

P.L. 2018, CHAPTER 36, *approved June 13, 2018*  
Assembly, No. 2757 (*First Reprint*)

1 AN ACT concerning certain firearms sales and transfers and  
2 amending N.J.S.2C:58-3.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:58-3 is amended to read as follows:  
8 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

22 (b) between law enforcement officers;

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

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

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

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

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

**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:

<sup>1</sup>Assembly AJU committee amendments adopted March 5, 2018.

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

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

6       b. Firearms purchaser identification card.

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

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

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

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

32       (b) between law enforcement officers;

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

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

40       (3) Prior to a transaction conducted pursuant to this subsection,  
41 the retail dealer shall complete a National Instant Criminal  
42 Background Check of the person acquiring <sup>1</sup>**the handgun** an  
43 antique cannon or a rifle or shotgun<sup>1</sup>. In addition:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
2 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
3 firearm, and other information as the superintendent shall deem  
4 necessary for the proper enforcement of this chapter. For the  
5 purpose of complying with this subsection, the applicant shall  
6 waive any statutory or other right of confidentiality relating to  
7 institutional confinement. The application shall be signed by the  
8 applicant and shall contain as references the names and addresses of  
9 two reputable citizens personally acquainted with him.

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

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

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

1 the issuance of the permit. The county prosecutor of any county,  
2 the chief police officer of any municipality or any citizen may apply  
3 to the court at any time for the revocation of the card.

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

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

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

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

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

32 (2) a collector of handguns as curios or relics as defined in Title  
33 18, United States Code, section 921 (a) (13) who has in his  
34 possession a valid Collector of Curios and Relics License issued by  
35 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

48 The provisions of this subsection shall not be construed to afford  
49 or authorize any other exemption from the regulatory provisions

1 governing firearms set forth in chapter 39 and chapter 58 of Title  
2 2C of the New Jersey Statutes;

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

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

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

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

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

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

47 (cf: P.L.2016, c.74, s.1)

1       2. This act shall take effect on the first day of the fourth month  
2 next following enactment.

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Requires background check for private gun sales.

P.L. 2018, CHAPTER 35, *approved June 13, 2018*  
Assembly Committee Substitute (*Third Reprint*) for  
Assembly, No. 1217

1 AN ACT concerning extreme risk <sup>2</sup>**[protection]** protective<sup>2</sup> <sup>3</sup>**[order]**  
2 orders<sup>3</sup> and supplementing and amending various parts of the  
3 statutory law.

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “Extreme Risk Protective Order Act of 2018.”

10  
11 2. (New section) As used in P.L. , c. (C. ) (pending  
12 before the Legislature as this bill):

13 “Ammunition” means ammunition or cartridge cases, primers,  
14 bullets, or propellant powder designed for use in any firearm, but  
15 does not include any shotgun shot or pellet not designed for use as  
16 the single, complete projectile load for one shotgun hull or casing or  
17 any unloaded, non-metallic shotgun hull or casing not having a  
18 primer.

19 “Deadly weapon” shall have the same meaning as in subsection  
20 c. of N.J.S.2C:11-1.

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

30 “Firearm” shall have the same meaning as in N.J.S.2C:39-1.

31 “Law enforcement agency” means a department, division,  
32 bureau, commission, board or other authority of the State or of any  
33 political subdivision thereof which employs law enforcement  
34 officers.

**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:

<sup>1</sup>Assembly AAP committee amendments adopted March 22, 2018.

<sup>2</sup>Senate SLP committee amendments adopted April 16, 2018.

<sup>3</sup>Senate SBA committee amendments adopted June 4, 2018.

1 “Law enforcement officer” means a person whose public duties  
2 include the power to act as an officer for the detection,  
3 apprehension, arrest, and conviction of offenders against the laws of  
4 this State.

5 “Petitioner” means a family or household member or law  
6 enforcement officer.

7 “Recent” means within six months prior to the date the petition  
8 was filed.

9

10 3. (New section) a. A law enforcement officer who, in good  
11 faith, does not file a petition for an extreme risk protective order or  
12 temporary extreme risk <sup>2</sup>~~protection~~ protective<sup>2</sup> order shall be  
13 immune from criminal or civil liability.

14 b. A law enforcement agency shall be immune from civil or  
15 criminal liability for any damage or deterioration of firearms or  
16 ammunition stored or transported pursuant to section <sup>2</sup>~~6 or~~<sup>2</sup> 7 <sup>2</sup>or ~~8~~<sup>2</sup>  
17 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 unless the damage or deterioration resulted from recklessness, gross  
19 negligence, or intentional misconduct by the law enforcement agency.

