

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:39-2 et seq.; 2C:58-2 et seq. (Code of Criminal Justice - Firearms - Amends)

LAWS OF 1979 CHAPTER 179

Bill No. S3329

Sponsor(s) Greenberg

Date Introduced June 14, 1979

Committee: Assembly -----

Senate Judiciary

Amended during passage Yes

xx Amendments during passage denoted by asterisks. Substituted for A3352 (OCR; original and Assembly Committee Statement attached)

Date of Passage: Assembly July 9, 1979

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Following statements are attached if available:

Sponsor statement Yes xx

Committee Statement: Assembly Xxx No

Senate Yes xx

Fiscal Note Xxx No

Veto message Xxx No

Message on signing Xxx No

Following were printed:

Reports Xxx No

Hearings Xxx No

See also:

Greenberg, Martin L., and Tumulty, John J., "Highlights of the New Code of Criminal Justice," 104 NJLJ 449 (attached)

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SENATE, No. 3329

STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1979

By Senator GREENBERG

Referred to Committee on Judiciary

AN ACT concerning firearms, revising parts of Title 2C of the New Jersey Statutes pertaining thereto and repealing N. J. S. 2A:151-10 and N. J. S. 2A:151-11.

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

1 1. N. J. S. 2C:39-2 is amended to read as follows:

2 2C:39-2. Presumptions. a. Possession of firearms, weapons,
3 destructive devices, silencers, and explosives in [an automobile]
4 a vehicle. When a firearm, weapon, destructive device, silencer,
5 [and explosives] or explosive described in this chapter is found
6 in [an automobile] a vehicle, it is presumed to be in the possession
7 of the occupant if there is but one. If there is more than one oc-
8 cupant in the [automobile] vehicle, it shall be presumed to be in
9 the possession of all, except under the following circumstances:

10 (1) When it is found upon the person of one of the occupants,
11 it shall be presumed to be in the possession of that occupant alone;

12 (2) When the [automobile] vehicle is not a stolen one and the
13 weapon or other instrument is found out of view in a glove com-
14 partment, trunk or other enclosed customary depository, it shall be
15 presumed to be in the possession of the occupant or occupants
16 who own or have authority to operate the vehicle; and

17 (3) When the vehicle is a taxicab[,] and a weapon or other
18 instrument is found in the passenger's portion of the vehicle, it
19 shall be presumed to be in the possession of all the passengers, if
20 there are any, and if not, in the possession of the driver.

21 b. Licenses and permits. When the legality of a person's conduct
22 under this chapter depends on his possession of a license or permit
23 or on his having registered with or given notice to a particular
24 person or agency, it shall be presumed that he does not possess
25 such a license or permit or has not registered or given the required
26 notice, until he establishes the contrary.

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

1 2. N. J. S. 2C:39-3 is amended to read as follows:

2 2C:39-3. Prohibited weapons and devices. a. Destructive de-
3 vices. Any person who knowingly has in his possession any de-
4 structive device is guilty of a crime of the third degree.

5 b. Sawed-off shotguns. Any person who knowingly has in his
6 possession any sawed-off shotgun is guilty of a crime of the third
7 degree.

8 c. Silencers. Any person who knowingly has in his possession
9 any firearm silencer is guilty of a crime of the fourth degree.

10 d. Defaced firearms. Any person who knowingly has in his posses-
11 sion any firearm *which has been defaced*, except an antique fire-
12 arm, **[which has been defaced]** is guilty of a crime of the fourth
13 degree.

14 e. Certain weapons. Any person who knowingly has in his pos-
15 session any gravity **[knives, switchblade knives, daggers, dirks,**
16 *stiletos, billies, blackjacks, metal knuckles, sandclubs, slingshots,*
17 *cestus or similar leather bands studded with metal filings or razor*
18 *blades imbedded in wood, without any explainable lawful]* *knife,*
19 *switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal*
20 *knuckle, sandclub, slingshot, cestus or similar leather band studded*
21 *with metal filings or razor blades imbedded in wood, without any*
22 *explainable lawful purpose*, is guilty of a crime of the fourth degree.

23 f. Dum-dum bullets. Any person, other than a law enforcement
24 officer or persons engaged in activities pursuant to 2C:39-6f., who
25 knowingly has in his possession any hollow nose or dum-dum bullet,
26 is guilty of a crime of the fourth degree.

27 g. Exceptions. (1) Nothing in this section shall apply to any
28 member of the Armed Forces of the United States or the National
29 Guard, or except as otherwise provided by any law enforcement
30 officer while actually on duty or traveling to or from an authorized
31 place of duty, provided that his possession of the prohibited weapon
32 or device has been duly authorized under the applicable laws, regula-
33 tions or military or law enforcement orders, or to the possession
34 of any weapon or device by a law enforcement officer who has con-
35 fiscated, seized or otherwise taken possession of said weapon or
36 device as evidence of the commission of a crime or because he
37 believed it to be possessed illegally by the person from whom it
38 was taken, provided that said law enforcement officer promptly
39 notifies his superiors of his possession of such prohibited weapon
40 or device.

41 (2) Nothing in subsection f. shall be construed to prevent a
42 person from keeping such ammunition at his dwelling, premises or

43 other land owned or possessed by him, or from carrying such am-
 44 munition from the place of purchase to said dwelling or land; nor
 45 shall subsection f. be construed to prevent any licensed retail or
 46 wholesale firearm dealer from possessing such ammunition at its
 47 licensed premises, provided that the [possessor or purchaser has a
 48 valid firearms purchase identification card. Such card must be pre-
 49 sented to the firearm dealer at the time the ammunition is pur-
 50 chased] *seller of any such ammunition shall maintain a record of*
 51 *the name, age and place of residence of any purchaser who is not*
 52 *a licensed dealer, together with the date of sale and quantity of*
 53 *ammunition sold.*

1 3. N. J. S. 2C:39-4 is amended to read as follows:

2 2C:39-4. Possession of weapons for unlawful purposes. a. Fire-
 3 arms. Any person who has in his possession any firearm with a
 4 purpose to use it unlawfully against the person or property of
 5 another is guilty of a crime of the second degree.

6 [b. Knives and other weapons. Any person who has in his pos-
 7 session any knife, razor or any other weapon except a firearm,
 8 with a purpose to use the same unlawfully against the person or
 9 property of another, is guilty of a crime of the third degree.

10 c. Explosives. Any person who, with a purpose to use the same
 11 unlawfully against the person or property of another, possesses
 12 or carries any explosive substance is guilty of a crime of the second
 13 degree.

14 d. Destructive devices. Any person who, with purpose to use
 15 the same unlawfully against the person or property of another,
 16 has in his possession any destructive device is guilty of a crime
 17 of the second degree.]

18 *b. Explosives. Any person who has in his possession or carries*
 19 *any explosive substance with a purpose to use it unlawfully against*
 20 *the person or property of another is guilty of a crime of the second*
 21 *degree.*

22 *c. Destructive devices. Any person who has in his possession*
 23 *any destructive device with a purpose to use it unlawfully against*
 24 *the person or property of another is guilty of a crime of the second*
 25 *degree.*

26 *d. Other weapons. Any person who has in his possession any*
 27 *weapon, except a firearm, with a purpose to use it unlawfully*
 28 *against the person or property of another is guilty of a crime of*
 29 *the third degree.*

1 4. N. J. S. 2C:39-5 is amended to read as follows:

2 2C:39-5. Unlawful possession of weapons. a. Machine guns.
3 Any person who knowingly has in his possession a machine gun
4 or any instrument or device adaptable for use as a machine gun,
5 without being licensed to do so as provided in section 2C:58-5, is
6 guilty of a crime of the third degree.

7 b. Handguns. Any person who knowingly has in his possession
8 any handgun, *including any antique handgun* without first having
9 obtained [a permit to purchase a handgun as provided for in section
10 2C:58-3 and] a permit to carry the same as provided in section
11 2C:58-4, is guilty of a crime of the third degree.

12 c. Rifles and shotguns. (1) Any person who knowingly has in
13 his possession any rifle or shotgun [(other than a sawed-off shot-
14 gun);] without having first obtained a firearms purchaser identifi-
15 cation card in accordance with the provisions of section 2C:58-3,
16 is guilty of a crime of the third degree.

17 (2) Unless otherwise permitted by law, any person who know-
18 ingly has in his possession any loaded rifle or shotgun [(other than
19 a sawed-off shotgun)] is guilty of a crime of the third degree.

20 d. Other weapons. Any person who knowingly has in his pos-
21 session any *other* weapon [other than a machine gun, handgun,
22 rifle or shotgun] under circumstances not manifestly appropriate
23 for such lawful uses as it may have is guilty of a crime of the fourth
24 degree.

25 e. Firearms in educational institutions. Any person who know-
26 ingly has in his possession any firearm in or upon any part of the
27 buildings or grounds of any school, college, university or other
28 educational institution, without the written authorization of the
29 governing officer of the institution, is guilty of a crime of the third
30 degree, irrespective of whether he possesses a valid permit to carry
31 the firearm or a valid firearms purchaser identification card.

1 5. N. J. S. 2C:39-6 is amended to read as follows:

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

3 (1) Members of the Armed Forces of the United States *or* of the
4 National Guard while actually on duty, or while traveling between
5 places of duty and carrying authorized weapons in the manner
6 prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other Federal
8 officers and employees required to carry firearms in the perform-
9 ance of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
12 assistant prosecutor, prosecutor's detective or investigator, *deputy*

13 *attorney general or State Investigator employed by the Division of*
 14 *Criminal Justice of the Department of Law and Public Safety,*
 15 *investigator employed by the State Commission of Investigation,*
 16 *inspectors and investigators of the Division of Alcoholic Beverage*
 17 *Control in the Department of Law and Public Safety, [or] State*
 18 *park ranger, or State conservation officer;*

19 (5) A prison or jail warden or his deputies, a correction officer
 20 or keeper of any penal institution in this State, *or an employee of*
 21 *the Department of Corrections engaged in the interstate trans-*
 22 *portation of convicted offenders,* while in the performance of his
 23 duties, and when required to possess such a weapon by his superior
 24 officer;

25 (6) A civilian employee of the United States Government under
 26 the supervision of the commanding officer of any post, camp, sta-
 27 tion, base or other military or naval installation located in this
 28 State who is required, in the performance of his official duties, to
 29 carry firearms, and who is authorized to carry such firearms by
 30 said commanding officer, while in the actual performance of his
 31 official duties; or

32 (7) A regularly employed member, including a detective, of the
 33 police department of any county or municipality, or of any State,
 34 interstate, municipal or *county park police force or boulevard police*
 35 *force,* at all times while in the State of New Jersey, or a special
 36 policeman appointed by the governing body of any county or
 37 municipality or by the commission, board or other body having
 38 control of a county park or boulevard police force, while engaged
 39 in the actual performance of his official duties and when specifically
 40 authorized by the governing body to carry weapons.

41 (8) County park police while engaged in the actual perform-
 42 ance of their official duties.

43 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

44 (1) A law enforcement officer employed by a governmental
 45 agency outside of the State of New Jersey while actually engaged
 46 in his official duties, provided, however, that he has first notified
 47 the superintendent or the chief law enforcement officer of the
 48 municipality or the prosecutor of the county in which he is engaged;
 49 or

50 (2) A licensed [retail] dealer in firearms and his registered em-
 51 ployees during the course of their normal business while traveling
 52 to and from their place of business and other places for the pur-
 53 pose of demonstration, exhibition or delivery in connection
 54 with a sale, provided, however, that any such weapon is carried
 55 in the manner specified in subsection g. of this section.

56 c. Subsections b. and c. of section 2C:39-5 do not apply to:

57 (1) A railway policeman, **while in the actual performance of his*
 58 *official duties and while going to or from his place of duty, a**
 59 campus police officer appointed pursuant to P. L. 1970, c. 211
 59A (C. 18A:6-4.2 et seq.)***【,】*** or any other police officer, while in the
 59B actual performance of his official duties;

60 (2) A *State deputy* conservation officer or a full-time employee of
 61 the Division of **【Shell Fisheries】** *Parks and Forestry* having the
 62 power of arrest and authorized to carry weapons, while in the
 63 actual performance of his official duties;

64 (3) A full-time member of the marine patrol force or a special
 65 marine patrolman authorized to carry such a weapon by the Com-
 66 missioner of Environmental Protection, while in the actual per-
 67 formance of his official duties:

68 **【(4) The inspectors and investigators of the Division of Alcoholic**
 69 **Beverage Control in the Department of Law and Public Safety,**
 70 **while in the actual performance of his official duties:】**

71 **【(5)】** (4) A court attendant serving as such under appointment
 72 by the sheriff of the county or by the judge or magistrate of any
 73 court of this State; while in the actual performance of his official
 74 duties;

75 **【(6)】** (5) A guard in the employ of any railway express company,
 76 banking or building and loan or savings and loan institution of
 77 this State, while in the actual performance of his official duties;

78 **【(7)】** (6) A member of a legally recognized military organization
 79 while actually under orders or while going to or from the prescribed
 80 place of meeting and carrying the weapons prescribed for drill,
 81 exercise or parade;

82 **【(8)】** (7) An officer of the Society for the Prevention of Cruelty
 83 to Animals, while in the actual performance of his duties; or

84 **【(9)】** (8) An employee of a public utilities corporation actually
 85 engaged in the transportation of explosives.

86 d. Subsections **【b.,】** c. and d. of section 2C:39-5 do not apply to
 87 antique firearms, provided that such antique firearms are unloaded
 88 or are being fired for the purposes of exhibition or demonstration
 89 at an authorized target range or in such other manner as has
 90 been approved in writing by the chief law enforcement officer of
 91 the municipality in which the exhibition or demonstration is held.

92 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall
 93 be construed to prevent a person keeping or carrying about his
 94 place of business, residence, premises or other land owned or
 95 possessed by him, any firearm, or from carrying the same, in the
 96 manner specified in subsection g. of this section, *from any place of*
 97 *purchase to his residence or place of business* between his dwellings

98 and his place of business, *between one place of business or residence*
99 *and another when moving*, or between his dwelling or place of
100 business and place where such firearms are repaired, for the
101 purpose of repair. For the purposes of this section, a place of
102 business shall be deemed to be a fixed location.

