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RWH/JA

P.L. 2021, CHAPTER 327, *approved December 21, 2021*
Assembly, No. 5599 (*First Reprint*)

1 AN ACT concerning security for certain judges and amending
2 N.J.S.2C:33-4, N.J.S.2C:58-3 and P.L.2013, c.272 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:33-4 is amended to read as follows:
9 2C:33-4. Harassment.

10 Except as provided in subsection e., a person commits a petty
11 disorderly persons offense if, with purpose to harass another, he:

12 a. Makes, or causes to be made, **[a more communication or]**
13 one or more communications anonymously or at extremely
14 inconvenient hours, or in offensively coarse language, or any other
15 manner likely to cause annoyance or alarm;

16 b. Subjects another to striking, kicking, shoving, or other
17 offensive touching, or threatens to do so; or

18 c. Engages in any other course of alarming conduct or of
19 repeatedly committed acts with purpose to alarm or seriously annoy
20 such other person.

21 A communication under subsection a. may be deemed to have
22 been made either at the place where it originated or at the place
23 where it was received.

24 d. (Deleted by amendment, P.L.2001, c.443).

25 e. A person commits a crime of the fourth degree if, in
26 committing an offense under this section, he was serving a term of
27 imprisonment or was on parole or probation as the result of a
28 conviction of any indictable offense under the laws of this State,
29 any other state or the United States or he knowingly directs such
30 action to a current or former judge that relates to the performance of
31 the judge's public duties.

32 (cf: P.L.2001, c.443, s.3)
33

34 2. Section 1 of P.L.2013, c.272 (2C:33-4.1) is amended to read
35 as follows:

36 1. a. A person commits the crime of cyber-harassment if, while
37 making **[a] one or more [communication] communications** in an

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's recommendations November 8, 2021.

1 online capacity via any electronic device or through a social
2 networking site and with the purpose to harass another, the person:

3 (1) threatens to inflict injury or physical harm to any person or
4 the property of any person;

5 (2) knowingly sends, posts, comments, requests, suggests, or
6 proposes any lewd, indecent, or obscene material to or about a
7 person with the intent to emotionally harm a reasonable person or
8 place a reasonable person in fear of physical or emotional harm to
9 his person; or

10 (3) threatens to commit any crime against the person or the
11 person's property.

12 b. Cyber-harassment is a crime of the fourth degree, unless the
13 person is 21 years of age or older at the time of the offense and
14 impersonates a minor for the purpose of cyber-harassing a minor, in
15 which case it is a crime of the third degree.

16 c. If a minor under the age of 16 is adjudicated delinquent for
17 cyber-harassment, the court may order as a condition of the
18 sentence that the minor, accompanied by a parent or guardian,
19 complete, in a satisfactory manner, one or both of the following:

20 (1) a class or training program intended to reduce the tendency
21 toward cyber-harassment behavior; or

22 (2) a class or training program intended to bring awareness to
23 the dangers associated with cyber-harassment.

24 d. A parent or guardian who fails to comply with a condition
25 imposed by the court pursuant to subsection c. of this section is a
26 disorderly person and shall be fined not more than \$25 for a first
27 offense and not more than \$100 for each subsequent offense.

28 e. ¹ [A person commits a crime of the fourth degree if in
29 committing] The trier of fact may infer that a person acted with a
30 purpose to harass another if the person knows or should have
31 known that any of the person's actions constituting¹ an offense
32 under this section ¹ [he] are¹ knowingly ¹ [directs such action to a
33 current or former judge that] directed to or are about a judicial
34 officer, and there is a nexus between the offense and¹ relates to the
35 performance of the judge's public duties. ¹For the purposes of this
36 subsection, "judicial officer" has the same meaning as defined in
37 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹

38 (cf: P.L.2013, c.272, s.1)

39

40 3. (New section) a. ¹ [Upon report to law enforcement of a
41 crime, including but not limited to, Homicide, N.J.S.2C:11-1 et
42 seq.; Assault, N.J.S.2C:12-1; Terroristic Threats, N.J.S.2C:12-3;
43 Kidnapping, N.J.S.2C:13-1; Criminal Restraint, N.J.S.2C:13-2;
44 False Imprisonment, N.J.S.2C:13-3; Sexual Assault, N.J.S.2C:14-2;
45 Criminal Sexual Contact, N.J.S.2C:14-3; Lewdness, N.J.S.2C:14-4;
46 Criminal Mischief, N.J.S.2C:17-3; Burglary, N.J.S.2C:18-2;
47 Criminal Trespass, N.J.S.2C:18-3; Harassment, N.J.S.2C:33-4;
48 Stalking, section 1 of P.L.1992, c.209 (C.2C:12-10); Criminal

1 Coercion, N.J.S.2C:13-5; Robbery, N.J.S.2C:15-1; Arson,
2 N.J.S.2C:17-1; Prohibited Weapons and Devices, N.J.S.2C:39-3;
3 Filing or Recording False Document, Lien, Encumbrance or Court
4 Action, section 7 of P.L.2015, c.59 (C.2C:21-42), or threat thereof,]
5 At any time following the charge or conviction of a defendant for
6 any crime directed at or committed¹ against a ¹[current or former
7 judge and a finding by law enforcement that] judicial officer
8 where¹ there is a nexus between the alleged crime ¹[reported]
9 charged or the crime for which the defendant was convicted, as the
10 case may be,¹ and the performance of the ¹[current or former
11 judge's] judicial officer's¹ public duties, ¹[law enforcement] a
12 petitioner¹ may petition the Superior Court for emergency, ex parte
13 relief in the form of a temporary order of protection ¹[on behalf of
14 the current or former judge] if the court finds that the respondent
15 poses a threat to the safety or well-being of the judicial officer or a
16 family or household member of the judicial officer¹ .

17 b. The court may issue a temporary protection order upon good
18 cause shown in sworn testimony or petition by the ¹[law
19 enforcement officer] petitioner¹. The temporary protection order
20 shall remain in effect until a judge issues a further order.

21 c. Emergency relief granted in the temporary protection order
22 may include forbidding the ¹[defendant] respondent¹ from
23 returning to the scene of the alleged crime, prohibiting the
24 ¹[defendant] respondent¹ from having any contact with the
25 ¹[judge] judicial officer, family or household members of the
26 judicial officer,¹ or the ¹[judge's] judicial officer's¹ friends, co-
27 workers, or relatives in any way, forbidding the ¹[defendant]
28 respondent¹ from possessing any firearm or other weapon
29 enumerated in subsection r. of N.J.S.2C:39-1, ordering the search
30 for and seizure of any firearm or other weapon at any location
31 where the court has reasonable cause to believe the weapon is
32 located and the seizure of any firearms purchaser identification card
33 or permit to purchase a handgun issued to the ¹[defendant]
34 respondent¹. The court shall state with specificity the reasons for
35 and the scope of any search and seizure authorized by the order.

36 d. An order granting emergency relief, together with the
37 petition, shall be immediately served upon the ¹[defendant]
38 respondent¹ and forwarded to the appropriate law enforcement
39 agencies for the municipalities in which the victim and the
40 ¹[defendant] respondent¹ reside.

41 ¹e. For purposes of this section and section 4 of
42 P.L. , c. (C.) (pending before the Legislature as this bill):

43 (1) "Judicial officer" means any active, formerly active, or
44 retired federal, state, county, or municipal judge, including a judge
45 of the Tax Court and any other court of limited jurisdiction
46 established, altered, or abolished by law, a judge of the Office of

1 Administrative Law, a judge of the Division of Workers'
 2 Compensation, and any other judge established by law who serves
 3 in the executive branch;

4 (2) "Law enforcement officer" means a person whose public
 5 duties include the power to act as an officer for the detection,
 6 apprehension, arrest, and conviction of offenders against the laws of
 7 this State;

8 (3) "Petitioner" means a law enforcement officer, a formerly
 9 active or retired judicial officer or a family or household member of
 10 such judicial officer, or an active judicial officer on behalf of whom
 11 a law enforcement officer has declined to petition the Superior
 12 Court pursuant to this section or a family or household member of
 13 such judicial officer; and

14 (4) "Family or household member" means a spouse, domestic
 15 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3),
 16 partner in a civil union couple as defined in section 2 of P.L.2006,
 17 c.103 (C.37:1-29), or former spouse, former domestic partner, or
 18 former partner in a civil union couple, or any other person who is a
 19 present household member or was at any time a household member;
 20 a person with whom the respondent has a child in common, or with
 21 whom the respondent anticipates having a child in common if one
 22 of the parties is pregnant; or a current or former dating partner."¹

23
 24 4. (New section) a. A hearing shall be held in the Superior
 25 Court within 10 days of the filing of the petition in the county
 26 where the ex parte temporary protection order was issued, unless
 27 good cause is shown for the hearing to be held elsewhere. At the
 28 hearing the standard for proving the allegations in the petition shall
 29 be a preponderance of the evidence ¹which petition shall be granted
 30 if the court finds by a preponderance of evidence that there is a
 31 nexus between the alleged crime charged or the crime for which the
 32 respondent was convicted, as the case may be, and the performance
 33 of the judicial officer's public duties and that the respondent poses a
 34 threat to the safety or well-being of the judicial officer or a family
 35 or household member of the judicial officer¹ . In determining
 36 whether a final order of protection should be granted the court shall
 37 consider but not be limited to the previous history between the
 38 ¹**["current or former judge] judicial officer**¹ and the ¹**["defendant]**
 39 **respondent**¹, including threats, harassment, and physical
 40 intimidation; and the existence of immediate danger to person or
 41 property.

