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LAW/RWH

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3104

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED DECEMBER 7, 2009

Sponsored by:

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Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

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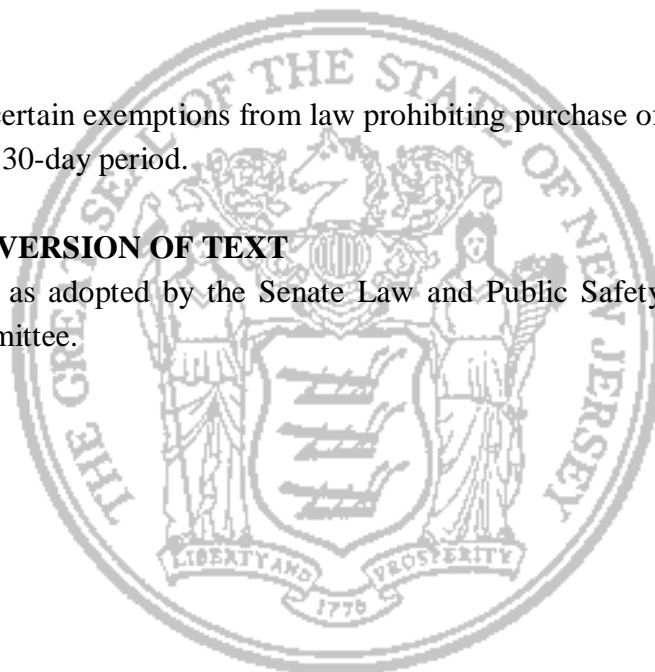
Senator Beach, Assemblywoman Greenstein and Assemblyman Moriarty

SYNOPSIS

Provides certain exemptions from law prohibiting purchase of more than one handgun in a 30-day period.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety and Veterans' Affairs Committee.



(Sponsorship Updated As Of: 1/8/2010)

1 AN ACT concerning handgun sales and purchases, amending
2 N.J.S.2C:58-2, N.J.S.2C:58-3 and N.J.S.2C:39-10 and
3 supplementing Title 2C of the New Jersey Statutes.
4

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

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

9 2C:58-2. a. Licensing of retail dealers and their employees. No
10 retail dealer of firearms nor any employee of a retail dealer shall
11 sell or expose for sale, or possess with the intent of selling, any
12 firearm unless licensed to do so as hereinafter provided. The
13 superintendent shall prescribe standards and qualifications for retail
14 dealers of firearms and their employees for the protection of the
15 public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court
19 in the county where the applicant maintains his place of business.
20 The judge shall grant a license to an applicant if he finds that the
21 applicant meets the standards and qualifications established by the
22 superintendent and that the applicant can be permitted to engage in
23 business as a retail dealer of firearms or employee thereof without
24 any danger to the public safety, health and welfare. Each license
25 shall be valid for a period of three years from the date of issuance,
26 and shall authorize the holder to sell firearms at retail in a specified
27 municipality.

28 In addition, every retail dealer shall pay a fee of \$5 for each
29 employee actively engaged in the sale or purchase of firearms. The
30 superintendent shall issue a license for each employee for whom
31 said fee has been paid, which license shall be valid for so long as
32 the employee remains in the employ of said retail dealer.

33 No license shall be granted to any retail dealer under the age of
34 21 years or to any employee of a retail dealer under the age of 18 or
35 to any person who could not qualify to obtain a permit to purchase a
36 handgun or a firearms purchaser identification card, or to any
37 corporation, partnership or other business organization in which the
38 actual or equitable controlling interest is held or possessed by such
39 an ineligible person.

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 and hearing by the issuing court:

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 (1) The business shall be carried on only in the building or
2 buildings designated in the license, provided that repairs may be
3 made by the dealer or his employees outside of such premises.
- 4 (2) The license or a copy certified by the issuing authority shall
5 be displayed at all times in a conspicuous place on the business
6 premises where it can be easily read.
- 7 (3) No firearm or imitation thereof shall be placed in any
8 window or in any other part of the premises where it can be readily
9 seen from the outside.
- 10 (4) No rifle or shotgun, except antique rifles or shotguns, shall
11 be delivered to any person unless such person possesses and
12 exhibits a valid firearms purchaser identification card and furnishes
13 the seller, on the form prescribed by the superintendent, a
14 certification signed by him setting forth his name, permanent
15 address, firearms purchaser identification card number and such
16 other information as the superintendent may by rule or regulation
17 require. The certification shall be retained by the dealer and shall
18 be made available for inspection by any law enforcement officer at
19 any reasonable time.
- 20 (5) No handgun shall be delivered to any person unless:
- 21 (a) Such person possesses and exhibits a valid permit to
22 purchase a firearm and at least seven days have elapsed since the
23 date of application for the permit;
- 24 (b) The person is personally known to the seller or presents
25 evidence of his identity;
- 26 (c) The handgun is unloaded and securely wrapped;
- 27 (d) Except as otherwise provided in subparagraph (e) of this
28 paragraph, the handgun is accompanied by a trigger lock or a locked
29 case, gun box, container or other secure facility; provided, however,
30 this provision shall not apply to antique handguns. The exemption
31 afforded under this subparagraph for antique handguns shall be
32 narrowly construed, limited solely to the requirements set forth
33 herein and shall not be deemed to afford or authorize any other
34 exemption from the regulatory provisions governing firearms set
35 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
36 Statutes; and
- 37 (e) On and after the first day of the sixth month following the
38 date on which the list of personalized handguns is prepared and
39 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
40 the handgun is identified as a personalized handgun and included on
41 that list or is an antique handgun. The provisions of subparagraph
42 (d) of this section shall not apply to the delivery of a personalized
43 handgun.
- 44 (6) The dealer shall keep a true record of every handgun sold,
45 given or otherwise delivered or disposed of, in accordance with the
46 provisions of subsections b. through e. of this section and the record

1 shall note whether a trigger lock, locked case, gun box, container or
2 other secure facility was delivered along with the handgun.

3 (7) A dealer shall not knowingly deliver more than one handgun
4 to any person within any 30-day period. This limitation shall not
5 apply to:

6 (a) a federal, State, or local law enforcement officer or agency
7 purchasing handguns for use by officers in the actual performance
8 of their law enforcement duties;

9 (b) a collector of handguns as curios or relics as defined in Title
10 18, United States Code, section 921 (a) (13) who has in his
11 possession a valid Collector of Curios and Relics License issued by
12 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
13 **[or]**

14 (c) transfers of handguns between licensed retail dealers;

15 (d) any transaction where the person has purchased a handgun
16 from a licensed retail dealer and has returned that handgun to the
17 dealer in exchange for another handgun within 30 days of the
18 original transaction, provided the retail dealer reports the exchange
19 transaction to the superintendent; or

20 (e) any transaction where the superintendent issues an
21 exemption from the prohibition in this subsection pursuant to the
22 provisions of section 4 of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24 b. Records. Every person engaged in the retail business of
25 selling, leasing or otherwise transferring a handgun, as a retail
26 dealer or otherwise, shall keep a register in which shall be entered
27 the time of the sale, lease or other transfer, the date thereof, the
28 name, age, date of birth, complexion, occupation, residence and a
29 physical description including distinguishing physical
30 characteristics, if any, of the purchaser, lessee or transferee, the
31 name and permanent home address of the person making the sale,
32 lease or transfer, the place of the transaction, and the make, model,
33 manufacturer's number, caliber and other marks of identification on
34 such handgun and such other information as the superintendent
35 shall deem necessary for the proper enforcement of this chapter.
36 The register shall be retained by the dealer and shall be made
37 available at all reasonable hours for inspection by any law
38 enforcement officer.

39 c. Forms of register. The superintendent shall prepare the form
40 of the register as described in subsection b. of this section and
41 furnish the same in triplicate to each person licensed to be engaged
42 in the business of selling, leasing or otherwise transferring firearms.

43 d. Signatures in register. The purchaser, lessee or transferee of
44 any handgun shall sign, and the dealer shall require him to sign his
45 name to the register, in triplicate, and the person making the sale,
46 lease or transfer shall affix his name, in triplicate, as a witness to

1 the signature. The signatures shall constitute a representation of the
2 accuracy of the information contained in the register.

3 e. Copies of register entries; delivery to chief of police or
4 county clerk. Within five days of the date of the sale, assignment or
5 transfer, the dealer shall deliver or mail by certified mail, return
6 receipt requested, legible copies of the register forms to the office
7 of the chief of police of the municipality in which the purchaser
8 resides, or to the office of the captain of the precinct of the
9 municipality in which the purchaser resides, and to the
10 superintendent. If hand delivered a receipt shall be given to the
11 dealer therefor.

12 Where a sale, assignment or transfer is made to a purchaser who
13 resides in a municipality having no chief of police, the dealer shall,
14 within five days of the transaction, mail a duplicate copy of the
15 register sheet to the clerk of the county within which the purchaser
16 resides.