20 <sup>3</sup>c. The immunity provided in subsections a. and b. of this section  
21 shall be in addition to any privileges or immunities provided pursuant  
22 to any other law.<sup>3</sup>

23

24 4. (New section) a. <sup>1</sup>~~[A]~~ Except as provided in subsection  
25 <sup>2</sup>~~[m.] l.~~<sup>2</sup> of this section, a<sup>1</sup> petitioner may file a petition <sup>1</sup>, as  
26 prescribed by the Administrative Director of the Courts,<sup>1</sup> for a  
27 temporary extreme risk protective order in the <sup>2</sup>~~[Superior Court]~~  
28 court<sup>2</sup> in accordance with the Rules of Court <sup>2</sup>~~[<sup>1</sup>or in any State,~~  
29 county, or municipal law enforcement agency<sup>1</sup>]<sup>2</sup> alleging that the  
30 respondent poses a significant danger of bodily injury to self or others  
31 by having custody or control of, owning, possessing, purchasing, or  
32 receiving a firearm. The petition shall be heard by the <sup>2</sup>~~[Superior~~  
33 Court] court<sup>2</sup> in an expedited manner.

34 <sup>3</sup>Petition forms shall be readily available at the courts, and at State,  
35 county, and municipal law enforcement agencies.<sup>3</sup>

36 <sup>2</sup>~~[<sup>1</sup>In the case of a petition filed in a]~~ <sup>3</sup>~~[A<sup>2</sup>]~~ Prior to filing a  
37 petition with the court, a family or household member may request  
38 assistance from a<sup>3</sup> State, county, or municipal law enforcement agency  
39 <sup>2</sup>~~[, a law enforcement officer or employee]<sup>2</sup> <sup>3</sup>which<sup>3</sup> shall advise the~~  
40 petitioner of the procedure for completing and signing a petition for a  
41 temporary extreme risk protective order.<sup>1</sup> <sup>3</sup>A law enforcement officer  
42 from the agency may assist the family or household member in  
43 preparing or filing the petition. This assistance may include, but not  
44 be limited to, providing information related to the factors set forth in  
45 subsection f. of this section, joining in the petition, referring the matter

1 to another law enforcement agency for additional assistance, or filing  
2 the officer's own petition with the court.<sup>3</sup>

3 Filing a petition pursuant to this section shall not prevent a  
4 petitioner from filing a criminal complaint <sup>2</sup>or applying for a  
5 restraining order pursuant to the "Prevention of Domestic Violence  
6 Act of 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.)<sup>2</sup> <sup>3</sup>or prevent any  
7 person from taking any action authorized pursuant to P.L.1987, c.116  
8 (C.30:4-27.1 et seq.)<sup>3</sup> based on the circumstances forming the basis of  
9 the petition.

10 A petitioner may apply for relief under this section in <sup>2</sup>**[a** <sup>1</sup>**[court]**  
11 county<sup>1</sup> where the respondent resides, or where the petitioner resides  
12 in]<sup>2</sup> accordance with the Rules of Court.

13 b. A petition for a temporary extreme risk protective order shall  
14 include an affidavit <sup>3</sup>**[including]** setting forth the facts tending to  
15 establish the grounds of the petition, or the reason for believing that  
16 they exist, and, to the extent available,<sup>3</sup> the number, types, physical  
17 description, and locations of any firearms and ammunition currently  
18 believed by the petitioner to be controlled or possessed by the  
19 respondent.

20 c. The court shall not charge a fee to file the petition.

21 d. <sup>3</sup>**[Petition forms shall be readily available at the courts, and at**  
22 **State, county, and municipal]**<sup>3</sup> <sup>1</sup>**[police stations]** <sup>3</sup>**[law enforcement**  
23 **agencies]**<sup>1</sup> The court, before issuing a temporary extreme risk  
24 protective order, shall examine under oath the petitioner and any  
25 witness the petitioner may produce. The court, in lieu of examining  
26 the petitioner and any witness, may rely on an affidavit submitted in  
27 support of the petition<sup>3</sup>.

28 e. A judge shall issue the order if the court finds good cause to  
29 believe that the respondent poses an immediate and present danger of  
30 causing bodily injury to the respondent or others by having custody or  
31 control of, owning, possessing, purchasing, or receiving a firearm.

32 f. <sup>2</sup>**[In]** To assist the court in<sup>1</sup> determining whether to issue an  
33 order pursuant to this section, <sup>1</sup>**[the]** The<sup>2</sup> county prosecutor <sup>2</sup>or a  
34 designee of the county prosecutor<sup>2</sup> shall produce in an expedited  
35 manner any available evidence <sup>2</sup>including, but not limited to,  
36 <sup>3</sup>available<sup>3</sup> evidence related to the factors set forth in this section,<sup>2</sup>  
37 and<sup>1</sup> the court shall consider whether the respondent <sup>2</sup>**[has]**<sup>2</sup>:

38 (1) <sup>2</sup>has<sup>2</sup> any history of threats or acts of violence by the  
39 respondent directed toward self or others;

40 (2) <sup>2</sup>has<sup>2</sup> any history of use, attempted use, or threatened use of  
41 physical force by the respondent against another person;