42 b. The court shall grant any relief necessary to protect the victim
 43 from further harm, including but not limited to forbidding the
 44 ¹**["defendant] respondent**¹ from returning to the scene of the alleged
 45 crime, prohibiting the ¹**["defendant] respondent**¹ from having any
 46 contact with the ¹**["judge] judicial officer, family or household**
 47 **members of the judicial officer**¹ or the ¹**["judge's] judicial officer's**¹
 48 friends, co-workers, or relatives in any way, forbidding the

1 '【defendant】 respondent¹ from possessing any firearm or other
2 weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the
3 search for and seizure of any firearm or other weapon at any
4 location where the court has reasonable cause to believe the weapon
5 is located, the seizure of any firearms purchaser identification card
6 or permit to purchase a handgun issued to the '【defendant】
7 respondent¹, and requiring the '【defendant】 respondent¹ to undergo
8 mental health evaluation and appropriate treatment.

9
10 5. (New section) A violation by the defendant of an order
11 issued pursuant to this act shall constitute an offense under
12 subsection b. of N.J.S.2C:29-9 and each order shall so state.

13
14 6. N.J.S.2C:58-3 is amended to read as follows:

15 2C:58-3. a. Permit to purchase a handgun.

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

21 (2) A person who is not a licensed retail dealer and sells, gives,
22 transfers, assigns, or otherwise disposes of, or receives, purchases
23 or otherwise acquires a handgun pursuant to this section shall
24 conduct the transaction through a licensed retail dealer.

25 The provisions of this paragraph shall not apply if the transaction
26 is:

27 (a) between members of an immediate family as defined in
28 subsection n. of this section;

29 (b) between law enforcement officers;

30 (c) between collectors of firearms or ammunition as curios or
31 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
32 in their possession a valid Collector of Curios and Relics License
33 issued by the Bureau of Alcohol, Tobacco, Firearms, and
34 Explosives; or

35 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
36 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

37 (3) Prior to a transaction conducted pursuant to this subsection,
38 the retail dealer shall complete a National Instant Criminal
39 Background Check of the person acquiring the handgun. In
40 addition:

41 (a) the retail dealer shall submit to the Superintendent of State
42 Police, on a form approved by the superintendent, information
43 identifying and confirming the background check;

44 (b) every retail dealer shall maintain a record of transactions
45 conducted pursuant to this subsection, which shall be maintained at
46 the address displayed on the retail dealer's license for inspection by
47 a law enforcement officer during reasonable hours;

1 (c) a retail dealer may charge a fee for a transaction conducted
2 pursuant to this subsection; and

3 (d) any record produced pursuant to this subsection shall not be
4 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-
5 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

6 b. Firearms purchaser identification card.

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

23 (2) A person who is not a licensed retail dealer and sells, gives,
24 transfers, assigns, or otherwise disposes of, or receives, purchases
25 or otherwise acquires an antique cannon or a rifle or shotgun
26 pursuant to this section shall conduct the transaction through a
27 licensed retail dealer.

28 The provisions of this paragraph shall not apply if the transaction
29 is:

30 (a) between members of an immediate family as defined in
31 subsection n. of this section;

32 (b) between law enforcement officers;

33 (c) between collectors of firearms or ammunition as curios or
34 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
35 in their possession a valid Collector of Curios and Relics License
36 issued by the Bureau of Alcohol, Tobacco, Firearms, and
37 Explosives; or

38 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
39 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

40 (3) Prior to a transaction conducted pursuant to this subsection,
41 the retail dealer shall complete a National Instant Criminal
42 Background Check of the person acquiring an antique cannon or a
43 rifle or shotgun. In addition:

44 (a) the retail dealer shall submit to the Superintendent of State
45 Police, on a form approved by the superintendent, information
46 identifying and confirming the background check;

47 (b) every retail dealer shall maintain a record of transactions
48 conducted pursuant to this section which shall be maintained at the

1 address set forth on the retail dealer's license for inspection by a law
2 enforcement officer during reasonable hours;

3 (c) a retail dealer may charge a fee for a transaction conducted
4 pursuant to this subsection; and

5 (d) any record produced pursuant to this subsection shall not be
6 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
7 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

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

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

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

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

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

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

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

4 (9) To any person named on the consolidated Terrorist Watchlist
5 maintained by the Terrorist Screening Center administered by the
6 Federal Bureau of Investigation; **[or]**

7 (10) To any person who is subject to a court order prohibiting
8 the custody, control, ownership, purchase, possession, or receipt of
9 a firearm or ammunition issued pursuant to the "Extreme Risk
10 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.);
11 or

12 (11) To any person who is subject to a court order prohibiting
13 the custody, control, ownership, purchase, possession, or receipt of
14 a firearm or ammunition issued pursuant to P.L. , c. (C.)
15 (pending before the Legislature as this bill).

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

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

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

1 hospital and the dates of confinement or commitment, whether he
2 has been attended, treated or observed by any doctor or psychiatrist
3 or at any hospital or mental institution on an inpatient or outpatient
4 basis for any mental or psychiatric condition, giving the name and
5 location of the doctor, psychiatrist, hospital or institution and the
6 dates of the occurrence, whether he presently or ever has been a
7 member of any organization which advocates or approves the
8 commission of acts of force and violence to overthrow the
9 Government of the United States or of this State, or which seeks to
10 deny others their rights under the Constitution of either the United
11 States or the State of New Jersey, whether he has ever been
12 convicted of a crime or disorderly persons offense, whether the
13 person is subject to a restraining order issued pursuant to the
14 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
15 (C.2C:25-17 et seq.) prohibiting the person from possessing any
16 firearm, whether the person is subject to a protective order issued
17 pursuant to the "Extreme Risk Protective Order Act of 2018,"
18 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
19 a protective order issued pursuant to P.L. c. (C.) (pending
20 before the Legislature as this bill prohibiting the person from
21 possessing any firearm, and other information as the superintendent
22 shall deem necessary for the proper enforcement of this chapter.
23 For the purpose of complying with this subsection, the applicant
24 shall waive any statutory or other right of confidentiality relating to
25 institutional confinement. The application shall be signed by the
26 applicant and shall contain as references the names and addresses of
27 two reputable citizens personally acquainted with him.

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

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

45 f. Granting of permit or identification card; fee; term; renewal;
46 revocation. The application for the permit to purchase a handgun
47 together with a fee of \$2, or the application for the firearms
48 purchaser identification card together with a fee of \$5, shall be

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

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

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

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

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

- 1 (1) a federal, State, or local law enforcement officer or agency
2 purchasing handguns for use by officers in the actual performance
3 of their law enforcement duties;
- 4 (2) a collector of handguns as curios or relics as defined in Title
5 18, United States Code, section 921 (a) (13) who has in his
6 possession a valid Collector of Curios and Relics License issued by
7 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 8 (3) transfers of handguns among licensed retail dealers,
9 registered wholesale dealers and registered manufacturers;
- 10 (4) transfers of handguns from any person to a licensed retail
11 dealer or a registered wholesale dealer or registered manufacturer;
- 12 (5) any transaction where the person has purchased a handgun
13 from a licensed retail dealer and has returned that handgun to the
14 dealer in exchange for another handgun within 30 days of the
15 original transaction, provided the retail dealer reports the exchange
16 transaction to the superintendent; or
- 17 (6) any transaction where the superintendent issues an
18 exemption from the prohibition in this subsection pursuant to the
19 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 20 The provisions of this subsection shall not be construed to afford
21 or authorize any other exemption from the regulatory provisions
22 governing firearms set forth in chapter 39 and chapter 58 of Title
23 2C of the New Jersey Statutes;
- 24 A person shall not be restricted as to the number of rifles or
25 shotguns he may purchase, provided he possesses a valid firearms
26 purchaser identification card and provided further that he signs the
27 certification required in subsection b. of this section for each
28 transaction.
- 29 j. Firearms passing to heirs or legatees. Notwithstanding any
30 other provision of this section concerning the transfer, receipt or
31 acquisition of a firearm, a permit to purchase or a firearms
32 purchaser identification card shall not be required for the passing of
33 a firearm upon the death of an owner thereof to his heir or legatee,
34 whether the same be by testamentary bequest or by the laws of
35 intestacy. The person who shall so receive, or acquire the firearm
36 shall, however, be subject to all other provisions of this chapter. If
37 the heir or legatee of the firearm does not qualify to possess or carry
38 it, he may retain ownership of the firearm for the purpose of sale for
39 a period not exceeding 180 days, or for a further limited period as
40 may be approved by the chief law enforcement officer of the
41 municipality in which the heir or legatee resides or the
42 superintendent, provided that the firearm is in the custody of the
43 chief law enforcement officer of the municipality or the
44 superintendent during that period.
- 45 k. Sawed-off shotguns. Nothing in this section shall be
46 construed to authorize the purchase or possession of any sawed-off
47 shotgun.

