

20:58-3.1

LEGISLATIVE HISTORY CHECKLIST
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(Firearms--transfer)

NJSA: 20:58-3.1

LAWS OF: 1992 CHAPTER: 74

BILL NO: S184

SPONSOR(S) Zane and Cafiero

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisk

DATE OF PASSAGE: ASSEMBLY: June 11, 1992
SENATE: May 14, 1992

DATE OF APPROVAL: July 31, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KEG:pp

20:58-3.1

P.L.1992, CHAPTER 74, approved July 31, 1992
1992 Senate No. 184 (First Reprint)

1 AN ACT concerning the temporary transfer of a handgun, rifle or
2 shotgun, amending N.J.S.2C:39-5 ¹and N.J.S.2C:39-7¹ and
3 supplementing chapter 58 of Title 2C of the New Jersey
4 Statutes.

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

8 1. (New section) a. Notwithstanding the provisions of
9 N.J.S.2C:39-9, N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute
10 to the contrary concerning the transfer or disposition of firearms,
11 the legal owner, or a dealer licensed under N.J.S.2C:58-2, may
12 temporarily transfer a handgun, rifle, or shotgun to another
13 person who is 18 years of age or older ¹[and who does not hold],
14 whether or not the person receiving the firearm holds¹ a firearms
15 purchaser identification card or a permit to carry a handgun. The
16 person to whom a handgun, rifle or shotgun is temporarily
17 transferred by the legal owner of the firearm or a licensed dealer
18 may receive, possess, carry and use that handgun, rifle or
19 shotgun, if the transfer is made upon a firing range operated by a
20 licensed dealer, by a law enforcement agency, a legally
21 recognized military organization or a rifle or pistol club which
22 has filed a copy of its charter with the superintendent and
23 annually submits to the superintendent a list of its members and
24 if the firearm is received, possessed, carried and used for the sole
25 purpose of target practice, trap or skeet shooting, or competition
26 upon that firing range.

27 A transfer under this subsection shall be for not more than
28 eight consecutive hours in any 24-hour period and may be made
29 for a set fee or an hourly charge.

30 The firearm shall be handled and used by the person to whom it
31 is temporarily transferred only in the actual presence or under
32 the direct supervision of the legal owner of the firearm, the
33 dealer who transferred the firearm or any other person
34 competent to supervise the handling and use of firearms and
35 authorized to act for that purpose by the legal owner or licensed
36 dealer. The legal owner of the firearm or the licensed dealer
37 shall be on the premises or the property of the firing range during
38 the entire time that the firearm is in the possession of the person
39 to whom it is temporarily transferred.

40 The term "legal owner" as used in this subsection means a
41 natural person and does not include an organization, commercial
42 enterprise, or a licensed manufacturer, wholesaler or dealer of
43 firearms.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate floor amendments adopted May 7, 1992.

1 b. Notwithstanding the provisions of N.J.S.2C:39-9,
2 N.J.S.2C:58-2, N.J.S.2C:58-3 or any other statute to the contrary
3 concerning the transfer and disposition of firearms, a legal owner
4 of a shotgun or a rifle may temporarily transfer that firearm to
5 another person who is 18 years of age or older ¹[and who does not
6 hold], whether or not the person receiving the firearm holds¹ a
7 firearms purchaser identification card. The person to whom a
8 shotgun or rifle is temporarily transferred by the legal owner may
9 receive, possess, carry and use that shotgun or rifle in the woods
10 or fields or upon the waters of this State for the purposes of
11 hunting if the transfer is made in the woods or fields or upon the
12 waters of this State, the shotgun or rifle is legal and appropriate
13 for hunting and the person to whom the firearm is temporarily
14 transferred possesses a valid license to hunt with a firearm, and a
15 valid rifle permit if the firearm is a rifle, obtained in accordance
16 with the provisions of chapter 3 of Title 23 of the Revised
17 Statutes.

18 The transfer of a firearm under this subsection shall be for not
19 more than eight consecutive hours in any 24-hour period and no
20 fee shall be charged for the transfer.

21 The legal owner of the firearm which is temporarily
22 transferred shall remain in the actual presence or in the vicinity
23 of the person to whom it was transferred during the entire time
24 that the firearm is in that person's possession.