17 (cf: P.L.2009, c.104, s.1)

18

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

20 2C:58-3. a. Permit to purchase a handgun. No person shall
21 sell, give, transfer, assign or otherwise dispose of, nor receive,
22 purchase, or otherwise acquire a handgun unless the purchaser,
23 assignee, donee, receiver or holder is licensed as a dealer under this
24 chapter or has first secured a permit to purchase a handgun as
25 provided by this section.

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

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

1 forth. No handgun purchase permit or firearms purchaser
2 identification card shall be issued:

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

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

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

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

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

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

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

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

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

44 Any person aggrieved by the denial of a permit or identification
45 card may request a hearing in the Superior Court of the county in
46 which he resides if he is a resident of New Jersey or in the Superior
47 Court of the county in which his application was filed if he is a

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

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

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

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

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

45 There shall be no conditions or requirements added to the form
46 or content of the application, or required by the licensing authority

1 for the issuance of a permit or identification card, other than those
2 that are specifically set forth in this chapter.

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

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

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

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

27 (2) a collector of handguns as curios or relics as defined in Title
28 18, United States Code, section 921 (a) (13) who has in his
29 possession a valid Collector of Curios and Relics License issued by
30 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
31 **[or]**

32 (3) transfers of handguns between licensed retail dealers;

33 (4) any transaction where the person has purchased a handgun
34 from a licensed retail dealer and has returned that handgun to the
35 dealer in exchange for another handgun within 30 days of the
36 original transaction, provided the retail dealer reports the exchange
37 transaction to the superintendent; or

38 (5) any transaction where the superintendent issues an
39 exemption from the prohibition in this subsection pursuant to the
40 provisions of section 4 of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

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

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

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

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

27 (cf: P.L.2009, c.104, s.2)

28

29 3. N.J.S.2C:39-10 is amended as follows:

30 2C:39-10. Violation of the regulatory provisions relating to
31 firearms; false representation in applications

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

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

45 b. Any person who knowingly violates the regulatory
46 provisions relating to notifying the authorities of possessing certain

1 items of explosives (section 2C:58-7), or of certain wounds (section
2 2C:58-8) is a disorderly person.

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

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

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

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

32 g. Any person who knowingly gives or causes to be given any
33 false information or knowingly engages in any other fraudulent
34 conduct in applying for an exemption to purchase more than one
35 handgun in a 30-day period in violation of the provisions of section
36 4 of P.L. , c. (C.) (pending before the Legislature as this
37 bill) shall be guilty of a crime of the third degree. The presumption
38 of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
39 persons convicted under the provisions of this subsection.

40 (cf: P.L.2000, c.145, s.2)

41

42 4. (New section) a. The superintendent may grant an exemption
43 from the restriction on the purchase of handguns set forth in
44 subsection i. of N.J.S.2C:58-3 if the applicant demonstrates to the
45 satisfaction of the superintendent that the applicant's request meets
46 one of the following conditions:

- 1 (1) The application is to purchase multiple handguns from a
2 person who obtained the handguns through inheritance or intestacy;
- 3 (2) The applicant is a collector of handguns and has a need to
4 purchase or otherwise receive multiple handguns in the same
5 transaction or within a 30-day period in furtherance of the
6 applicant's collecting activities. As used in this paragraph, "need"
7 shall include, but not be limited to, situations where there is a
8 reasonable likelihood that the additional handguns sought to be
9 purchased would not be readily available after the 30-day period,
10 that it would not be feasible or practical to purchase the handguns
11 separately, or that prohibiting the purchase of more than one
12 handgun within a 30-day period would have a materially adverse
13 impact on the applicant's ability to enhance his collection. As used
14 in this paragraph, "collector" shall include any person who devotes
15 time and attention to acquiring firearms for the enhancement of the
16 person's collection: as curios; for inheritance; for historical,
17 investment, training and competitive, recreational, educational,
18 scientific, or defensive purposes; or any or other lawful related
19 purpose. If an applicant is a member of an organized gun club;
20 firearms competitors organization; firearms collectors organization;
21 or any other organization dedicated to the acquisition, preservation,
22 or use of firearms for historical, investment, training and
23 competitive, recreational, educational, scientific, or defensive
24 purposes, or any other lawful related purpose, such membership
25 shall be considered in determining whether the applicant qualifies
26 as a collector; or
- 27 (3) The applicant participates in sanctioned handgun shooting
28 competitions and needs to purchase or otherwise receive multiple
29 handguns in a single transaction or within a 30-day period, and the
30 need is related to the applicant's competitive shooting activities,
31 including use in or training for sanctioned competitions.
- 32 b. The applicant shall certify, on a form prescribed by the
33 superintendent, the specific exemption sought and the particular
34 handguns to be purchased. This form shall be submitted to the
35 superintendent at the same time as the permit to purchase a
36 handgun, along with any pertinent documentation supporting the
37 need for an exemption. If the information concerning the particular
38 handguns to be purchased is not available when the form is
39 submitted, that information shall be provided to the superintendent
40 as soon as practicable thereafter. The superintendent shall consider
41 the veracity, accuracy, and completeness of the information
42 provided in determining whether the applicant meets the
43 requirements for an exemption pursuant to this section. In
44 considering whether an applicant qualifies as a collector under
45 paragraph (2) of subsection a. of this section, the superintendent
46 shall not consider the number of guns in the applicant's collection.
47 In considering an exemption sought under paragraph (2) of

1 subsection a. of this section, the superintendent shall not consider
2 the merit or validity of the applicant's collecting activities.

3 The superintendent shall not grant an exemption if he finds a
4 reasonable likelihood that the public safety would be endangered by
5 granting the exemption, including but not limited to instances where
6 the applicant may be purchasing a handgun to give, sell or distribute
7 to a person who would not qualify to purchase or otherwise acquire
8 a handgun under the provisions of this chapter.

9 The exemptions set forth in this section shall not be construed
10 and are not intended to authorize multiple handgun purchases where
11 the sole justification set forth by the applicant is that the seller
12 offers a discount for the purchase of more than one handgun.

13 c. Any person aggrieved by the denial of a request for an
14 exemption pursuant to this paragraph may request a hearing in the
15 Superior Court. The request for a hearing shall be made within 30
16 days of the denial of the application for an exemption. The
17 applicant shall serve a copy of his request for a hearing upon the
18 superintendent. The hearing shall be held and a record made
19 thereof within 30 days of the receipt for the application for such a
20 hearing by the judge of the Superior Court. The judge shall grant
21 the request for the exemption if the judge finds that the denial of the
22 applicant's request was an abuse of discretion, arbitrary or
23 capricious, or a misapplication of the requirements for an
24 exemption as a matter of law.

25 d. Notwithstanding the provisions of the "Administrative
26 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
27 superintendent may adopt, immediately upon filing with the Office
28 of Administrative Law, such temporary regulations as the
29 superintendent deems necessary to implement the provisions of
30 P.L. , c. (C.) (pending before the Legislature as this bill).
31 The regulations so adopted shall be effective for a period not to
32 exceed 270 days from the date of the filing, but in no case shall
33 those regulations be in effect one year after the effective date of
34 P.L. , c. (C.) (pending before the Legislature as this bill).
35 The regulations may thereafter be amended, adopted or readopted
36 by the superintendent as the superintendent deems necessary in
37 accordance with the requirements of the "Administrative Procedure
38 Act."

39

40 5. This act shall take effect immediately; provided however, the
41 Superintendent of State Police may take any anticipatory
42 administrative action prior to the effective date necessary for its
43 timely implementation.

SENATE, No. 3104

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Provides certain exemptions from law prohibiting purchase of more than one handgun in a 30-day period.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning handgun sales and purchases, amending
2 N.J.S.2C:58-2, N.J.S.2C:58-3 and N.J.S.2C:39-10 and
3 supplementing Title 2C of the New Jersey Statutes.

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

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

9 2C:58-2. a. Licensing of retail dealers and their employees. No
10 retail dealer of firearms nor any employee of a retail dealer shall
11 sell or expose for sale, or possess with the intent of selling, any
12 firearm unless licensed to do so as hereinafter provided. The
13 superintendent shall prescribe standards and qualifications for retail
14 dealers of firearms and their employees for the protection of the
15 public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court
19 in the county where the applicant maintains his place of business.
20 The judge shall grant a license to an applicant if he finds that the
21 applicant meets the standards and qualifications established by the
22 superintendent and that the applicant can be permitted to engage in
23 business as a retail dealer of firearms or employee thereof without
24 any danger to the public safety, health and welfare. Each license
25 shall be valid for a period of three years from the date of issuance,
26 and shall authorize the holder to sell firearms at retail in a specified
27 municipality.