103 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall be
104 construed to prevent:

105 (1) A member of any rifle or pistol club organized in accordance
106 with the rules prescribed by the National Board for the Promotion
107 of Rifle Practice, in going to or from a place of target practice,
108 carrying such firearms as are necessary for said target practice,
109 provided that the club has filed a copy of its charter with the super-
110 intendent and annually submits a list of its members to the
111 superintendent, and provided further that the firearms are carried
112 in the manner specified in subsection g. of this section;

113 (2) A person carrying a firearm or knife in the woods or fields
114 or upon the waters of this State for the purpose of hunting, target
115 practice or fishing, provided that the firearm or knife is legal and
116 appropriate for hunting or fishing purposes in this State and he
117 has in his possession a valid hunting *license*, or, *with respect to*
118 *fresh water fishing*, a valid fishing license;

119 (3) A person transporting any firearm or knife while traveling:

120 (a) Directly to or from any place for the purpose of hunting or
121 fishing, provided such person has in his possession a valid hunting
122 or fishing license; or

123 (b) Directly to or from any target range, or other authorized
124 place for the purpose of practice, match, target, trap or skeet shoot-
125 ing exhibitions, provided in all cases that during the course of
126 such travel all firearms are carried in the manner specified in sub-
127 section g. of this section and the person has complied with all the
128 provisions and requirements of Title 23 of the Revised Statutes
129 and any amendments thereto and all rules and regulations promul-
130 gated thereunder:

131 (c) In the case of a firearm, directly to or from any exhibition
132 or display of firearms which is sponsored by any law enforcement
133 agency, any rifle or pistol club, or any firearms collectors club,
134 for the purpose of displaying of the firearms to the public or to the
135 members of such organization or club, provided, however, that not
136 less than 30 days prior to such exhibition or display, notice of such
137 exhibition or display shall be given to the Superintendent of the
138 State Police by the sponsoring organization or club, and the spon-
139 sor has complied with such reasonable safety regulations or the

140 superintendent may promulgate. Any firearms transported pur-
 141 suant to this section must be transported in [accordance with
 142 2C:39-6] *the manner specified in paragraph g. of this section.*

143 g. All weapons being transported under subsections (b) (2), e.
 144 or f. (1) or (3) of this section shall be carried unloaded and con-
 145 tained in a closed and fastened case, gunbox, securely tied package,
 146 or locked in the trunk of the automobile in which it is being trans-
 147 ported, and the course of travel shall include only such deviations
 148 as are reasonably necessary under the circumstances.

1 6. (New section) Certain persons not to have weapons. Any
 2 person, having been convicted in this State or elsewhere of the
 3 crime of aggravated assault, arson, burglary, escape, extortion,
 4 homicide, kidnapping, robbery, aggravated sexual assault, or sexual
 5 assault, whether or not armed with or having in his possession
 6 any weapon enumerated in section 2C:39-1r., or any person who
 7 has ever been committed for a mental disorder to any hospital,
 8 mental institution or sanitarium unless he possesses a certificate
 9 of a medical doctor or psychiatrist licensed to practice in New
 10 Jersey or other satisfactory proof that he is no longer suffering
 11 from a mental disorder which interferes with or handicaps him in
 12 the handling of a firearm, or any person who has been convicted
 13 for the unlawful use, possession or sale of a controlled dangerous
 14 substance as defined in article 2 of P. L. 1970, c. 226 (C. 24:21-3
 15 et seq.), who purchases, owns, possesses or controls any of the said
 16 weapons is guilty of a crime of the fourth degree.

17 Whenever any person shall have been convicted in another state,
 18 territory, commonwealth or other jurisdiction of the United States,
 19 or any country in the world, in a court of competent jurisdiction,
 20 of a crime which in said other jurisdiction or country is comparable
 21 to one of the crimes enumerated above, then that person shall be
 22 subject to the provisions of this section.

1 7. N. J. S. 2C:39-9 is amended to read as follows:

2 2C:39-9. Manufacture, Transport, Disposition and Defacement
 3 of Weapons and Dangerous Instruments and Appliances. a. Ma-
 4 chine guns. Any person who manufactures, causes to be manufac-
 5 tured, transports, ships, sells or dispose of any machine gun
 6 without being registered or licensed to do so as provided in chap-
 7 ter 58 is guilty of a crime of the third degree.

8 b. Sawed-off shotguns. Any person who manufactures, causes
 9 to be manufactured, transports, ships, sells or disposes of any
 10 sawed-off shotgun is guilty of a crime of the third degree.

11 c. Firearm silencers. Any person who manufactures, causes to
 12 be manufactured, transports, ships, sells or disposes of any firearm
 13 silencer is guilty of a crime of the fourth degree.

14 d. Weapons. Any person who manufactures, causes to be manu-
 15 factured, transports, ships, or disposes of any weapon including
 16 gravity knives, switchblade knives, daggers, dirks, stilettos, *billies*,
 17 blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar
 18 leather bands studded with metal flings, or in the case of firearms
 19 he is not licensed or registered to do so as provided in chapter 58,
 20 is guilty of a crime of the fourth degree. Any person who manu-
 21 factures, causes to be manufactured, transports, ships, sells or dis-
 22 poses of [any billy or] any weapon or other device which projects,
 23 releases or emits tear gas or any other substances intended to pro-
 24 duce temporary physical discomfort or permanent injury through
 25 being vaporized or otherwise dispensed in the air, which is intended
 26 to be used for any purpose other than for authorized military or
 27 law enforcement purposes by duly authorized military or law en-
 28 forcement personnel, is guilty of a crime of the fourth degree.

29 e. Defaced firearms. Any person who defaces any firearm is
 30 guilty of a crime of the third degree. Any person who knowingly
 31 buys, receives, disposes of or conceals a defaced firearm, *except an*
 32 *antique firearm*, is guilty of a crime of the fourth degree.

1 8. N. J. S. 2C:39-10 is amended to read as follows:

2 2C:39-10. Violation of the Regulatory Provision Relating to
 3 Firearms; False Representation in Applications. a. Any person
 4 who knowingly violates the regulatory provisions relating to manu-
 5 facturing or wholesaling of firearms (section 2C:58-1), *retailing of*
 6 *firearms* (section 2C:58-2), permits to purchase certain firearms
 7 (section 2C:58-3), permits to carry certain firearms (section
 8 2C:58-4), licenses to procure machine guns (section 2C:58-5), or
 9 incendiary or tracer ammunition (section 2C:58-10), except acts
 10 which are punishable under section 2C:39-5 or section 2C:39-9, is
 11 guilty of a crime of the fourth degree.

12 b. Any person who knowingly violates the regulatory provisions
 13 relating to notifying the authorities of possessing certain items of
 14 explosives (section 2C:58-7), or of certain wounds (section
 15 2C:58-8) is a disorderly person.

16 c. Any person who gives or causes to be given any false informa-
 17 tion, or signs a fictitious name or address, in applying for a fire-
 18 arms purchaser identification card or a permit to purchase or a
 19 permit to carry a handgun, or a permit to possess a machine gun,
 20 or in completing the certificate or any other instrument required
 21 by law in purchasing or otherwise acquiring delivery of any rifle,
 22 shotgun, handgun, machine gun, or any other firearm, is guilty of
 23 a crime of the third degree.

1 9. N. J. S. 2C:39-11 is amended to read as follows:

2 2C:39-11. Pawnbrokers; Loaning on Firearms. a. Any pawn-
3 broker who sells, offers to sell or to lend or to give away any
4 weapon, destructure device or explosive is guilty of a crime of
5 the ***[fourth]*** *third* degree.

6 b. Any person who loans money **[secured by mortgage, deposit**
7 **or pledge on]**, *the security for which is* any handgun, rifle or
8 shotgun is guilty of a disorderly persons offense.

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

2 2C:58-2. Retailing of Firearms. a. Licensing of retail dealers
3 and their employees. No retail dealer of firearms nor any employee
4 of a retail dealer shall sell or expose for sale, or possess with the
5 intent of selling, any firearm unless licensed to do so as hereinafter
6 provided. The superintendent shall prescribe standards and
7 qualifications for retail dealers of firearms and their employees for
8 the protection of the public safety, health and welfare.

9 Applications shall be made in the form prescribed by the superin-
10 tendent, accompanied by a fee of \$50.00 payable to the superin-
11 tendent, and shall be made to a judge of the **[county court]** *Superior*
12 *Court* in the county where the applicant maintains his place of
13 business. The judge shall grant a license to an applicant if he
14 finds that the applicant meets the standards and qualifications
15 established by the superintendent and that the applicant can be
16 permitted to engage in business as a retail dealer of firearms or
17 employee thereof without any danger to the public safety, health
18 and welfare. Each license shall be valid for a period of 3 years
19 from the date of issuance, and shall authorize the holder to sell
20 firearms at retail in a specified municipality.

21 In addition, every retail dealer shall pay a fee of \$5.00 for each
22 employee actively engaged in the sale or purchase of firearms. The
23 superintendent shall issue a license for each employee for whom
24 said fee has been paid, which license shall be valid for **[3 years or]**
25 so long as the employee remains in the employ of said retail dealer
26 **[if such period is less than 3 years]**.

27 No license shall be granted to any **[person]** *retail dealer* under
28 the age of **[18]** 21 years or *to any employee of a retail dealer*
29 *under the age of 18* or to any person who could not qualify to
30 obtain a permit to purchase a handgun or a firearms purchaser
31 identification card, or to any corporation, partnership or other
32 business organization in which **[an]** *the* actual or equitable control-
33 ling interest is held or possessed by such an ineligible person.

34 All licenses shall be granted subject to the following conditions,
35 for breach of any of which the license shall be subject to revocation

36 on the application of any law enforcement officer and after notice
37 and hearing by the issuing court:

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

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

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

47 (4) No rifle or shotgun, *except antique rifles or shotguns*, shall be
48 delivered to any person unless such person possesses and exhibits
49 a valid firearms purchaser identification card and furnishes the
50 seller, on the form prescribed by the superintendent, a certification
51 signed by him setting forth his name, permanent address, firearms
52 purchaser identification card number and such other information as
53 the superintendent may by rule or regulation require. The certifica-
54 tion shall be retained by the dealer and shall be made available for
55 inspection by any law enforcement officer at any reasonable time.

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

57 (a) Such person possesses and exhibits a valid permit to pur-
58 chase a firearm and at least 7 days have elapsed since the date of
59 application for the permit.

60 (b) The person is personally known to the seller or presents
61 evidence of his identity; and

62 (c) The handgun is unloaded and securely wrapped.

63 (6) The dealer shall keep a true record of every handgun sold,
64 given or otherwise delivered or disposed of, in accordance with the
65 provisions of subsections b. through e. of this section.

66 b. Records. Every person engaged in the retail business of sell-
67 ing, leasing or otherwise transferring a handgun, as a retail dealer
68 or otherwise, shall keep a register in which shall be entered the
69 time of the sale, lease or other transfer, the date thereof, the name
70 age, date of birth, complexion, occupation, residence and a physical
71 description including distinguishing physical characteristics, if any,
72 of the purchaser, lessee or transferee, the name and permanent
73 home address of the person making the sale, lease or transfer, the
74 place of the transaction, and the make, model, manufacturer's num-
75 ber, caliber and other marks of identification on such handgun and
76 such other information as the superintendent shall deem necessary
77 for the proper enforcement of this chapter. The register shall be

78 retained by the dealer and shall be made available at all reasonable
79 hours for inspection by any law enforcement officer.

80 c. Forms of register. The superintendent shall prepare the form
81 of the register as described in subsection b. of this section and
82 furnish the same in triplicate to each person licensed to be engaged
83 in the business of selling, leasing or otherwise transferring fire-
84 arms.

85 d. Signatures in register. The purchaser, lessee or transferee
86 of any handgun shall sign, and the dealer shall require him to
87 sign his name to the register, in triplicate, and the person making
88 the sale, lease or transfer shall affix his name, in triplicate, as a
89 witness to the signature. The signatures shall constitute a repre-
90 sentation of the accuracy of the information contained in the regis-
91 ter.

92 e. Copies of register entries; delivery to chief of police or county
93 clerk. Within 5 days of the date of the sale, assignment or transfer,
94 the dealer shall deliver or mail by certified mail, return receipt
95 requested, *legible copies of the register forms* to the office of the
96 chief of police of the municipality in which the purchaser resides,
97 or to the office of the captain of the precinct of the municipality
98 in which the purchaser resides, and to the superintendent¹, legible
99 copies of the register forms². If hand delivered a receipt shall
100 be given to the dealer therefor.

101 Where a sale, assignment or transfer is made to a purchaser
102 who resides in a municipality having no chief of police, the dealer
103 shall, within 5 days of the transaction, mail a duplicate copy of the
104 register sheet to the clerk of the county within which the purchaser
105 resides.

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

2 2C:58-3. Purchase of Firearms. a. Permit to Purchase a Hand-
3 gun. No person shall sell, give, transfer, assign or otherwise dis-
4 pose 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 b. Firearms purchaser identification card. No person shall sell,
9 give, transfer, assign or otherwise dispose of nor receive, purchase
10 or otherwise acquire a rifle or shotgun unless the purchaser,
11 assignee, donee, receiver or holder is licensed as a dealer under this
12 chapter or possesses a valid firearms purchaser identification card,
13 and first exhibits said card to the seller, donor, transferor or
14 assignor, and unless the purchaser, assignee, donee, receiver or

15 holder signs a written certification, on a form prescribed by the
16 superintendent, which shall indicate that he presently complies with
17 the requirements of subsection c. of this section and shall contain
18 his name, address and firearms purchaser identification card num-
19 ber or dealer's registration number. The said certification shall be
20 retained by the seller, as provided in section 2C:58-2 a., or, in the
21 case of a person who is not a dealer, it may be filed with the chief
22 of police of the municipality in which he resides or with the
23 superintendent.

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

31 (1) To any person who has been convicted **in this State** of a
32 crime, whether or not armed with or possessing a weapon at the
33 time of such offense;

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

38 (3) To any person who suffers from a physical defect or disease
39 which would make it unsafe for him to handle firearms, *to any*
40 *person who has ever been confined for a mental disorder, or to any*
41 *alcoholic* unless **he produces** *any of the foregoing persons pro-*
42 *duce* a certificate of a medical doctor or psychiatrist licensed in
43 New Jersey, or other satisfactory proof, that he is no longer
44 suffering from that particular disability in such a manner that
45 would interfere with or handicap him in the handling of firearms;
46 to any person who knowingly falsifies any information on the
47 application forms for a handgun purchase permit or firearms pur-
48 chaser identification card.

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

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

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

58 Any person aggrieved by the denial of a permit or identification
59 card may request a hearing in the [County] Superior Court of
60 the county in which he resides if he is a resident of New Jersey
61 or in the [County] Superior Court of the county in which his
62 application was filed if he is a nonresident. The request for a
63 hearing shall be made in writing within 30 days of the denial of
64 the application for a permit or identification card. The applicant
65 shall serve a copy of his request for a hearing upon the chief of
66 police of the municipality in which he resides, if he is a resident
67 of New Jersey, and upon the superintendent in all cases. The
68 hearing shall be held and a record made thereof within 30 days of
69 the receipt of the application for such hearing by the judge of the
70 [county] Superior Court. No formal pleading and no filing fee
71 shall be required as a preliminary to such hearing. Appeals from
72 the results of such hearing shall be in accordance with law.