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

8 m. The provisions of subsections a. and b. of this section and
9 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
10 apply to the purchase of firearms by a law enforcement agency for
11 use by law enforcement officers in the actual performance of the
12 current or former judge's duties, which purchase may be made
13 directly from a manufacturer or from a licensed dealer located in
14 this State or any other state.

15 n. For the purposes of this section, "immediate family" means a
16 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
17 (C.26:8A-3), partner in a civil union couple as defined in section 2
18 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
19 sibling, stepsibling, child, stepchild, and grandchild, as related by
20 blood or by law.

21 (cf: P.L.2018, c.36, s.1)

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23 7. This act shall take effect immediately.

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28 Establishes order of protection for judicial officer; upgrades and
29 clarifies harassment against judicial officer; bars firearms
30 possession by persons against whom judicial officer order of
31 protection is entered.

CHAPTER 327
(CORRECTED COPY)

AN ACT concerning security for certain judges and amending N.J.S.2C:33-4, N.J.S.2C:58-3 and P.L.2013, c.272 and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:33-4 is amended to read as follows:

Harassment.

2C:33-4. Harassment.

Except as provided in subsection e., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

- a. Makes, or causes to be made, one or more communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;
- b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or
- c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received.

d. (Deleted by amendment, P.L.2001, c.443).

e. A person commits a crime of the fourth degree if, in committing an offense under this section, he was serving a term of imprisonment or was on parole or probation as the result of a conviction of any indictable offense under the laws of this State, any other state or the United States or he knowingly directs such action to a current or former judge that relates to the performance of the judge's public duties.

2. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to read as follows:

C.2C:33-4.1 Crime of cyber-harassment.

1. a. A person commits the crime of cyber-harassment if, while making one or more communications in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

- (1) threatens to inflict injury or physical harm to any person or the property of any person;
- (2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or
- (3) threatens to commit any crime against the person or the person's property.

b. Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree.

c. If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following:

- (1) a class or training program intended to reduce the tendency toward cyber-harassment behavior; or

(2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

d. A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c. of this section is a disorderly person and shall be fined not more than \$25 for a first offense and not more than \$100 for each subsequent offense.

e. The trier of fact may infer that a person acted with a purpose to harass another if the person knows or should have known that any of the person's actions constituting an offense under this section are knowingly directed to or are about a judicial officer, and there is a nexus between the offense and relates to the performance of the judge's public duties. For the purposes of this subsection, "judicial officer" has the same meaning as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

C.2C:12-14 Temporary protection order.

3. a. At any time following the charge or conviction of a defendant for any crime directed at or committed against a judicial officer where there is a nexus between the alleged crime charged or the crime for which the defendant was convicted, as the case may be, and the performance of the judicial officer's public duties, a petitioner may petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection if the court finds that the respondent poses a threat to the safety or well-being of the judicial officer or a family or household member of the judicial officer .

b. The court may issue a temporary protection order upon good cause shown in sworn testimony or petition by the petitioner. The temporary protection order shall remain in effect until a judge issues a further order.

c. Emergency relief granted in the temporary protection order may include forbidding the respondent from returning to the scene of the alleged crime, prohibiting the respondent from having any contact with the judicial officer, family or household members of the judicial officer, or the judicial officer's friends, co-workers, or relatives in any way, forbidding the respondent from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any firearm or other weapon at any location where the court has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the respondent. The court shall state with specificity the reasons for and the scope of any search and seizure authorized by the order.

d. An order granting emergency relief, together with the petition, shall be immediately served upon the respondent and forwarded to the appropriate law enforcement agencies for the municipalities in which the victim and the respondent reside.

e. For purposes of this section and section 4 of P.L.2021, c.327 (C.2C:12-15):

(1) "Judicial officer" means any active, formerly active, or retired federal, state, county, or municipal judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, and any other judge established by law who serves in the executive branch;

(2) "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State;

(3) "Petitioner" means a law enforcement officer, a formerly active or retired judicial officer or a family or household member of such judicial officer, or an active judicial officer on behalf of whom a law enforcement officer has declined to petition the Superior Court pursuant to this section or a family or household member of such judicial officer; and

(4) “Family or household member” means a spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), partner in a civil union couple as defined in section 2 of P.L.2006, c.103 (C.37:1-29), or former spouse, former domestic partner, or former partner in a civil union couple, or any other person who is a present household member or was at any time a household member; a person with whom the respondent has a child in common, or with whom the respondent anticipates having a child in common if one of the parties is pregnant; or a current or former dating partner.

C.2C:12-15 Superior Court hearing on temporary protection order.

4. a. A hearing shall be held in the Superior Court within 10 days of the filing of the petition in the county where the ex parte temporary protection order was issued, unless good cause is shown for the hearing to be held elsewhere. At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence which petition shall be granted if the court finds by a preponderance of evidence that there is a nexus between the alleged crime charged or the crime for which the respondent was convicted, as the case may be, and the performance of the judicial officer’s public duties and that the respondent poses a threat to the safety or well-being of the judicial officer or a family or household member of the judicial officer. In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the judicial officer and the respondent, including threats, harassment, and physical intimidation; and the existence of immediate danger to person or property.

b. The court shall grant any relief necessary to protect the victim from further harm, including but not limited to forbidding the respondent from returning to the scene of the alleged crime, prohibiting the respondent from having any contact with the judicial officer, family or household members of the judicial officer or the judicial officer’s friends, co-workers, or relatives in any way, forbidding the respondent from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any firearm or other weapon at any location where the court has reasonable cause to believe the weapon is located, the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the respondent, and requiring the respondent to undergo mental health evaluation and appropriate treatment.

C.2C:12-16 Violation of order.

5. A violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection b. of N.J.S.2C:29-9 and each order shall so state.

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

Purchase of firearms.

2C:58-3. a. Permit to purchase a handgun.

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

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer.

The provisions of this paragraph shall not apply if the transaction is:

(a) between members of an immediate family as defined in subsection n. of this section;

(b) between law enforcement officers;

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun. In addition:

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

b. Firearms purchaser identification card.

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

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer.

The provisions of this paragraph shall not apply if the transaction is:

(a) between members of an immediate family as defined in subsection n. of this section;

(b) between law enforcement officers;

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun. In addition:

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check;

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours;

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection; and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

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

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

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

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

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

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

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

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

(10) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.); or

(11) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.).

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

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

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm, whether the person is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

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

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

obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

m. The provisions of subsections a. and b. of this section and paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the current or former judge's duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state.

n. For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), partner in a civil union couple as defined in section 2 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law.

7. This act shall take effect immediately.

Approved December 21, 2021.

ASSEMBLY, No. 5599

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

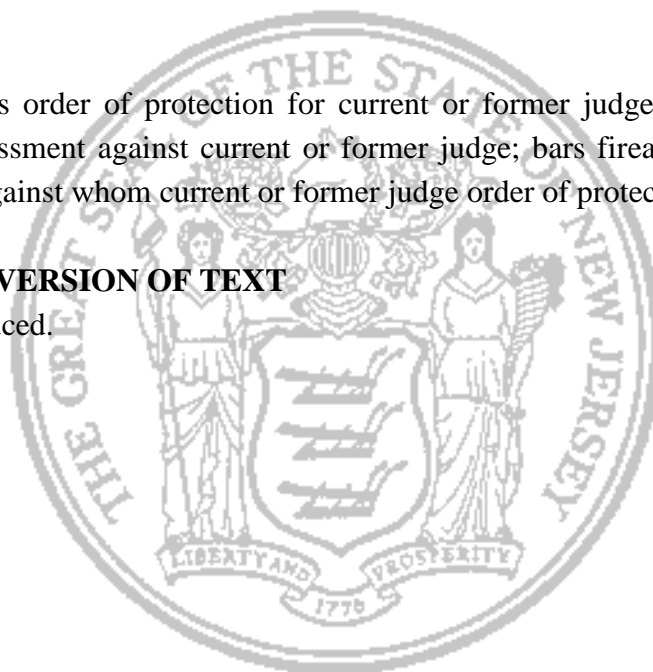
Assemblywoman Murphy, Assemblymen Mukherji, Auth, Verrelli, Freiman, Assemblywomen Timberlake, Swain, Assemblyman Tully and Senator Pou

SYNOPSIS

Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2021)

A5599 CHIARAVALLOTI, VAINIERI HUTTLE

2

1 AN ACT concerning security for certain judges and amending
2 N.J.S.2C:33-4, N.J.S.2C:58-3 and P.L.2013, c.272 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:33-4 is amended to read as follows:
9 2C:33-4. Harassment.

10 Except as provided in subsection e., a person commits a petty
11 disorderly persons offense if, with purpose to harass another, he:

12 a. Makes, or causes to be made, **[a more communication or]**
13 one or more communications anonymously or at extremely
14 inconvenient hours, or in offensively coarse language, or any other
15 manner likely to cause annoyance or alarm;

16 b. Subjects another to striking, kicking, shoving, or other
17 offensive touching, or threatens to do so; or

18 c. Engages in any other course of alarming conduct or of
19 repeatedly committed acts with purpose to alarm or seriously annoy
20 such other person.

21 A communication under subsection a. may be deemed to have
22 been made either at the place where it originated or at the place
23 where it was received.

24 d. (Deleted by amendment, P.L.2001, c.443).

