manufacturers, in addition to licensed dealers.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3985

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 6, 2016

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3985.

As amended and reported by the committee, Assembly Bill No. 3985 permits law enforcement agencies to buy firearms directly from manufacturers and clarifies that permits and identification cards are not required.

Under the provisions of this amended bill, law enforcement agencies are permitted to purchase firearms directly from a manufacturer or from a licensed dealer that is located in this State or in any other state.

According to the sponsor, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recently interpreted a New Jersey regulation (N.J.A.C.13:54-1.3) to mean that law enforcement agencies are only permitted to purchase firearms through a licensed firearms dealer and, therefore, are prohibited from purchasing firearms directly from a manufacturer. This amended bill clarifies that law enforcement agencies are permitted to purchase firearms directly from manufacturers, in addition to licensed dealers.

In addition, under current law, a person is required to obtain a permit to purchase a handgun or a firearms purchaser identification card in order to purchase a firearm. This amended bill clarifies that this requirement does not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the officers' official duties.

As amended and reported by the committee, Assembly Bill No. 3985 is identical to Senate Bill No. 2337 (1R) which was also reported by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amended the bill to clarify that:

(1) law enforcement agencies may purchase firearms from a manufacturer or licensed dealer located in this State or any other state; and

(2) law enforcement agencies are not required to obtain a permit to purchase a handgun or a firearms purchaser identification card in order to purchase firearms.



[First Reprint]

**ASSEMBLY, No. 3985**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED JUNE 20, 2016

**Sponsored by:**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

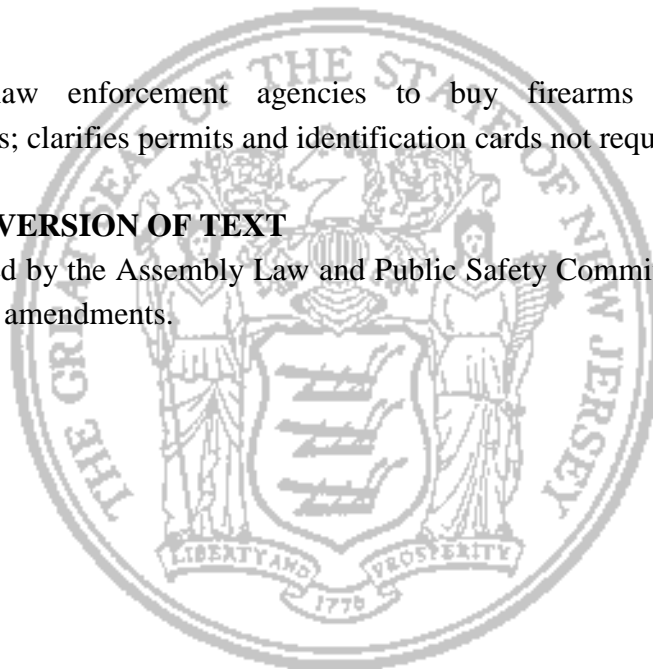
**Assemblyman Chiaravalloti**

**SYNOPSIS**

Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on October 6, 2016, with amendments.



**(Sponsorship Updated As Of: 10/21/2016)**

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]** the card to the seller, donor, transferor or assignor,  
20 and 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  
26 retained by the seller, as provided in paragraph (4) of subsection a.  
27 of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it  
28 may 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]** the  
41 offense;

42 (2) To any drug dependent person as defined in section 2 of  
43 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
44 mental disorder to a hospital, mental institution or sanitarium, or to  
45 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted October 6, 2016.

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);

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  
29 Watchlist maintained by Terrorist Screening Center administered by  
30 the Federal 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]** a hearing by the judge of the Superior Court. No formal

1 pleading and no filing fee shall be required as a preliminary to  
2 **【such】** a hearing. Appeals from the results of **【such】** a hearing  
3 shall be in 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,  
17 whether 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】** the occurrence, whether he  
22 presently or ever has been a member of any organization which  
23 advocates or approves the commission of acts of force and violence  
24 to overthrow the Government of the United States or of this State,  
25 or which seeks to deny others their rights under the Constitution of  
26 either the United States or the State of New Jersey, whether he has  
27 ever been convicted of a crime or disorderly persons offense,  
28 whether the person is subject to a restraining order issued pursuant  
29 to the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
30 c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing  
31 any firearm, and **【such】** other information as the superintendent  
32 shall deem necessary for the proper enforcement of this chapter.  
33 For the purpose of complying with this subsection, the applicant  
34 shall 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】** a 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】** the permit. The county  
31 prosecutor of any county, the chief police officer of any  
32 municipality or any citizen may apply to **【such】** the court at any  
33 time for the revocation of **【such】** the 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】** the copy  
4 shall be forwarded to the superintendent. The third copy shall then  
5 be returned to the purchaser with the pistol or revolver and the  
6 fourth 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】** the  
46 firearm shall, however, be subject to all other provisions of this  
47 chapter. If the heir or legatee of **【such】** the firearm does not qualify  
48 to possess or carry it, he may retain ownership of the firearm for the

1 purpose of sale for a period not exceeding 180 days, or for **[such]** a  
2 further limited period as may be approved by the chief law  
3 enforcement officer of the municipality in which the heir or legatee  
4 resides or the superintendent, provided that **[such]** the firearm is in  
5 the custody of the chief law enforcement officer of the municipality  
6 or the superintendent during **[such]** that 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 l. 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 m. **1[A]** The provisions of subsections a. and b. of this section  
18 and paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall  
19 not apply to the purchase of firearms by a<sup>1</sup> law enforcement agency  
20 **<sup>1</sup>[may purchase firearms]**<sup>1</sup> for use by law enforcement officers in  
21 the actual performance of the officers' official duties <sup>1</sup>, which  
22 purchase may be made<sup>1</sup> directly from a manufacturer or <sup>1</sup>from<sup>1</sup> a  
23 licensed dealer <sup>1</sup>located in this State or any other state<sup>1</sup> .