42 (3) <sup>2</sup>**[any recent violation of]** is the subject of a temporary or final  
43 restraining order or has violated<sup>2</sup> a <sup>2</sup>temporary or final<sup>2</sup> restraining  
44 order issued pursuant to the "Prevention of Domestic Violence Act of  
45 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

1 (4) <sup>2</sup>[any recent violation of] is the subject of a temporary or final  
2 protective order or has violated<sup>2</sup> a <sup>2</sup>temporary or final<sup>2</sup> protective order  
3 issued pursuant to the “Sexual Assault Survivor Protection Act of  
4 2015,” P.L.2015, c.147 (C.2C:14-13 et al.);

5 (5) <sup>2</sup>[ever been convicted of] has any prior arrests, pending  
6 charges, or convictions for<sup>2</sup> a violent <sup>2</sup>indictable crime or<sup>2</sup> disorderly  
7 persons <sup>2</sup>[or petty disorderly persons]<sup>2</sup> offense, stalking offense  
8 pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or domestic  
9 violence offense enumerated in section 3 of P.L.1991, c.261 (C.2C:25-  
10 19);

11 (6) <sup>2</sup>has<sup>2</sup> <sup>3</sup>[ever been convicted of an] any prior arrests, pending  
12 charges, or convictions for any<sup>3</sup> offense involving cruelty to animals  
13 <sup>3</sup>or any history of acts involving cruelty to animals<sup>3</sup>; <sup>2</sup>[or ]<sup>2</sup>

14 (7) <sup>2</sup>has<sup>2</sup> any history of drug or alcohol abuse and recovery from  
15 this abuse <sup>2</sup>[.]; or<sup>2</sup>

16 <sup>2</sup>[g. In determining whether to issue an order pursuant to this  
17 section, <sup>1</sup>the county prosecutor shall produce in an expedited manner  
18 any available evidence and<sup>1</sup> the court also may consider any factors  
19 related to whether the respondent presents an increased risk of  
20 violence, including, but not limited to, whether the respondent has any:

21 (1) history of violating a restraining order issued pursuant to the  
22 “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261  
23 (C.2C:25-17 et seq.);

24 (2) history of violating a protective order issued pursuant to the  
25 “Sexual Assault Survivor Protection Act of 2015,” P.L.2015, c.147  
26 (C.2C:14-13 et al.)

27 (3) prior arrests for a violent disorderly persons or petty disorderly  
28 persons offense, stalking offense pursuant to section 1 of P.L.1992,  
29 c.209 (C.2C:12-10), or domestic violence offense enumerated in  
30 section 3 of P.L.1991, c.261 (C.2C:25-19); or

31 (4) recent acquisitions of] (8) has recently acquired<sup>2</sup> a firearm,  
32 ammunition, or other deadly weapon.

33 <sup>2</sup>[h.] g.<sup>2</sup> The temporary extreme risk protective order shall  
34 prohibit the respondent from having custody or control of, owning,  
35 purchasing, possessing, or receiving firearms or ammunition, and from  
36 securing or holding a firearms purchaser identification card or permit  
37 to purchase a handgun pursuant to N.J.S.2C:58-3, or a permit to carry  
38 a handgun pursuant to N.J.S.2C:58-4 during the period the protective  
39 order is in effect and shall order the respondent to surrender firearms  
40 and ammunition in the respondent’s custody or control, or which the  
41 respondent possesses or owns, and any firearms purchaser  
42 identification card, permit to purchase a handgun, or permit to carry a  
43 handgun held by the respondent in accordance with section 7 of P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill). Any card or  
45 permit issued to the respondent shall be immediately revoked pursuant  
46 to subsection f. of N.J.S.2C:58-3.

1       <sup>2</sup>[i.] h.<sup>2</sup> A temporary extreme risk protective order issued under  
2 this section shall remain in effect until a court issues a further order.

3       <sup>2</sup>[j.] i.<sup>2</sup> The court that issues the temporary extreme risk  
4 protective order shall immediately forward<sup>3</sup>:

5       (1)<sup>3</sup> a copy of the order <sup>3</sup>[and petition]<sup>3</sup> to the <sup>3</sup>petitioner and<sup>3</sup>  
6 county prosecutor <sup>2</sup>[and<sup>1</sup>] <sup>3</sup>[who shall forward a copy to the<sup>2</sup>] in the  
7 county in which the respondent resides; and

8       (2) a copy of the order and the petition to the<sup>3</sup> appropriate law  
9 enforcement agency <sup>3</sup>in the municipality in which the respondent  
10 resides,<sup>3</sup> which shall immediately, or as soon as practicable, serve it on  
11 the respondent <sup>3</sup>[, <sup>2</sup>[and]<sup>2</sup> to the law enforcement agency of the  
12 municipality in which the petitioner resides or is sheltered <sup>2</sup>, and the  
13 petitioner<sup>2</sup>]<sup>3</sup>.

