

CHAPTER 60

AN ACT concerning firearms and other dangerous weapons and revising, repealing and supplementing parts of the statutory law.

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

Section
amended.

1. Section 2A:151-1 of the New Jersey Statutes is amended to read as follows:

Definitions.

2A:151-1. The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

It shall also include, without limitation, any firearm which is in the nature of any air gun, spring gun or pistol, carbon dioxide or compressed air gun or pistol, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas, or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than $\frac{3}{8}$ of an inch in diameter, with sufficient force to injure the person.

b. Pistol or revolver includes any firearm with an over-all length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shot-

gun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A :151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other

ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

Section amended.

2. Section 2A:151-2 of the New Jersey Statutes is amended to read as follows:

Pawnbrokers not to deal in weapons.

2A:151-2. Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5, laws of 1952 (C. 2A:151-62), stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive is guilty of a high misdemeanor.

Section amended.

3. Section 2A:151-4 of the New Jersey Statutes is amended to read as follows:

Sale by persons other than retail or wholesale dealers; penalty.

2A:151-4. Any person becoming the lawful possessor of any firearm who sells, gives or transfers the same to any other person except in the manner provided by this chapter, is guilty of a misdemeanor.

Section amended.

4. Section 2A:151-5 of the New Jersey Statutes is amended to read as follows:

Additional sentence for armed criminals.

2A:151-5. Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub,

sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), razor, stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

5. Section 2A:151-6 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-6. In the trial of any person for committing or attempting to commit any crime enumerated in section 2A:151-5, the fact that he was armed with or had in his possession any firearm or any dangerous instrument enumerated in section 2A:151-5 is prima facie evidence of his intention to commit said crime with said firearm or dangerous instrument.

Arms as evidence of intent.

6. Section 2A:151-7 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-7. The presence of a firearm or any grenade, bomb or other explosive in a vehicle is presumptive evidence of possession by all persons occupying the vehicle at the time.

Firearms in vehicles.

7. Section 2A:151-8 of the New Jersey Statutes is amended to read as follows:

Section amended.

Convicted
person not to
have weapons;
penalty.

2A:151-8. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a narcotic or nonnarcotic drug or who is registered as a narcotic drug offender under chapter 230 of the laws of 1952, who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

Section
amended.

8. Section 2A:151-9 of the New Jersey Statutes is amended to read as follows:

Sale of
weapons to
idiot, those
with physical
defects;
penalty.

2A:151-9. Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation

of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

9. Section 2A:151-10 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-10. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive instrument, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

Sale of weapons or loaded blank cartridges to minors; penalty.

10. Section 2A:151-11 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-11. Any person under the age of 18 years who purchases, barter, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive, except a firearm as provided in section 2A:151-33, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle

Acquisition or use of firearms by minors; exceptions.

Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting provided the regularly designated hunting season.

Section amended.

11. Section 2A :151-12 of the New Jersey Statutes is amended to read as follows :

Manufacture or sale of dangerous instruments prohibited.

2A :151-12. a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kinds usually known as a sling shot, slung shot, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, knife as defined in chapter 5 of the laws of 1952 (C. 2A :151-62), stiletto, grenade, bomb, or other explosive, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wood slivers, to any person, except in accordance with Federal or State law is guilty of a misdemeanor.

b. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kind usually known as blackjack, billy, handcuffs or iron claws, except to any law enforcement officer as enumerated in section 2A :151-43 and provided they are acting within their official capacity and in the performance of their duty, is guilty of a misdemeanor.

Section repealed.

12. Section 2A :151-13 of the New Jersey Statutes is repealed.

Section amended.

13. Section 2A :151-15 of the New Jersey Statutes is amended to read as follows :

Altering serial number, etc., of firearm; sale.

2A :151-15. Any person who alters, changes, removes, disfigures, obliterates or defaces the name

of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

14. Section 2A:151-16 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-16. No property right exists in firearms unlawfully possessed, carried, acquired or used, and all such firearms are declared to be nuisances and forfeited to the State. When such forfeited firearms are taken from any person, they shall be surrendered to the sheriff of the county in which taken, or to the head of the police department in municipalities, or to the office of the county prosecutor and may be disposed of when they are no longer needed for evidential purposes and after they have been inventoried and their disposition witnessed and recorded by the head of the agency having possession or his representative designated for this purpose. If any such firearms are found to be the property of an innocent owner prior to their disposition, they shall be returned to him if and when no longer needed for evidential purposes.