73 e. Applications. Applications for permits to purchase a handgun
74 and for firearms purchaser identification cards shall be in the form
75 prescribed by the superintendent and shall set forth the name,
76 residence, place of business, age, date of birth, occupation, sex and
77 physical description, including distinguishing physical character-
78 istics, if any, of the applicant, and shall state whether the applicant
79 is a citizen, whether he is an alcoholic, habitual drunkard, drug
80 dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2)
81 whether he has ever been confined or committed to a mental insti-
82 tution or hospital for treatment or observation of a mental or
83 psychiatric condition on a temporary, interim or permanent basis,
84 giving the name and location of the institution or hospital and the
85 dates of such confinement or commitment, whether he has been
86 attended, treated or observed by any doctor or psychiatrist or at
87 any hospital or mental institution on an inpatient or outpatient
88 basis for any mental or psychiatric condition giving the name and
89 location of the doctor, psychiatrist, hospital or institution and the
90 dates of such occurrence, whether he presently or ever has been a
91 member of any organization which advocates or approves the com-
92 mission of acts of force and violence to overthrow the Government
93 of the United States or of this State, or which seeks to deny others
94 their rights under the Constitution of either the United States or
95 the State of New Jersey, whether he has ever been convicted of
96 a crime or disorderly persons offense, and such other information
97 as the superintendent shall deem necessary for the proper enforce-
98 ment of this chapter. *For the purpose of complying with this sub-*
99 *section, the applicant shall waive any statutory or other right of*

100 *confidentiality relating to institutional confinement.* The application
101 shall be signed by the applicant and shall contain as reference the
102 names and addresses of two reputable citizens personally
103 acquainted with him.

104 Application blanks shall be obtainable from the superintendent,
105 from any other officer authorized to grant such permit or identi-
106 fication card, and from licensed retail dealers.

107 The chief police officer or the superintendent shall obtain the
108 fingerprints of the applicant and shall have them compared with
109 any and all records of fingerprints in the municipality and county
110 in which the applicant resides and also the records of the State
111 Bureau of Identification and the Federal Bureau of Investigation,
112 provided that an applicant for a handgun purchase permit who
113 possesses a valid firearms purchaser identification card, or who
114 has previously obtained a handgun purchase permit from the same
115 licensing authority for which he was previously fingerprinted, and
116 who provides other reasonably satisfactory proof of his identity,
117 need not be fingerprinted again; however, the chief police officer
118 or the superintendent shall proceed to investigate the application
119 to determine whether or not the applicant has become subject to any
120 of the disabilities set forth in this chapter.

121 f. Granting of permit or identification card; fee; term; renewal;
122 revocation. The application for the permit to purchase a handgun
123 together with a fee of \$2.00, or the application for the firearms
124 purchaser identification card together with a fee of \$5.00, shall be
125 delivered or forwarded to the licensing authority who shall investi-
126 gate the same and, unless good cause for the denial thereof appears,
127 shall grant the permit or the identification card, or both, if applica-
128 tion has been made therefor, within 30 days from the date of receipt
129 of the application for residents of this State and within 45 days for
130 nonresident applicant. A permit to purchase a handgun shall be
131 valid for a period of 90 days from the date of issuance and may be
132 renewed by the issuing authority for good cause for an additional
133 90 days. A firearms purchaser identification card shall be valid
134 until such time as the holder becomes subject to any of the dis-
135 abilities set forth in subsection c. of this section, whereupon the
136 card shall be void and shall be returned within 5 days by the holder
137 to the superintendent, who shall then advise the licensing authority.
138 Failure of the holder to return the firearms purchaser identification
139 card to the superintendent within the said 5 days shall be an offense
140 under section 2C:39-10 a. Any firearms purchaser identification
141 card may be revoked by the [County] Superior Court of the county

142 wherein the card was issued, after hearing upon notice, upon a
143 finding that the holder thereof no longer qualifies for the issuance
144 of such permit. The county prosecutor of any county, the chief
145 police officer of any municipality or any citizen may apply to such
146 court at any time for the revocation of such card.

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

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

155 h. Form of permit; quadruplicate; disposition of copies. The
156 permit shall be in the form prescribed by the superintendent and
157 shall be issued to the applicant in quadruplicate. Prior to the time
158 he receives the handgun from the seller, the applicant shall deliver
159 to the seller the permit in quadruplicate and the seller shall com-
160 plete all of the information required on the form. Within 5 days of
161 the date of the sale, the seller shall forward the original copy to
162 the superintendent and the second copy to the chief of police of
163 the municipality in which the purchaser resides, except that in a
164 municipality having no chief of police, such copy shall be forwarded
165 to the superintendent. The third copy shall then be returned to
166 the purchaser with the pistol or revolver and the fourth copy shall
167 be kept by the seller as a permanent record.

168 i. Restriction on number of firearms person may purchase. Only
169 one handgun shall be purchased or delivered on each permit, but a
170 person shall not be restricted as to the number of rifles or shotguns
171 he may purchase, provided he possesses a valid firearms purchaser
172 identification card and provided further that he signs the certifica-
173 tion required in subsection b. of this section for each transaction.

174 j. Firearms passing to heirs or legatees. Notwithstanding any
175 other provision of this section concerning the transfer, receipt or
176 acquisition of a firearm, a permit to purchase or a firearms pur-
177 chaser identification card shall not be required for the passing of a
178 firearm upon the death of an owner thereof to his heir or legatee,
179 whether the same be by testamentary bequest or by the laws of
180 intestacy. The person who shall so receive, or acquire said firearm
181 shall, however, be subject to all other provisions of this chapter[,
182 and if]. If the heir or legatee of such firearm does not qualify to
183 possess or carry it, [the firearm may be possessed by him] *he may*

184 *retain ownership of the firearm* for the purpose of sale for a period
 185 not exceeding 180 days, or for such further limited period as may be
 186 approved by the chief law enforcement officer of the municipality in
 187 which the heir or legatee resides or the superintendent, *provided*
 188 *that such firearm is in the custody of the chief law enforcement*
 189 *officer of the municipality or the superintendent during such period.*
 190 k. Sawed-off shotguns. Nothing in this section shall be construed
 191 to authorize the purchase or possession of any sawed-off shotgun.

1 12. N. J. S. 2C:58-4 is amended to read as follows:

2 2C:58-4. Permits to Carry Handguns. a. Scope and duration
 3 of authority. Any person who holds a valid permit to carry a hand-
 4 gun issued pursuant to this section shall be authorized to carry a
 5 handgun in all parts of this State, except as prohibited by section
 6 2C:39-5e. One permit shall be sufficient for all handguns owned
 7 by the holder thereof, but the permit shall apply only to a handgun
 8 carried by the actual and legal holder of the permit.

9 All permits to carry handguns shall expire **[on December 31 of**
 10 **the year in which they were issued]** *2 years from the date of issu-*
 11 *ance* and they may thereafter be renewed **[annually]** *every 2 years*
 12 in the same manner and subject to the same conditions as in the
 13 case of original applications.

14 b. Application forms. All applications for permits to carry
 15 handguns, and all applications for renewal of such permits, shall
 16 be made on the forms prescribed by the superintendent. Each
 17 application shall set forth the full name, date of birth, sex, resi-
 18 dence, occupation, place of business or employment, and physical
 19 description of the applicant, and such other information as the
 20 superintendent may prescribe for the determination of the appli-
 21 cant's eligibility for a permit and for the proper enforcement of
 22 this chapter. The application shall be signed by the applicant under
 23 oath, and shall be indorsed by three reputable persons who have
 24 known the applicant for at least 3 years preceding the date of
 25 application, and who shall certify thereon that the applicant is
 26 a person of good moral character and behavior.

27 c. Investigation and approval. Each application shall in the first
 28 instance be submitted to the chief police officer of the municipality
 29 in which the applicant resides, or to the superintendent, if there
 30 is no chief police officer in the municipality where the applicant
 31 resides or if the applicant does not reside in this State. The chief
 32 police officer, or the superintendent, as the case may be, shall cause
 33 the fingerprints of the applicant to be taken and compared with
 34 any and all records maintained by the municipality, the county in
 35 which it is located, the State Bureau of Identification and the

36 Federal Bureau of Identification. He shall also determine and
 37 record a complete description of each handgun the applicant in-
 38 tends to carry.

39 No application shall be approved by the chief police officer or
 40 the superintendent unless the applicant demonstrates that he is
 41 not subject to any of the disabilities set forth in 2C:58-3c., that
 42 he is thoroughly familiar with the safe handling and use of hand-
 43 guns, and that he has a justifiable need to carry a handgun. If the
 44 application is not approved by the chief police officer or the super-
 45 intendent within 60 days of filing, it shall be deemed to have been
 46 approved, unless the applicant agrees to an extension of time in
 47 writing.

48 d. Issuance by **【County】** *Superior* Court; fee. If the application
 49 has been approved by the chief police officer or the superintendent,
 50 as the case may be, the applicant shall forthwith present it to the
 51 **【County】** *Superior* Court of the county in which the applicant
 52 resides, or to the **【County】** *Superior* Court in any county where
 53 he intends to carry a handgun, in the case of a nonresident. The
 54 court shall issue the permit to the applicant if, but only if, it is
 55 satisfied that the applicant is a person of good character who is
 56 not subject to any of the disabilities set forth in section 2C:58-3c.,
 57 that he is thoroughly familiar with the safe handling and use of
 58 handguns, and that he has a justifiable need to carry a handgun.
 59 The court may at its discretion issue a limited-type permit which
 60 would restrict the applicant as to the types of **【firearms】** *handguns*
 61 he may carry and where and for what purposes such **【firearms】**
 62 *handguns* may be carried. At the time of issuance, the applicant
 63 shall pay to the county clerk of the county where the permit was
 64 issued a permit fee of **【\$10.00】** *\$20.00*.

65 e. Appeals from denial of applications. Any person aggrieved by
 66 the denial by the chief police officer or the superintendent of ap-
 67 proval for a permit to carry a handgun may request a hearing in
 68 the **【County】** *Superior* Court of the county in which he resides or
 69 **【of】** **in** any county in which he intends to carry a handgun, in
 70 the case of a nonresident, by filing a written request for such a hear-
 71 ing within 30 days of the denial. Copies of the request shall be
 72 served upon the superintendent, the county prosecutor and the chief
 73 police officer of the municipality where the applicant resides, if he
 74 is a resident of this State. The hearing shall be held within 30 days
 75 of the filing of the request, and no formal pleading or filing fee shall
 76 be required. Appeals from the determination at such a hearing
 77 shall be in accordance with law and the rules governing the courts
 78 of this State.

79 If the superintendent or chief police officer approves an appli-
 80 cation and the **【County】** *Superior* Court denies the application and
 81 refuses to issue a permit, the applicant may appeal such denial
 82 in accordance with law and the rules governing the courts of this
 83 State.

84 f. **Revocation of permits.** Any permit issued under this section
 85 shall be void at such time as the holder thereof becomes subject
 86 to any of the disabilities set forth in section 2C:58-3e., and the
 87 holder of such a void permit shall immediately surrender the per-
 88 mit to the superintendent who shall give notice to the licensing
 89 authority.

90 Any permit may be revoked by the **【County】** *Superior* Court
 91 ***【which issued it】***, after hearing upon notice to the holder, if the
 92 court finds that the holder is no longer qualified for the issuance
 93 of such a permit. The county prosecutor of any county, the chief
 94 police officer of any municipality, the superintendent or any citizen
 95 may apply to the court at any time for the revocation of any permit
 96 issued pursuant to this section.

1 13. N. J. S. 2C:58-5 is amended to read as follows:

2 2C:58-5. Licenses to Possess and Carry Machine Guns. a. Any
 3 person who desires to purchase, possess and carry a machine gun
 4 in this State may apply for a license to do so by filing in the
 5 **【County】** *Superior* Court ***【of】*** *in* the county in which he re-
 6 sides, or conducts his business if a nonresident, a written applica-
 7 tion setting forth in detail his reasons for desiring such a license.
 8 The **【County】** *Superior* Court shall refer the application to the
 9 county prosecutor for investigation and recommendation. A copy of
 10 the prosecutor's report, together with a copy of the notice of the
 11 hearing on the application, shall be served upon the superinten-
 12 dent**【, the county sheriff】** and the chief police officer of every
 13 municipality in which the applicant intends to carry the machine
 14 gun, unless, for good cause shown, the court orders notice to be
 15 given wholly or in part by publication.

16 b. No license shall be issued to any person who would not qualify
 17 for a permit to carry a handgun under section 2C:58-4, and no
 18 license shall be issued unless the court finds that the public safety
 19 and welfare so require. Any person aggrieved by the decision of
 20 the court in granting or denying an application, including the ap-
 21 plicant, the prosecutor, or any law enforcement officer entitled to
 22 notice under subsection a. who appeared in opposition to the appli-
 23 cation, may appeal said decision in accordance with law and the
 24 rules governing the courts of this State.

25 c. Upon the issuance of any license under this section, true copies
 26 of such license shall be filed with the superintendent and the chief
 27 police officer of the municipality where the licensee resides or has
 28 his place of business.

29 d. In issuing any license under this section, the court shall attach
 30 thereto such conditions and limitations as it deems to be in the
 31 public interest. Unless otherwise provided by court order at the
 32 time of issuance, each license shall expire 1 year from the date of
 33 issuance, and may be renewed in the same manner and under the
 34 same conditions as apply to original applications.

35 e. Any license may be revoked by the **[County]** *Superior* Court
 36 ***[which issued it]***, after a hearing upon notice to the holder there-
 37 of, if the court finds that the holder is no longer qualified for the
 38 issuance of such a license or that revocation is necessary for the
 39 public safety and welfare. Any citizen may apply to the court for
 40 revocation of a license issued under this section.

1 14. (New section) Possession of Firearms by Minors; Exceptions.

2 a. No person under the age of 18 years shall purchase, barter or
 3 otherwise acquire a firearm.