25 e. A person commits a crime of the fourth degree if, in
26 committing an offense under this section, he was serving a term of
27 imprisonment or was on parole or probation as the result of a
28 conviction of any indictable offense under the laws of this State,
29 any other state or the United States or he knowingly directs such
30 action to a current or former judge that relates to the performance of
31 the judge's public duties.

32 (cf: P.L.2001, c.443, s.3)

33
34 2. Section 1 of P.L.2013, c.272 (2C:33-4.1) is amended to read
35 as follows:

36 1. a. A person commits the crime of cyber-harassment if, while
37 making **[a] one or more [communication] communications** in an
38 online capacity via any electronic device or through a social
39 networking site and with the purpose to harass another, the person:

40 (1) threatens to inflict injury or physical harm to any person or
41 the property of any person;

42 (2) knowingly sends, posts, comments, requests, suggests, or
43 proposes any lewd, indecent, or obscene material to or about a
44 person with the intent to emotionally harm a reasonable person or
45 place a reasonable person in fear of physical or emotional harm to
46 his person; or

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

Matter underlined thus is new matter.

1 (3) threatens to commit any crime against the person or the
2 person's property.

3 b. Cyber-harassment is a crime of the fourth degree, unless the
4 person is 21 years of age or older at the time of the offense and
5 impersonates a minor for the purpose of cyber-harassing a minor, in
6 which case it is a crime of the third degree.

7 c. If a minor under the age of 16 is adjudicated delinquent for
8 cyber-harassment, the court may order as a condition of the
9 sentence that the minor, accompanied by a parent or guardian,
10 complete, in a satisfactory manner, one or both of the following:

11 (1) a class or training program intended to reduce the tendency
12 toward cyber-harassment behavior; or

13 (2) a class or training program intended to bring awareness to
14 the dangers associated with cyber-harassment.

15 d. A parent or guardian who fails to comply with a condition
16 imposed by the court pursuant to subsection c. of this section is a
17 disorderly person and shall be fined not more than \$25 for a first
18 offense and not more than \$100 for each subsequent offense.

19 e. A person commits a crime of the fourth degree if in
20 committing an offense under this section he knowingly directs such
21 action to a current or former judge that relates to the performance of
22 the judge's public duties.

23 (cf: P.L.2013, c.272, s.1)

24

25 3. (New section) a. Upon report to law enforcement of a
26 crime, including but not limited to, Homicide, N.J.S.2C:11-1 et
27 seq.; Assault, N.J.S.2C:12-1; Terroristic Threats, N.J.S.2C:12-3;
28 Kidnapping, N.J.S.2C:13-1; Criminal Restraint, N.J.S.2C:13-2;
29 False Imprisonment, N.J.S.2C:13-3; Sexual Assault, N.J.S.2C:14-2;
30 Criminal Sexual Contact, N.J.S.2C:14-3; Lewdness, N.J.S.2C:14-4;
31 Criminal Mischief, N.J.S.2C:17-3; Burglary, N.J.S.2C:18-2;
32 Criminal Trespass, N.J.S.2C:18-3; Harassment, N.J.S.2C:33-4;
33 Stalking, section 1 of P.L.1992, c.209 (C.2C:12-10); Criminal
34 Coercion, N.J.S.2C:13-5; Robbery, N.J.S.2C:15-1; Arson,
35 N.J.S.2C:17-1; Prohibited Weapons and Devices, N.J.S.2C:39-3;
36 Filing or Recording False Document, Lien, Encumbrance or Court
37 Action, section 7 of P.L.2015, c.59 (C.2C:21-42), or threat thereof,
38 against a current or former judge and a finding by law enforcement
39 that there is a nexus between the alleged crime reported and the
40 performance of the current or former judge's public duties, law
41 enforcement may petition the Superior Court for emergency, ex
42 parte relief in the form of a temporary order of protection on behalf
43 of the current or former judge.

44 b. The court may issue a temporary protection order upon good
45 cause shown in sworn testimony or petition by the law enforcement
46 officer. The temporary protection order shall remain in effect until
47 a judge issues a further order.

48 c. Emergency relief granted in the temporary protection order
49 may include forbidding the defendant from returning to the scene of
50 the alleged crime, prohibiting the defendant from having any

1 contact with the judge or the judge's friends, co-workers, or
2 relatives in any way, forbidding the defendant from possessing any
3 firearm or other weapon enumerated in subsection r. of
4 N.J.S.2C:39-1, ordering the search for and seizure of any firearm or
5 other weapon at any location where the court has reasonable cause
6 to believe the weapon is located and the seizure of any firearms
7 purchaser identification card or permit to purchase a handgun issued
8 to the defendant. The court shall state with specificity the reasons
9 for and the scope of any search and seizure authorized by the order.

10 d. An order granting emergency relief, together with the
11 petition, shall be immediately served upon the defendant and
12 forwarded to the appropriate law enforcement agencies for the
13 municipalities in which the victim and the defendant reside.

14

15 4. (New section) a. A hearing shall be held in the Superior
16 Court within 10 days of the filing of the petition in the county
17 where the ex parte temporary protection order was issued, unless
18 good cause is shown for the hearing to be held elsewhere. At the
19 hearing the standard for proving the allegations in the petition shall
20 be a preponderance of the evidence. In determining whether a final
21 order of protection should be granted the court shall consider but
22 not be limited to the previous history between the current or former
23 judge and the defendant, including threats, harassment, and physical
24 intimidation; and the existence of immediate danger to person or
25 property.

26 b. The court shall grant any relief necessary to protect the victim
27 from further harm, including but not limited to forbidding the
28 defendant from returning to the scene of the alleged crime,
29 prohibiting the defendant from having any contact with the judge or
30 the judge's friends, co-workers, or relatives in any way, forbidding
31 the defendant from possessing any firearm or other weapon
32 enumerated in subsection r. of N.J.S.2C:39-1, ordering the search
33 for and seizure of any firearm or other weapon at any location
34 where the court has reasonable cause to believe the weapon is
35 located, the seizure of any firearms purchaser identification card or
36 permit to purchase a handgun issued to the defendant, and requiring
37 the defendant to undergo mental health evaluation and appropriate
38 treatment.

39

40 5. (New section) A violation by the defendant of an order
41 issued pursuant to this act shall constitute an offense under
42 subsection b. of N.J.S.2C:29-9 and each order shall so state.

43

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

45 2C:58-3. a. Permit to purchase a handgun.

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

1 (2) A person who is not a licensed retail dealer and sells, gives,
2 transfers, assigns, or otherwise disposes of, or receives, purchases
3 or otherwise acquires a handgun pursuant to this section shall
4 conduct the transaction through a licensed retail dealer.

5 The provisions of this paragraph shall not apply if the transaction
6 is:

7 (a) between members of an immediate family as defined in
8 subsection n. of this section;

9 (b) between law enforcement officers;

10 (c) between collectors of firearms or ammunition as curios or
11 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
12 in their possession a valid Collector of Curios and Relics License
13 issued by the Bureau of Alcohol, Tobacco, Firearms, and
14 Explosives; or

15 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
16 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

17 (3) Prior to a transaction conducted pursuant to this subsection,
18 the retail dealer shall complete a National Instant Criminal
19 Background Check of the person acquiring the handgun. In
20 addition:

21 (a) the retail dealer shall submit to the Superintendent of State
22 Police, on a form approved by the superintendent, information
23 identifying and confirming the background check;

24 (b) every retail dealer shall maintain a record of transactions
25 conducted pursuant to this subsection, which shall be maintained at
26 the address displayed on the retail dealer's license for inspection by
27 a law enforcement officer during reasonable hours;

28 (c) a retail dealer may charge a fee for a transaction conducted
29 pursuant to this subsection; and

30 (d) any record produced pursuant to this subsection shall not be
31 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
32 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

33 b. Firearms purchaser identification card.

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

1 (2) A person who is not a licensed retail dealer and sells, gives,
2 transfers, assigns, or otherwise disposes of, or receives, purchases
3 or otherwise acquires an antique cannon or a rifle or shotgun
4 pursuant to this section shall conduct the transaction through a
5 licensed retail dealer.

6 The provisions of this paragraph shall not apply if the transaction
7 is:

8 (a) between members of an immediate family as defined in
9 subsection n. of this section;

10 (b) between law enforcement officers;

11 (c) between collectors of firearms or ammunition as curios or
12 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
13 in their possession a valid Collector of Curios and Relics License
14 issued by the Bureau of Alcohol, Tobacco, Firearms, and
15 Explosives; or

16 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
17 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

18 (3) Prior to a transaction conducted pursuant to this subsection,
19 the retail dealer shall complete a National Instant Criminal
20 Background Check of the person acquiring an antique cannon or a
21 rifle or shotgun. In addition:

22 (a) the retail dealer shall submit to the Superintendent of State
23 Police, on a form approved by the superintendent, information
24 identifying and confirming the background check;

25 (b) every retail dealer shall maintain a record of transactions
26 conducted pursuant to this section which shall be maintained at the
27 address set forth on the retail dealer's license for inspection by a law
28 enforcement officer during reasonable hours;

29 (c) a retail dealer may charge a fee for a transaction conducted
30 pursuant to this subsection; and

31 (d) any record produced pursuant to this subsection shall not be
32 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
33 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

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

49 (3) To any person who suffers from a physical defect or disease
50 which would make it unsafe for him to handle firearms, to any

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

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

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

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

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

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

26 (9) To any person named on the consolidated Terrorist Watchlist
27 maintained by the Terrorist Screening Center administered by the
28 Federal Bureau of Investigation; **【or】**

29 (10) To any person who is subject to a court order prohibiting
30 the custody, control, ownership, purchase, possession, or receipt of
31 a firearm or ammunition issued pursuant to the "Extreme Risk
32 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.);
33 or

34 (11) To any person who is subject to a court order prohibiting
35 the custody, control, ownership, purchase, possession, or receipt of
36 a firearm or ammunition issued pursuant to P.L. , c. (C.)
37 (pending before the Legislature as this bill).