14       If personal service cannot be effected upon the respondent, the  
15 court may order other appropriate substituted service. At no time shall  
16 <sup>2</sup>[the] a<sup>2</sup> petitioner <sup>2</sup>who is a family or household member<sup>2</sup> be asked  
17 or required to serve any order on the respondent. The law enforcement  
18 agency serving the order shall not charge a fee or seek reimbursement  
19 from the petitioner for service of the order.

20       <sup>2</sup>[k.] j.<sup>2</sup> Notice of temporary extreme risk protective orders  
21 issued pursuant to this section shall be sent by the <sup>2</sup>[clerk of the court  
22 or other person designated by the court] county prosecutor<sup>2</sup> to the  
23 appropriate chiefs of police, members of the State Police, and any  
24 other appropriate law enforcement agency or court.

25       <sup>2</sup>[l.] k.<sup>2</sup> Any temporary extreme risk protective order issued  
26 pursuant to this section shall be in effect throughout the State, and  
27 shall be enforced by all law enforcement officers.

28       <sup>2</sup>[1.m.] l.<sup>2</sup> (1) A petition for a temporary extreme risk protective  
29 order filed against a law enforcement officer shall be filed in the law  
30 enforcement agency in which the officer is employed. The law  
31 enforcement officer or employee receiving the petition shall advise the  
32 petitioner of the procedure for completing and signing a petition.

33       (2) Upon receipt of the petition, the law enforcement officer's  
34 employer shall immediately initiate an internal affairs investigation.

35       (3) The disposition of the internal affairs investigation shall  
36 immediately be served upon the county prosecutor who shall make a  
37 determination whether to refer the matter to the courts.

38       (4) The law enforcement officer's employer shall take appropriate  
39 steps to implement any findings set forth in the disposition of the  
40 internal affairs investigation.

41       The law enforcement officer shall not be terminated during the  
42 pendency of the internal affairs investigation.<sup>1</sup>

43

44       5. (New section) a. A hearing for <sup>2</sup>[an] a final<sup>2</sup> extreme risk  
45 protective order shall be held <sup>1</sup>in the Superior Court<sup>1</sup> in accordance  
46 with the Rules of Court within 10 days of the filing of a petition

1 pursuant to <sup>1</sup>subsection a. of<sup>1</sup> section 4 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill) <sup>2</sup>[in the county where the  
3 temporary extreme risk protective order was filed, unless good cause is  
4 shown for the hearing to be held in another county]<sup>2</sup>. A copy of the  
5 petition shall be served on the respondent in accordance with the Rules  
6 of Court.

7 b. <sup>2</sup>[<sup>1</sup>In order to assist the court in determining whether to issue  
8 an order pursuant to this section, the] <sup>2</sup>The<sup>2</sup> county prosecutor shall  
9 produce in an expedited manner any available evidence <sup>2</sup>including, but  
10 not limited to, evidence related to the factors enumerated in subsection  
11 f. of section 4 of P.L. , c. (C. ) (pending before the Legislature as  
12 this bill)<sup>2,1</sup>. If the court finds by a preponderance of the evidence at the  
13 hearing that the respondent poses a significant danger of bodily injury  
14 to the respondent's self or others by having custody or control of,  
15 owning, possessing, purchasing, or receiving a firearm, the court shall  
16 issue <sup>1</sup>[a one-year] <sup>an</sup><sup>1</sup> extreme risk protective order <sup>3</sup>[<sup>1</sup>which shall  
17 expire one year following the date of entry of the order unless the  
18 order is extended pursuant to section 6 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill)<sup>1</sup>]<sup>3</sup>.

20 c. When deciding whether to issue the order, the court shall  
21 consider the factors enumerated in subsection f. of section 4 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill) <sup>2</sup>[and  
23 may consider, but is not limited to, the factors enumerated in  
24 subsection g. of section 4 of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill),]<sup>2,3,3</sup> as well as any other relevant evidence.

26 d. An extreme risk protective order issued pursuant to this section  
27 shall prohibit the respondent from having custody or control of,  
28 owning, purchasing, possessing, or receiving a firearm. <sup>1</sup>A respondent  
29 who is a law enforcement officer shall be subject to the provisions of  
30 subsection <sup>2</sup>[m.] <sup>l.</sup><sup>2</sup> of section 4 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill).<sup>1</sup>

32  
33 <sup>3</sup>[6. (New section) a. Upon request by a petitioner <sup>2</sup>in a form  
34 prescribed by the Administrative Office of the Courts<sup>2</sup>, and after  
35 notice to the respondent <sup>2</sup>in accordance with the Rules of Court<sup>2,1</sup>,  
36 appropriate law enforcement, and the county prosecutor<sup>1</sup> and a  
37 hearing, the court may extend an extreme risk protective order  
38 issued pursuant to section 5 of P.L. , c. , (C. )  
39 (pending before the Legislature as this bill). A petition for an  
40 extension may be filed <sup>2</sup>[any time]<sup>2</sup> within three months preceding  
41 the expiration of the current protective order <sup>2</sup>but no less than 30  
42 days preceding the expiration of the current protective order<sup>2</sup>. The  
43 protective order may be extended for one year if the court makes  
44 the same findings by a preponderance of the evidence as required  
45 for granting the initial order issued pursuant to section 5 of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill). The court

1 shall consider the factors enumerated in subsection f. of section 4 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill)  
3 <sup>2</sup>and may consider, but is not limited to, the factors enumerated in  
4 subsection g. of section 4 of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill),<sup>2</sup> as well as any other relevant evidence.