25 The term "legal owner" as used in this subsection means a
26 natural person and does not include an organization, commercial
27 enterprise, or a licensed manufacturer, wholesaler or dealer of
28 firearms.

29 c. No firearm shall be temporarily transferred ¹or received¹
30 under the provisions of subsections a. ¹[and] or¹ b. of this section
31 for the purposes described in section 1 of P.L.1983, c.229
32 (C.2C:39-14) ¹[or to a person prohibited from purchasing, owning,
33 possessing or controlling a weapon under section 6 of P.L.1979,
34 c.179 (C.2C:39-7)]¹.

35 ¹d. An owner or dealer shall not transfer a firearm to any
36 person pursuant to the provisions of this section if the owner or
37 dealer knows the person does not meet the qualifications set
38 forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a
39 firearms purchaser identification card or a handgun purchase
40 permit. A person shall not receive, possess, carry or use a
41 firearm pursuant to the provisions of this section if the person
42 knows he does not meet the qualifications set forth in subsection
43 c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser
44 identification card or a handgun purchase permit.¹

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

46 2C:39-5. Unlawful Possession of Weapons.

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

52 b. Handguns. Any person who knowingly has in his possession
53 any handgun, including any antique handgun without first having
54 obtained a permit to carry the same as provided in section

1 2C:58-4, is guilty of a crime of the third degree.

2 c. Rifles and shotguns. (1) Any person who knowingly has in
3 his possession any rifle or shotgun without having first obtained a
4 firearms purchaser identification card in accordance with the
5 provisions of section 2C:58-3, is guilty of a crime of the third
6 degree.

7 (2) Unless otherwise permitted by law, any person who
8 knowingly has in his possession any loaded rifle or shotgun is
9 guilty of a crime of the third degree.

10 d. Other weapons. Any person who knowingly has in his
11 possession any other weapon under circumstances not manifestly
12 appropriate for such lawful uses as it may have is guilty of a
13 crime of the fourth degree.

14 e. Firearms in educational institutions. Any person who
15 knowingly has in his possession any firearm in or upon any part of
16 the buildings or grounds of any school, college, university or other
17 educational institution, without the written authorization of the
18 governing officer of the institution, is guilty of a crime of the
19 third degree, irrespective of whether he possesses a valid permit
20 to carry the firearm or a valid firearms purchaser identification
21 card.

22 f. Assault firearms. Any person who knowingly has in his
23 possession an assault firearm is guilty of a crime of the third
24 degree except if the assault firearm is licensed pursuant to
25 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
26 (C.2C:58-12) or rendered inoperable pursuant to section 12 of
27 P.L.1990, c.32 (C.2C:58-13).

28 g. The temporary possession of a handgun, rifle or shotgun by a
29 person receiving, possessing, carrying or using the handgun, rifle,
30 or shotgun under the provisions of ¹[subsections a. and b. of]¹
31 section 1 of P.L., c. ... (C.)(now pending before the
32 Legislature as this bill) shall not be considered unlawful
33 possession under the provisions of subsections b. or c. of this
34 section.

35 (cf: P.L.1990, c.32, s.2)

36 ¹³. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to
37 read as follows:

38 6. Certain Persons Not to Have Weapons. [Any] a. Except as
39 provided in subsection b. of this section, any person, having been
40 convicted in this State or elsewhere of the crime of aggravated
41 assault, arson, burglary, escape, extortion, homicide, kidnapping,
42 robbery, aggravated sexual assault, or sexual assault, whether or
43 not armed with or having in his possession any weapon
44 enumerated in [section] N.J.S.2C:39-1r., or any person convicted
45 of a crime pursuant to the provisions of N.J.S.2C:39-3,
46 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been
47 committed for a mental disorder to any hospital, mental
48 institution or sanitarium unless he possesses a certificate of a
49 medical doctor or psychiatrist licensed to practice in New Jersey
50 or other satisfactory proof that he is no longer suffering from a
51 mental disorder which interferes with or handicaps him in the
52 handling of a firearm, or any person who has been convicted of
53 other than a disorderly persons or petty disorderly persons
54 offense for the unlawful use, possession or sale of a controlled

1 dangerous substance as defined in N.J.S.2C:35-2 who purchases,
2 owns, possesses or controls any of the said weapons is guilty of a
3 crime of the fourth degree.