4 b. No person under the age of 18 years shall possess, carry, fire
 5 or use a firearm except under the following circumstances:

6 (1) In the actual presence or under the direct supervision of his
 7 father, mother or guardian, or some other person who holds a
 8 permit to carry a handgun or a firearms purchaser identification
 9 card, as the case may be; or

10 (2) For the purpose of military drill under the auspices of a
 11 legally recognized military organization and under competent
 12 supervision; or

13 (3) For the purpose of competition or target practice in and
 14 upon a firing range approved by the governing body of the munici-
 15 pality in which the range is located or the National Rifle Association
 16 and which is under competent supervision at the time of such
 17 supervision or target practice; or

18 (4) For the purpose of hunting during the regularly designated
 19 hunting season, provided that he possesses a valid hunting license
 20 and has successfully completed a hunter's safety course taught
 21 by a qualified instructor or conservation officer and possesses
 22 a certificate indicating the successful completion of such a
 23 course.

24 c. Any person under the age of 18 years who violates any pro-
 25 vision of this section shall be deemed a juvenile in need of super-
 26 vision as defined in P. L. 1973, c. 306, s. 4 (C. 2A:4-45).

1 15. N. J. S. 2A:151-10 and N. J. S. 2A:151-11 are repealed.

1 16. This act shall take effect September 1, 1979.

STATEMENT

The bill amends the firearms sections of the New Jersey Code of Criminal Justice.

Section 1 substitutes the broader term "vehicle" for the term "automobile" in the section of the Code dealing with the presumptions with regard to possession of weapons.

Section 2 clarifies 2C:39-3 d. regarding defaced firearms. The list of weapons in 2C:39-3 c. is rewritten in the singular. Section 2 would also, remove the requirement that an individual must have a firearms purchase identification card in order to buy hollow nose ammunition. In place of this requirement, sellers of hollow nose ammunition would be required to maintain records containing the names, ages and places of residence of purchasers of this type of ammunition.

Section 3 rewrites N. J. S. 2C:39-4 to list the more serious crimes first and to make the language of all subsections parallel. No substantive changes are made.

Section 4 clarifies that N. J. S. 2C:39-5 covers sawed-off shotguns and machine guns. Language was also added in Section 4 to clarify that possession of antique handguns without a license is an offense.

Section 5 makes a number of amendments to N. J. S. 2C:39-6 regarding the exemption of certain persons from the restrictions on the possession of weapons. Investigators employed by the State Commission of Investigation, deputy attorneys general in the Division of Criminal Justice and inspectors and investigators of the Division of Alcoholic Beverage Control, State conservation officers and Department of Corrections' employee engaged in the interstate transportation of convicted offenders were added to the list of those exempted from the restrictions on the possession of weapons. Also, the nomenclature with regard to employees of the Division of Parks and Forestry was corrected and the restriction against county park police being permitted to carry weapons while in the actual performance of duty was deleted.

Also, the word "retail" has been deleted from subsection 2C:39-6b. (2) to make clear that all licensed dealers have an exemption for transporting firearms during their normal business activities. Section 5 further clarifies that an individual may carry a firearm from its place of purchase to his residence or place of business, or when moving between one place of business or residence to another, without a permit to carry. Section 5 also clarifies that a person may carry a knife or firearm without a permit when engaged in hunting if he has a valid hunting license, or when engaged in fresh water fishing, a fishing license. No license is issued for salt water fishing.

Section 6 adds a new section making it a crime of the fourth degree for persons who have been convicted of serious criminal offense or who have a history of mental problems to possess weapons.

Section 7 removes an incorrect reference and includes an exception for antique firearms in the prohibition against the possession of defaced weapons.

Section 8 of this bill corrects the inadvertent omission of a reference to N. J. S. 2C:28-2, regarding the retailing of firearms, in N. J. S. 2C:39-10 which provides the penalties for violations of the regulatory provisions of Chapter 58.

Section 9 clarifies the language in N. J. S. 2C:39-11 with regard to the loan security of firearms.

Section 10 eliminates the requirement in N. J. S. 2C:58-2 that employees of retail dealers renew their licenses every 3 years. The section is also amended to raise the age for a license as a retail dealer to 21 consistent with Federal law. Subsection 2C:58-2e. is rewritten for clarification.

Language was also added to 2C:58-3 to permit persons to purchase antique rifles or shotguns without a firearms purchaser identification card.

Section 11 includes language to clarify that handgun purchase permits or firearms purchaser identification cards may not be issued to alcoholics or persons who have been confined with mental disorders. Section 11 also requires that a person who inherits a firearm, and is not qualified to possess it, must relinquish the firearm to the custody of the chief law enforcement officer of the municipality or the Superintendent of State Police pending its sale or transfer. Language was added to Section 11, indicating that applicants for firearms purchaser identification cards and handgun permits waive any right of confidentiality relating to institutional confinement.

Section 12 amends N. J. S. 2C:58-4 to increase to 2 years the duration of permits to carry. This amendment will permit more efficient administration of such permits, and past experience indicates that a 2-year period will not pose any threat to the public safety. The permit fee is accordingly doubled to \$20.00.

N. J. S. 2C:58-2 through N. J. S. 2C:58-5 are amended to change all references to "county court" to "Superior Court." Section 13 further amends N. J. S. 2C:58-5 to delete the reference to the county sheriff as a necessary party to any proceeding on an application for a license to possess a machine gun.

Section 14 contains the provisions of present N. J. S. 2A:151-11 with regard to possession of firearms by minors. The Code had contemplated a special license for minors, but this was considered by law enforcement officials to be unwieldly and unnecessary. N. J. S. 2C:58-6 which contains this special license provision will be repealed by Senate Bill No. 3203 and Assembly Bill No. 3279.

Section 15 repeals N. J. S. 2A:151-10 and N. J. S. 2A:151-11 regulating the use of firearms by minors which the enactment of Section 14 will make unnecessary.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3329

STATE OF NEW JERSEY

DATED: JUNE 18, 1979

This bill amends the firearms sections of the New Jersey Code of Criminal Justice.

Section 1 substitutes the broader term "vehicle" for the term "automobile" in the section of the Code dealing with the presumptions with regard to possession of weapons.

Section 2 clarifies 2C:39-3 d. regarding defaced firearms. The list of weapons in 2C:39-3 c. is rewritten in the singular. Section 2 would also, remove the requirement that an individual must have a firearms purchase identification card in order to buy hollow nose ammunition. In place of this requirement, sellers of hollow nose ammunition would be required to maintain records containing the names, ages and places of residence of purchasers of this type of ammunition.

Section 3 rewrites N. J. S. 2C:39-4 to list the more serious crimes first and to make the language of all subsections parallel. No substantive changes are made.

Section 4 clarifies that N. J. S. 2C:39-5 covers sawed-off shotguns and machine guns. Language was also added in Section 4 to clarify that possession of antique handguns without a license is an offense.

Section 5 makes a number of amendments to N. J. S. 2C:39-6 regarding the exemption of certain persons from the restrictions on the possession of weapons. Investigators employed by the State Commission of Investigation, deputy attorneys general in the Division of Criminal Justice and inspectors and investigators of the Division of Alcoholic Beverage Control, State conservation officers and Department of Corrections' employees engaged in the interstate transportation of convicted offenders were added to the list of those exempted from the restrictions on the possession of weapons. Also, the nomenclature with regard to employees of the Division of Parks and Forestry was corrected and the restriction against county park police being permitted to carry weapons while in the actual performance of duty was deleted.

Also, the word "retail" has been deleted from subsection 2C:39-6b. (2) to make clear that all licensed dealers have an exemption for transporting firearms during their normal business activities. Section 5

further clarifies that an individual may carry a firearm from its place of purchase to his residence or place of business, or when moving between one place of business or residence to another, without a permit to carry. Section 5 also clarifies that a person may carry a knife or firearm without a permit when engaged in hunting if he has a valid hunting license, or when engaged in fresh water fishing, a fishing license. No license is issued for salt water fishing.

Section 5 was amended by the committee to allow railway policemen to carry firearms without a license while going back and forth from work as well as while actually on duty.

Section 6 adds a new section making it a crime of the fourth degree for persons who have been convicted of serious criminal offense or who have a history of mental problems to possess weapons.

Section 7 removes an incorrect reference and includes an exception for antique firearms in the prohibition against the possession of defaced weapons.

Section 8 of this bill corrects the inadvertent omission of a reference to N. J. S. 2C:28-2, regarding the retailing of firearms, in N. J. S. 2C:39-10 which provides the penalties for violations of the regulatory provisions of Chapter 58.

Section 9 clarifies the language in N. J. S. 2C:39-11 with regard to the loan security of firearms. By committee amendment, the crime of selling a firearm by a pawnbroker was raised from a crime of the fourth degree to a crime of the third degree.

Section 10 eliminates the requirement in N. J. S. 2C:58-2 that employees of retail dealers renew their licenses every 3 years. The section is also amended to raise the age for a license as a retail dealer to 21 consistent with Federal law. Subsection 2C:58-2e. is rewritten for clarification.

Language was also added to 2C:58-3 to permit persons to purchase antique rifles or shotguns without a firearms purchaser identification card.

Section 11 includes language to clarify that handgun purchase permits or firearms purchaser identification cards may not be issued to alcoholics or persons who have been confined with mental disorders. Section 11 also requires that a person who inherits a firearm, and is not qualified to possess it, must relinquish the firearm to the custody of the chief law enforcement officer of the municipality or the Superintendent of State Police pending its sale or transfer. Language was added to Section 11, indicating that applicants for firearms purchaser identification cards and handgun permits waive any right of confidentiality relating to institutional confinement.

Section 12 amends N. J. S. 2C:58-4 to increase to 2 years the duration of permits to carry. This amendment will permit more efficient administration of such permits, and past experience indicates that a 2 year period will not pose any threat to the public safety. The permit fee is accordingly doubled to \$20.00.

N. J. S. 2C:58-2 through N. J. S. 2C:58-5 are amended to change all references to "county court" to "Superior Court." Section 13 further amends N. J. S. 2C:58-5 to delete the reference to the county sheriff as a necessary party to any proceeding on an application for a license to possess a machine gun.

Section 14 contains the provisions of present N. J. S. 2A:151-11 with regard to possession of firearms by minors. The Code had contemplated a special license for minors, but this was considered by law enforcement officials to be unwieldly and unnecessary. N. J. S. 2C:58-6 which contains this special license provision will be repealed by Senate Bill No. 3203 and Assembly Bill No. 3279.

Section 15 repeals N. J. S. 2A:151-10 and N. J. S. 2A:151-11 regulating the use of firearms by minors which the enactment of Section 14 will make unnecessary.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3352

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1979

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning firearms and amending and supplementing
Title 2C of the New Jersey Statutes, the "New Jersey Code of
Criminal Justice," and repealing N. J. S. 2A:151-10 and N. J. S.
2A:151-11.

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

1 ***[1. N. J. S. 2C:39-1 is amended to read as follows:**

2 2C:39-1. Definitions. The following definitions apply to this
3 chapter and to chapter 58:

4 a. "Antique firearm" means any *antique* firearm which is in-
5 capable of being fired or discharged, or which does not fire fixed
6 ammunition, or which was manufactured before 1898 for which
7 cartridge ammunition is not commercially available, and is
8 possessed as a curiosity or ornament or for its historical signifi-
9 cance or value.

10 b. "Deface" means to remove, deface, cover, alter or destroy
11 the name of the maker, model designation, manufacturer's serial
12 number or any other distinguishing identification mark or number
13 on any firearm.

14 c. "Destructive device" means any device, instrument or object
15 designed to explode or produce uncontrolled combustion, including
16 (1) any explosive or incendiary bomb, mine or grenade; (2) any
17 rocket having a propellant charge of more than four ounces or any
18 missile having an explosive or incendiary charge of more than one
19 quarter of an ounce; (3) any weapon capable of firing a projectile
20 of a caliber greater than .60 caliber, except a shotgun or shotgun
21 ammunition generally recognized as suitable for sporting purposes;
22 (4) any Molotov cocktail or other device consisting of a breakable
23 container containing flammable liquid and having a wick or similar
24 device capable of being ignited. The term does not include any

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

25 device manufactured for the purpose of illumination, distress sig-
26 naling, line-throwing, safety or similar purposes.

27 d. "Dispose of" means to give, give away, lease, loan, keep for
28 sale, offer, offer for sale, sell, transfer, or otherwise transfer
29 possession.

30 e. "Explosive" means any chemical compound or mixture that
31 is commonly used or is possessed for the purpose of producing
32 an explosion and which contains any oxidizing and combustible
33 materials or other ingredients in such proportions, quantities or
34 packing that an ignition by fire, by friction, by concussion or by
35 detonation or any part of the compound or mixture may cause
36 such a sudden generalization of highly heated gases that the
37 resultant gaseous pressures are capable of producing destructive
38 effects on contiguous objects. The term shall not include small
39 arms ammunition, or explosives in the form prescribed by the
40 official United States Pharmacopœia.

41 f. "Firearm" means any hand gun, rifle, shotgun, machine gun,
42 automatic or semi-automatic rifle, or any gun, device or instrument
43 in the nature of a weapon from which may be fired or ejected any
44 solid projectible ball, slug, pellet, missile or bullet, or any gas,
45 vapor or other noxious thing, by means of a cartridge or shell or
46 by the action of an explosive or the igniting of flammable or explo-
47 sive substances. It shall also include, without limitation, any fire-
48 arm which is in the nature of an air gun, spring gun or pistol or
49 other weapon of a similar nature in which the propelling force is a
50 spring, elastic band, carbon dioxide, compressed or other gas or
51 vapor, air or compressed air, or is ignited by compressed air, and
52 ejecting a bullet or missile smaller than three-eighths of an inch
53 in diameter, with sufficient force to injure a person.

54 g. "Firearm silencer" means any instrument, attachment, wea-
55 pon or appliance for causing the firing of any gun, revolver, pistol
56 or other firearm to be silent, or intended to lessen or muffle the noise
57 of the firing of any gun, revolver, pistol or other firearm.

58 h. "Gravity knife" means any knife which has a blade which is
59 released from the handle or sheath thereof by the force of gravity
60 or the application of centrifugal force.

61 i. "Machine gun" means any firearm, mechanism or instrument
62 not requiring that the trigger be pressed for each shot and having
63 a reservoir, belt or other means of storing and carrying ammunition
64 which can be loaded into the firearm, mechanism or instrument and
65 fired therefrom.

66 j. "Manufacturer" means any person who receives or obtains
67 raw materials or parts and processes them into firearms or finished

68 parts of firearms, except a person who exclusively processes grips,
69 stocks and other nonmetal parts of firearms. The term does not
70 include a person who repairs existing firearms or receives new and
71 used raw materials or parts solely for the repair of existing fire-
72 arms.

73 k. "Hand gun" means any pistol, revolver or other firearm
74 originally designed or manufactured to be fired by the use of a
75 single hand.