6 b. The court may terminate an order upon petition by the  
7 respondent after a hearing at which the respondent shall bear the  
8 burden of proving by a preponderance of the evidence that the  
9 respondent no longer poses a significant danger of causing bodily  
10 injury to the respondent's self or to other persons by having custody  
11 or control of, owning, possessing, purchasing, or receiving a  
12 firearm. The respondent may file no more than one petition to  
13 terminate an order while the order is in effect.<sup>3</sup>

14

15 <sup>3</sup>6. (New section) Upon request of the petitioner or respondent, in  
16 a form prescribed by the Administrative Office of the Courts, the court  
17 may terminate a final extreme risk protective order issued pursuant to  
18 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill) if:

20 a. the petitioner or respondent, as the case may be, has received  
21 notice in accordance with the Rules of Court;

22 b. the appropriate law enforcement agency and the county  
23 prosecutor have been notified; and

24 c. a hearing has been held by the court.

25 The petition for termination of the order may be filed at any time  
26 following the issuance of the order. During the hearing, the court shall  
27 consider the factors enumerated in subsection f. of section 4 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill), as well as any  
29 other relevant evidence including, but not limited to, whether the  
30 respondent has received, or is receiving, mental health treatment.

31 If the respondent petitioned for termination, the respondent shall  
32 bear the burden at the hearing of proving by a preponderance of the  
33 evidence that the respondent no longer poses a significant danger of  
34 causing bodily injury to the respondent's self or to other persons by  
35 having custody or control of, owning, possessing, purchasing, or  
36 receiving a firearm.<sup>3</sup>

37

38 7. (New section) a. When a temporary <sup>2</sup>or final<sup>2</sup> extreme risk  
39 protective order <sup>2</sup>[or extreme risk protective order]<sup>2</sup> is issued pursuant  
40 to section 4 <sup>3</sup>[, 5, or 6] or <sup>3</sup>5<sup>3</sup> of P.L. , c. (C. ) (pending before  
41 the Legislature as this bill), the court shall order the respondent to  
42 surrender to the local law enforcement agency all firearms and  
43 ammunition in the respondent's custody or control, or which the  
44 respondent owns or possesses, and any firearms purchaser  
45 identification card, permit to purchase a handgun, or permit to carry a  
46 handgun held by the respondent. <sup>3</sup>The court also shall notify the  
47 respondent that the respondent is prohibited from purchasing firearms

1 or ammunition or applying for a firearms purchaser identification card,  
2 permit to purchase a handgun, or permit to carry a handgun.<sup>3</sup>

3 b. <sup>3</sup>**【**Upon being served with the protective order, the respondent  
4 immediately shall surrender, in a safe manner, all firearms and  
5 ammunition in the respondent's custody or control, or which the  
6 respondent owns or possesses, and any firearms purchaser  
7 identification card, permit to purchase a handgun, or permit to carry a  
8 handgun held by the respondent to the control of the law enforcement  
9 officer. (1)**】**<sup>3</sup>

10 If the <sup>3</sup>petition for the temporary extreme risk<sup>3</sup> protective order  
11 indicates that the respondent owns or possesses any firearms or  
12 ammunition, <sup>3</sup>the court shall issue a search warrant with the temporary  
13 or final extreme risk protective order and<sup>3</sup> the law enforcement officer  
14 who serves the order shall request that all firearms and ammunition  
15 immediately be surrendered.

16 <sup>3</sup>**【**(2) If a law enforcement officer is unable to personally serve the  
17 order, the respondent shall surrender all firearms and ammunition to  
18 the control of the respondent's local law enforcement agency within 24  
19 hours of being served with the order. Alternatively, the**】**

20 (1) The respondent immediately shall surrender, in a safe manner,  
21 all firearms and ammunition in the respondent's custody or control, or  
22 which the respondent owns or possesses, and any firearms purchaser  
23 identification card, permit to purchase a handgun, or permit to carry a  
24 handgun held by the respondent to the control of the law enforcement  
25 officer.

26 (2) The<sup>3</sup> respondent may <sup>3</sup>**【**surrender or sell**】** request that the law  
27 enforcement agency sell<sup>3</sup> all firearms and ammunition in a safe  
28 manner to a federally licensed firearms dealer <sup>2</sup>pursuant to section 8 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>.