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
48 nonresident. The request for a hearing shall be made in writing
49 within 30 days of the denial of the application for a permit or

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

10 e. Applications. Applications for permits to purchase a
11 handgun and for firearms purchaser identification cards shall be in
12 the form prescribed by the superintendent and shall set forth the
13 name, residence, place of business, age, date of birth, occupation,
14 sex and physical description, including distinguishing physical
15 characteristics, if any, of the applicant, and shall state whether the
16 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
17 drug dependent person as defined in section 2 of P.L.1970, c.226
18 (C.24:21-2), whether he has ever been confined or committed to a
19 mental institution or hospital for treatment or observation of a
20 mental or psychiatric condition on a temporary, interim or
21 permanent basis, giving the name and location of the institution or
22 hospital and the dates of confinement or commitment, whether he
23 has been attended, treated or observed by any doctor or psychiatrist
24 or at any hospital or mental institution on an inpatient or outpatient
25 basis for any mental or psychiatric condition, giving the name and
26 location of the doctor, psychiatrist, hospital or institution and the
27 dates of the occurrence, whether he presently or ever has been a
28 member of any organization which advocates or approves the
29 commission of acts of force and violence to overthrow the
30 Government of the United States or of this State, or which seeks to
31 deny others their rights under the Constitution of either the United
32 States or the State of New Jersey, whether he has ever been
33 convicted of a crime or disorderly persons offense, whether the
34 person is subject to a restraining order issued pursuant to the
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
36 (C.2C:25-17 et seq.) prohibiting the person from possessing any
37 firearm, whether the person is subject to a protective order issued
38 pursuant to the "Extreme Risk Protective Order Act of 2018,"
39 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
40 a protective order issued pursuant to P.L. c. (C.) (pending
41 before the Legislature as this bill prohibiting the person from
42 possessing any firearm, and other information as the superintendent
43 shall deem necessary for the proper enforcement of this chapter.
44 For the purpose of complying with this subsection, the applicant
45 shall waive any statutory or other right of confidentiality relating to
46 institutional confinement. The application shall be signed by the
47 applicant and shall contain as references the names and addresses of
48 two reputable citizens personally acquainted with him.

1 Application blanks shall be obtainable from the superintendent,
2 from any other officer authorized to grant a permit or identification
3 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 five days shall
37 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
38 purchaser identification card may be revoked by the Superior Court
39 of the county wherein the card was issued, after hearing upon
40 notice, upon a finding that the holder thereof no longer qualifies for
41 the issuance of the permit. The county prosecutor of any county,
42 the chief police officer of any municipality or any citizen may apply
43 to the court at any time for the revocation of the card.

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

48 g. Disposition of fees. All fees for permits shall be paid to the
49 State Treasury if the permit is issued by the superintendent, to the

1 municipality if issued by the chief of police, and to the county
2 treasurer if issued by the judge of the Superior Court.

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

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

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

23 (2) a collector of handguns as curios or relics as defined in Title
24 18, United States Code, section 921 (a) (13) who has in his
25 possession a valid Collector of Curios and Relics License issued by
26 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

39 The provisions of this subsection shall not be construed to afford
40 or authorize any other exemption from the regulatory provisions
41 governing firearms set forth in chapter 39 and chapter 58 of Title
42 2C of the New Jersey Statutes;

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

48 j. Firearms passing to heirs or legatees. Notwithstanding any
49 other provision of this section concerning the transfer, receipt or
50 acquisition of a firearm, a permit to purchase or a firearms

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

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

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

24 m. The provisions of subsections a. and b. of this section and
25 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
26 apply to the purchase of firearms by a law enforcement agency for
27 use by law enforcement officers in the actual performance of the
28 current or former judge's duties, which purchase may be made
29 directly from a manufacturer or from a licensed dealer located in
30 this State or any other state.

31 n. For the purposes of this section, "immediate family" means a
32 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
33 (C.26:8A-3), partner in a civil union couple as defined in section 2
34 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
35 sibling, stepsibling, child, stepchild, and grandchild, as related by
36 blood or by law.

37 (cf: P.L.2018, c.36, s.1)

38

39 7. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill establishes a process for law enforcement to obtain an
45 order of protection on behalf of a current or former judge upon
46 report of an enumerated crime and the finding by law enforcement
47 of a nexus between the crime, attempt to commit a crime or credible
48 threat and the performance of the judge or former judge's public
49 duties.

1 The bill authorizes a law enforcement agency acting on a report
2 of a crime, an attempt to commit a crime, or a credible threat to
3 commit a crime against a current or former judge, to petition the
4 Superior Court for emergency, ex parte relief in the form of a
5 temporary order of protection.

6 Under the bill, the court may issue the temporary order of
7 protection upon good cause shown, and the order shall remain in
8 effect until a judge issues a further order. Emergency relief granted
9 in the temporary protection order may include forbidding the
10 defendant from returning to the scene of the alleged crime,
11 prohibiting the defendant from having any contact with the judge or
12 the judge's friends, co-workers, or relatives in any way, and
13 forbidding the defendant from possessing any firearm or other
14 weapon.

15 The court shall consider whether a final protective order should
16 be issued during a hearing to be held within 10 days of the filing of
17 the temporary protective order. At the hearing the standard for
18 proving the allegations in the petition shall be a preponderance of
19 the evidence. In determining whether a final order of protection
20 should be granted the court shall consider but not be limited to the
21 previous history between the current or former judge and the
22 defendant, including threats, harassment and physical intimidation;
23 and the existence of immediate danger to person or property. A
24 final order of relief shall include any relief necessary to protect the
25 victim from further harm, including but not limited to forbidding
26 the defendant from returning to the scene of the alleged crime,
27 prohibiting the defendant from having any contact with the judge or
28 the judge's friends, co-workers, or relatives in any way, and
29 forbidding the defendant from possessing any firearm or other
30 weapon. Under the bill, a violation by the defendant of an order of
31 protection constitutes an offense under N.J.S.2C:29-9, Contempt.

32 The bill amends N.J.S.2C:33-4, Harassment, to upgrade
33 harassment against a current or former judge to a crime of the
34 fourth degree, and clarify that cyber harassment is a crime of the
35 fourth degree. A crime of the fourth degree is punishable by up to
36 18 months imprisonment, a fine of up to \$10,000, or both.

37 The bill further amends N.J.S.2C:58-3, permit to purchase a
38 handgun, to include persons subject to a court order under this bill
39 among those persons barred from obtaining a handgun purchase
40 permit or firearms purchaser identification card.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5599

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5599.

This bill establishes a process for law enforcement to obtain an order of protection on behalf of a current or former judge upon report of an enumerated crime and the finding by law enforcement of a nexus between the crime, attempt to commit a crime or credible threat and the performance of the judge or former judge's public duties.

The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection.

Under the bill, the court may issue the temporary order of protection upon good cause shown, and the order shall remain in effect until a judge issues a further order. Emergency relief granted in the temporary protection order may include forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon.

The court shall consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence. In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the current or former judge and the defendant, including threats, harassment and physical intimidation; and the existence of immediate danger to person or property. A final order of relief shall include any relief necessary to protect the victim from further harm, including but not limited to forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or

the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon. Under the bill, a violation by the defendant of an order of protection constitutes an offense under N.J.S.2C:29-9, Contempt.

The bill amends N.J.S.2C:33-4, Harassment, to upgrade harassment against a current or former judge to a crime of the fourth degree, and clarify that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends N.J.S.2C:58-3, permit to purchase a handgun, to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5599

STATE OF NEW JERSEY

DATED: JUNE 30, 2021

The Senate Judiciary Committee reports favorably Assembly Bill No. 5599.

This bill establishes a process for law enforcement to obtain an order of protection on behalf of a current or former judge upon report of an enumerated crime as listed in the bill, such as assault, terroristic threats, kidnapping, or harassment, and the finding by law enforcement of a nexus between the crime, attempt to commit a crime or credible threat and the performance of the judge or former judge's public duties.

The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection.

Under the bill, the court may issue the temporary order of protection upon good cause shown, and the order shall remain in effect until a judge issues a further order. Emergency relief granted in the temporary protection order may include forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon.

The court shall consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence. In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the current or former judge and the defendant, including threats, harassment and physical intimidation; and the existence of immediate danger to person or property. A final order of relief shall include any relief necessary to protect the victim from further harm, including but not limited to forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon. Under the bill, a violation by the

defendant of an order of protection constitutes an offense under N.J.S.2C:29-9, Contempt.