Property rights in firearms; forfeiture.

15. Section 2A:151-18 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-18. This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

Antiques and ornaments excepted.

16. Section 2A:151-19 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-19. No person shall manufacture or sell at wholesale any firearm until he has registered with the superintendent and has furnished him with such particulars as may be prescribed by law and by rules and regulations promulgated by the superintendent for registration. The application for

Manufacturers and wholesalers of weapons to be registered.

registration shall be accompanied by a fee of \$50.00 and may be renewed annually upon payment of a fee of \$25.00.

The superintendent shall prescribe standards and qualifications for registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare. If the superintendent is satisfied that an applicant for registration cannot be permitted to carry on business as a manufacturer or wholesale dealer in firearms without danger to the public health, safety or welfare, he may refuse to register the applicant.

The superintendent shall furnish a certificate of registration to every person registered under this section.

Section amended.

17. Section 2A :151-22 of the New Jersey Statutes is amended to read as follows :

Manufacturer and wholesale dealer to keep record of sales.

2A :151-22. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm enumerated in section 2A :151-19 sold by him. The record shall include the date of sale, the name and address of purchaser, description of each firearm and the serial number thereof. The information contained in the record shall be available at all reasonable hours for inspection by any law enforcement officer as enumerated in section 2A :151-24 of this chapter.

Section amended.

18. Section 2A :151-24 of the New Jersey Statutes is amended to read as follows :

Licenses for retail dealers; by whom granted; conditions license granted.

2A :151-24. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

The superintendent shall prescribe standards and qualifications for retail dealers of firearms for the protection of the public safety, health and welfare.

A judge of the County Court of the county wherein the retail dealer has his place of business shall grant licenses in form prescribed by the superintendent, to applicants who meet such standards and qualifications, effective for not more than 1 year from the date of issue, permitting the li-

censee to sell firearms at retail within a specified municipality, provided that the application shall be accompanied by a fee of \$10.00 payable to the superintendent and may be renewed annually upon payment of a fee of \$5.00.

No license shall be granted to any person under the age of 21 years or to any person who could not qualify to obtain a permit to purchase a pistol or revolver or firearms purchaser identification card under section 2A:151-33 of this chapter, or to any corporation, partnership or other business organization in which a controlling or dominating interest is held or possessed by such a person or persons.

Licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on application of any law enforcement officer and after hearing by the issuing court.

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

b. The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read;

c. No firearm or imitation thereof shall be placed in any window or in any part of the premises where it can readily be seen from the outside;

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after the date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

e. A true record of every pistol or revolver sold, given or otherwise delivered or disposed of shall be kept by the retail dealer in accordance with the provisions of section 2A:151-25 to 2A:151-29 of this Title.

f. No rifle or shotgun shall be delivered to any person;

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the State Police.

Section
amended.

Record of
sales to
be kept;
inspection
of register.

19. Section 2A:151-25 of the New Jersey Statutes is amended to read as follows:

2A:151-25. Every person engaged in the retail business of selling, leasing or otherwise transferring a pistol, or revolver, whether such seller, lessor or transferor is a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturers' number, caliber or other marks of identification on such pistol or revolver and such other information as the superintendent shall deem necessary for the proper en-

forcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for the inspection of any law enforcement officer as enumerated in section 2A:151-24 of this chapter.

20. Section 2A:151-26 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-26. The superintendent shall prepare the form of the register as described in 2A:151-25 and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

Preparation and furnishing of register.

21. Section 2A:151-27 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-27. The purchaser, lessee or transferee of any pistol or revolver shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

Signatures on register.

22. Section 2A:151-28 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-28. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the entries in the register on the duplicate copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Copies delivered to chief of police and superintendent.

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

Section
repealed.

23. Section 2A:151-29 of the New Jersey Statutes is repealed.

Section
repealed.

24. Section 2A:151-30 of the New Jersey Statutes is repealed.

Section
amended.

25. Section 2A:151-32 of the New Jersey Statutes is amended to read as follows:

Purchaser
must have
permit.

2A:151-32. A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number or dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

C. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee whether the same be by testamentary bequest or by the laws of intestacy except that the person who shall so receive or acquire said firearm shall be subject to all other provisions of this chapter; provided fur-

ther that if the heir or legatee of such firearm does not qualify to possess or carry same under this act, the firearm may be possessed by him for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent.

26. Section 2A:151-33 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-33. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

Permit to purchase; who may obtain.