30 (3) The law enforcement officer or licensed firearms dealer taking  
31 possession of any firearms or ammunition pursuant to this subsection  
32 shall issue a receipt identifying all firearms and ammunition that have  
33 been surrendered by the respondent. The officer or dealer shall  
34 provide a copy of the receipt to the respondent at the time of surrender.

35 (4) If the respondent surrenders firearms and ammunition to a law  
36 enforcement officer <sup>3</sup>pursuant to paragraph (1) of this subsection<sup>3</sup> or  
37 surrenders or sells firearms and ammunition to a licensed dealer  
38 pursuant to paragraph (2) of this subsection, the respondent shall,  
39 within 48 hours after being served with the order <sup>2,2</sup> file the receipt  
40 with <sup>2</sup>**【**the court that issued the protective order and file a copy of the  
41 receipt with the law enforcement agency that served the order**】** the  
42 county prosecutor<sup>2</sup>. Failure to timely file the receipt or copy of the  
43 receipt shall constitute contempt of the order.

44 c. The court which issued the protective order may issue a search  
45 warrant for a firearm or ammunition that is in the custody or control  
46 of, owned, or possessed by a respondent who is subject to a

1 <sup>2</sup>[restraining] temporary or final protective<sup>2</sup> order issued pursuant to  
2 section 4 <sup>3</sup>[<sup>1</sup>[or], <sup>1</sup> 5<sup>1</sup>, <sup>1</sup> or 6] or 5<sup>3</sup> of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill) if the respondent has lawfully been  
4 served with that order and has failed to surrender the firearm or  
5 ammunition as required by this section.

6 d. <sup>3</sup>[If the respondent has surrendered a firearm or ammunition to  
7 a law enforcement agency, within 30 days of the expiration of the  
8 order or upon termination of the order, the] The<sup>3</sup> respondent may  
9 petition the agency for the return of any surrendered firearms or  
10 ammunition <sup>3</sup>upon termination of an order pursuant to section 6 of  
11 P.L. c. (C. ) (pending before the Legislature as this bill)<sup>3</sup>.  
12 Within 30 days of receiving a petition for the return of surrendered  
13 firearms or ammunition and after the <sup>3</sup>[expiration or]<sup>3</sup> termination of  
14 the order, the agency shall return the firearm or ammunition unless:

15 (1) the firearm has been reported as stolen; <sup>3</sup>or<sup>3</sup>  
16 (2) the respondent is prohibited from possessing a firearm under  
17 State or federal law<sup>3</sup>; or

18 (3) the protective order is extended <sup>2</sup>or a petition to extend the  
19 protective order is pending<sup>2</sup> pursuant to the provisions of section 6 of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>3</sup>.

21 <sup>2</sup>Nothing in this act shall prohibit revocation and seizure of <sup>3</sup>[an  
22 individual's] a person's<sup>3</sup> firearms purchaser identification card, permit  
23 to purchase a handgun, permit to carry a handgun, and weapons  
24 <sup>3</sup>[pursuant to subsection f. of N.J.S.2C:58-3] as authorized pursuant  
25 to applicable law<sup>3</sup> .<sup>2</sup>

26 e. If a person other than the respondent claims title to any firearm  
27 or ammunition surrendered pursuant to this section, and the law  
28 enforcement agency determines that the person is the lawful owner of  
29 the firearm or ammunition, the firearm or ammunition shall be  
30 returned to that person.

31 f. If the respondent has surrendered a firearm or ammunition to a  
32 federally licensed firearms dealer, after <sup>3</sup>[expiration or]<sup>3</sup> termination  
33 of the order, the respondent may request the law enforcement agency,  
34 in writing, to authorize the return of the firearm or ammunition from  
35 the dealer. The dealer shall transfer the firearm or ammunition to the  
36 respondent in accordance with procedures required when a firearm or  
37 ammunition is being sold from the dealer's inventory <sup>2</sup>in accordance  
38 with N.J.S.2C:58-2<sup>2</sup>.

39  
40 8. (New section) A respondent who has surrendered any  
41 firearm or ammunition to a law enforcement agency pursuant to  
42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
43 who does not want the firearm or ammunition returned or is no  
44 longer eligible to own or possess a firearm or ammunition may sell  
45 or transfer title of the firearm or ammunition to a federally licensed  
46 firearms dealer. The agency shall transfer possession of the firearm

1 or ammunition to a licensed dealer only after the dealer has  
2 displayed written proof of transfer of the firearm or ammunition  
3 from the respondent to the dealer and the agency has verified the  
4 transfer with the respondent.

5  
6 9. (New section) A law enforcement agency holding any firearm  
7 or ammunition surrendered pursuant to P.L. , c. (C. ) (pending  
8 before the Legislature as this bill) for more than one year after the  
9 <sup>3</sup>[expiration or]<sup>3</sup> termination of the extreme risk protective order may  
10 destroy the firearm or ammunition in accordance with the policies and  
11 procedures of the agency for destruction of firearms or ammunition.