4 b. A person having been convicted in this State or elsewhere of
5 the crime of aggravated assault, arson, burglary, escape,
6 extortion, homicide, kidnapping, robbery, aggravated sexual
7 assault or sexual assault, whether or not armed with or having in
8 his possession a weapon enumerated in subsection r. of
9 N.J.S.2C:39-1, or a person having been convicted of a crime
10 pursuant to the provisions of N.J.S.2C:35-3 through
11 N.J.S.2C:35-6, inclusive; section 1 of P.L.1987, c.101
12 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3; N.J.S.2C:39-4; or
13 N.J.S.2C:39-9 who purchases, owns, possesses or controls a
14 firearm is guilty of a crime of the second degree.

15 c. Whenever any person shall have been convicted in another
16 state, territory, commonwealth or other jurisdiction of the
17 United States, or any country in the world, in a court of
18 competent jurisdiction of a crime which in said other jurisdiction
19 or country is comparable to one of the crimes enumerated [above]
20 in subsections a. or b. of this section, then that person shall be
21 subject to the provisions of this section.¹

22 (cf: P.L.1991, c.436, s.1)

23 ¹[3.] ⁴ This act shall take effect immediately.

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28 Permits the temporary transfer and possession of handgun, rifle
29 or shotgun under certain circumstances.

SENATE, No. 184
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator ZANE

1 **AN ACT** concerning the temporary transfer of a handgun, rifle or
2 shotgun, amending N.J.S.2C:39-5 and supplementing chapter 58
3 of Title 2C of the New Jersey Statutes.
4

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

7 1. (New section) a. Notwithstanding the provisions of
8 N.J.S.2C:39-9, 2C:58-2, 2C:58-3 or any other statute to the
9 contrary concerning the transfer or disposition of firearms, the
10 legal owner, or a dealer licensed under N.J.S.2C:58-2, may
11 temporarily transfer a handgun, rifle, or shotgun to another
12 person who is 18 years of age or older and who does not hold a
13 firearms purchaser identification card or a permit to carry a
14 handgun. The person to whom a handgun, rifle or shotgun is
15 temporarily transferred by the legal owner of the firearm or a
16 licensed dealer may receive, possess, carry and use that handgun,
17 rifle or shotgun, if the transfer is made upon a firing range
18 operated by a licensed dealer, by a law enforcement agency, a
19 legally recognized military organization or a rifle or pistol club
20 which has filed a copy of its charter with the superintendent and
21 annually submits to the superintendent a list of its members and
22 if the firearm is received, possessed, carried and used for the sole
23 purpose of target practice, trap or skeet shooting, or competition
24 upon that firing range.

25 A transfer under this subsection shall be for not more than
26 eight consecutive hours in any 24-hour period and may be made
27 for a set fee or an hourly charge.

28 The firearm shall be handled and used by the person to whom it
29 is temporarily transferred only in the actual presence or under
30 the direct supervision of the legal owner of the firearm, the
31 dealer who transferred the firearm or any other person
32 competent to supervise the handling and use of firearms and
33 authorized to act for that purpose by the legal owner or licensed
34 dealer. The legal owner of the firearm or the licensed dealer
35 shall be on the premises or the property of the firing range during
36 the entire time that the firearm is in the possession of the person
37 to whom it is temporarily transferred.

38 The term "legal owner" as used in this subsection means a
39 natural person and does not include an organization, commercial
40 enterprise, or a licensed manufacturer, wholesaler or dealer of
41 firearms.

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

Matter underlined thus is new matter.

1 b. Notwithstanding the provisions of N.J.S.2C:39-9, 2C:58-2,
2 2C:58-3 or any other statute to the contrary concerning the
3 transfer and disposition of firearms, a legal owner of a shotgun or
4 a rifle may temporarily transfer that firearm to another person
5 who is 18 years of age or older and who does not hold a firearms
6 purchaser identification card. The person to whom a shotgun or
7 rifle is temporarily transferred by the legal owner may receive,
8 possess, carry and use that shotgun or rifle in the woods or fields
9 or upon the waters of this State for the purposes of hunting if the
10 transfer is made in the woods or fields or upon the waters of this
11 State, the shotgun or rifle is legal and appropriate for hunting and
12 the person to whom the firearm is temporarily transferred
13 possesses a valid license to hunt with a firearm, and a valid rifle
14 permit if the firearm is a rifle, obtained in accordance with the
15 provisions of chapter 3 of Title 23 of the Revised Statutes.