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any person addicted to narcotics, or who is a habitual user of goofballs or pep pills, to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

27. Section 2A:151-34 of the New Jersey Statutes is amended to read as follows:

Section amended.

Permit to
purchase;
by whom
granted.

2A:151-34. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent in all other cases shall, upon application, issue to any person qualified under the provisions of section 2A:151-33, a permit to purchase a pistol or revolver or a firearms purchaser identification card.

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

Section
amended.

28. Section 2A:151-35 of the New Jersey Statutes is hereby amended to read as follows:

Application
for permit;
contents;
blanks
obtainable.

2A:151-35. Applications for permits to purchase a pistol or revolver and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, addicted to narcotic drugs or is a habitual user of goofballs or pep pills, whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or

permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization, which advocates or approves the commission of acts of force and violence either to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitutions of either the United States or the State of New Jersey, whether he has ever been convicted of a crime, or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The application shall be signed by the applicant and shall contain as reference the names and addresses of 2 reputable citizens personally acquainted with him.

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

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a pistol or revolver purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a pistol or revolver purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or

the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

Section
amended.

29. Section 2A:151-36 of the New Jersey Statutes is amended to read as follows:

Granting of
permit fee.

2A:151-36. The application for the permit to purchase a pistol or revolver, or for the firearms purchase identification card, together with a fee of \$2.00 shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit, or the identification card, or both, if application has been made therefor, within 10 days from the date of receipt of the application for residents of this State and within 15 days for nonresident applicants. A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities set forth in section 2A:151-33, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said 5 days shall be a misdemeanor. Any firearms purchaser identification card may be revoked by the judge of the County Court of the county wherein the card was issued, after hearing upon notice, and upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such judge at any time for the revocation of such card.

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

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

30. Section 2A:151-38 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-38. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the pistol or revolver from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the clerk of the county wherein the municipality is located. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

Form of permit; quadruplicate; disposition of copies.

31. Section 2A:151-39 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-39. A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in section 2A:151-32B for each transaction.

One pistol for each permit.

32. Section 2A:151-41 of the New Jersey Statutes is amended to read as follows:

Section amended.

2A:151-41. Except as hereinafter provided, any person who carries, holds or possesses in any automobile, carriage, motor cycle or other vehicle, or on or about his clothes or person, or otherwise in his possession, or in his possession or under his control in any public place or public area:

Carrying weapons; penalty; license to carry.

a. A pistol or revolver without first having obtained a permit to carry the same in accordance with the provisions of this chapter; or

b. A rifle or shotgun without first having obtained a firearms purchaser identification card in accordance with the provisions of this chapter; or

c. Any dangerous instrument of the kinds known as a blackjack, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, cestus or similar leather band studded with metal for fitting on the knuckles, loose wool impregnated with metal filings, or razor blades imbedded in wood slivers, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), stiletto, grenade, bomb or other explosive, other than fixed ammunition, except as such person may be licensed to carry, hold or possess explosives under the provisions of Title 21 of the Revised Statutes and amendments thereto, is guilty of a misdemeanor.

Section amended.

33. Section 2A:151-42 of the New Jersey Statutes is amended to read as follows:

Carrying weapons about one's premises or for purposes of hunting and target practice.

2A:151-42. Nothing contained in section 2A:151-41 shall be construed:

a. to prevent a person from keeping or carrying about his place of business, dwelling house, premises, or on land possessed by him, any firearm or from carrying the same from any place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from any place where repairing is done, to have the same repaired; nor

b. to prevent any person from carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice, or fishing; nor

c. to prevent any person from transporting any firearm while traveling directly to or from any place for the purpose of hunting provided such person has in his possession a valid hunting license or while traveling directly to or from any target range or other authorized place for the purpose of practice, match, target, trap or skeet shooting

or shooting exhibitions, provided in all cases that during the course of traveling for the purposes set forth in this section, the firearm is unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which the person is transporting the firearm, and provided further that the course of travel to or from said areas may include such deviations as may be reasonable or necessary under the circumstances; and provided further that nothing contained in this chapter shall be considered as an exemption or exception from the requirements or provisions of Title 23 of the Revised Statutes and amendments thereto or any rules and regulations promulgated thereunder.

34. Section 2A :151-43 of the New Jersey Statutes is amended to read as follows: Section amended.

2A :151-43. Section 2A :151-41 of this Title does not apply to: Exceptions from provisions of section 2A :151-41.