28 In addition, every retail dealer shall pay a fee of \$5 for each
29 employee actively engaged in the sale or purchase of firearms. The
30 superintendent shall issue a license for each employee for whom
31 said fee has been paid, which license shall be valid for so long as
32 the employee remains in the employ of said retail dealer.

33 No license shall be granted to any retail dealer under the age of
34 21 years or to any employee of a retail dealer under the age of 18 or
35 to any person who could not qualify to obtain a permit to purchase a
36 handgun or a firearms purchaser identification card, or to any
37 corporation, partnership or other business organization in which the
38 actual or equitable controlling interest is held or possessed by such
39 an ineligible person.

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 and hearing by the issuing court:

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.

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- 1 (1) The business shall be carried on only in the building or
2 buildings designated in the license, provided that repairs may be
3 made by the dealer or his employees outside of such premises.
- 4 (2) The license or a copy certified by the issuing authority shall
5 be displayed at all times in a conspicuous place on the business
6 premises where it can be easily read.
- 7 (3) No firearm or imitation thereof shall be placed in any
8 window or in any other part of the premises where it can be readily
9 seen from the outside.
- 10 (4) No rifle or shotgun, except antique rifles or shotguns, shall
11 be delivered to any person unless such person possesses and
12 exhibits a valid firearms purchaser identification card and furnishes
13 the seller, on the form prescribed by the superintendent, a
14 certification signed by him setting forth his name, permanent
15 address, firearms purchaser identification card number and such
16 other information as the superintendent may by rule or regulation
17 require. The certification shall be retained by the dealer and shall
18 be made available for inspection by any law enforcement officer at
19 any reasonable time.
- 20 (5) No handgun shall be delivered to any person unless:
- 21 (a) Such person possesses and exhibits a valid permit to
22 purchase a firearm and at least seven days have elapsed since the
23 date of application for the permit;
- 24 (b) The person is personally known to the seller or presents
25 evidence of his identity;
- 26 (c) The handgun is unloaded and securely wrapped;
- 27 (d) Except as otherwise provided in subparagraph (e) of this
28 paragraph, the handgun is accompanied by a trigger lock or a locked
29 case, gun box, container or other secure facility; provided, however,
30 this provision shall not apply to antique handguns. The exemption
31 afforded under this subparagraph for antique handguns shall be
32 narrowly construed, limited solely to the requirements set forth
33 herein and shall not be deemed to afford or authorize any other
34 exemption from the regulatory provisions governing firearms set
35 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
36 Statutes; and
- 37 (e) On and after the first day of the sixth month following the
38 date on which the list of personalized handguns is prepared and
39 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
40 the handgun is identified as a personalized handgun and included on
41 that list or is an antique handgun. The provisions of subparagraph
42 (d) of this section shall not apply to the delivery of a personalized
43 handgun.
- 44 (6) The dealer shall keep a true record of every handgun sold,
45 given or otherwise delivered or disposed of, in accordance with the
46 provisions of subsections b. through e. of this section and the record
47 shall note whether a trigger lock, locked case, gun box, container or
48 other secure facility was delivered along with the handgun.

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1 (7) A dealer shall not knowingly deliver more than one handgun
2 to any person within any 30-day period. This limitation shall not
3 apply to:

4 (a) a federal, State, or local law enforcement officer or agency
5 purchasing handguns for use by officers in the actual performance
6 of their law enforcement duties;

7 (b) a collector of handguns as curios or relics as defined in Title
8 18, United States Code, section 921 (a) (13) who has in his
9 possession a valid Collector of Curios and Relics License issued by
10 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

11 **[or]**

12 (c) transfers of handguns between licensed retail dealers;

13 (d) any transaction where the person has purchased a handgun
14 from a licensed retail dealer and has returned that handgun to the
15 dealer in exchange for another handgun within 30 days of the
16 original transaction, provided the retail dealer reports the exchange
17 transaction to the superintendent; or

18 (e) any transaction where the superintendent issues an
19 exemption from the prohibition in this subsection pursuant to the
20 provisions of section 4 of P.L. , c. (C.) (pending before the
21 Legislature as this bill).

22 b. Records. Every person engaged in the retail business of
23 selling, leasing or otherwise transferring a handgun, as a retail
24 dealer or otherwise, shall keep a register in which shall be entered
25 the time of the sale, lease or other transfer, the date thereof, the
26 name, age, date of birth, complexion, occupation, residence and a
27 physical description including distinguishing physical
28 characteristics, if any, of the purchaser, lessee or transferee, the
29 name and permanent home address of the person making the sale,
30 lease or transfer, the place of the transaction, and the make, model,
31 manufacturer's number, caliber and other marks of identification on
32 such handgun and such other information as the superintendent
33 shall deem necessary for the proper enforcement of this chapter.
34 The register shall be retained by the dealer and shall be made
35 available at all reasonable hours for inspection by any law
36 enforcement officer.

37 c. Forms of register. The superintendent shall prepare the form
38 of the register as described in subsection b. of this section and
39 furnish the same in triplicate to each person licensed to be engaged
40 in the business of selling, leasing or otherwise transferring firearms.

41 d. Signatures in register. The purchaser, lessee or transferee of
42 any handgun shall sign, and the dealer shall require him to sign his
43 name to the register, in triplicate, and the person making the sale,
44 lease or transfer shall affix his name, in triplicate, as a witness to
45 the signature. The signatures shall constitute a representation of the
46 accuracy of the information contained in the register.

47 e. Copies of register entries; delivery to chief of police or
48 county clerk. Within five days of the date of the sale, assignment or

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1 transfer, the dealer shall deliver or mail by certified mail, return
2 receipt requested, legible copies of the register forms to the office
3 of the chief of police of the municipality in which the purchaser
4 resides, or to the office of the captain of the precinct of the
5 municipality in which the purchaser resides, and to the
6 superintendent. If hand delivered a receipt shall be given to the
7 dealer therefor.

8 Where a sale, assignment or transfer is made to a purchaser who
9 resides in a municipality having no chief of police, the dealer shall,
10 within five days of the transaction, mail a duplicate copy of the
11 register sheet to the clerk of the county within which the purchaser
12 resides.

13 (cf: P.L.2009, c.104, s.1)

14

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

16 2C:58-3. a. Permit to purchase a handgun. No person shall
17 sell, give, transfer, assign or otherwise dispose of, nor receive,
18 purchase, or otherwise acquire a handgun unless the purchaser,
19 assignee, donee, receiver or holder is licensed as a dealer under this
20 chapter or has first secured a permit to purchase a handgun as
21 provided by this section.

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

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

46 (1) To any person who has been convicted of any crime, or a
47 disorderly persons offense involving an act of domestic violence as

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6

1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of such offense;

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

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

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

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

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

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

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

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

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

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1 superintendent in all cases. The hearing shall be held and a record
2 made thereof within 30 days of the receipt of the application for
3 such hearing by the judge of the Superior Court. No formal
4 pleading and no filing fee shall be required as a preliminary to such
5 hearing. Appeals from the results of such hearing shall be in
6 accordance with law.

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

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

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

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

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

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

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

45 h. Form of permit; quadruplicate; disposition of copies. The
46 permit shall be in the form prescribed by the superintendent and
47 shall be issued to the applicant in quadruplicate. Prior to the time
48 he receives the handgun from the seller, the applicant shall deliver

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

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

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

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

21 **[or]**

22 (3) transfers of handguns between licensed retail dealers;

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

28 (5) any transaction where the superintendent issues an
29 exemption from the prohibition in this subsection pursuant to the
30 provisions of section 4 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

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

37 j. Firearms passing to heirs or legatees. Notwithstanding any
38 other provision of this section concerning the transfer, receipt or
39 acquisition of a firearm, a permit to purchase or a firearms
40 purchaser identification card shall not be required for the passing of
41 a firearm upon the death of an owner thereof to his heir or legatee,
42 whether the same be by testamentary bequest or by the laws of
43 intestacy. The person who shall so receive, or acquire said firearm
44 shall, however, be subject to all other provisions of this chapter. If
45 the heir or legatee of such firearm does not qualify to possess or
46 carry it, he may retain ownership of the firearm for the purpose of
47 sale for a period not exceeding 180 days, or for such further limited
48 period as may be approved by the chief law enforcement officer of

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10

1 the municipality in which the heir or legatee resides or the
2 superintendent, provided that such firearm is in the custody of the
3 chief law enforcement officer of the municipality or the
4 superintendent during such period.

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

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

15 (cf: P.L.2009, c.104, s.2)

16

17 3. N.J.S.2C:39-10 is amended as follows:

18 2C:39-10. Violation of the regulatory provisions relating to
19 firearms; false representation in applications

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

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

33 b. Any person who knowingly violates the regulatory
34 provisions relating to notifying the authorities of possessing certain
35 items of explosives (section 2C:58-7), or of certain wounds (section
36 2C:58-8) is a disorderly person.