76 l. "Retail dealer" means any person including a gunsmith,
77 except a manufacturer or a wholesale dealer, who sells, transfers
78 or assigns for a fee or profit any firearm or parts of firearms or
79 ammunition which he has purchased or obtained with the intention,
80 or for the purpose, of reselling or reassigning to persons who are
81 reasonably understood to be the ultimate consumer, and includes
82 any person who is engaged in the business of repairing firearms or
83 who sells any firearm to satisfy a debt secured by the pledge of a
84 firearm.

85 m. "Rifle" means any firearm designed to be fired from the
86 shoulder and using the energy of the explosive in a fixed metallic
87 cartridge to fire a single projectile through a rifled bore for each
88 single pull of the trigger.

89 n. "Shotgun" means any firearm designed to be fired from the
90 shoulder and using the energy of the explosive in a fixed shotgun
91 shell to fire through a smooth bore either a number of ball shot
92 or a single projectile for each pull of the trigger, or any firearm
93 designed to be fired from the shoulder which does not fire fixed
94 ammunition.

95 o. "Sawed-off shotgun" means any shotgun having a barrel or
96 barrels of less than 18 inches in length measured from the breach
97 to the muzzle, or a rifle having a barrel or barrels of less than 16
98 inches in length measured from the breach to the muzzle, or any
99 firearm made from a rifle or a shotgun, whether by alteration, or
100 otherwise, if such firearm as modified has an overall length of less
101 than 26 inches.

102 p. "Switchblade knife" means any knife or similar device which
103 has a blade which opens automatically by hand pressure applied
104 to a button, spring or other device in the handle of the knife.

105 q. "Superintendent" means the Superintendent of the State
106 Police.

107 r. "Weapon" means anything readily capable of lethal use or of
108 inflicting serious bodily injury. The term includes, but is not
109 limited to, all (1) firearms, even though not loaded or lacking a
110 clip or other component to render them immediately operable; (2)

111 components which can be readily assembled into a weapon; and
 112 (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or
 113 other dangerous knives, billies, blackjacks, bludgeons, metal
 114 knuckles, sandelubs, slingshots, cestus or similar leather bands
 115 studded with metal filings or razor blades imbedded in wood; and
 116 any weapon or other device which projects, releases, or emits tear
 117 gas or any other substance intended to produce temporary physical
 118 discomfort or permanent injury through being vaporized or other-
 119 wise dispensed in the air.

120 s. "Wholesale dealer" means any person, except a manufacturer,
 121 who sells, transfers, or assigns firearms, or parts of firearms, to
 122 persons who are reasonably understood not to be the ultimate
 123 consumer, and includes persons who receive finished parts of fire-
 124 arms and assemble them into completed or partially completed
 125 firearms, in furtherance of such purpose, except that it shall not
 126 include those persons dealing exclusively in grips, stocks and other
 127 nonmetal parts of firearms.]*

1 ***[2.]*** *1.* N. J. S. 2C:39-2 is amended to read as follows:

2 2C:39-2. Presumptions. a. Possession of firearms, weapons,
 3 destructive devices, silencers, and explosives in **[an automobile]**
 4 *a vehicle*. When a firearm, weapon, destructive device, silencer,
 5 **[and explosives]** *or explosive* described in this chapter is found
 6 in **[an automobile]** *a vehicle*, it is presumed to be in the possession
 7 of the occupant if there is but one. If there is more than one oc-
 8 cupant in the **[automobile]** *vehicle*, it shall be presumed to be in
 9 the possession of all, except under the following circumstances:

10 (1) When it is found upon the person of one of the occupants,
 11 it shall be presumed to be in the possession of that occupant alone;

12 (2) When the **[automobile]** *vehicle* is not a stolen one and the
 13 weapon or other instrument is found out of view in a glove com-
 14 partment, trunk or other enclosed customary depository, it shall be
 15 presumed to be in the possession of the occupant or occupants
 16 who own or have authority to operate the vehicle; and

17 (3) When the vehicle is a taxicab**[,]** *and* a weapon or other
 18 instrument *is* found in the passenger's portion of the vehicle, it
 19 shall be presumed to be in the possession of all the passengers, if
 20 there are any, and if not, in the possession of the driver.

21 b. Licenses and permits. When the legality of a person's conduct
 22 under this chapter depends on his possession of a license or permit
 23 or on his having registered with or given notice to a particular
 24 person or agency, it shall be presumed that he does not possess
 25 such a license or permit or has not registered or given the required
 26 notice, until he establishes the contrary.

1 ***[3.]*** *2.* N. J. S. 2C:39-3 is amended to read as follows:

2 2C:39-3. Prohibited weapons and devices. a. Destructive de-
3 vices. Any person who knowingly has in his possession any de-
4 structive device is guilty of a crime of the third degree.

5 b. Sawed-off shotguns. Any person who knowingly has in his
6 possession any sawed-off shotgun is guilty of a crime of the third
7 degree.

8 c. Silencers. Any person who knowingly has in his possession
9 any firearm silencer is guilty of a crime of the fourth degree.

10 d. Defaced firearms. Any person who knowingly has in his pos-
11 session any firearm *which has been defaced*, except an antique fire-
12 arm, **[which has been defaced]** is guilty of a crime of the fourth
13 degree.

14 e. Certain weapons. Any person who knowingly has in his pos-
15 session any gravity **[knives, switchblade knives, daggers, dirks,**
16 **stiletos, billies, blackjacks, metal knuckles, sandelubs, slingshots,**
17 **cestus or similar leather bands studded with metal filings or razor**
18 **blades imbedded in wood, without any explainable lawful]** *knife,*
19 *switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal*
20 *knuckle, sandclub, slingshot, cestus or similar leather band studded*
21 *with metal filings or razor blades imbedded in wood, without any*
22 *explainable lawful purpose*, is guilty of a crime of the fourth degree.

23 f. Dum-dum bullets. Any person, other than a law enforcement
24 officer or persons engaged in activities pursuant to 2C:39-6f., who
25 knowingly has in his possession any hollow nose or dum-dum bullet,
26 is guilty of a crime of the fourth degree.

27 g. Exceptions. (1) Nothing in this section shall apply to any
28 member of the Armed Forces of the United States or the National
29 Guard, or except as otherwise provided by any law enforcement
30 officer while actually on duty or traveling to or from an authorized
31 place of duty, provided that his possession of the prohibited weapon
32 or device has been duly authorized under the applicable laws, regula-
33 tions or military or law enforcement orders, or to the possession
34 of any weapon or device by a law enforcement officer who has con-
35 fiscated, seized or otherwise taken possession of said weapon or
36 device as evidence of the commission of a crime or because he
37 believed it to be possessed illegally by the person from whom it
38 was taken, provided that said law enforcement officer promptly
39 notifies his superiors of his possession of such prohibited weapon
40 or device.

41 (2) Nothing in subsection f. shall be construed to prevent a
42 person from keeping such ammunition at his dwelling, premises or
43 other land owned or possessed by him, or from carrying such am-

44 munition from the place of purchase to said dwelling or land; nor
 45 shall subsection f. be construed to prevent any licensed retail or
 46 wholesale firearm dealer from possessing such ammunition at its
 47 licensed premises, provided that the ***[**possessor or purchaser has a
 48 valid firearms purchase identification card. Such card must be pre-
 49 sented to the firearm dealer at the time the ammunition is pur-
 50 chased**]*** **seller of any such ammunition shall maintain a record*
 51 *of the name, age and place of residence of any purchaser who is not*
 52 *a licensed dealer, together with the date of sale and quantity of such*
 53 *ammunition sold*.*

1 ***[4.]*** *3.* N. J. S. 2C:39-4 is amended to read as follows:

2 2C:39-4. Possession of weapons for unlawful purposes. a. Fire-
 3 arms. Any person who has in his possession any firearm with a
 4 purpose to use it unlawfully against the person or property of
 5 another is guilty of a crime of the second degree.

6 **[**b. Knives and other weapons. Any person who has in his pos-
 7 session any knife, razor or any other weapon except a firearm,
 8 with a purpose to use the same unlawfully against the person or
 9 property of another, is guilty of a crime of the third degree.

10 c. Explosives. Any person who, with a purpose to use the same
 11 unlawfully against the person or property of another, possesses
 12 or carries any explosive substance is guilty of a crime of the second
 13 degree.

14 d. Destructive devices. Any person who, with purpose to use
 15 the same unlawfully against the person or property of another,
 16 has in his possession any destructive device is guilty of a crime
 17 of the second degree.**]**

18 *b. Explosives. Any person who has in his possession or carries*
 19 *any explosive substance with a purpose to use it unlawfully against*
 20 *the person or property of another is guilty of a crime of the second*
 21 *degree.*

22 *c. Destructive devices. Any person who has in his possession*
 23 *any destructive device with a purpose to use it unlawfully against*
 24 *the person or property of another is guilty of a crime of the second*
 25 *degree.*

26 *d. Other weapons. Any person who has in his possession any*
 27 *weapon, except a firearm, with a purpose to use it unlawfully*
 28 *against the person or property of another is guilty of a crime of*
 29 *the third degree.*

1 ***[5.]*** *4.* N. J. S. 2C:39-5 is amended to read as follows:

2 2C:39-5. Unlawful possession of weapons. a. Machine guns.
 3 Any person who knowingly has in his possession a machine gun
 4 or any instrument or device adaptable for use as a machine gun,

5 without being licensed to do so as provided in section 2C:58-5, is
6 guilty of a crime of the third degree.

7 b. Handguns. Any person who knowingly has in his possession
8 any handgun, **including any antique handgun.** without first hav-
9 ing obtained **[a permit to purchase a handgun as provided for in*
10 *section 2C:58-3 and]** a permit to carry the same as provided in
11 section 2C:58-4, is guilty of a crime of the third degree.

12 c. Rifles and shotguns. (1) Any person who knowingly has in
13 his possession any rifle or shotgun [(other than a sawed-off shot-
14 gun);] without having first obtained a firearms purchaser identifi-
15 cation card in accordance with the provisions of section 2C:58-3,
16 is guilty of a crime of the third degree.

17 (2) Unless otherwise permitted by law, any person who know-
18 ingly has in his possession any loaded rifle or shotgun [(other than
19 a sawed-off shotgun)] is guilty of a crime of the third degree.

20 d. Other weapons. Any person who knowingly has in his pos-
21 session any **other** weapon [other than a machine gun] **[, hand-*
22 *gun, rifle or shotgun]** under circumstances not manifestly appro-
23 priate for such lawful uses as it may have is guilty of a crime of the
23A fourth degree.

24 e. Firearms in educational institutions. Any person who know-
25 ingly has in his possession any firearm in or upon any part of the
26 buildings or grounds of any school, college, university or other
27 educational institution, without the written authorization of the
28 governing officer of the institution, is guilty of a crime of the third
29 degree, irrespective of whether he possesses a valid permit to carry
30 the firearm or a valid firearms purchaser identification card.

1 **[6.]* *5.** N. J. S. 2C:39-6 is amended to read as follows:

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

3 (1) Members of the Armed Forces of the United States **or** of
4 the National Guard while actually on duty, or while traveling
5 between places of duty and carrying authorized weapons in the
6 manner prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other Federal
8 officers and employees required to carry firearms in the perform-
9 ance of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
12 assistant prosecutor, prosecutor's detective or investigator, *deputy*
13 *attorney general* or State Investigator employed by the Division of
14 Criminal Justice of the Department of Law and Public Safety,
14A *investigator employed by the State Commission of Investigation,*

14B *inspectors and investigators of the Division of Alcoholic Beverage*
 14C *Control in the Department of Law and Public Safety, ***[or]**** State
 14D *park ranger *or State conservation officer*;*

15 (5) A prison or jail warden or his deputies, a correction officer
 16 or keeper of any penal institution in this State **or an employee of*
 16A *the Department of Corrections engaged in the interstate transporta-*
 17 *tion of convicted offenders**, while in the performance of his duties,
 18 and when required to possess such a weapon by his superior officer;

19 (6) A civilian employee of the United States Government under
 20 the supervision of the commanding officer of any post, camp, sta-
 21 tion, base or other military or naval installation located in this
 22 State who is required, in the performance of his official duties, to
 23 carry firearms, and who is authorized to carry such firearms by
 24 said commanding officer, while in the actual performance of his
 25 official duties; or

26 (7) A regularly employed member, including a detective, of the
 27 police department of any county or municipality, or of any State,
 28 interstate, municipal or **county park police force or** boulevard
 29 police force, at all times while in the State of New Jersey, or a
 30 special policeman appointed by the governing body of any county
 31 or municipality or by the commission, board or other body having
 32 control of a county park or boulevard police force, while engaged in
 33 the actual performance of his official duties and when specifically
 34 authorized by the governing body to carry weapons.

35 ****[(8) County park police while engaged in the actual perform-***
 36 *ance of their official duties.]**

37 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

38 (1) A law enforcement officer employed by a governmental
 39 agency outside of the State of New Jersey while actually engaged
 40 in his official duties, provided, however, that he has first notified
 41 the superintendent or the chief law enforcement officer of the
 42 municipality or the prosecutor of the county in which he is engaged;
 43 or

44 (2) A licensed **[retail]** dealer in firearms and his registered em-
 45 ployees during the course of their normal business while traveling
 46 to and from their place of business and other places for the pur-
 47 pose of demonstration, exhibition or delivery in connection
 48 with a sale, provided, however, that any such weapon is carried
 48A in the manner specified in subsection g. of this section.

49 c. Subsections b. and c. of section 2C:39-5 do not apply to:

50 (1) A railway policeman, **while in the actual performance of*
 51 *his official duties and while going to or from his place of duty, a**
 52 campus police officer appointed pursuant to P. L. 1970, c. 211

52A (C. 18A:6-4.2 et seq.) ***[(.)]*** or any other police officer, while in the
52B actual performance of his official duties;

53 (2) A *State deputy* conservation officer or a full-time employee
54 of the Division of ***[(Shell Fisheries)]*** *Parks and Forestry* having
55 the power of arrest and authorized to carry weapons, while in the
55A actual performance of his official duties;

56 (3) A full-time member of the marine patrol force or a special
57 marine patrolman authorized to carry such a weapon by the Com-
58 missioner of Environmental Protection, while in the actual per-
59 formance of his official duties;

60 **[(4)]** The inspectors and investigators of the Division of Alcoholic
61 Beverage Control in the Department of Law and Public Safety,
62 while in the actual performance of his official duties:**]**

63 (4) **[(5)]** A court attendant serving as such under appointment
64 by the sheriff of the county or by the judge or magistrate of any
65 court of this State; while in the actual performance of his official
66 duties;

67 (5) **[(6)]** A guard in the employ of any railway express com-
68 pany, banking or building and loan or savings and loan institution
69 of this State, while in the actual performance of his official duties;

70 (6) **[(7)]** A member of a legally recognized military organization
71 while actually under orders or while going to or from the prescribed
72 place of meeting and carrying the weapons prescribed for drill,
73 exercise or parade;

74 (7) **[(8)]** An officer of the Society for the Prevention of Cruelty
75 to Animals, while in the actual performance of his duties; or

75A (8) **[(9)]** An employee of a public utilities corporation actually
75B engaged in the transportation of explosives.