- a. The United States Marshal or his deputies;
- b. Members of the Armed Forces of the United States or of the National Guard when on duty;
- c. Any sheriff, undersheriff, county prosecutor, assistant prosecutor or prosecutor's detective;
- d. The regularly employed members, including detectives, of the police department of any county or municipality or of any State, interstate, municipal or county park police force or of any county boulevard police force at all times, while within the State of New Jersey, or any special policeman appointed by the governing body of any county or municipality or by the commission or other board or body having control of any county park police force or any county boulevard police force while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry firearms;
- e. Any member of the State Police, or any motor vehicle inspector;
- f. Any jailer, constable, railway police, or any other peace officer, when in discharge of his duties;

g. The members of the Fish and Game Council, or conservation officers, or full-time employees of the Division of Shell Fisheries having the power of arrest and authorized to carry weapons;

h. Any person or jail wardens or their deputies, or any guard or keeper of any penal institution in this State, while engaged in the actual performance of the duties of their positions and when so required by their superior officers to carry firearms;

i. Any court attendant serving as such under appointment by the sheriff of the county or by the judge of or magistrate of any court of this State while in the performance of his duties;

j. (Deleted by amendment.)

k. Any guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State while in the performance of his duties;

l. Any officer of the society for the prevention of cruelty to animals;

m. Any legally recognized military organization when under orders, or any member thereof when going to or from the place of meeting of the organization, carrying the weapons prescribed for drill, exercise or parade;

n. Persons having a hunter's license in going to or from places of hunting as set forth in section 2A:151-42;

o. Members of government or civilian rifle or pistol clubs duly organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from their several places of target practice and carrying weapons necessary for such practice; provided further that a copy of the charter is filed with the superintendent and a list of the members of the club is submitted annually to the superintendent;

p. The director, deputy directors, inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety;

q. Employees of public utility corporations actually engaged in the transportation of explosives;

r. Any civil employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located within this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while such civil employee is engaged in the actual performance of his official duties; or

s. Law enforcement officers employed by governmental agencies outside of the State of New Jersey who are engaged in their official duties provided that they have first notified the chief law enforcement officer of the municipality or the county prosecutor of the county in which they are engaged or the superintendent.

35. Section 2A:151-44 of the New Jersey Statutes is amended to read as follows:

Section
amended.

2A:151-44. Any person desiring to obtain a permit to carry a pistol or revolver shall in the first instance make application therefor either to the chief police officer of the municipality in which the applicant resides or to the superintendent if there is no chief police officer in the municipality where the applicant resides. No permit shall be issued to any person who suffers from any disability which would preclude his obtaining a permit to purchase a pistol or revolver as provided in section 2A:151-33 and provided that he produces proof of his familiarity with the handling and use of firearms and of the need therefor.

Permit to
carry firearms;
application;
investigation
of finger-
prints; fee.

On all such applications the chief police officer or the superintendent, as the case may be, shall have the fingerprints of the applicant taken and compared with any and all records of fingerprints in the municipality and county in which the applicant is a resident and also the records of the State Bureau of Identification and the Federal Bureau of Investigation. He may also require reasonable proof that the applicant is of sufficient maturity and

possesses sufficient skill and knowledge in the handling of firearms. On applications for a permit to carry a pistol or revolver he shall also inquire into and determine the name and address of the manufacturer of the weapon, any and all manufacturer's identification numbers, letters and marks, and a complete description of the kind and type of revolver or pistol which the applicant intends to carry.

If such application is approved by the chief police officer or by the superintendent, as the case may be, the applicant shall then present the same to a judge of the County Court of the county in which the applicant resides. Upon being satisfied of the sufficiency of the application and that the applicant has never been convicted of a crime, is a person of good character, and is not subject to any of the disabilities set forth in section 2A:151-33, and of the need of the applicant to carry a pistol or revolver, the judge shall issue a permit therefor.

Each applicant for a permit shall at the time of granting the same pay to the clerk of the county in which he resides and in which the application is made, a license fee of \$3.00.

One permit shall be sufficient for such revolvers, pistols or other firearms as the applicant may possess.

Failure of the issuing authority to deny the application or issue a permit within 60 days shall be deemed to be approval thereof, unless the applicant waives the time period herein provided or agrees to an extension thereof in writing.