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

46 d. Any person who gives or causes to be given any false
47 information in registering an assault firearm pursuant to section 11
48 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault

1 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
2 c.32 (C.2C:58-13) commits a crime of the fourth degree.

3 e. Any person who knowingly sells, gives, transfers, assigns or
4 otherwise disposes of a firearm to a person who is under the age of
5 18 years, except as permitted in section 14 of P.L.1979, c.179
6 (C.2C:58-6.1), is guilty of a crime of the third degree.
7 Notwithstanding any other provision of law to the contrary, the
8 sentence imposed for a conviction under this subsection shall
9 include a mandatory minimum three-year term of imprisonment,
10 during which the defendant shall be ineligible for parole.

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

18 g. Any person who knowingly gives or causes to be given any
19 false information or knowingly engages in any other fraudulent
20 conduct in applying for an exemption to purchase more than one
21 handgun in a 30-day period in violation of the provisions of section
22 4 of P.L. , c. (pending before the Legislature as this bill) shall
23 be guilty of a crime of the third degree. The presumption of
24 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
25 persons convicted under the provisions of this section.

26 (cf: P.L.2000, c.145, s.2)

27

28 4. (New section) a. The superintendent may grant an exemption
29 from the restriction on the purchase of handguns set forth in
30 subsection i. of N.J.S.2C:58-3 if the applicant demonstrates to the
31 satisfaction of the superintendent that the applicant's request meets
32 one of the following conditions:

33 (1) The application is to purchase multiple handguns from a
34 person who obtained the handguns through inheritance or intestacy;

35 (2) The applicant is a collector of handguns and has a legitimate
36 need or justification to purchase or otherwise receive multiple
37 handguns in the same transaction or within a 30-day period in
38 furtherance of the applicant's collecting activities. As used in this
39 paragraph, "legitimate need or justification" shall include, but not
40 be limited to, situations where there is a reasonable likelihood that
41 the additional handguns sought to be purchased would not be
42 readily available after the 30-day period, that it would not be
43 feasible or practical to purchase the handguns separately, or that
44 prohibiting the purchase of more than one handgun within a 30-day
45 period would have a materially adverse impact on the applicant's
46 ability to enhance his collection; or

47 (3) The applicant participates in lawfully sanctioned handgun
48 shooting competitions and has a legitimate need or justification to

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12

1 purchase or otherwise receive multiple handguns in a single
2 transaction or within a 30-day period, and the legitimate need is
3 related to the applicant's competitive shooting activities, including
4 use in or training for lawfully sanctioned competitions.

5 b. The applicant shall certify, on a form prescribed by the
6 superintendent, the specific exemption sought and the particular
7 handguns to be purchased. This form shall be submitted to the
8 superintendent at the same time as the permit to purchase a
9 handgun, along with any pertinent documentation supporting the
10 need for an exemption. The superintendent shall consider the
11 veracity, accuracy, and completeness of the information provided in
12 determining whether the applicant meets the requirements for an
13 exemption pursuant to this section. In considering an exemption
14 sought under paragraph (3) of subsection a. of this section, the
15 superintendent shall not consider the merit or validity of the
16 applicant's collecting activities.

17 The superintendent shall not grant an exemption if he finds a
18 reasonable likelihood that the public safety would be endangered by
19 granting the exemption, including but not limited to instances where
20 the applicant may be purchasing a handgun to give, sell or distribute
21 to a person who would not qualify to purchase or otherwise acquire
22 a handgun under the provisions of this chapter.

23 The exemptions set forth in this section shall not be construed
24 and are not intended to authorize multiple handgun purchases where
25 the sole justification set forth by the applicant is that the seller
26 offers a discount for the purchase of more than one handgun.

27 c. Any person aggrieved by the denial of a request for an
28 exemption pursuant to this paragraph may request a hearing in the
29 Superior Court. The request for a hearing shall be made within 30
30 days of the denial of the application for an exemption. The
31 applicant shall serve a copy of his request for a hearing upon the
32 superintendent. The hearing shall be held and a record made
33 thereof within 30 days of the receipt for the application for such a
34 hearing by the judge of the Superior Court. The judge shall grant
35 the request for the exemption if the judge finds that the denial of the
36 applicant's request was an abuse of discretion, arbitrary or
37 capricious, or a misapplication of the requirements for an
38 exemption as a matter of law.

39 d. Notwithstanding the provisions of the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
41 superintendent may adopt, immediately upon filing with the Office
42 of Administrative Law, such temporary regulations as the
43 superintendent deems necessary to implement the provisions of
44 P.L. , c. (C.) (pending before the Legislature as this bill).
45 The regulations so adopted shall be effective for a period not to
46 exceed 270 days from the date of the filing, but in no case shall
47 those regulations be in effect one year after the effective date of that
48 P.L. , c. (C.) (pending before the Legislature as this bill).

1 The regulations may thereafter be amended, adopted or readopted
2 by the superintendent as the superintendent deems necessary in
3 accordance with the requirements of the “Administrative Procedure
4 Act.”

5
6 5. This act shall take effect immediately; provided however, the
7 Superintendent of State Police may take any anticipatory
8 administrative action prior to the effective date necessary for its
9 timely implementation.

10

11

12

STATEMENT

13

14 P.L.2009, c.104, commonly known as the one handgun per
15 month law, regulates the sale and purchase of handguns by
16 prohibiting a person from purchasing more than one handgun within
17 a 30-day period. The purpose of this bill is to provide exemptions
18 from this restriction for certain handgun transactions. The bill
19 implements recommendations of the initial report of the Governor’s
20 Firearms Advisory Task Force.

21 The bill provides limited exemptions for certain persons to
22 lawfully purchase more than one handgun within a 30-day period,
23 specifically persons who wish to purchase multiple handguns from
24 an estate or inheritance, collectors of firearms, and persons who use
25 firearms for competitive and recreational purposes.

26 Under the provisions of the bill, a person who seeks an
27 exemption would apply to the Superintendent of State Police. The
28 superintendent is authorized to approve the purchase of more than
29 one handgun within a 30-day period if the applicant demonstrates to
30 the superintendent’s satisfaction that the request meets the
31 requirements of one of the bill’s specified exemptions. The
32 superintendent may grant an exemption to an applicant who: (1)
33 wishes to purchase multiple handguns from a person who obtained
34 the handguns through inheritance or intestacy; (2) is a collector of
35 handguns and has a legitimate need or justification to purchase or
36 otherwise receive multiple handguns in the same transaction or
37 within a 30-day period in furtherance of the applicant’s collecting
38 activities; or (3) participates in lawfully sanctioned handgun
39 shooting competitions and has a legitimate need or justification to
40 obtain multiple handguns in a single transaction or within a 30-day
41 period, and the legitimate need is related to those competitive
42 shooting activities, including use in or training for lawfully
43 sanctioned competitions.

44 Regarding the exemption for collectors, the term “legitimate
45 need or justification” would include, but not be limited to,
46 situations where there is a reasonable likelihood that the additional
47 handguns to be purchased would not be readily available after the
48 30-day period, that it would not be feasible or practical to purchase

1 the handguns separately, or that the one handgun limitation would
2 have a materially adverse impact on the applicant's ability to
3 enhance his collection. The superintendent, however, is not to
4 consider the merit or validity of the applicant's collecting activities.

5 The bill requires the applicant to certify, on a form prescribed by
6 the superintendent, the specific exemption sought and the particular
7 handguns to be purchased. This form is to be submitted to the
8 superintendent at the same time as the permit to purchase a
9 handgun, along with any pertinent documentation as to the reason
10 the exemption is sought. The superintendent is required to consider
11 the veracity, accuracy, and completeness of the information
12 provided in determining whether the applicant meets the
13 requirements for an exemption.

14 The superintendent would not grant an exemption if he finds a
15 reasonable likelihood that the public safety would be endangered,
16 including but not limited to instances where the applicant may be
17 purchasing a handgun for a person who would not qualify to
18 purchase or otherwise lawfully acquire a handgun. This provision
19 is intended to prevent straw purchases.

20 The exemptions in the bill are not to be construed and are not
21 intended to authorize multiple handgun purchases where the sole
22 justification for seeking the exemption is that the seller offers a
23 discount for the purchase of more than one handgun.

24 The bill permits any person whose application for an exemption
25 is denied to request a hearing in the Superior Court. The request for
26 a hearing is to be made within 30 days of the denial of the
27 application, and the hearing is to be held within 30 days thereafter.
28 The judge is required to grant the request for the exemption if he or
29 she finds that the denial was an abuse of discretion, arbitrary or
30 capricious, or a misapplication of the requirements for an
31 exemption as a matter of law.