12  
13 10. (New section) <sup>2</sup>[Except as provided in section 11 of P.L.,  
14 c. (C. ) (pending before the Legislature as this bill), a] A<sup>2</sup>  
15 violation by the respondent of an order issued pursuant to section 4  
16 <sup>3</sup>[<sup>2</sup>[or]<sup>2</sup> 5 <sup>2</sup>, or 6<sup>2</sup>] or 5<sup>3</sup> of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill) shall constitute an offense under subsection e.  
18 of N.J.S.2C:29-9 and each order shall so state. All contempt  
19 proceedings conducted pursuant to N.J.S.2C:29-9 involving an  
20 extreme risk protective order shall be heard by the Superior Court. All  
21 contempt proceedings brought pursuant to P.L. , c. (C. )  
22 (pending before the Legislature as this bill) shall be made in  
23 accordance with the Rules of Court.

24  
25 <sup>2</sup>[11. (New section) <sup>1</sup>[If a law enforcement officer finds  
26 probable cause that a] a. A<sup>1</sup> respondent <sup>1</sup>[is]<sup>1</sup> in contempt of an  
27 order entered pursuant to P.L. , c. (C. ) (pending before the  
28 Legislature as this bill) <sup>1</sup>[, the respondent]<sup>1</sup> shall be arrested and  
29 taken into custody.

30 <sup>1</sup>b. If a person alleges that a respondent has violated or is in  
31 contempt of an order entered pursuant to P.L. , c. (C. )  
32 (pending before the Legislature as this bill) but the facts are  
33 insufficient to establish probable cause to arrest the respondent, a  
34 law enforcement officer shall advise the petitioner of the procedure  
35 for completing and signing a criminal complaint alleging a violation  
36 of subsection e. of N.J.S.2C:29-9.<sup>1</sup><sup>2</sup>

37  
38 <sup>2</sup>[12.] 11.<sup>2</sup> (New section) a. The Administrative Office of the  
39 Courts shall include all persons who have had <sup>2</sup>[<sup>1</sup>an] a final<sup>2</sup> extreme  
40 risk<sup>1</sup> protective <sup>1</sup>[orders] order<sup>1</sup> entered against them pursuant to  
41 section 5 <sup>3</sup>[or 6]<sup>3</sup> of<sup>1</sup> P.L. , c. (C. ) (pending before the  
42 Legislature as this bill), and all persons who have been charged with a  
43 violation of <sup>2</sup>[an] a temporary or final<sup>2</sup> extreme risk protective order  
44 issued pursuant to section 4 <sup>3</sup>[<sup>2</sup>[or], <sup>2</sup> 5 <sup>2</sup>, or 6<sup>2</sup>] or 5<sup>3</sup> of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill).<sup>1</sup> in <sup>2</sup>[the  
46 Domestic Violence Central Registry established pursuant to P.L.1999,

1 c.421 (C.2C:25-34 et seq.)<sup>1</sup> an electronic central registry created and  
2 maintained by the Administrative Office of the Courts<sup>2</sup>. All records  
3 made pursuant to this section shall be kept confidential <sup>2</sup>[in  
4 accordance with the Rules of Court<sup>1</sup>and a] and shall be released only  
5 to a police or other law enforcement agency investigating a report of a  
6 crime, offense, or act of domestic violence, or conducting a  
7 background investigation involving a person's application for a  
8 firearms purchaser identification card or permit to purchase a handgun  
9 or employment as a police or law enforcement officer, or for any other  
10 purpose authorized by law or the Supreme Court of the State of New  
11 Jersey. A<sup>2</sup> respondent's information, other than information related to  
12 a violation of <sup>2</sup>[an] a temporary or final<sup>2</sup> order issued pursuant to  
13 section 4 <sup>3</sup>[<sup>2</sup>or,<sup>2</sup> 5<sup>2</sup>, or 6<sup>2</sup>] or 5<sup>3</sup> of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill), shall be removed from the registry  
15 upon the <sup>3</sup>[expiration] termination<sup>3</sup> of the extreme risk protective  
16 order<sup>1</sup>.

17 b. Any person who disseminates or discloses a record or report of  
18 the central registry for a purpose other than the purposes authorized in  
19 this section or as otherwise authorized by law or the Supreme Court of  
20 the State of New Jersey is guilty of a crime of the fourth degree.

21

22 <sup>2</sup>[13.] 12.<sup>2</sup> N.J.S.2C:29-9 is amended to read as follows:

23 2C:29-9. Contempt. a. A person is guilty of a crime of the  
24 fourth degree if [he] the person purposely or knowingly disobeys a  
25 judicial order or protective order, pursuant to section 1 of P.L.1985,  
26 c.250 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation  
27 of a judicial order or the exercise of jurisdiction over any person,  
28 thing, or controversy by a court, administrative body, or investigative  
29 entity.