36. Any person aggrieved by the denial by the chief of police or the superintendent of approval for a permit to carry may request a hearing in the County Court of the county in which he resides if he is a resident of New Jersey or in the County Court of the county in which the application is made if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit. The applicant shall serve a copy of his request for a hear-

ing upon the chief of police of the municipality in which he resides if he is a resident of New Jersey and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the County Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law. If the superintendent or police chief approves the application and the County Court denies the application, then the appeal from the denial of such application by the County Court shall be in accordance with law.

37. Applications for permits to carry a pistol or revolver and for any renewals thereof shall be on forms prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description including distinguishing physical characteristics, if any, of the applicant; and shall state whether the applicant is a citizen; whether he is an alcoholic or addicted to drugs or is an habitual user of goofballs or pep pills; whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment; whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence; whether he presently is or ever has been a member of any organization which advocates or approves the commission of acts of force and violence either to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitutions of either the United

States or the State of New Jersey; and whether he has ever been convicted of a crime or disorderly persons offense and such other information as the superintendent may prescribe for the proper enforcement of this chapter. The application shall be signed by the applicant under oath and shall contain the names, addresses and indorsement of the applicant, as a person of good moral character and behavior, by 3 reputable persons who have been personally acquainted with the applicant for a period of at least 3 years next preceding the date of the application and who shall sign their indorsement on the application. There shall be no further conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit than those set forth by the superintendent and those that are specifically set forth in this chapter.

Application blanks shall be obtainable from the superintendent and from the chief police officer of the municipality in which the applicant resides.

Section amended.

38. Section 2A:151-45 of the New Jersey Statutes is amended to read as follows:

Permit to carry firearms; authority; expiration and renewal; revocation.

2A:151-45. A permit issued under section 2A:151-44 of this chapter shall be sufficient authority for the holder thereof to carry a revolver or pistol in all parts of the State. Except as herein otherwise provided, all permits to carry a pistol or revolver issued pursuant to this chapter shall expire on December 31 subsequent to the date of issue, and may thereafter be renewed annually in the same manner and subject to the same provisions by which the original permit was obtained, provided that the permit shall be void at such time as the holder thereof becomes subject to any of the disabilities set forth in section 2A:151-44, in which event the holder thereof shall return the permit to the superintendent who shall then advise the licensing authority. Failure of the holder to return the permit to the superintendent within the said 5 days shall be a misdemeanor. All permits so issued to an employee of an armored car com-

pany rendering armored car service shall continue to be in full force and effect so long as the said employee continues in his employment with the armored car company and renewal of the permit shall not be required, but if the said employee ceases to be in such employment he shall surrender the permit to the authority which issued it.

Any permit may be revoked by a judge of the County Court of the county wherein the permit was issued, after hearing upon notice, and upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such judge at any time for the revocation of any such permit.

39. Section 2A:151-48 of the New Jersey Statutes is amended to read as follows: Section amended.

2A:151-48. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor. False representations in permit applications or in purchases.

40. Section 2A:151-49 of the New Jersey Statutes is amended to read as follows: Section amended.

2A:151-49. The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom. Machine gun or automatic rifle defined.

41. Section 2A:151-53 of the New Jersey Statutes is amended to read as follows: Section amended.

2A:151-53. Upon the issuance of the license, the judge shall send or deliver it to the superintendent who shall enter a record of the license and forward Record of delivery of license.

the license to the local police chief of the municipality where the licensee resides. The chief shall, in a book provided for that purpose, enter a record of the license, stating the date of its issuance, and the name and address of the person to whom it was issued. After making such record the chief of police shall deliver the license to such person.

C. 2A:151-57.1.
Incendiary
ammunition
prohibited.

42. No incendiary or tracer type ammunition shall be discharged anywhere in this State except for law enforcement purposes by law enforcement officers in the course of their official duties or by members of legally recognized military organizations during the actual course of their official duties in or upon military establishments or ranges constructed or maintained for such purposes and except that nonincendiary shotgun tracer ammunition may be used on a trap or skeet field for target purposes. Nothing in this chapter shall prohibit the carrying or possession for distress signal purposes of flare type guns aboard boats, or ships in open tidewater or upon aircraft.

C. 2A:151-57.2.
Provisions
not
affected.

43. If any provision of this act, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of the act, which reasonably can be given effect despite the invalidity.

C. 2A:151-57.3.
Penalties.

44. All violations of this chapter where no specific penalty is otherwise prescribed shall be considered to be misdemeanors.

Note:
Effective
date.

45. This act shall take effect 60 days after enactment.

Approved June 6, 1966.