16 The transfer of a firearm under this subsection shall be for not
17 more than eight consecutive hours in any 24-hour period and no
18 fee shall be charged for the transfer.

19 The legal owner of the firearm which is temporarily
20 transferred shall remain in the actual presence or in the vicinity
21 of the person to whom it was transferred during the entire time
22 that the firearm is in that person's possession.

23 The term "legal owner" as used in this subsection means a
24 natural person and does not include an organization, commercial
25 enterprise, or a licensed manufacturer, wholesaler or dealer of
26 firearms.

27 c. No firearm shall be temporarily transferred under the
28 provisions of subsections a. and b. of this section for the purposes
29 described in section 1 of P.L.1983, c.229 (C.2C:39-14) or to a
30 person prohibited from purchasing, owning, possessing or
31 controlling a weapon under section 6 of P.L.1979, c.179
32 (C.2C:39-7).

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

34 2C:39-5. Unlawful Possession of Weapons.

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

40 b. Handguns. Any person who knowingly has in his possession
41 any handgun, including any antique handgun without first having
42 obtained a permit to carry the same as provided in section
43 2C:58-4, is guilty of a crime of the third degree.

44 c. Rifles and shotguns. (1) Any person who knowingly has in
45 his possession any rifle or shotgun without having first obtained a
46 firearms purchaser identification card in accordance with the
47 provisions of section 2C:58-3, is guilty of a crime of the third
48 degree.

49 (2) Unless otherwise permitted by law, any person who
50 knowingly has in his possession any loaded rifle or shotgun is
51 guilty of a crime of the third degree.

52 d. Other weapons. Any person who knowingly has in his
53 possession any other weapon under circumstances not manifestly
54 appropriate for such lawful uses as it may have is guilty of a

1 crime of the fourth degree.

2 e. Firearms in educational institutions. Any person who
3 knowingly has in his possession any firearm in or upon any part of
4 the buildings or grounds of any school, college, university or other
5 educational institution, without the written authorization of the
6 governing officer of the institution, is guilty of a crime of the
7 third degree, irrespective of whether he possesses a valid permit
8 to carry the firearm or a valid firearms purchaser identification
9 card.

10 f. Assault firearms. Any person who knowingly has in his
11 possession an assault firearm is guilty of a crime of the third
12 degree except if the assault firearm is licensed pursuant to
13 N.J.S.2C:58-5; registered pursuant to section 11 of P.L.1990, c.32
14 (C.2C:58-12) or rendered inoperable pursuant to section 12 of
15 P.L.1990, c.32 (C.2C:58-13).

16 g. The temporary possession of a handgun, rifle or shotgun by a
17 person receiving, possessing, carrying or using the handgun, rifle,
18 or shotgun under the provisions of subsections a. and b. of section
19 1 of P.L., c. ... (C.)(now pending before the Legislature
20 as this bill) shall not be considered unlawful possession under the
21 provisions of subsections b. or c. of this section.

22 (cf: P.L.1990, c.32, s.2)

23 3. This act shall take effect immediately.

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Sponsors' STATEMENT

28 This bill would permit the temporary transfer of a handgun,
29 shotgun or rifle by the legal owner, or by a licensed firearms
30 dealer, to a person who is 18 years of age or older and who does
31 not hold a firearms purchaser identification card or a permit to
32 carry a handgun. Such a transfer may only be made at a firing
33 range for the purpose of target practice, trap or skeet shooting or
34 competition. The transfer may only be for a period of eight
35 consecutive hours in any 24-hour period, and a flat fee or hourly
36 rate may be charged. The handling and use of the firearm by the
37 person to whom it is temporarily transferred must be under the
38 direct supervision of the legal owner of the firearm, the
39 firearm's dealer or other person competent to supervise the
40 handling and use of the firearm.

41 In addition, the bill permits the temporary transfer of a
42 shotgun or rifle by the legal owner to a person who is at or over
43 18 years of age and who does not possess a firearms identification
44 card for the purpose of hunting. Such a transfer may only be
45 made in the woods, fields or upon the waters of this State and if
46 the shotgun or rifle is legal and appropriate for hunting. The
47 person to whom a firearm is temporarily transferred must possess
48 a valid license to hunt with a firearm, and a valid rifle permit if
49 the firearm is a rifle.