32 The bill also creates a new criminal offense for violations of its
33 provisions. The bill amends N.J.S.2C:39-10 to provide that it is a
34 crime of the third degree to seek to qualify for an exemption to the
35 one handgun law by knowingly making false statements or
36 engaging in any other fraudulent conduct in the application process.
37 In addition, the presumption of nonimprisonment for third degree
38 crimes would not apply to persons convicted of the new offense.
39 This provision is intended to deter persons including potential straw
40 purchasers who may attempt to misuse a lawful exemption.

41 Finally, under the bill's provisions certain exchanges of
42 handguns also would not be subject to the restriction in P.L.2009,
43 c.104. A person who has purchased a handgun from a licensed
44 retail dealer would be permitted to return that handgun to the dealer
45 in exchange for another handgun within 30 days of the original
46 purchase

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3104

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3104.

P.L.2009, c.104, commonly known as the one handgun per month law, regulates the sale and purchase of handguns by prohibiting a person from purchasing more than one handgun within a 30-day period. The purpose of this bill is to provide exemptions from this restriction for certain handgun transactions. The bill implements recommendations of the initial report of the Governor's Firearms Advisory Task Force.

The bill provides limited exemptions for certain persons to lawfully purchase more than one handgun within a 30-day period, specifically persons who wish to purchase multiple handguns from an estate or inheritance, collectors of firearms, and persons who use firearms for competitive and recreational purposes.

Under the provisions of the bill, a person who seeks an exemption would apply to the Superintendent of State Police. The superintendent is authorized to approve the purchase of more than one handgun within a 30-day period if the applicant demonstrates to the superintendent's satisfaction that the request meets the requirements of one of the bill's specified exemptions. The superintendent may grant an exemption to an applicant who: (1) wishes to purchase multiple handguns from a person who obtained the handguns through inheritance or intestacy; (2) is a collector of handguns and has a need to purchase or otherwise receive multiple handguns in the same transaction or within a 30-day period in furtherance of the applicant's collecting activities; or (3) participates in sanctioned handgun shooting competitions and needs to purchase or otherwise receive multiple handguns in a single transaction or within a 30-day period, and the need is related to the applicant's competitive shooting activities, including use in or training for sanctioned competitions.

Regarding the exemption for collectors, the term "need" includes, but is not limited to, situations where there is a reasonable likelihood that the additional handguns sought to be purchased would not be

readily available after the 30-day period, that it would not be feasible or practical to purchase the handguns separately, or that prohibiting the purchase of more than one handgun within a 30-day period would have a materially adverse impact on the applicant's ability to enhance his collection. The term "collector" includes any person who devotes time and attention to acquiring firearms for the enhancement of the person's collection: as curios; for inheritance; for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes; or any or other lawful related purpose. In determining whether an applicant qualifies as a collector, the superintendent is to consider an applicant's membership in an organized gun club; firearms competitors organization; firearms collectors organization; or any other organization dedicated to the acquisition, preservation, or use of firearms for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes, or any other lawful related purpose.

The bill requires the applicant to certify, on a form prescribed by the superintendent, the specific exemption sought and the particular handguns to be purchased. This form is to be submitted to the superintendent at the same time as the permit to purchase a handgun, along with any pertinent documentation as to the reason the exemption is sought. If the information concerning the particular handguns to be purchased is not available when the form is submitted, that information is to be provided to the superintendent as soon as practicable thereafter. The superintendent is required to consider the veracity, accuracy, and completeness of the information provided in determining whether the applicant meets the requirements for an exemption. In considering whether an applicant qualifies as a collector, however, the superintendent may not consider the number of handguns in the applicant's collection.

The superintendent would not grant an exemption if he finds a reasonable likelihood that the public safety would be endangered, including but not limited to instances where the applicant may be purchasing a handgun for a person who would not qualify to purchase or otherwise lawfully acquire a handgun. This provision is intended to prevent straw purchases.

The exemptions in the bill are not to be construed and are not intended to authorize multiple handgun purchases where the sole justification for seeking the exemption is that the seller offers a discount for the purchase of more than one handgun.

The bill permits any person whose application for an exemption is denied to request a hearing in the Superior Court. The request for a hearing is to be made within 30 days of the denial of the application, and the hearing is to be held within 30 days thereafter. The judge is required to grant the request for the exemption if he or she finds that the denial was an abuse of discretion, arbitrary or capricious, or a

misapplication of the requirements for an exemption as a matter of law.

The bill also creates a new criminal offense for violations of its provisions. The bill amends N.J.S.2C:39-10 to provide that it is a crime of the third degree to seek to qualify for an exemption to the one handgun law by knowingly making false statements or engaging in any other fraudulent conduct in the application process. In addition, the presumption of nonimprisonment for third degree crimes would not apply to persons convicted of the new offense. This provision is intended to deter persons including potential straw purchasers who may attempt to misuse a lawful exemption.

Finally, under the bill's provisions certain exchanges of handguns also would not be subject to the restriction in P.L.2009, c.104. A person who has purchased a handgun from a licensed retail dealer would be permitted to return that handgun to the dealer in exchange for another handgun within 30 days of the original purchase.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 3104**

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill No. 3104.

P.L.2009, c.104, commonly known as the one handgun per month law, regulates the sale and purchase of handguns by prohibiting a person from purchasing more than one handgun within a 30-day period. The purpose of this bill is to provide exemptions from this restriction for certain handgun transactions. The bill implements recommendations of the initial report of the Governor's Firearms Advisory Task Force.

The bill provides limited exemptions for certain persons to lawfully purchase more than one handgun within a 30-day period, specifically persons who wish to purchase multiple handguns from an estate or inheritance, collectors of firearms, and persons who use firearms for competitive and recreational purposes.

Under the provisions of the bill, a person who seeks an exemption would apply to the Superintendent of State Police. The superintendent is authorized to approve the purchase of more than one handgun within a 30-day period if the applicant demonstrates to the superintendent's satisfaction that the request meets the requirements of one of the bill's specified exemptions. The superintendent may grant an exemption to an applicant who: (1) wishes to purchase multiple handguns from a person who obtained the handguns through inheritance or intestacy; (2) is a collector of handguns and has a need to purchase or otherwise receive multiple handguns in the same transaction or within a 30-day period in furtherance of the applicant's collecting activities; or (3) participates in sanctioned handgun shooting competitions and needs to purchase or otherwise receive multiple handguns in a single transaction or within a 30-day period, and the need is related to the applicant's competitive shooting activities, including use in or training for sanctioned competitions.

Regarding the exemption for collectors, the term "need" includes, but is not limited to, situations where there is a reasonable likelihood that the additional handguns sought to be purchased would not be readily available after the 30-day period, that it would not be feasible or practical to purchase the handguns separately, or that prohibiting the

purchase of more than one handgun within a 30-day period would have a materially adverse impact on the applicant's ability to enhance his collection. The term "collector" includes any person who devotes time and attention to acquiring firearms for the enhancement of the person's collection: as curios; for inheritance; for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes; or any or other lawful related purpose. In determining whether an applicant qualifies as a collector, the superintendent is to consider an applicant's membership in an organized gun club; firearms competitors organization; firearms collectors organization; or any other organization dedicated to the acquisition, preservation, or use of firearms for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes, or any other lawful related purpose.

The bill requires the applicant to certify, on a form prescribed by the superintendent, the specific exemption sought and the particular handguns to be purchased. This form is to be submitted to the superintendent at the same time as the permit to purchase a handgun, along with any pertinent documentation as to the reason the exemption is sought. If the information concerning the particular handguns to be purchased is not available when the form is submitted, that information is to be provided to the superintendent as soon as practicable thereafter. The superintendent is required to consider the veracity, accuracy, and completeness of the information provided in determining whether the applicant meets the requirements for an exemption. In considering whether an applicant qualifies as a collector, however, the superintendent may not consider the number of handguns in the applicant's collection.

The superintendent would not grant an exemption if he finds a reasonable likelihood that the public safety would be endangered, including but not limited to instances where the applicant may be purchasing a handgun for a person who would not qualify to purchase or otherwise lawfully acquire a handgun. This provision is intended to prevent straw purchases.

The exemptions in the bill are not to be construed and are not intended to authorize multiple handgun purchases where the sole justification for seeking the exemption is that the seller offers a discount for the purchase of more than one handgun.

The bill permits any person whose application for an exemption is denied to request a hearing in the Superior Court. The request for a hearing is to be made within 30 days of the denial of the application, and the hearing is to be held within 30 days thereafter. The judge is required to grant the request for the exemption if he or she finds that the denial was an abuse of discretion, arbitrary or capricious, or a misapplication of the requirements for an exemption as a matter of law.

The bill also creates a new criminal offense for violations of its provisions. The bill amends N.J.S.2C:39-10 to provide that it is a crime of the third degree to seek to qualify for an exemption to the one handgun law by knowingly making false statements or engaging in any other fraudulent conduct in the application process. In addition, the presumption of nonimprisonment for third degree crimes would not apply to persons convicted of the new offense. This provision is intended to deter persons including potential straw purchasers who may attempt to misuse a lawful exemption.