76 d. Subsections ***[(b.)]*** c. and d. of section 2C:39-5 do not apply to
77 antique firearms, provided that such antique firearms are unloaded
78 or are being fired for the purposes of exhibition or demonstration
79 at an authorized target range or in such other manner as has
80 been approved in writing by the chief law enforcement officer of
81 the municipality in which the exhibition or demonstration is held.

82 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall
83 be construed to prevent a person keeping or carrying about his
84 place of business, residence, premises or other land owned or
85 possessed by him, any firearm, or from carrying the same, in the
86 manner specified in subsection g. of this section, *from any place of*
87 *purchase to his residence or place of business* between his dwellings
88 and his place of business, *between one place of business or residence*
89 *and another when moving*, or between his dwelling or place of
90 business and place where such firearms are repaired, for the

91 purpose of repair. For the purposes of this section, a place of
92 business shall be deemed to be a fixed location.

93 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall be
94 construed to prevent:

95 (1) A member of any rifle or pistol club organized in accordance
96 with the rules prescribed by the National Board for the Promotion
97 of Rifle Practice, in going to or from a place of target practice,
98 carrying such firearms as are necessary for said target practice,
99 provided that the club has filed a copy of its charter with the super-
100 intendent and annually submits a list of its members to the
101 superintendent, and provided further that the firearms are carried
102 in the manner specified in subsection g. of this section;

103 (2) A person carrying a firearm or knife in the woods or fields
104 or upon the waters of this State for the purpose of hunting, target
105 practice or fishing, provided that the firearm or knife is legal and
106 appropriate for hunting or fishing purposes in this State and he
107 has in his possession a valid hunting *license*, or, *with respect to*
108 *fresh water fishing, a valid fishing license*;

109 (3) A person transporting any firearm or knife while traveling:

110 (a) Directly to or from any place for the purpose of hunting or
111 fishing, provided such person has in his possession a valid hunting
112 or fishing license; or

113 (b) Directly to or from any target range, or other authorized
114 place for the purpose of practice, match, target, trap or skeet shoot-
115 ing exhibitions, provided in all cases that during the course of
116 such travel all firearms are carried in the manner specified in sub-
117 section g. of this section and the person has complied with all the
118 provisions and requirements of Title 23 of the Revised Statutes
119 and any amendments thereto and all rules and regulations promul-
120 gated thereunder;

121 (c) In the case of a firearm, directly to or from any exhibition
122 or display of firearms which is sponsored by any law enforcement
123 agency, any rifle or pistol club, or any firearms collectors club,
124 for the purpose of displaying of the firearms to the public or to the
125 members of such organization or club, provided, however, that not
126 less than 30 days prior to such exhibition or display, notice of such
127 exhibition or display shall be given to the Superintendent of the
128 State Police by the sponsoring organization or club, and the spon-
129 sor has complied with such reasonable safety regulations or the
130 superintendent may promulgate. Any firearms transported pur-
131 suant to this section must be transported in [accordance with
132 2C:39-6] *the manner specified in paragraph g. of this section.*

133 g. All weapons being transported under subsections (b) (2), e.
 134 or f. (1) or (3) of this section shall be carried unloaded and con-
 135 tained in a closed and fastened case, gunbox, securely tied package,
 136 or locked in the trunk of the automobile in which it is being trans-
 137 ported, and the course of travel shall include only such deviations
 138 as are reasonably necessary under the circumstances.

1 ***[7.]*** *6.* (New section) Certain persons not to have weapons.
 2 Any person, having been convicted in this State or elsewhere of the
 3 crime of aggravated assault, arson, burglary, escape, extortion,
 4 homicide, kidnapping, robbery, aggravated sexual assault, or sexual
 5 assault, whether or not armed with or having in his possession
 6 any weapon enumerated in section 2C:39-1r., or any person who
 7 has ever been committed for a mental disorder to any hospital,
 8 mental institution or sanitarium unless he possesses a certificate
 9 of a medical doctor or psychiatrist licensed to practice in New
 10 Jersey or other satisfactory proof that he is no longer suffering
 11 from a mental disorder which interferes with or handicaps him in
 12 the handling of a firearm, or any person who has been convicted for
 13 the unlawful use, possession or sale of a controlled dangerous sub-
 14 stance as defined in article 2 of P. L. 1970, c. 226 (C. 24:21-3
 15 et seq.), who purchases, owns, possesses or controls any of the
 16 said weapons is guilty of a crime of the fourth degree.

17 Whenever any person shall have been convicted in another state,
 18 territory, commonwealth or other jurisdiction of the United States,
 19 or any country in the world, in a court of competent jurisdiction,
 20 of a crime which in said other jurisdiction or country is comparable
 21 to one of the crimes enumerated above, then that person shall be
 22 subject to the provisions of this section.

1 ***[8.]*** *7.* N. J. S. 2C:39-9 is amended to read as follows:

2 2C:39-9. Manufacture, Transport, Disposition and Defacement
 3 of Weapons and Dangerous Instruments and Appliances. a. Ma-
 4 chine guns. Any person who manufactures, causes to be manufac-
 5 tured, transports, ships, sells or disposes of any machine gun
 6 without being registered or licensed to do so as provided in chap-
 7 ter 58 is guilty of a crime of the third degree.

8 b. Sawed-off shotguns. Any person who manufactures, causes
 9 to be manufactured, transports, ships, sells or disposes of any
 10 sawed-off shotgun is guilty of a crime of the third degree.

11 c. Firearm silencers. Any person who manufactures, causes
 12 to be manufactured, transports, ships, sells or disposes of any fire-
 13 arm silencer is guilty of a crime of the fourth degree.

14 d. Weapons. Any person who manufactures, causes to be manu-
 15 factured, transports, ships, or disposes of any weapon including

16 gravity knives, switchblade knives, daggers, dirks, stilettos, *billies*,
 17 blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar
 18 leather bands studded with metal filings, or in the case of firearms
 19 he is not licensed or registered to do so as provided in chapter 58,
 20 is guilty of a crime of the fourth degree. Any person who manu-
 21 factures, causes to be manufactured, transports, ships, sells or dis-
 22 poses of [any billy or] any weapon or other device which projects,
 23 releases or emits tear gas or any other substances intended to pro-
 24 duce temporary physical discomfort or permanent injury through
 25 being vaporized or otherwise dispensed in the air, which is intended
 26 to be used for any purpose other than for authorized military or
 27 law enforcement purposes by duly authorized military or law en-
 28 forcement personnel, is guilty of a crime of the fourth degree.

29 e. Defaced firearms. Any person who defaces any firearm is
 30 guilty of a crime of the third degree. Any person who knowingly
 31 buys, receives, disposes of or conceals a defaced firearm, *except an*
 32 *antique firearm*, is guilty of a crime of the fourth degree.

1 ***[9.]*** *8.* N. J. S. 2C:39-10 is amended to read as follows:

2 2C:39-10. Violation of the Regulatory Provision Relating to
 3 Firearms; False Representation in Applications. a. Any person
 4 who knowingly violates the regulatory provisions relating to manu-
 5 facturing or wholesaling of firearms (section 2C:58-1), *retailing of*
 6 *firearms (section 2C:58-2)*, permits to purchase certain firearms
 7 (section 2C:58-3), permits to carry certain firearms (section
 8 2C:58-4), licenses to procure machine guns (section 2C:58-5), or
 9 incendiary or tracer ammunition (section 2C:58-10), except acts
 10 which are punishable under section 2C:39-5 or section 2C:39-9, is
 11 guilty of a crime of the fourth degree.

12 b. Any person who knowingly violates the regulatory provisions
 13 relating to notifying the authorities of possessing certain items of
 14 explosives (section 2C:58-7), or of certain wounds (section
 15 2C:58-8) is a disorderly person.

16 c. Any person who gives or causes to be given any false informa-
 17 tion, or signs a fictitious name or address, in applying for a fire-
 18 arms purchaser identification card or a permit to purchase or a
 19 permit to carry a handgun, or a permit to possess a machine gun,
 20 or in completing the certificate or any other instrument required
 21 by law in purchasing or otherwise acquiring delivery of any rifle,
 22 shotgun, handgun, machine gun, or any other firearm, is guilty of
 23 a crime of the third degree.

1 ***[10.]*** *9.* N. J. S. 2C:39-11 is amended to read as follows:

2 2C:39-11. Pawnbrokers; Loaning on Firearms. a. Any pawn-
 3 broker who sells, offers to sell or to lend or to give away any

4 weapon, destructive device or explosive is guilty of a crime of
5 the ***[fourth]*** *third* degree.

6 b. Any person who loans money **[secured by mortgage, deposit**
7 **or pledge on]**, *the security for which is* any handgun, rifle or
8 shotgun is guilty of a disorderly persons offense.

1 ***[11.]*** *10.* N. J. S. 2C:58-2 is amended to read as follows:

2 2C:58-2. Retailing of Firearms. a. Licensing of retail dealers
3 and their employees. No retail dealer of firearms nor any employee
4 of a retail dealer shall sell or expose for sale, or possess with the
5 intent of selling, any firearm unless licensed to do so as hereinafter
6 provided. The superintendent shall prescribe standards and
7 qualifications for retail dealers of firearms and their employees for
8 the protection of the public safety, health and welfare.

9 Applications shall be made in the form prescribed by the superin-
10 tendent, accompanied by a fee of \$50.00 payable to the superin-
11 tendent, and shall be made to a judge of the **[county court]** *Superior*
12 *Court* in the county where the applicant maintains his place of
13 business. The judge shall grant a license to an applicant if he
14 finds that the applicant meets the standards and qualifications
15 established by the superintendent and that the applicant can be
16 permitted to engage in business as a retail dealer of firearms or
17 employee thereof without any danger to the public safety, health
18 and welfare. Each license shall be valid for a period of 3 years
19 from the date of issuance, and shall authorize the holder to sell
20 firearms at retail in a specified municipality.

21 In addition, every retail dealer shall pay a fee of \$5.00 for each
22 employee actively engaged in the sale or purchase of firearms. The
23 superintendent shall issue a license for each employee for whom
24 said fee has been paid, which license shall be valid for **[3 years or]**
25 so long as the employee remains in the employ of said retail dealer
26 **[if such period is less than 3 years]**.

27 No license shall be granted to any **[person]** *retail dealer* under
28 the age of **[18]** *21* years or *to any employee of a retail dealer under*
29 *the age of 18* or to any person who could not qualify to obtain a
30 permit to purchase a handgun or a firearms purchaser identifica-
31 tion card, or to any corporation, partnership or other business
32 organization in which **[an]** the actual or equitable controlling
32A interest is held or possessed by such an ineligible person.

33 All licenses shall be granted subject to the following conditions,
34 for breach of any of which the license shall be subject to revocation
35 on the application of any law enforcement officer and after notice
36 and hearing by the issuing court:

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

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

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

46 (4) No rifle or shotgun **except antique rifles or shotguns,** shall
47 be delivered to any person unless such person possesses and
48 exhibits a valid firearms purchaser identification card and furnishes
49 the seller, on the form prescribed by the superintendent, a certifica-
50 tion signed by him setting forth his name, permanent address,
51 firearms purchaser identification card number and such other infor-
52 mation as the superintendent may by rule or regulation require.
53 The certification shall be retained by the dealer and shall be made
54 available for inspection by any law enforcement officer at any
54A reasonable time.

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

56 (a) Such person possesses and exhibits a valid permit to pur-
57 chase a firearm and at least 7 days have elapsed since the date of
58 application for the permit.

59 (b) The person is personally known to the seller or presents
60 evidence of his identity; and

61 (c) The handgun is unloaded and securely wrapped.

62 (6) The dealer shall keep a true record of every handgun sold,
63 given or otherwise delivered or disposed of, in accordance with the
64 provisions of subsections b. through e. of this section.

65 b. Records. Every person engaged in the retail business of sell-
66 ing, leasing or otherwise transferring a handgun, as a retail dealer
67 or otherwise, shall keep a register in which shall be entered the
68 time of the sale, lease or other transfer, the date thereof, the name,
69 age, date of birth, complexion, occupation, residence and a physical
70 description including distinguishing physical characteristics, if any,
71 of the purchaser, lessee or transferee, the name and permanent
72 home address of the person making the sale, lease or transfer, the
73 place of the transaction, and the make, model, manufacturer's num-
74 ber, caliber and other marks of identification on such handgun and
75 such other information as the superintendent shall deem necessary
76 for the proper enforcement of this chapter. The register shall be
77 retained by the dealer and shall be made available at all reasonable
78 hours for inspection by any law enforcement officer.

79 c. Forms of register. The superintendent shall prepare the form
80 of the register as described in subsection b. of this section and
81 furnish the same in triplicate to each person licensed to be engaged
82 in the business of selling, leasing or otherwise transferring fire-
83 arms.

84 d. Signatures in register. The purchaser, lessee or transferee
85 of any handgun shall sign, and the dealer shall require him to
86 sign his name to the register, in triplicate, and the person making
87 the sale, lease or transfer shall affix his name, in triplicate, as a
88 witness to the signature. The signatures shall constitute a repre-
89 sentation of the accuracy of the information contained in the regis-
90 ter.

91 e. Copies of register entries; delivery to chief of police or county
92 clerk. Within 5 days of the date of the sale, assignment or transfer,
93 the dealer shall deliver or mail by certified mail, return receipt
94 requested, *legible copies of the register forms* to the office of the
95 chief of police of the municipality in which the purchaser resides,
96 or to the office of the captain of the precinct of the municipality
97 in which the purchaser resides, and to the superintendent, *legible*
98 *copies of the register forms*. If hand delivered a receipt shall
99 be given to the dealer therefor.

100 Where a sale, assignment or transfer is made to a purchaser
101 who resides in a municipality having no chief of police, the dealer
102 shall, within 5 days of the transaction, mail a duplicate copy of the
103 register sheet to the clerk of the county within which the purchaser
104 resides.