The bill amends N.J.S.2C:33-4, Harassment, to upgrade harassment against a current or former judge to a crime of the fourth degree, and clarify that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends N.J.S.2C:58-3, permit to purchase a handgun, to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

This bill as reported is identical to Senate Bill No. 3916, also reported by the committee today.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5599
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 24, 2021

SUMMARY

- Synopsis:** Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered.
- Type of Impact:** Annual State expenditure and revenue increases; local government expenditure and revenue decreases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Department of Corrections, local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Cost Decrease		Indeterminate	
Local Revenue Decrease		Indeterminate	

- The Office of Legislative Services (OLS) estimates potential annual increased costs to the State as a result of this bill due to possible increases in caseload for the Judiciary and the Department of Law and Public Safety. Under the provisions of the bill, the Department of Corrections (DOC) may also experience an increase in expenditures as certain crimes are upgraded with a possibility of repeat offenders being incarcerated in State correctional facilities. However, the OLS does not have adequate information to estimate the cost to the State.
- Upgrading harassment against a judge or former judge to a crime of the fourth degree from a disorderly persons offence will move these cases to State court from municipal court. Local governments will incur fewer expenditures and receive less fine and penalty revenue from no longer prosecuting and adjudicating these cases.
- The State could gain revenues by way of fines imposed on individuals convicted of the crimes under this bill; however, the State’s ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill establishes a process for law enforcement to obtain an order of protection on behalf of a current or former judge upon report of an enumerated crime and the finding by law enforcement of a nexus between the crime, attempt to commit a crime or credible threat and the performance of the judge or former judge's public duties.

The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection.

Under the bill, the court may issue the temporary order of protection upon good cause shown, and the order shall remain in effect until a judge issues a further order. Emergency relief granted in the temporary protection order may include forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon.

The court shall consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. At the hearing, the standard for proving the allegations in the petition shall be a preponderance of the evidence. In determining whether a final order of protection should be granted, the court shall consider but not be limited to the previous history between the current or former judge and the defendant, including threats, harassment and physical intimidation; and the existence of immediate danger to person or property. A final order of relief shall include any relief necessary to protect the victim from further harm, including but not limited to forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon. Under the bill, a violation by the defendant of an order of protection constitutes contempt, a crime of the fourth degree.

The bill upgrades harassment against a current or former judge to a crime of the fourth degree and clarifies that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends current law to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates potential annual increased costs to the State as a result of this bill due to possible increases in caseload for the Judiciary and the Department of Law and Public Safety. Under the provisions of the bill, the Department of Corrections (DOC) may experience an increase in expenditures as certain crimes are upgraded with a possibility of repeat offenders being incarcerated in State correctional facilities. However, the OLS does not have adequate information to estimate the cost to the State.

Under the bill, the court may issue the temporary order of protection and consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. The OLS estimates that these provisions would result in increased caseload for the Judiciary. The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection, which would result in an increased caseload for the Department of Law and Public Safety.

Under the bill, a violation by the defendant of an order of protection constitutes contempt, which could be a crime of the fourth degree. Furthermore, the bill upgrades harassment against a current or former judge to a crime of the fourth degree and clarifies that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. These cases will be prosecuted and adjudicated in State courts rather than municipal court resulting in local governments incurring fewer expenditures and collecting less fine and penalty revenue. There is a presumption of non-incarceration for first time offenders convicted of crimes of the fourth degree. However, for repeat offenders, the DOC may see an increase in expenditures if individuals are incarcerated as a result of the bill. According to information obtained from the DOC, the average annual per capita cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, therefore, the expense may be at a lower marginal cost of \$8.74 per day, or \$3,190 annually, per inmate for food, wages, and clothing. The State could gain revenues by way of fines imposed on individuals convicted of the crimes under this bill; however, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

Analyst: Anuja Pande Joshi
Associate Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5599

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: DECEMBER 16, 2021

SUMMARY

- Synopsis:** Establishes order of protection for judicial officer; upgrades and clarifies harassment against judicial officer; bars firearms possession by persons against whom judicial officer order of protection is entered.
- Type of Impact:** Annual State expenditure and revenue increases; annual local government expenditure and revenue decreases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Department of Corrections, local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Cost Decrease		Indeterminate	
Local Revenue Decrease		Indeterminate	

- The Office of Legislative Services (OLS) estimates potential annual indeterminate increased costs to the State as a result of this bill due to possible increases in caseload for the Judiciary and the Department of Law and Public Safety. Under the provisions of the bill, the Department of Corrections (DOC) may also experience an increase in expenditures as certain crimes are upgraded with a possibility of repeat offenders being incarcerated in State correctional facilities. However, the OLS cannot estimate the prevalence of the crimes covered by the bill to determine the fiscal impact on the State.
- Upgrading harassment against a judge when the harassment relates to the performance of the judge's public duties to a crime of the fourth degree from a disorderly persons offense will move these cases to State court from municipal court. Local governments will incur fewer expenditures and receive less fine and penalty revenue from no longer prosecuting and adjudicating these cases.

- The State could gain revenues by way of fines imposed on individuals convicted of the crimes under this bill; however, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill establishes a process for obtaining an order of protection on behalf of a judicial officer at any time following the charge or conviction of a defendant for any crime directed at or committed against a judicial officer where there is a nexus between the alleged crime charged or the crime for which the defendant was convicted and the performance of the judicial officer's public duties.

Under bill, a judicial officer is defined as any active, formerly active, or retired federal, state, county, or municipal judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, and any other judge established by law who serves in the executive branch.

The bill upgrades harassment to a crime of the fourth degree if the defendant knowingly directs the offense to a current or former judge that relates to the performance of the judge's public duties. The bill also amends the cyber-harassment statute to provide that the trier of fact may infer that a person acted with a purpose to harass another if the person knows or should have known that any of the person's actions constituting an offense of cyber-harassment are knowingly directed to or are about a judicial officer, and there is a nexus between the offense and relates to the performance of the judicial officer's public duties. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends current law to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates potential annual indeterminate increased costs to the State as a result of this bill due to possible increases in caseload for the Judiciary and the Department of Law and Public Safety. Under the provisions of the bill, the DOC may experience an increase in expenditures as certain crimes are upgraded with a possibility of repeat offenders being incarcerated in State correctional facilities. However, the OLS cannot estimate the prevalence of the crimes covered by the bill to determine the fiscal impact on the State.

Under the bill, the court may issue the temporary order of protection and consider whether a final protective order should be issued during a hearing to be held within ten days of the filing of the temporary protective order. The OLS estimates that these provisions would result in an increased caseload for the Judiciary. The bill authorizes a petitioner to petition the Superior Court

for emergency, ex parte relief in the form of a temporary order of protection if the court finds that the respondent poses a threat to the safety or well-being of the judicial officer or a family or household member of the judicial officer. Due to the State Police being the sole provider of general police services in certain municipalities, the involvement of the State Police in these municipalities pursuant to the bill could result in an increased caseload for the Department of Law and Public Safety.

Under the bill, a violation by the defendant of an order of protection constitutes contempt, which could be a crime of the fourth degree. Furthermore, the bill upgrades harassment against a judicial officer to a crime of the fourth degree and clarifies that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. These cases will be prosecuted and adjudicated in State court rather than municipal court resulting in local governments incurring fewer expenditures and collecting less fine and penalty revenue. There is a presumption of non-incarceration for first time offenders convicted of crimes of the fourth degree. However, for repeat offenders, the DOC may see an increase in expenditures if individuals are incarcerated under the provisions of the bill. According to information obtained from the DOC, the average annual per capita cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, therefore, the expense may be at a lower marginal cost of \$8.74 per day, or \$3,190 annually, per inmate for food, wages, and clothing. The State could gain revenues by way of fines imposed on individuals convicted of the crimes under this bill; however, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

Analyst: Anuja Pande Joshi
Associate Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3916

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2021)

S3916 SCUTARI, GILL

2

1 AN ACT concerning security for certain judges and amending
2 N.J.S.2C:33-4, N.J.S.2C:58-3 and P.L.2013, c.272 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:33-4 is amended to read as follows:
9 2C:33-4. Harassment.

10 Except as provided in subsection e., a person commits a petty
11 disorderly persons offense if, with purpose to harass another, he:

12 a. Makes, or causes to be made, **[a more communication or]**
13 one or more communications anonymously or at extremely
14 inconvenient hours, or in offensively coarse language, or any other
15 manner likely to cause annoyance or alarm;

16 b. Subjects another to striking, kicking, shoving, or other
17 offensive touching, or threatens to do so; or

18 c. Engages in any other course of alarming conduct or of
19 repeatedly committed acts with purpose to alarm or seriously annoy
20 such other person.

21 A communication under subsection a. may be deemed to have
22 been made either at the place where it originated or at the place
23 where it was received.

24 d. (Deleted by amendment, P.L.2001, c.443).

25 e. A person commits a crime of the fourth degree if, in
26 committing an offense under this section, he was serving a term of
27 imprisonment or was on parole or probation as the result of a
28 conviction of any indictable offense under the laws of this State,
29 any other state or the United States or he knowingly directs such
30 action to a current or former judge that relates to the performance of
31 the judge's public duties.