Finally, under the bill's provisions certain exchanges of handguns also would not be subject to the restriction in P.L.2009, c.104. A person who has purchased a handgun from a licensed retail dealer would be permitted to return that handgun to the dealer in exchange for another handgun within 30 days of the original purchase.

This bill is identical to Assembly Bill No. 4361.

ASSEMBLY, No. 4361

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 4, 2010

Sponsored by:

Assemblyman **JOHN J. BURZICHELLI**
District 3 (Salem, Cumberland and Gloucester)
Assemblyman **GORDON M. JOHNSON**
District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Greenstein and Assemblyman Moriarty

SYNOPSIS

Provides certain exemptions from law prohibiting purchase of more than one handgun in a 30-day period.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2010)

1 AN ACT concerning handgun sales and purchases, amending
2 N.J.S.2C:58-2, N.J.S.2C:58-3 and N.J.S.2C:39-10 and
3 supplementing Title 2C of the New Jersey Statutes.

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

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

9 2C:58-2. a. Licensing of retail dealers and their employees. No
10 retail dealer of firearms nor any employee of a retail dealer shall
11 sell or expose for sale, or possess with the intent of selling, any
12 firearm unless licensed to do so as hereinafter provided. The
13 superintendent shall prescribe standards and qualifications for retail
14 dealers of firearms and their employees for the protection of the
15 public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court
19 in the county where the applicant maintains his place of business.
20 The judge shall grant a license to an applicant if he finds that the
21 applicant meets the standards and qualifications established by the
22 superintendent and that the applicant can be permitted to engage in
23 business as a retail dealer of firearms or employee thereof without
24 any danger to the public safety, health and welfare. Each license
25 shall be valid for a period of three years from the date of issuance,
26 and shall authorize the holder to sell firearms at retail in a specified
27 municipality.

28 In addition, every retail dealer shall pay a fee of \$5 for each
29 employee actively engaged in the sale or purchase of firearms. The
30 superintendent shall issue a license for each employee for whom
31 said fee has been paid, which license shall be valid for so long as
32 the employee remains in the employ of said retail dealer.

33 No license shall be granted to any retail dealer under the age of
34 21 years or to any employee of a retail dealer under the age of 18 or
35 to any person who could not qualify to obtain a permit to purchase a
36 handgun or a firearms purchaser identification card, or to any
37 corporation, partnership or other business organization in which the
38 actual or equitable controlling interest is held or possessed by such
39 an ineligible person.

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 and hearing by the issuing court:

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 (1) The business shall be carried on only in the building or
2 buildings designated in the license, provided that repairs may be
3 made by the dealer or his employees outside of such premises.

4 (2) The license or a copy certified by the issuing authority shall
5 be displayed at all times in a conspicuous place on the business
6 premises where it can be easily read.

7 (3) No firearm or imitation thereof shall be placed in any
8 window or in any other part of the premises where it can be readily
9 seen from the outside.

10 (4) No rifle or shotgun, except antique rifles or shotguns, shall
11 be delivered to any person unless such person possesses and
12 exhibits a valid firearms purchaser identification card and furnishes
13 the seller, on the form prescribed by the superintendent, a
14 certification signed by him setting forth his name, permanent
15 address, firearms purchaser identification card number and such
16 other information as the superintendent may by rule or regulation
17 require. The certification shall be retained by the dealer and shall
18 be made available for inspection by any law enforcement officer at
19 any reasonable time.

20 (5) No handgun shall be delivered to any person unless:

21 (a) Such person possesses and exhibits a valid permit to
22 purchase a firearm and at least seven days have elapsed since the
23 date of application for the permit;

24 (b) The person is personally known to the seller or presents
25 evidence of his identity;

26 (c) The handgun is unloaded and securely wrapped;

27 (d) Except as otherwise provided in subparagraph (e) of this
28 paragraph, the handgun is accompanied by a trigger lock or a locked
29 case, gun box, container or other secure facility; provided, however,
30 this provision shall not apply to antique handguns. The exemption
31 afforded under this subparagraph for antique handguns shall be
32 narrowly construed, limited solely to the requirements set forth
33 herein and shall not be deemed to afford or authorize any other
34 exemption from the regulatory provisions governing firearms set
35 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
36 Statutes; and

37 (e) On and after the first day of the sixth month following the
38 date on which the list of personalized handguns is prepared and
39 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
40 the handgun is identified as a personalized handgun and included on
41 that list or is an antique handgun. The provisions of subparagraph
42 (d) of this section shall not apply to the delivery of a personalized
43 handgun.

44 (6) The dealer shall keep a true record of every handgun sold,
45 given or otherwise delivered or disposed of, in accordance with the
46 provisions of subsections b. through e. of this section and the record
47 shall note whether a trigger lock, locked case, gun box, container or
48 other secure facility was delivered along with the handgun.

1 (7) A dealer shall not knowingly deliver more than one handgun
2 to any person within any 30-day period. This limitation shall not
3 apply to:

4 (a) a federal, State, or local law enforcement officer or agency
5 purchasing handguns for use by officers in the actual performance
6 of their law enforcement duties;

7 (b) a collector of handguns as curios or relics as defined in Title
8 18, United States Code, section 921 (a) (13) who has in his
9 possession a valid Collector of Curios and Relics License issued by
10 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

11 **[or]**

12 (c) transfers of handguns between licensed retail dealers;

13 (d) any transaction where the person has purchased a handgun
14 from a licensed retail dealer and has returned that handgun to the
15 dealer in exchange for another handgun within 30 days of the
16 original transaction, provided the retail dealer reports the exchange
17 transaction to the superintendent; or

18 (e) any transaction where the superintendent issues an
19 exemption from the prohibition in this subsection pursuant to the
20 provisions of section 4 of P.L. , c. (C.) (pending before the
21 Legislature as this bill).

22 b. Records. Every person engaged in the retail business of
23 selling, leasing or otherwise transferring a handgun, as a retail
24 dealer or otherwise, shall keep a register in which shall be entered
25 the time of the sale, lease or other transfer, the date thereof, the
26 name, age, date of birth, complexion, occupation, residence and a
27 physical description including distinguishing physical
28 characteristics, if any, of the purchaser, lessee or transferee, the
29 name and permanent home address of the person making the sale,
30 lease or transfer, the place of the transaction, and the make, model,
31 manufacturer's number, caliber and other marks of identification on
32 such handgun and such other information as the superintendent
33 shall deem necessary for the proper enforcement of this chapter.
34 The register shall be retained by the dealer and shall be made
35 available at all reasonable hours for inspection by any law
36 enforcement officer.

37 c. Forms of register. The superintendent shall prepare the form
38 of the register as described in subsection b. of this section and
39 furnish the same in triplicate to each person licensed to be engaged
40 in the business of selling, leasing or otherwise transferring firearms.

41 d. Signatures in register. The purchaser, lessee or transferee of
42 any handgun shall sign, and the dealer shall require him to sign his
43 name to the register, in triplicate, and the person making the sale,
44 lease or transfer shall affix his name, in triplicate, as a witness to
45 the signature. The signatures shall constitute a representation of the
46 accuracy of the information contained in the register.

47 e. Copies of register entries; delivery to chief of police or
48 county clerk. Within five days of the date of the sale, assignment or

1 transfer, the dealer shall deliver or mail by certified mail, return
2 receipt requested, legible copies of the register forms to the office
3 of the chief of police of the municipality in which the purchaser
4 resides, or to the office of the captain of the precinct of the
5 municipality in which the purchaser resides, and to the
6 superintendent. If hand delivered a receipt shall be given to the
7 dealer therefor.

8 Where a sale, assignment or transfer is made to a purchaser who
9 resides in a municipality having no chief of police, the dealer shall,
10 within five days of the transaction, mail a duplicate copy of the
11 register sheet to the clerk of the county within which the purchaser
12 resides.

13 (cf: P.L.2009, c.104, s.1)

14

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

16 2C:58-3. a. Permit to purchase a handgun. No person shall
17 sell, give, transfer, assign or otherwise dispose of, nor receive,
18 purchase, or otherwise acquire a handgun unless the purchaser,
19 assignee, donee, receiver or holder is licensed as a dealer under this
20 chapter or has first secured a permit to purchase a handgun as
21 provided by this section.

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

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

46 (1) To any person who has been convicted of any crime, or a
47 disorderly persons offense involving an act of domestic violence as

1 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
2 not armed with or possessing a weapon at the time of such offense;

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

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

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

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

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

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

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

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

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

1 superintendent in all cases. The hearing shall be held and a record
2 made thereof within 30 days of the receipt of the application for
3 such hearing by the judge of the Superior Court. No formal
4 pleading and no filing fee shall be required as a preliminary to such
5 hearing. Appeals from the results of such hearing shall be in
6 accordance with law.