50 The transfer to certain persons described in section 6 of
51 P.L.1979, c.179 (C.2C:39-7) who may not have weapons or
52 transfer them for the purpose of training for an illegal activity as
53 described in section 1 of P.L.1983, c.229 (C.2C:39-14) would still
54 be prohibited.

S184

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Permits the temporary transfer and possession of handgun, rifle
or shotgun under certain circumstances.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 184

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 184(1R).

This bill would permit the temporary transfer under certain circumstances of a handgun, shotgun or rifle by the legal owner, or by a licensed firearms dealer, to a person who is 18 years of age or older whether or not the person receiving the firearm holds a firearms purchaser identification card or a permit to carry a handgun. Such a transfer may only be made at a firing range for the purpose of target practice, trap or skeet shooting or competition. The transfer may only be for a period of eight consecutive hours in any 24-hour period, and a flat fee or hourly rate may be charged. The handling and use of the firearm by the person to whom it is temporarily transferred must be under the direct supervision of the legal owner of the firearm, a firearm dealer or other person competent to supervise the handling and use of the firearm.

In addition, the bill allows the temporary transfer of a shotgun or rifle for the purpose of hunting by the legal owner to a person who is at or over 18 years of age, whether or not the person receiving the shotgun or rifle possesses a firearms identification card. Such a transfer may only be made in the woods, fields or upon the waters of this State and only if the shotgun or rifle is legal and appropriate for hunting. The person to whom a firearm is temporarily transferred must possess a valid license to hunt with a firearm, or a valid rifle hunting permit if the firearm is a rifle.

The transfer to or receipt by certain persons for the purpose of training for an illegal activity as described in section 1 of P.L.1983, c.229 (C.2C:39-14) would still be prohibited.

An owner or dealer shall not transfer a firearm to any person if the owner or dealer knows the person does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit. A person shall not receive, possess, carry or use a firearm if the person knows he does not meet the qualifications set forth in subsection c. of N.J.S.2C:58-3 for obtaining or holding a firearms purchaser identification card or a handgun purchase permit.

The temporary possession of a handgun, rifle or shotgun by a person receiving, possessing, carrying or using the handgun, rifle, or shotgun under the provisions of this bill shall not be considered unlawful possession.

The bill amends N.J.S.A.2C:39-5 concerning unlawful possession of weapons to provide that a person convicted of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault or sexual assault, whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person convicted of certain crimes related to the unlawful possession or sale of controlled dangerous substances (N.J.S.2C:35-3 through N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7) or N.J.S.2C:35-11) or certain weapons offenses (N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9) who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 184

STATE OF NEW JERSEY

DATED: APRIL 2, 1992

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 184.

This bill would permit the temporary transfer under certain circumstances of a handgun, shotgun or rifle by the legal owner, or by a licensed firearms dealer, to a person who is 18 years of age or older and who does not hold a firearms purchaser identification card or a permit to carry a handgun. Such a transfer may only be made at a firing range for the purpose of target practice, trap or skeet shooting or competition. The transfer may only be for a period of eight consecutive hours in any 24-hour period, and a flat fee or hourly rate may be charged. The handling and use of the firearm by the person to whom it is temporarily transferred must be under the direct supervision of the legal owner of the firearm, a firearm dealer or other person competent to supervise the handling and use of the firearm.

In addition, the bill permits for the purpose of hunting the temporary transfer of a shotgun or rifle by the legal owner to a person who is at or over 18 years of age, but does not possess a firearms identification card. Such a transfer may only be made in the woods, fields or upon the waters of this State and only if the shotgun or rifle is legal and appropriate for hunting. The person to whom a firearm is temporarily transferred must possess a valid license to hunt with a firearm, or a valid rifle hunting permit if the firearm is a rifle.

The transfer to certain persons described in section 6 of P.L.1979, c.179 (C.2C:39-7) who may not have weapons, or a transfer for the purpose of training for an illegal activity as described in section 1 of P.L.1983, c.229 (C.2C:39-14) would still be prohibited.

This bill was pre-filed for introduction in the 1992 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.