24 (cf: P.L.2013, c.114, s.1)

25

26 2. This act shall take effect immediately.

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## Governor Chris Christie Signs Legislation Strengthening New Jersey Residents' Security

Monday, December 5, 2016

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### State of New Jersey OFFICE OF THE GOVERNOR

#### *Takes Action on Pending Legislation*

**Trenton, NJ** – Governor Chris Christie today signed a package of legislation designed to make New Jerseyans safer. The measures include requirements for schools to conduct yearly security training alongside first responders (A-3349/S-2438) and that existing and any new school architectural plans include certain security measures (A-3348/S-2439). Additionally, A-1946/S-1257 expands domestic violence statutes to include cyber-harassment.

"We must make every effort to ensure New Jersey citizens are safe and secure whether they are in their school buildings or online," said Governor Christie. "These new laws will require safety measures to be built into new school construction and all school personnel to be trained annually on safety and security. Additionally, I have signed a bill to address one of the fastest growing threats we face in the 21<sup>st</sup> century, cyber-harassment. This new law will help victims of domestic violence whose abusers choose to attack through the web and social media outlets."

Governor Chris Christie also took action on the following legislation:

#### **BILL SIGNINGS:**

**S-384/A-3470 (Greenstein/Johnson)** - Requires correctional facilities to provide inmates with prescription medication that was prescribed for chronic conditions existing prior to incarceration

**S-743/ACS for A-2761 (Beach, Sarlo, Ruiz/Mazzeo, Zwicker, Jasey, Vainieri Huttle, Schaer, Jones, Eustace, Land, Gusciora, Andrzejczak, Downey, Houghtaling, Benson, Mukherji, McKeon, Lampitt)** - Directs Higher Education Student Assistance Authority to forgive certain student loans in the event of student borrower's death or total and permanent disability and grant deferment for temporary total disability

**S-1041/A-1449 (Weinberg, Gordon/Lampitt, Benson, Vainieri Huttle, Tucker, Wimberly, Downey)** - Requires DHS to develop timeline for use by individuals with developmental disabilities to gain benefit of State and federal programs; requires posting timeline on DHS, DCF, and DOE websites

**S-2024/A-3793 (Madden, Oroho/Eustace, Peterson, Conaway, Mukherji, Benson, McKnight)** - Clarifies that product approval from U.S. Food and Drug Administration is not required for drug manufacturer to file registration statement, and specifies timeframe by which DOH must review registration statements

**S-2337/A-3985 (Sacco, Allen/Jimenez, O'Scanlon, Mukherji, Benson, Peterson)** - Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required

**S-2338/A-3914 (Whelan, Stack/Mazzeo)** - Allows existing rural development areas zoned for industrial use under pinelands comprehensive management plan to be included as eligible areas under certain business incentive programs

**A-1878/S-2404 (Wimberly/Rice)** - Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of



retirement

**A-2519/S-1152 (DeAngelo, Holley, Mazzeo, Downey, McKnight/Greenstein, Beach)** - Directs Attorney General to develop plan to disseminate Amber and Silver Alert information through social media

**A-3662/S-2374 (Schaer, Caride, Vainieri Huttie, Mukherji, McKnight, Chiaravalloti, Quijano/Weinberg, Pou)** – "Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers

**A-3748/S-2115 (DeAngelo, Eustace, Mukherji, Holley, Benson, Beach/Cruz-Perez)** - Requires DMVA to create registry for organizations providing services to veterans

**AJR-23/SJR-30 (Andrzejczak, Land, Wimberly, Taliaferro/Van Drew)** - Designates third weekend in October each year as "Shuck, Sip, and Slurp Weekend" to promote NJ oysters, wine, and beer

**AJR-24/SJR-36 (Andrzejczak, Houghtaling/Van Drew, Connors)** - Declares aquaculture an important State economic driver and urges State to include aquaculture industry in its economic development plans

**AJR-25/SJR-14 (Land, Andrzejczak/Van Drew)** - Recognizes Delaware Bayshore as region of special significance in NJ

**AJR-98 (Space, Taliaferro)** - Designates June of each year as "Native Plant Appreciation Month"

#### **BILLS VETOED:**

**S-51/A-547 (Lesniak, Cunningham/Pinkin, Sumter, Vainieri Huttie, Gusciora, Muolo) – ABSOLUTE** - Restricts use of isolated confinement in correctional facilities

**S-92/A-2815 (Whelan/Mosquera, Jones, DeAngelo, Mazzeo, Johnson, Houghtaling) – CONDITIONAL** - Revises "Overseas Residents Absentee Voting Law" to mirror federal law; permits overseas voters to vote in any election; permits use of federal write-in absentee ballot to vote, register or request ballot for all elections

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