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

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

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

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

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

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

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

45 h. Form of permit; quadruplicate; disposition of copies. The
46 permit shall be in the form prescribed by the superintendent and
47 shall be issued to the applicant in quadruplicate. Prior to the time
48 he receives the handgun from the seller, the applicant shall deliver

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

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

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

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

21 **[or]**

22 (3) transfers of handguns between licensed retail dealers;

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

28 (5) any transaction where the superintendent issues an
29 exemption from the prohibition in this subsection pursuant to the
30 provisions of section 4 of P.L. , c. (C.) (pending before the
31 Legislature as this bill).

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

37 j. Firearms passing to heirs or legatees. Notwithstanding any
38 other provision of this section concerning the transfer, receipt or
39 acquisition of a firearm, a permit to purchase or a firearms
40 purchaser identification card shall not be required for the passing of
41 a firearm upon the death of an owner thereof to his heir or legatee,
42 whether the same be by testamentary bequest or by the laws of
43 intestacy. The person who shall so receive, or acquire said firearm
44 shall, however, be subject to all other provisions of this chapter. If
45 the heir or legatee of such firearm does not qualify to possess or
46 carry it, he may retain ownership of the firearm for the purpose of
47 sale for a period not exceeding 180 days, or for such further limited
48 period as may be approved by the chief law enforcement officer of

1 the municipality in which the heir or legatee resides or the
2 superintendent, provided that such firearm is in the custody of the
3 chief law enforcement officer of the municipality or the
4 superintendent during such period.

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

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

15 (cf: P.L.2009, c.104, s.2)

16

17 3. N.J.S.2C:39-10 is amended as follows:

18 2C:39-10. Violation of the regulatory provisions relating to
19 firearms; false representation in applications

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

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

33 b. Any person who knowingly violates the regulatory
34 provisions relating to notifying the authorities of possessing certain
35 items of explosives (section 2C:58-7), or of certain wounds (section
36 2C:58-8) is a disorderly person.

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

46 d. Any person who gives or causes to be given any false
47 information in registering an assault firearm pursuant to section 11
48 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault

1 firearm was rendered inoperable pursuant to section 12 of P.L.1990,
2 c.32 (C.2C:58-13) commits a crime of the fourth degree.

3 e. Any person who knowingly sells, gives, transfers, assigns or
4 otherwise disposes of a firearm to a person who is under the age of
5 18 years, except as permitted in section 14 of P.L.1979, c.179
6 (C.2C:58-6.1), is guilty of a crime of the third degree.
7 Notwithstanding any other provision of law to the contrary, the
8 sentence imposed for a conviction under this subsection shall
9 include a mandatory minimum three-year term of imprisonment,
10 during which the defendant shall be ineligible for parole.

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

18 g. Any person who knowingly gives or causes to be given any
19 false information or knowingly engages in any other fraudulent
20 conduct in applying for an exemption to purchase more than one
21 handgun in a 30-day period in violation of the provisions of section
22 4 of P.L. , c. (C.) (pending before the Legislature as this
23 bill) shall be guilty of a crime of the third degree. The presumption
24 of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
25 persons convicted under the provisions of this subsection.

26 (cf: P.L.2000, c.145, s.2)

27

28 4. (New section) a. The superintendent may grant an exemption
29 from the restriction on the purchase of handguns set forth in
30 subsection i. of N.J.S.2C:58-3 if the applicant demonstrates to the
31 satisfaction of the superintendent that the applicant's request meets
32 one of the following conditions:

33 (1) The application is to purchase multiple handguns from a
34 person who obtained the handguns through inheritance or intestacy;

35 (2) The applicant is a collector of handguns and has a need to
36 purchase or otherwise receive multiple handguns in the same
37 transaction or within a 30-day period in furtherance of the
38 applicant's collecting activities. As used in this paragraph, "need"
39 shall include, but not be limited to, situations where there is a
40 reasonable likelihood that the additional handguns sought to be
41 purchased would not be readily available after the 30-day period,
42 that it would not be feasible or practical to purchase the handguns
43 separately, or that prohibiting the purchase of more than one
44 handgun within a 30-day period would have a materially adverse
45 impact on the applicant's ability to enhance his collection. As used
46 in this paragraph, "collector" shall include any person who devotes
47 time and attention to acquiring firearms for the enhancement of the
48 person's collection: as curios; for inheritance; for historical,

1 investment, training and competitive, recreational, educational,
2 scientific, or defensive purposes; or any or other lawful related
3 purpose. If an applicant is a member of an organized gun club;
4 firearms competitors organization; firearms collectors organization;
5 or any other organization dedicated to the acquisition, preservation,
6 or use of firearms for historical, investment, training and
7 competitive, recreational, educational, scientific, or defensive
8 purposes, or any other lawful related purpose, such membership
9 shall be considered in determining whether the applicant qualifies
10 as a collector; or

11 (3) The applicant participates in sanctioned handgun shooting
12 competitions and needs to purchase or otherwise receive multiple
13 handguns in a single transaction or within a 30-day period, and the
14 need is related to the applicant's competitive shooting activities,
15 including use in or training for sanctioned competitions.

16 b. The applicant shall certify, on a form prescribed by the
17 superintendent, the specific exemption sought and the particular
18 handguns to be purchased. This form shall be submitted to the
19 superintendent at the same time as the permit to purchase a
20 handgun, along with any pertinent documentation supporting the
21 need for an exemption. If the information concerning the particular
22 handguns to be purchased is not available when the form is
23 submitted, that information shall be provided to the superintendent
24 as soon as practicable thereafter. The superintendent shall consider
25 the veracity, accuracy, and completeness of the information
26 provided in determining whether the applicant meets the
27 requirements for an exemption pursuant to this section. In
28 considering whether an applicant qualifies as a collector under
29 paragraph (2) of subsection a. of this section, the superintendent
30 shall not consider the number of guns in the applicant's collection.
31 In considering an exemption sought under paragraph (2) of
32 subsection a. of this section, the superintendent shall not consider
33 the merit or validity of the applicant's collecting activities.

34 The superintendent shall not grant an exemption if he finds a
35 reasonable likelihood that the public safety would be endangered by
36 granting the exemption, including but not limited to instances where
37 the applicant may be purchasing a handgun to give, sell or distribute
38 to a person who would not qualify to purchase or otherwise acquire
39 a handgun under the provisions of this chapter.

40 The exemptions set forth in this section shall not be construed
41 and are not intended to authorize multiple handgun purchases where
42 the sole justification set forth by the applicant is that the seller
43 offers a discount for the purchase of more than one handgun.

44 c. Any person aggrieved by the denial of a request for an
45 exemption pursuant to this paragraph may request a hearing in the
46 Superior Court. The request for a hearing shall be made within 30
47 days of the denial of the application for an exemption. The
48 applicant shall serve a copy of his request for a hearing upon the

1 superintendent. The hearing shall be held and a record made
2 thereof within 30 days of the receipt for the application for such a
3 hearing by the judge of the Superior Court. The judge shall grant
4 the request for the exemption if the judge finds that the denial of the
5 applicant's request was an abuse of discretion, arbitrary or
6 capricious, or a misapplication of the requirements for an
7 exemption as a matter of law.

8 d. Notwithstanding the provisions of the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
10 superintendent may adopt, immediately upon filing with the Office
11 of Administrative Law, such temporary regulations as the
12 superintendent deems necessary to implement the provisions of
13 P.L. , c. (C.) (pending before the Legislature as this bill).
14 The regulations so adopted shall be effective for a period not to
15 exceed 270 days from the date of the filing, but in no case shall
16 those regulations be in effect one year after the effective date of
17 P.L. , c. (C.) (pending before the Legislature as this bill).
18 The regulations may thereafter be amended, adopted or readopted
19 by the superintendent as the superintendent deems necessary in
20 accordance with the requirements of the "Administrative Procedure
21 Act."

22
23 5. This act shall take effect immediately; provided however,
24 the Superintendent of State Police may take any anticipatory
25 administrative action prior to the effective date necessary for its
26 timely implementation.

27 28 29 STATEMENT

30
31 P.L.2009, c.104, commonly known as the one handgun per
32 month law, regulates the sale and purchase of handguns by
33 prohibiting a person from purchasing more than one handgun within
34 a 30-day period. The purpose of this bill is to provide exemptions
35 from this restriction for certain handgun transactions. The bill
36 implements recommendations of the initial report of the Governor's
37 Firearms Advisory Task Force.

38 The bill provides limited exemptions for certain persons to
39 lawfully purchase more than one handgun within a 30-day period,
40 specifically persons who wish to purchase multiple handguns from
41 an estate or inheritance, collectors of firearms, and persons who use
42 firearms for competitive and recreational purposes.