1 ***[12.]*** *11.* N. J. S. 2C:58-3 is amended to read as follows:

2 2C:58-3. Purchase of Firearms. a. Permit to Purchase a Hand-
3 gun. No person shall sell, give, transfer, assign or otherwise dis-
4 pose 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 b. Firearms purchaser identification card. No person shall sell,
9 give, transfer, assign or otherwise dispose of nor receive, purchase
10 or otherwise acquire a rifle or shotgun unless the purchaser,
11 assignee, donee, receiver or holder is licensed as a dealer under this
12 chapter or possesses a valid firearms purchaser identification card,
13 and first exhibits said card to the seller, donor, transferor or
14 assignor, and unless the purchaser, assignee, donee, receiver or
15 holder signs a written certification, on a form prescribed by the
16 superintendent, which shall indicate that he presently complies with
17 the requirements of subsection c. of this section and shall contain

18 his name, address and firearms purchaser identification card num-
19 ber or dealer's registration number. The said certification shall be
20 retained by the seller, as provided in section 2C:58-2 a., or, in the
21 case of a person who is not a dealer, it may be filed with the chief
22 of police of the municipality in which he resides or with the
23 superintendent.

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

31 (1) To any person who has been convicted **[in this State]** of a
32 crime, whether or not armed with or possessing a weapon at the
33 time of such offense;

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

38 (3) To any person who suffers from a physical defect or disease
39 which would make it unsafe for him to handle firearms, *to any*
40 *person who has ever been confined for a mental disorder, or to any*
41 *alcoholic* unless **[he produces]** *any of the foregoing persons pro-*
42 *duce* a certificate of a medical doctor or psychiatrist licensed in
43 New Jersey, or other satisfactory proof, that he is no longer suffer-
44 ing from that particular disability in such a manner that would
45 interfere with or handicap him in the handling of firearms; to any
46 person who knowingly falsifies any information on the application
46A forms for a handgun purchase permit or firearms purchaser
46B identification card.

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

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

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

56 Any person aggrieved by the denial of a permit or identification
57 card may request a hearing in the **[County]** *Superior* Court of
58 the county in which he resides if he is a resident of New Jersey

59 or in the [County] Superior Court of the county in which his
60 application was filed if he is a nonresident. The request for a
61 hearing shall be made in writing within 30 days of the denial of
62 the application for a permit or identification card. The applicant
63 shall serve a copy of his request for a hearing upon the chief of
64 police of the municipality in which he resides, if he is a resident
65 of New Jersey, and upon the superintendent in all cases. The
66 hearing shall be held and a record made thereof within 30 days of
67 the receipt of the application for such hearing by the judge of the
68 [county] Superior Court. No formal pleading and no filing fee
69 shall be required as a preliminary to such hearing. Appeals from
70 the results of such hearing shall be in accordance with law.

71 e. Applications. Applications for permits to purchase a handgun
72 and for firearms purchaser identification cards shall be in the form
73 prescribed by the superintendent and shall set forth the name,
74 residence, place of business, age, date of birth, occupation, sex and
75 physical description, including distinguishing physical character-
76 istics, if any, of the applicant, and shall state whether the applicant
77 is a citizen, whether he is an alcoholic, habitual drunkard, drug
78 dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2)
79 whether he has ever been confined or committed to a mental insti-
80 tution or hospital for treatment or observation of a mental or
81 psychiatric condition on a temporary, interim or permanent basis,
82 giving the name and location of the institution or hospital and the
83 dates of such confinement or commitment, whether he has been
84 attended, treated or observed by any doctor or psychiatrist or at
85 any hospital or mental institution on an inpatient or outpatient
86 basis for any mental or psychiatric condition giving the name and
87 location of the doctor, psychiatrist, hospital or institution and the
88 dates of such occurrence, whether he presently or ever has been a
89 member of any organization which advocates or approves the com-
90 mission of acts of force and violence to overthrow the Government
91 of the United States or of this State, or which seeks to deny others
92 their rights under the Constitution of either the United States or
93 the State of New Jersey, whether he has ever been convicted of
94 a crime or disorderly persons offense, and such other information
95 as the superintendent shall deem necessary for the proper enforce-
96 ment of this chapter. **For the purpose of complying with this sub-*
97 *section, the applicant shall waive any statutory or other right of*
98 *confidentiality relating to institutional confinement.** The applica-
98A tion shall be signed by the applicant and shall contain as reference
98B the names and addresses of two reputable citizens personally
98C acquainted with him.

99 Application blanks shall be obtainable from the superintendent,
100 from any other officer authorized to grant such permit or identi-
101 fication card, and from licensed retail dealers.

102 The chief police officer or the superintendent shall obtain the
103 fingerprints of the applicant and shall have them compared with
104 any and all records of fingerprints in the municipality and county
105 in which the applicant resides and also the records of the State
106 Bureau of Identification and the Federal Bureau of Investigation,
107 provided that an applicant for a handgun purchase permit who
108 possesses a valid firearms purchaser identification card, or who
109 has previously obtained a handgun purchase permit from the same
110 licensing authority for which he was previously fingerprinted, and
111 who provides other reasonably satisfactory proof of his identity,
112 need not be fingerprinted again; however, the chief police officer
113 or the superintendent shall proceed to investigate the application
114 to determine whether or not the applicant has become subject to any
115 of the disabilities set forth in this chapter.

116 f. Granting of permit or identification card; fee; term; renewal;
117 revocation. The application for the permit to purchase a handgun
118 together with a fee of \$2.00, or the application for the firearms
119 purchaser identification card together with a fee of \$5.00, shall be
120 delivered or forwarded to the licensing authority who shall investi-
121 gate the same and, unless good cause for the denial thereof appears,
122 shall grant the permit or the identification card, or both, if applica-
123 tion has been made therefor, within 30 days from the date of receipt
124 of the application for residents of this State and within 45 days for
125 nonresident applicants. A permit to purchase a handgun shall be
126 valid for a period of 90 days from the date of issuance and may be
127 renewed by the issuing authority for good cause for an additional
128 90 days. A firearms purchaser identification card shall be valid
129 until such time as the holder becomes subject to any of the dis-
130 abilities set forth in subsection c. of this section, whereupon the
131 card shall be void and shall be returned within 5 days by the holder
132 to the superintendent, who shall then advise the licensing authority.
133 Failure of the holder to return the firearms purchaser identification
134 card to the superintendent within the said 5 days shall be an offense
135 under section 2C:39-10 a. Any firearms purchaser identification
136 card may be revoked by the [County] Superior Court of the county
137 wherein the card was issued, after hearing upon notice, upon a
138 finding that the holder thereof no longer qualifies for the issuance
139 of such permit. The county prosecutor of any county, the chief
140 police officer of any municipality or any citizen may apply to such
141 court at any time for the revocation of such card.

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

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

150 h. Form of permit; quadruplicate; disposition of copies. The
151 permit shall be in the form prescribed by the superintendent and
152 shall be issued to the applicant in quadruplicate. Prior to the time
153 he receives the handgun from the seller, the applicant shall deliver
154 to the seller the permit in quadruplicate and the seller shall com-
155 plete all of the information required on the form. Within 5 days of
156 the date of the sale, the seller shall forward the original copy to
157 the superintendent and the second copy to the chief of police of
158 the municipality in which the purchaser resides, except that in a
159 municipality having no chief of police, such copy shall be forwarded
160 to the superintendent. The third copy shall then be returned to
161 the purchaser with the pistol or revolver and the fourth copy shall
162 be kept by the seller as a permanent record.

163 i. Restriction on number of firearms person may purchase. Only
164 one handgun shall be purchased or delivered on each permit, but a
165 person shall not be restricted as to the number of rifles or shotguns
166 he may purchase, provided he possesses a valid firearms purchaser
167 identification card and provided further that he signs the certifica-
168 tion required in subsection b. of this section for each transaction.

169 j. Firearms passing to heirs or legatees. Notwithstanding any
170 other provision of this section concerning the transfer, receipt or
171 acquisition of a firearm, a permit to purchase or a firearms pur-
172 chaser identification card shall not be required for the passing of a
173 firearm upon the death of an owner thereof to his heir or legatee,
174 whether the same be by testamentary bequest or by the laws of
175 intestacy. The person who shall so receive or acquire said firearm
176 shall, however, be subject to all other provisions of this chapter[,
177 and if]. *If the heir or legatee of such firearm does not qualify to*
178 *possess or carry it, [the firearm may be possessed by him] he may*
179 *retain ownership of the firearm for the purpose of sale for a period*
180 *not exceeding 180 days, or for such further limited period as may*
181 *be approved by the chief law enforcement officer of the munici-*
182 *pality in which the heir or legatee resides or the superintendent,*
183 *provided that such firearm is in the custody of the chief law en-*
184 *forcement officer of the municipality or the superintendent during*
185 *such period.*

186 k. Sawed-off shotguns. Nothing in this section shall be con-
 187 strued to authorize the purchase or possession of any sawed-off
 188 shotgun.

1 *~~13.~~* *12.* N. J. S. 2C:58-4 is amended to read as follows:

2 2C:58-4. Permits to Carry Handguns. a. Scope and duration
 3 of authority. Any person who holds a valid permit to carry a hand-
 4 gun issued pursuant to this section shall be authorized to carry a
 5 handgun in all parts of this State, except as prohibited by section
 6 2C:39-5e. One permit shall be sufficient for all handguns owned
 7 by the holder thereof, but the permit shall apply only to a handgun
 8 carried by the actual and legal holder of the permit.

9 All permits to carry handguns shall expire ~~on December 31 of~~
 10 ~~the year in which they were issued]~~ *2 years from the date of*
 11 *issuance* and they may thereafter be renewed ~~annually]~~ *every 2*
 12 *years* in the same manner and subject to the same conditions as in
 12A the case of original applications.

13 b. Application forms. All applications for permits to carry
 14 handguns, and all applications for renewal of such permits, shall
 15 be made on the forms prescribed by the superintendent. Each
 16 application shall set forth the full name, date of birth, sex, resi-
 17 dence, occupation, place of business or employment, and physical
 18 description of the applicant, and such other information as the
 19 superintendent may prescribe for the determination of the appli-
 20 cant's eligibility for a permit and for the proper enforcement of
 21 this chapter. The application shall be signed by the applicant under
 22 oath, and shall be indorsed by three reputable persons who have
 23 known the applicant for at least 3 years preceding the date of
 24 application, and who shall certify thereon that the applicant is
 25 a person of good moral character and behavior.

26 c. Investigation and approval. Each application shall in the first
 27 instance be submitted to the chief police officer of the municipality
 28 in which the applicant resides, or to the superintendent, if there
 29 is no chief police officer in the municipality where the applicant
 30 resides or if the applicant does not reside in this State. The chief
 31 police officer, or the superintendent, as the case may be, shall cause
 32 the fingerprints of the applicant to be taken and compared with
 33 any and all records maintained by the municipality, the county in
 34 which it is located, the State Bureau of Identification and the
 35 Federal Bureau of Identification. He shall also determine and
 36 record a complete description of each handgun the applicant in-
 37 tends to carry.

38 No application shall be approved by the chief police officer or
 39 the superintendent unless the applicant demonstrates that he is

40 not subject to any of the disabilities set forth in 2C:58-3c., that
41 he is thoroughly familiar with the safe handling and use of hand-
42 guns, and that he has a justifiable need to carry a handgun. If the
43 application is not approved by the chief police officer or the super-
44 intendent within 60 days of filing, it shall be deemed to have been
45 approved, unless the applicant agrees to an extension of time in
46 writing.

47 d. Issuance by **[County]** *Superior* Court; fee. If the application
48 has been approved by the chief police officer or the superintendent,
49 as the case may be, the applicant shall forthwith present it to the
50 **[County]** *Superior* Court of the county in which the applicant
51 resides, or to the **[County]** *Superior* Court in any county where
52 he intends to carry a handgun, in the case of a nonresident. The
53 court shall issue the permit to the applicant if, but only if, it is
54 satisfied that the applicant is a person of good character who is
55 not subject to any of the disabilities set forth in section 2C:58-3c.,
56 that he is thoroughly familiar with the safe handling and use of
57 handguns, and that he has a justifiable need to carry a handgun.
58 The court may at its discretion issue a limited-type permit which
59 would restrict the applicant as to the types of **[firearms]** **hand-*
60 *guns** he may carry and where and for what purposes such **[fire-**
61 *arms]* **handguns** may be carried. At the time of issuance, the
62 applicant shall pay to the county clerk of the county where the
63 permit was issued a permit fee of **[\$10.00]** *\$20.00*.

64 e. Appeals from denial of applications. Any person aggrieved by
65 the denial by the chief police officer or the superintendent of ap-
66 proval for a permit to carry a handgun may request a hearing in
67 the **[County]** *Superior* Court **[of]** **in** the county in which he
68 resides or of any county in which he intends to carry a handgun, in
69 the case of a nonresident, by filing a written request for such a
70 hearing within 30 days of the denial. Copies of the request shall be
71 served upon the superintendent, the county prosecutor and the chief
72 police officer of the municipality where the applicant resides, if he is
73 a resident of this State. The hearing shall be held within 30 days of
74 the filing of the request, and no formal pleading or filing fee shall
75 be required. Appeals from the determination at such a hearing
76 shall be in accordance with law and the rules governing the courts
77 of this State.

78 If the superintendent or chief police officer approves an appli-
79 cation and the **[County]** *Superior* Court denies the application and
80 refuses to issue a permit, the applicant may appeal such denial
81 in accordance with law and the rules governing the courts of this
82 State.

83 f. Revocation of permits. Any permit issued under this section
 84 shall be void at such time as the holder thereof becomes subject
 85 to any of the disabilities set forth in section 2C:58-3 c., and the
 86 holder of such a void permit shall immediately surrender the per-
 87 mit to the superintendent who shall give notice to the licensing
 88 authority.

89 Any permit may be revoked by the **[County]** *Superior* Court
 90 ***[which issued it]***, after hearing upon notice to the holder, if the
 91 court finds that the holder is no longer qualified for the issuance
 92 of such a permit. The county prosecutor of any county, the chief
 93 police officer of any municipality, the superintendent or any citizen
 94 may apply to the court at any time for the revocation of any permit
 95 issued pursuant to this section.

1 ***[14.]*** *13.* N. J. S. 2C:58-5 is amended to read as follows:

2 2C:58-5. Licenses to Possess and Carry Machine Guns. a. Any
 3 person who desires to purchase, possess and carry a machine gun
 4 in this State may apply for a license to do so by filing in the
 5 **[County]** *Superior* Court ***[of]*** *in* the county in which he re-
 6 sides, or conducts his business if a nonresident, a written application
 7 setting forth in detail his reasons for desiring such a license. The
 8 **[County]** *Superior* Court shall refer the application to the county
 9 prosecutor for investigation and recommendation. A copy of the
 10 prosecutor's report, together with a copy of the notice of the hear-
 11 ing on the application, shall be served upon the superintendent**[,** the
 12 county sheriff**]** and the chief police officer of every municipality in
 13 which the applicant intends to carry the machine gun, unless, for
 14 good cause shown, the court orders notice to be given wholly or in
 15 part by publication.