32 (cf: P.L.2001, c.443, s.3)

33
34 2. Section 1 of P.L.2013, c.272 (2C:33-4.1) is amended to read
35 as follows:

36 1. a. A person commits the crime of cyber-harassment if, while
37 making **[a] one or more [communication] communications** in an
38 online capacity via any electronic device or through a social
39 networking site and with the purpose to harass another, the person:

40 (1) threatens to inflict injury or physical harm to any person or
41 the property of any person;

42 (2) knowingly sends, posts, comments, requests, suggests, or
43 proposes any lewd, indecent, or obscene material to or about a
44 person with the intent to emotionally harm a reasonable person or
45 place a reasonable person in fear of physical or emotional harm to
46 his person; or

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

Matter underlined thus is new matter.

1 (3) threatens to commit any crime against the person or the
2 person's property.

3 b. Cyber-harassment is a crime of the fourth degree, unless the
4 person is 21 years of age or older at the time of the offense and
5 impersonates a minor for the purpose of cyber-harassing a minor, in
6 which case it is a crime of the third degree.

7 c. If a minor under the age of 16 is adjudicated delinquent for
8 cyber-harassment, the court may order as a condition of the
9 sentence that the minor, accompanied by a parent or guardian,
10 complete, in a satisfactory manner, one or both of the following:

11 (1) a class or training program intended to reduce the tendency
12 toward cyber-harassment behavior; or

13 (2) a class or training program intended to bring awareness to
14 the dangers associated with cyber-harassment.

15 d. A parent or guardian who fails to comply with a condition
16 imposed by the court pursuant to subsection c. of this section is a
17 disorderly person and shall be fined not more than \$25 for a first
18 offense and not more than \$100 for each subsequent offense.

19 e. A person commits a crime of the fourth degree if in
20 committing an offense under this section he knowingly directs such
21 action to a current or former judge that relates to the performance of
22 the judge's public duties.

23 (cf: P.L.2013, c.272, s.1)

24

25 3. (New section) a. Upon report to law enforcement of a
26 crime, including but not limited to, Homicide, N.J.S.2C:11-1 et
27 seq.; Assault, N.J.S.2C:12-1; Terroristic Threats, N.J.S.2C:12-3;
28 Kidnapping, N.J.S.2C:13-1; Criminal Restraint, N.J.S.2C:13-2;
29 False Imprisonment, N.J.S.2C:13-3; Sexual Assault, N.J.S.2C:14-2;
30 Criminal Sexual Contact, N.J.S.2C:14-3; Lewdness, N.J.S.2C:14-4;
31 Criminal Mischief, N.J.S.2C:17-3; Burglary, N.J.S.2C:18-2;
32 Criminal Trespass, N.J.S.2C:18-3; Harassment, N.J.S.2C:33-4;
33 Stalking, section 1 of P.L.1992, c.209 (C.2C:12-10); Criminal
34 Coercion, N.J.S.2C:13-5; Robbery, N.J.S.2C:15-1; Arson,
35 N.J.S.2C:17-1; Prohibited Weapons and Devices, N.J.S.2C:39-3;
36 Filing or Recording False Document, Lien, Encumbrance or Court
37 Action, section 7 of P.L.2015, c.59 (C.2C:21-42), or threat thereof,
38 against a current or former judge and a finding by law enforcement
39 that there is a nexus between the alleged crime reported and the
40 performance of the current or former judge's public duties, law
41 enforcement may petition the Superior Court for emergency, ex
42 parte relief in the form of a temporary order of protection on behalf
43 of the current or former judge.

44 b. The court may issue a temporary protection order upon good
45 cause shown in sworn testimony or petition by the law enforcement
46 officer. The temporary protection order shall remain in effect until
47 a judge issues a further order.

1 c. Emergency relief granted in the temporary protection order
2 may include forbidding the defendant from returning to the scene of
3 the alleged crime, prohibiting the defendant from having any
4 contact with the judge or the judge's friends, co-workers, or
5 relatives in any way, forbidding the defendant from possessing any
6 firearm or other weapon enumerated in subsection r. of
7 N.J.S.2C:39-1, ordering the search for and seizure of any firearm or
8 other weapon at any location where the court has reasonable cause
9 to believe the weapon is located and the seizure of any firearms
10 purchaser identification card or permit to purchase a handgun issued
11 to the defendant. The court shall state with specificity the reasons
12 for and the scope of any search and seizure authorized by the order.

13 d. An order granting emergency relief, together with the
14 petition, shall be immediately served upon the defendant and
15 forwarded to the appropriate law enforcement agencies for the
16 municipalities in which the victim and the defendant reside.

17

18 4. (New section) a. A hearing shall be held in the Superior
19 Court within 10 days of the filing of the petition in the county
20 where the ex parte temporary protection order was issued, unless
21 good cause is shown for the hearing to be held elsewhere. At the
22 hearing the standard for proving the allegations in the petition shall
23 be a preponderance of the evidence. In determining whether a final
24 order of protection should be granted the court shall consider but
25 not be limited to the previous history between the current or former
26 judge and the defendant, including threats, harassment, and physical
27 intimidation; and the existence of immediate danger to person or
28 property.

29 b. The court shall grant any relief necessary to protect the victim
30 from further harm, including but not limited to forbidding the
31 defendant from returning to the scene of the alleged crime,
32 prohibiting the defendant from having any contact with the judge or
33 the judge's friends, co-workers, or relatives in any way, forbidding
34 the defendant from possessing any firearm or other weapon
35 enumerated in subsection r. of N.J.S.2C:39-1, ordering the search
36 for and seizure of any firearm or other weapon at any location
37 where the court has reasonable cause to believe the weapon is
38 located, the seizure of any firearms purchaser identification card or
39 permit to purchase a handgun issued to the defendant, and requiring
40 the defendant to undergo mental health evaluation and appropriate
41 treatment.

42

43 5. (New section) A violation by the defendant of an order
44 issued pursuant to this act shall constitute an offense under
45 subsection b. of N.J.S.2C:29-9 and each order shall so state.

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

2 2C:58-3. a. Permit to purchase a handgun.

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

8 (2) A person who is not a licensed retail dealer and sells, gives,
9 transfers, assigns, or otherwise disposes of, or receives, purchases
10 or otherwise acquires a handgun pursuant to this section shall
11 conduct the transaction through a licensed retail dealer.

12 The provisions of this paragraph shall not apply if the transaction
13 is:

14 (a) between members of an immediate family as defined in
15 subsection n. of this section;

16 (b) between law enforcement officers;

17 (c) between collectors of firearms or ammunition as curios or
18 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
19 in their possession a valid Collector of Curios and Relics License
20 issued by the Bureau of Alcohol, Tobacco, Firearms, and
21 Explosives; or

22 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
23 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

24 (3) Prior to a transaction conducted pursuant to this subsection,
25 the retail dealer shall complete a National Instant Criminal
26 Background Check of the person acquiring the handgun. In
27 addition:

28 (a) the retail dealer shall submit to the Superintendent of State
29 Police, on a form approved by the superintendent, information
30 identifying and confirming the background check;

31 (b) every retail dealer shall maintain a record of transactions
32 conducted pursuant to this subsection, which shall be maintained at
33 the address displayed on the retail dealer's license for inspection by
34 a law enforcement officer during reasonable hours;

35 (c) a retail dealer may charge a fee for a transaction conducted
36 pursuant to this subsection; and

37 (d) any record produced pursuant to this subsection shall not be
38 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
39 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

40 b. Firearms purchaser identification card.

41 (1) No person shall sell, give, transfer, assign or otherwise
42 dispose of nor receive, purchase or otherwise acquire an antique
43 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
44 unless the purchaser, assignee, donee, receiver or holder is licensed
45 as a dealer under this chapter or possesses a valid firearms
46 purchaser identification card, and first exhibits the card to the seller,
47 donor, transferor or assignor, and unless the purchaser, assignee,
48 donee, receiver or holder signs a written certification, on a form

1 prescribed by the superintendent, which shall indicate that he
2 presently complies with the requirements of subsection c. of this
3 section and shall contain his name, address and firearms purchaser
4 identification card number or dealer's registration number. The
5 certification shall be retained by the seller, as provided in paragraph
6 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
7 who is not a dealer, it may be filed with the chief of police of the
8 municipality in which he resides or with the superintendent.

9 (2) A person who is not a licensed retail dealer and sells, gives,
10 transfers, assigns, or otherwise disposes of, or receives, purchases
11 or otherwise acquires an antique cannon or a rifle or shotgun
12 pursuant to this section shall conduct the transaction through a
13 licensed retail dealer.