43 Under the provisions of the bill, a person who seeks an
44 exemption would apply to the Superintendent of State Police. The
45 superintendent is authorized to approve the purchase of more than
46 one handgun within a 30-day period if the applicant demonstrates to
47 the superintendent's satisfaction that the request meets the
48 requirements of one of the bill's specified exemptions. The

1 superintendent may grant an exemption to an applicant who: (1)
2 wishes to purchase multiple handguns from a person who obtained
3 the handguns through inheritance or intestacy; (2) is a collector of
4 handguns and has a need to purchase or otherwise receive multiple
5 handguns in the same transaction or within a 30-day period in
6 furtherance of the applicant's collecting activities; or (3)
7 participates in sanctioned handgun shooting competitions and needs
8 to purchase or otherwise receive multiple handguns in a single
9 transaction or within a 30-day period, and the need is related to the
10 applicant's competitive shooting activities, including use in or
11 training for sanctioned competitions.

12 Regarding the exemption for collectors, the term "need"
13 includes, but is not limited to, situations where there is a reasonable
14 likelihood that the additional handguns sought to be purchased
15 would not be readily available after the 30-day period, that it would
16 not be feasible or practical to purchase the handguns separately, or
17 that prohibiting the purchase of more than one handgun within a 30-
18 day period would have a materially adverse impact on the
19 applicant's ability to enhance his collection. The term "collector"
20 includes any person who devotes time and attention to acquiring
21 firearms for the enhancement of the person's collection: as curios;
22 for inheritance; for historical, investment, training and competitive,
23 recreational, educational, scientific, or defensive purposes; or any
24 or other lawful related purpose. In determining whether an
25 applicant qualifies as a collector, the superintendent is to consider
26 an applicant's membership in an organized gun club; firearms
27 competitors organization; firearms collectors organization; or any
28 other organization dedicated to the acquisition, preservation, or use
29 of firearms for historical, investment, training and competitive,
30 recreational, educational, scientific, or defensive purposes, or any
31 other lawful related purpose.

32 The bill requires the applicant to certify, on a form prescribed by
33 the superintendent, the specific exemption sought and the particular
34 handguns to be purchased. This form is to be submitted to the
35 superintendent at the same time as the permit to purchase a
36 handgun, along with any pertinent documentation as to the reason
37 the exemption is sought. If the information concerning the
38 particular handguns to be purchased is not available when the form
39 is submitted, that information is to be provided to the
40 superintendent as soon as practicable thereafter. The superintendent
41 is required to consider the veracity, accuracy, and completeness of
42 the information provided in determining whether the applicant
43 meets the requirements for an exemption. In considering whether
44 an applicant qualifies as a collector, however, the superintendent
45 may not consider the number of handguns in the applicant's
46 collection.

47 The superintendent would not grant an exemption if he finds a
48 reasonable likelihood that the public safety would be endangered,

1 including but not limited to instances where the applicant may be
2 purchasing a handgun for a person who would not qualify to
3 purchase or otherwise lawfully acquire a handgun. This provision
4 is intended to prevent straw purchases.

5 The exemptions in the bill are not to be construed and are not
6 intended to authorize multiple handgun purchases where the sole
7 justification for seeking the exemption is that the seller offers a
8 discount for the purchase of more than one handgun.

9 The bill permits any person whose application for an exemption
10 is denied to request a hearing in the Superior Court. The request for
11 a hearing is to be made within 30 days of the denial of the
12 application, and the hearing is to be held within 30 days thereafter.
13 The judge is required to grant the request for the exemption if he or
14 she finds that the denial was an abuse of discretion, arbitrary or
15 capricious, or a misapplication of the requirements for an
16 exemption as a matter of law.

17 The bill also creates a new criminal offense for violations of its
18 provisions. The bill amends N.J.S.2C:39-10 to provide that it is a
19 crime of the third degree to seek to qualify for an exemption to the
20 one handgun law by knowingly making false statements or
21 engaging in any other fraudulent conduct in the application process.
22 In addition, the presumption of nonimprisonment for third degree
23 crimes would not apply to persons convicted of the new offense.
24 This provision is intended to deter persons including potential straw
25 purchasers who may attempt to misuse a lawful exemption.

26 Finally, under the bill's provisions certain exchanges of
27 handguns also would not be subject to the restriction in P.L.2009,
28 c.104. A person who has purchased a handgun from a licensed
29 retail dealer would be permitted to return that handgun to the dealer
30 in exchange for another handgun within 30 days of the original
31 purchase.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4361

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4361.

P.L.2009, c.104, commonly known as the one handgun per month law, regulates the sale and purchase of handguns by prohibiting a person from purchasing more than one handgun within a 30-day period. The purpose of this bill is to provide exemptions from this restriction for certain handgun transactions. The bill implements recommendations of the initial report of the Governor's Firearms Advisory Task Force.

The bill provides limited exemptions for certain persons to lawfully purchase more than one handgun within a 30-day period, specifically persons who wish to purchase multiple handguns from an estate or inheritance, collectors of firearms, and persons who use firearms for competitive and recreational purposes.

Under the provisions of the bill, a person who seeks an exemption would apply to the Superintendent of State Police. The superintendent is authorized to approve the purchase of more than one handgun within a 30-day period if the applicant demonstrates to the superintendent's satisfaction that the request meets the requirements of one of the bill's specified exemptions. The superintendent may grant an exemption to an applicant who: (1) wishes to purchase multiple handguns from a person who obtained the handguns through inheritance or intestacy; (2) is a collector of handguns and has a need to purchase or otherwise receive multiple handguns in the same transaction or within a 30-day period in furtherance of the applicant's collecting activities; or (3) participates in sanctioned handgun shooting competitions and needs to purchase or otherwise receive multiple handguns in a single transaction or within a 30-day period, and the need is related to the applicant's competitive shooting activities, including use in or training for sanctioned competitions.

Regarding the exemption for collectors, the term "need" includes, but is not limited to, situations where there is a reasonable likelihood that the additional handguns sought to be purchased would not be readily available after the 30-day period, that it would not be feasible or practical to purchase the handguns separately, or that prohibiting the purchase of more than one handgun within a 30-day period would have a materially adverse impact on the applicant's ability to enhance

his collection. The term “collector” includes any person who devotes time and attention to acquiring firearms for the enhancement of the person’s collection: as curios; for inheritance; for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes; or any or other lawful related purpose. In determining whether an applicant qualifies as a collector, the superintendent is to consider an applicant’s membership in an organized gun club; firearms competitors organization; firearms collectors organization; or any other organization dedicated to the acquisition, preservation, or use of firearms for historical, investment, training and competitive, recreational, educational, scientific, or defensive purposes, or any other lawful related purpose.

The bill requires the applicant to certify, on a form prescribed by the superintendent, the specific exemption sought and the particular handguns to be purchased. This form is to be submitted to the superintendent at the same time as the permit to purchase a handgun, along with any pertinent documentation as to the reason the exemption is sought. If the information concerning the particular handguns to be purchased is not available when the form is submitted, that information is to be provided to the superintendent as soon as practicable thereafter. The superintendent is required to consider the veracity, accuracy, and completeness of the information provided in determining whether the applicant meets the requirements for an exemption. In considering whether an applicant qualifies as a collector, however, the superintendent may not consider the number of handguns in the applicant’s collection.

The superintendent would not grant an exemption if he finds a reasonable likelihood that the public safety would be endangered, including but not limited to instances where the applicant may be purchasing a handgun for a person who would not qualify to purchase or otherwise lawfully acquire a handgun. This provision is intended to prevent straw purchases.

The exemptions in the bill are not to be construed and are not intended to authorize multiple handgun purchases where the sole justification for seeking the exemption is that the seller offers a discount for the purchase of more than one handgun.

The bill permits any person whose application for an exemption is denied to request a hearing in the Superior Court. The request for a hearing is to be made within 30 days of the denial of the application, and the hearing is to be held within 30 days thereafter. The judge is required to grant the request for the exemption if he or she finds that the denial was an abuse of discretion, arbitrary or capricious, or a misapplication of the requirements for an exemption as a matter of law.

The bill also creates a new criminal offense for violations of its provisions. The bill amends N.J.S.2C:39-10 to provide that it is a crime of the third degree to seek to qualify for an exemption to the one

handgun law by knowingly making false statements or engaging in any other fraudulent conduct in the application process. In addition, the presumption of nonimprisonment for third degree crimes would not apply to persons convicted of the new offense. This provision is intended to deter persons including potential straw purchasers who may attempt to misuse a lawful exemption.

Finally, under the bill's provisions certain exchanges of handguns also would not be subject to the restriction in P.L.2009, c.104. A person who has purchased a handgun from a licensed retail dealer would be permitted to return that handgun to the dealer in exchange for another handgun within 30 days of the original purchase.

This bill is identical to Senate Bill No. 3104.