16 b. No license shall be issued to any person who would not qualify
 17 for a permit to carry a handgun under section 2C:58-4, and no
 18 license shall be issued unless the court finds that the public safety
 19 and welfare so require. Any person aggrieved by the decision of
 20 the court in granting or denying an application, including the ap-
 21 plicant, the prosecutor, or any law enforcement officer entitled to
 22 notice under subsection a. who appeared in opposition to the appli-
 23 cation, may appeal said decision in accordance with law and the
 24 rules governing the courts of this State.

25 c. Upon the issuance of any license under this section, true copies
 26 of such license shall be filed with the superintendent and the chief
 27 police officer of the municipality where the licensee resides or has
 28 his place of business.

29 d. In issuing any license under this section, the court shall attach
 30 thereto such conditions and limitations as it deems to be in the

31 public interest. Unless otherwise provided by court order at the
 32 time of issuance, each license shall expire 1 year from the date of
 33 issuance, and may be renewed in the same manner and under the
 34 same conditions as apply to original applications.

35 e. Any license may be revoked by the **【County】** *Superior* Court
 36 ***【which issued it】***, after a hearing upon notice to the holder
 37 thereof, if the court finds that the holder is no longer qualified for
 38 the issuance of such a license or that revocation is necessary for the
 39 public safety and welfare. Any citizen may apply to the court for
 40 revocation of a license issued under this section.

1 ***【15.】*** *14.* (New section) Possession of firearms by minors;
 2 exceptions. a. No person under the age of 18 years shall purchase,
 3 barter or otherwise acquire a firearm.

4 b. No person under the age of 18 years shall possess, carry, fire
 5 or use a firearm except under the following circumstances:

6 (1) In the actual presence or under the direct supervision of his
 7 father, mother or guardian, or some other person who holds a
 8 permit to carry a handgun or a firearms purchaser identification
 9 card, as the case may be; or

10 (2) For the purpose of military drill under the auspices of a
 11 legally recognized military organization and under competent
 12 supervision; or

13 (3) For the purpose of competition or target practice in and
 14 upon a firing range approved by the governing body of the munici-
 15 pality in which the range is located or the National Rifle Associa-
 16 tion and which is under competent supervision at the time of such
 17 supervision or target practice; or

18 (4) For the purpose of hunting during the regularly designated
 19 hunting season, provided that he possesses a valid hunting license
 20 and has successfully completed a hunter's safety course taught by
 21 a qualified instructor or conservation officer and possesses a certifi-
 22 cate indicating the successful completion of such a course.

23 c. Any person under the age of 18 years who violates any pro-
 24 vision of this section shall be deemed a juvenile in need of super-
 25 vision as defined in P. L. 1973, c. 306 § 4 (C. 2A:4-45).

1 ***【16.】*** *15.* N. J. S. 2A:151-10 and N. J. S. 2A:151-11 are
 2 repealed.

1 ***【17.】*** *16.* This act shall take effect September 1, 1979.

37 if the court finds that the holder is no longer qualified for the
 38 issuance of such a license or that revocation is necessary for the
 39 public safety and welfare. Any citizen may apply to the court for
 40 revocation of a license issued under this section.

1 15. (New section) Possession of firearms by minors; exceptions.

2 a. No person under the age of 18 years shall purchase, barter or
 3 otherwise acquire a firearm.

4 b. No person under the age of 18 years shall possess, carry, fire
 5 or use a firearm except under the following circumstances:

6 (1) In the actual presence or under the direct supervision of his
 7 father, mother or guardian, or some other person who holds a
 8 permit to carry a handgun or a firearms purchaser identification
 9 card, as the case may be; or

10 (2) For the purpose of military drill under the auspices of a
 11 legally recognized military organization and under competent
 12 supervision; or

13 (3) For the purpose of competition or target practice in and
 14 upon a firing range approved by the governing body of the munici-
 15 pality in which the range is located or the National Rifle Associa-
 16 tion and which is under competent supervision at the time of such
 17 supervision or target practice; or

18 (4) For the purpose of hunting during the regularly designated
 19 hunting season, provided that he possesses a valid hunting license
 20 and has successfully completed a hunter's safety course taught by
 21 a qualified instructor or conservation officer and possesses a certifi-
 22 cate indicating the successful completion of such a course.

23 c. Any person under the age of 18 years who violates any pro-
 24 vision of this section shall be deemed a juvenile in need of super-
 25 vision as defined in P. L. 1973, c. 306 § 4 (C. 2A:4-45).

1 16. N. J. S. 2A:151-10 and N. J. S. 2A:151-11 are repealed.

1 17. This act shall take effect September 1, 1979.

STATEMENT

This bill amends chapters 39 and 58 of the New Jersey Code of Criminal Justice, P. L. 1978, c. 95, with regard to firearms and other weapons.

Section 1 amends the definition of "antique firearm" in N. J. S. 2C:39-1 to follow more closely the present definition in N. J. S. 2A:151-18.

Section 2 amends N. J. S. 2C:39-2 to clarify the intent that the presumption attaches when any one of the weapons is found in a

A 3352 (1978)

vehicle. The broader term vehicle, which is used in the present law, N. J. S. 2A:151-7, is substituted for "automobile".

Section 3 clarifies subsection 2C:39-3d. regarding defaced firearms. The list of weapons in subsection 2C:39-3e. is rewritten in the singular, rather than the plural.

Section 4 rewrites N. J. S. 2C:39-4 to list the more serious crimes first and to make the language of all subsections parallel. No substantive changes are made.

Section 5 amends N. J. S. 2C:39-5 to make clear that possession of machine guns and sawed-off shotguns is governed by chapter 39.

Section 6 makes a number of amendments to N. J. S. 2C:39-6 regarding the exemption of certain persons from the restrictions on the possession of weapons. Investigators employed by the State Commission of Investigation, deputy attorneys general in the Division of Criminal Justice and inspectors and investigators of the Division of Alcoholic Beverage Control are exempted from the permit requirements of N. J. S. 2C:39-5. The word "retail" has been deleted from subsection 2C:39-6b.(2) to make clear that all licensed dealers have an exemption for transporting firearms during their normal business activities. Subsection 2C:39-6e. clarifies certain exemptions available to private citizens. The amendment to subsection 2C:39-6f.(2) recognizes that no fishing license is available for salt water fishing. The change in subsection 2C:39-6f.(3)(c) makes it consistent with other references in the section.

Section 7 adds a new section to Chapter 39 which punishes, as a crime of the fourth degree, the possession of weapons by certain persons. Although new to the Code, section 7, except for word changes to reflect Code crimes, follows exactly the language of the present statute, N. J. S. 2A:151-8.

Section 8 eliminates the incorrect reference to a "billy" as something which "projects, releases or emits tear gas." The amendment to subsection 2C:39-9e. is necessary for consistency with subsection 2C:39-3d.

N. J. S. 2C:39-10 provides the penalties for violations of the regulatory provisions of chapter 58. Section 9 of this bill corrects the inadvertent omission of a reference to N. J. S. 2C:58-2 regarding the retailing of firearms.

Section 10 amends N. J. S. 2C:39-11 for the sake of clarity.

Section 11 eliminates the requirement in N. J. S. 2C:58-2 that employees of retail dealers renew their licenses every 3 years. The section is also amended to raise the age for a license as a retail

dealer to 21 consistent with Federal law. Subsection 2C:58-2e. is rewritten for clarification.

Section 12 amends N. J. S. 2C:58-3c. to follow more closely the language of the present statute, N. J. S. 2A:151-33. Subsection 2C:58-3j. is amended to require that an heir to a firearm who does not himself qualify to possess it must relinquish the firearm to the custody of the chief law enforcement officer of the municipality or the superintendent of State Police pending its sale or transfer.

Section 13 amends N. J. S. 2C:58-4 to increase the duration of permits to carry to 2 years. This amendment will permit more efficient administration of such permits, and past experience indicates that a 2-year period will not pose any threat to the public safety. The permit fee is accordingly doubled to \$20.00.

N. J. S. 2C:58-2 through N. J. S. 2C:58-5 are amended to change references from county court to Superior Court. Section 14 further amends N. J. S. 2C:58-5 to delete the reference to the county sheriff as a necessary party to any proceeding on an application for a license to possess a machine gun.

Section 15 regarding possession of firearms by minors returns the Code more closely to the language of the present statute, N. J. S. 2A:151-11. The additional special firearms license for minors contemplated by N. J. S. 2C:58-6 is considered by law enforcement officials to be unwieldy and unnecessary. N. J. S. 2C:58-6 will be repealed by Senate Bill No. 3203 and Assembly Bill No. 3279.

Section 16 repealed N. J. S. 2A:151-10 and N. J. S. 2A:151-11 regarding use of firearms by minors. The enactment of section 15 above will substitute therefor.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3352
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 28, 1979

This bill amends chapters 39 and 58 of the New Jersey Code of Criminal Justice, P. L. 1978, c. 95, with regard to firearms and other weapons.

Section 1 substitutes the broader term "vehicle" for the term "automobile" in the section of the code dealing with the presumptions with regard to possession of weapons.

Section 2 clarifies 2C:39-3d. regarding defaced firearms. The list of weapons in 2C:39-3c. is rewritten in the singular. Section 2 was amended in committee to remove the requirement that an individual must have a firearms purchase identification card in order to buy hollow nose ammunition. In place of this requirement, sellers of hollow nose ammunition would be required to maintain records containing the names, ages and places of residence of purchasers of this type of ammunition.

Section 3 rewrites N. J. S. 2C:39-4 to list the more serious crimes first and to make the language of all subsections parallel. No substantive changes are made.

Section 4 clarifies that N. J. S. 2C:39-5 covers sawed-off shotguns and machine guns. Language was also added by committee amendments to clarify that possession of antique handguns without a license is an offense.

Section 5 makes a number of amendments to N. J. S. 2C:39-6 regarding the exemption of certain persons from the restrictions on the possession of weapons. Investigators employed by the State Commission of Investigation, deputy attorneys general in the Division of Criminal Justice and inspectors and investigators of the Division of Alcoholic Beverage Control are exempted from the permit requirements of N. J. S. 2C:39-5. The word "retail" has been deleted from subsection 2C:39-6b.(2) to make clear that all licensed dealers have an exemption for transporting firearms during their normal business activities. Section 5 further clarifies that an individual may carry a firearm from its place of purchase to his residence or place of business, or when moving between one place of business or residence to another, without

a permit to carry. Section 5 also clarifies that a person may carry a knife or firearm without a permit when engaged in hunting if he has a valid hunting license, or when engaged in fresh water fishing, a fishing license. No license is issued for salt water fishing.

Through committee amendments, State conservation officers and Department of Corrections employees engaged in the interstate transportation of convicted offenders were added to the list of those exempted from the restrictions on the possession of weapons. Also, the nomenclature with regard to employees of the Division of Parks and Forestry was corrected and the restriction against county park police being permitted to carry weapons while in actual performance of duty was deleted. Because of frequent emergency calls from their homes, railway policemen have been given the right to carry weapons when going to and from work.

Section 6 adds a new section making it a crime of the fourth degree for persons who have been convicted of serious criminal offense or who have a history of mental problems to possess weapons.

Section 7 removes an incorrect reference and includes an exception for antique firearms in the prohibition against the possession of defaced weapons.

Section 8 of this bill corrects the inadvertent omission of a reference to N. J. S. 2C:28-2, regarding the retailing of firearms, in N. J. S. 2C:39-10 which provides the penalties for violations of the regulatory provisions of Chapter 58.

Section 9 clarifies the language in N. J. S. 2C:39-11 with regard to loan security of firearms. Committee amendment makes the selling or loaning of any weapon or explosive a third degree crime, rather than a fourth degree crime, in order to comport this section with other comparable retailing sections.

Section 10 eliminates the requirement in N. J. S. 2C:58-2 that employees of retail dealers renew their licenses every 3 years. The section is also amended to raise the age for a license as a retail dealer to 21 consistent with Federal law. Subsection 2C:58-2e. is rewritten for clarification.

By committee amendment, language was added to permit persons to purchase antique rifles or shotguns without a firearms purchaser identification card.

Section 11 includes language to clarify that handgun purchase permits or firearms purchaser identification cards may not be issued to alcoholics or persons who have been confined with mental disorders. Section 11 also requires that a person who inherits a firearm, and is not qualified to possess it, must relinquish the firearm to the custody of the

chief law enforcement officer of the municipality or the Superintendent of State Police pending its sale or transfer. Language was added to Section 11, by committee amendment, indicating that applicants for firearms purchaser identification cards and handgun permits waive any right of confidentiality relating to institutional confinement.

Section 12 amends N. J. S. 2C:58-4 to increase to 2 years the duration of permits to carry. This amendment will permit more efficient administration of such permits, and past experience indicates that a 2-year period will not pose any threat to the public safety. The permit fee is accordingly doubled to \$20.00.

N. J. S. 2C:58-2 through N. J. S. 2C:58-5 are amended to change all references to "county court" to "Superior Court." Section 13 further amends N. J. S. 2C:58-5 to delete the reference to the county sheriff as a necessary party to any proceeding on an application for a license to possess a machine gun.

Section 14 contains the provisions of present N. J. S. 2A:151-11 with regard to possession of firearms by minors. The code had contemplated a special license for minors, but this was considered by law enforcement officials to be unwieldy and unnecessary. N. J. S. 2C:58-6, which contains this special license provision, will be repealed by Senate Bill No. 3203 and Assembly Bill No. 3279.

Section 15 repeals N. J. S. 2A:151-10 and N. J. S. 2A:151-11 regulating the use of firearms by minors which the enactment of Section 14 will make unnecessary.

The Assembly Judiciary, Law, Public Safety and Defense Committee has requested and obtained the input and support of representatives of the various organizations that are affected by this bill, as well as the various government agencies concerned. Among the organizations whose representatives have expressed support for the bill, as amended, are the National Rifle Association, and Association of New Jersey Rifle and Pistol Clubs, Fort Lee Arms Collectors, New Jersey Arms Collectors, New Jersey State Federation of Sportsmen's Clubs, New Jersey Muzzle Loaders, United Bow Hunters, Sportsmen Industry Conservation Council, Ducks Unlimited, Monmouth County Hunt Club, Game Coin, Southern Jersey Fur Takers, Central Jersey Fur Takers, New Jersey Waterfowlers Association, National Muzzleloading Rifle Association, New Jersey Association of Field Trial Clubs, New Jersey Sporting Dealers Associations, New Jersey Trappers Association, and the National Wild Turkey Federation.