14 The provisions of this paragraph shall not apply if the transaction
15 is:

16 (a) between members of an immediate family as defined in
17 subsection n. of this section;

18 (b) between law enforcement officers;

19 (c) between collectors of firearms or ammunition as curios or
20 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
21 in their possession a valid Collector of Curios and Relics License
22 issued by the Bureau of Alcohol, Tobacco, Firearms, and
23 Explosives; or

24 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
25 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

26 (3) Prior to a transaction conducted pursuant to this subsection,
27 the retail dealer shall complete a National Instant Criminal
28 Background Check of the person acquiring an antique cannon or a
29 rifle or shotgun. In addition:

30 (a) the retail dealer shall submit to the Superintendent of State
31 Police, on a form approved by the superintendent, information
32 identifying and confirming the background check;

33 (b) every retail dealer shall maintain a record of transactions
34 conducted pursuant to this section which shall be maintained at the
35 address set forth on the retail dealer's license for inspection by a law
36 enforcement officer during reasonable hours;

37 (c) a retail dealer may charge a fee for a transaction conducted
38 pursuant to this subsection; and

39 (d) any record produced pursuant to this subsection shall not be
40 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
41 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

- 1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of the offense;
- 5 (2) To any drug dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
7 mental disorder to a hospital, mental institution or sanitarium, or to
8 any person who is presently an habitual drunkard;
- 9 (3) To any person who suffers from a physical defect or disease
10 which would make it unsafe for him to handle firearms, to any
11 person who has ever been confined for a mental disorder, or to any
12 alcoholic unless any of the foregoing persons produces a certificate
13 of a medical doctor or psychiatrist licensed in New Jersey, or other
14 satisfactory proof, that he is no longer suffering from that particular
15 disability in a manner that would interfere with or handicap him in
16 the handling of firearms; to any person who knowingly falsifies any
17 information on the application form for a handgun purchase permit
18 or firearms purchaser identification card;
- 19 (4) To any person under the age of 18 years for a firearms
20 purchaser identification card and to any person under the age of 21
21 years for a permit to purchase a handgun;
- 22 (5) To any person where the issuance would not be in the
23 interest of the public health, safety or welfare;
- 24 (6) To any person who is subject to a restraining order issued
25 pursuant to the "Prevention of Domestic Violence Act of 1991,"
26 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
27 possessing any firearm;
- 28 (7) To any person who as a juvenile was adjudicated delinquent
29 for an offense which, if committed by an adult, would constitute a
30 crime and the offense involved the unlawful use or possession of a
31 weapon, explosive or destructive device or is enumerated in
32 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 33 (8) To any person whose firearm is seized pursuant to the
34 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
35 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 36 (9) To any person named on the consolidated Terrorist Watchlist
37 maintained by the Terrorist Screening Center administered by the
38 Federal Bureau of Investigation; **【or】**
- 39 (10) To any person who is subject to a court order prohibiting
40 the custody, control, ownership, purchase, possession, or receipt of
41 a firearm or ammunition issued pursuant to the "Extreme Risk
42 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.);
43 or
- 44 (11) To any person who is subject to a court order prohibiting
45 the custody, control, ownership, purchase, possession, or receipt of
46 a firearm or ammunition issued pursuant to P.L. , c. (C.)
47 (pending before the Legislature as this bill).

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

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

22 e. Applications. Applications for permits to purchase a
23 handgun and for firearms purchaser identification cards shall be in
24 the form prescribed by the superintendent and shall set forth the
25 name, residence, place of business, age, date of birth, occupation,
26 sex and physical description, including distinguishing physical
27 characteristics, if any, of the applicant, and shall state whether the
28 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
29 drug dependent person as defined in section 2 of P.L.1970, c.226
30 (C.24:21-2), whether he has ever been confined or committed to a
31 mental institution or hospital for treatment or observation of a
32 mental or psychiatric condition on a temporary, interim or
33 permanent basis, giving the name and location of the institution or
34 hospital and the dates of confinement or commitment, whether he
35 has been attended, treated or observed by any doctor or psychiatrist
36 or at any hospital or mental institution on an inpatient or outpatient
37 basis for any mental or psychiatric condition, giving the name and
38 location of the doctor, psychiatrist, hospital or institution and the
39 dates of the occurrence, whether he presently or ever has been a
40 member of any organization which advocates or approves the
41 commission of acts of force and violence to overthrow the
42 Government of the United States or of this State, or which seeks to
43 deny others their rights under the Constitution of either the United
44 States or the State of New Jersey, whether he has ever been
45 convicted of a crime or disorderly persons offense, whether the
46 person is subject to a restraining order issued pursuant to the
47 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
48 (C.2C:25-17 et seq.) prohibiting the person from possessing any

1 firearm, whether the person is subject to a protective order issued
2 pursuant to the "Extreme Risk Protective Order Act of 2018,"
3 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
4 a protective order issued pursuant to P.L. c. (C.) (pending
5 before the Legislature as this bill prohibiting the person from
6 possessing any firearm, and other information as the superintendent
7 shall deem necessary for the proper enforcement of this chapter.
8 For the purpose of complying with this subsection, the applicant
9 shall waive any statutory or other right of confidentiality relating to
10 institutional confinement. The application shall be signed by the
11 applicant and shall contain as references the names and addresses of
12 two reputable citizens personally acquainted with him.

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

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

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

1 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
2 purchaser identification card may be revoked by the Superior Court
3 of the county wherein the card was issued, after hearing upon
4 notice, upon a finding that the holder thereof no longer qualifies for
5 the issuance of the permit. The county prosecutor of any county,
6 the chief police officer of any municipality or any citizen may apply
7 to the court at any time for the revocation of the card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 m. The provisions of subsections a. and b. of this section and
40 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
41 apply to the purchase of firearms by a law enforcement agency for
42 use by law enforcement officers in the actual performance of the
43 current or former judge's duties, which purchase may be made
44 directly from a manufacturer or from a licensed dealer located in
45 this State or any other state.

46 n. For the purposes of this section, "immediate family" means a
47 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
48 (C.26:8A-3), partner in a civil union couple as defined in section 2

1 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
2 sibling, stepsibling, child, stepchild, and grandchild, as related by
3 blood or by law.
4 (cf: P.L.2018, c.36, s.1)

5

6 7. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill establishes a process for law enforcement to obtain an
12 order of protection on behalf of a current or former judge upon
13 report of an enumerated crime and the finding by law enforcement
14 of a nexus between the crime, attempt to commit a crime or credible
15 threat and the performance of the judge or former judge's public
16 duties.

17 The bill authorizes a law enforcement agency acting on a report
18 of a crime, an attempt to commit a crime, or a credible threat to
19 commit a crime against a current or former judge, to petition the
20 Superior Court for emergency, ex parte relief in the form of a
21 temporary order of protection.

22 Under the bill, the court may issue the temporary order of
23 protection upon good cause shown, and the order shall remain in
24 effect until a judge issues a further order. Emergency relief granted
25 in the temporary protection order may include forbidding the
26 defendant from returning to the scene of the alleged crime,
27 prohibiting the defendant from having any contact with the judge or
28 the judge's friends, co-workers, or relatives in any way, and
29 forbidding the defendant from possessing any firearm or other
30 weapon.

31 The court shall consider whether a final protective order should
32 be issued during a hearing to be held within 10 days of the filing of
33 the temporary protective order. At the hearing the standard for
34 proving the allegations in the petition shall be a preponderance of
35 the evidence. In determining whether a final order of protection
36 should be granted the court shall consider but not be limited to the
37 previous history between the current or former judge and the
38 defendant, including threats, harassment and physical intimidation;
39 and the existence of immediate danger to person or property. A
40 final order of relief shall include any relief necessary to protect the
41 victim from further harm, including but not limited to forbidding
42 the defendant from returning to the scene of the alleged crime,
43 prohibiting the defendant from having any contact with the judge or
44 the judge's friends, co-workers, or relatives in any way, and
45 forbidding the defendant from possessing any firearm or other
46 weapon. Under the bill, a violation by the defendant of an order of
47 protection constitutes an offense under N.J.S.2C:29-9, Contempt.

S3916 SCUTARI, GILL

13

1 The bill amends N.J.S.2C:33-4, Harassment, to upgrade
2 harassment against a current or former judge to a crime of the
3 fourth degree, and clarify that cyber harassment is a crime of the
4 fourth degree. A crime of the fourth degree is punishable by up to
5 18 months imprisonment, a fine of up to \$10,000, or both.

6 The bill further amends N.J.S.2C:58-3, permit to purchase a
7 handgun, to include persons subject to a court order under this bill
8 among those persons barred from obtaining a handgun purchase
9 permit or firearms purchaser identification card.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3916

STATE OF NEW JERSEY

DATED: JUNE 30, 2021

The Senate Judiciary Committee reports favorably Senate Bill No. 3916.

This bill establishes a process for law enforcement to obtain an order of protection on behalf of a current or former judge upon report of an enumerated crime as listed in the bill, such as assault, terroristic threats, kidnapping, or harassment, and the finding by law enforcement of a nexus between the crime, attempt to commit a crime or credible threat and the performance of the judge or former judge's public duties.

The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection.

Under the bill, the court may issue the temporary order of protection upon good cause shown, and the order shall remain in effect until a judge issues a further order. Emergency relief granted in the temporary protection order may include forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon.

The court shall consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence. In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the current or former judge and the defendant, including threats, harassment and physical intimidation; and the existence of immediate danger to person or property. A final order of relief shall include any relief necessary to protect the victim from further harm, including but not limited to forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon. Under the bill, a violation by the

defendant of an order of protection constitutes an offense under N.J.S.2C:29-9, Contempt.

The bill amends N.J.S.2C:33-4, Harassment, to upgrade harassment against a current or former judge to a crime of the fourth degree, and clarify that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends N.J.S.2C:58-3, permit to purchase a handgun, to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

This bill as reported is identical to Assembly Bill No. 5599, also reported by the committee today.