30 b. (1) Except as provided in paragraph (2) of this subsection, a  
31 person is guilty of a crime of the fourth degree if that person purposely  
32 or knowingly violates any provision in an order entered under the  
33 provisions of the "Prevention of Domestic Violence Act of 1991,"  
34 P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the  
35 provisions of a substantially similar statute under the laws of another  
36 state or the United States when the conduct which constitutes the  
37 violation could also constitute a crime or a disorderly persons offense.

38 Orders entered pursuant to paragraphs (3), (4), (5), (8)<sup>3,3</sup> and (9) of  
39 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
40 substantially similar orders entered under the laws of another state or  
41 the United States shall be excluded from the provisions of this  
42 paragraph.

43 (2) In all other cases a person is guilty of a disorderly persons  
44 offense if that person purposely or knowingly violates an order entered  
45 under the provisions of the "Prevention of Domestic Violence Act of  
46 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under

1 the provisions of a substantially similar statute under the laws of  
2 another state or the United States.

3 Orders entered pursuant to paragraphs (3), (4), (5), (8) <sup>3</sup><sub>2</sub> and (9)  
4 of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
5 substantially similar orders entered under the laws of another state or  
6 the United States shall be excluded from the provisions of this  
7 paragraph.

8 c. A person is guilty of a crime of the third degree if that person  
9 purposely or knowingly violates any provision in an order entered  
10 under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) or  
11 section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an order entered under  
12 the provisions of a substantially similar statute under the laws of  
13 another state or the United States when the conduct which constitutes  
14 the violation could also constitute a crime or a disorderly persons  
15 offense.

16 d. (1) Except as provided in paragraph (2) of this subsection, a  
17 person is guilty of a crime of the fourth degree if that person purposely  
18 or knowingly violates any provision in an order entered under the  
19 provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered  
20 under the provisions of a substantially similar statute under the laws of  
21 another state or the United States when the conduct which constitutes  
22 the violation could also constitute a crime or a disorderly persons  
23 offense.

24 (2) In all other cases a person is guilty of a disorderly persons  
25 offense if that person purposely or knowingly violates an order entered  
26 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order  
27 entered under the provisions of a substantially similar statute under the  
28 laws of another state or the United States.

29 e. A person is guilty of a crime of the fourth degree if the person  
30 purposely or knowingly violates any provision of an order entered  
31 under the provisions of the "Extreme Risk Protective Order Act of  
32 2018," P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 or an order entered under the provisions of a substantially similar  
34 statute under the laws of another state or the United States.

35 As used in this section, "state" means a state of the United States,  
36 the District of Columbia, Puerto Rico, the United States Virgin  
37 Islands, or any territory or insular possession subject to the jurisdiction  
38 of the United States. The term includes an Indian tribe or band, or  
39 Alaskan native village, which is recognized by a federal law or  
40 formally acknowledged by a state.

41 (cf: P.L.2016, c.93, s.3)

42  
43 <sup>2</sup>**[14.] 13.**<sup>2</sup> Section 6 of P.L.1979, c.179 (C.2C:39-7) is  
44 amended to read as follows:

45 6. Certain Persons Not to Have Weapons.

46 a. Except as provided in subsection b. of this section, any  
47 person, having been convicted in this State or elsewhere of the  
48 crime of aggravated assault, arson, burglary, escape, extortion,

1 homicide, kidnapping, robbery, aggravated sexual assault, sexual  
2 assault, bias intimidation in violation of N.J.S.2C:16-1 or  
3 endangering the welfare of a child pursuant to N.J.S.2C:24-4,  
4 whether or not armed with or having in his possession any weapon  
5 enumerated in subsection r. of N.J.S.2C:39-1, or any person  
6 convicted of a crime pursuant to the provisions of N.J.S.2C:39-3,  
7 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been  
8 committed for a mental disorder to any hospital, mental institution  
9 or sanitarium unless he possesses a certificate of a medical doctor  
10 or psychiatrist licensed to practice in New Jersey or other  
11 satisfactory proof that he is no longer suffering from a mental  
12 disorder which interferes with or handicaps him in the handling of a  
13 firearm, or any person who has been convicted of other than a  
14 disorderly persons or petty disorderly persons offense for the  
15 unlawful use, possession or sale of a controlled dangerous  
16 substance as defined in N.J.S.2C:35-2 who purchases, owns,  
17 possesses or controls any of the said weapons is guilty of a crime of  
18 the fourth degree.

19 b. (1) A person having been convicted in this State or  
20 elsewhere of the crime of aggravated assault, arson, burglary,  
21 escape, extortion, homicide, kidnapping, robbery, aggravated sexual  
22 assault, sexual assault, bias intimidation in violation of  
23 N.J.S.2C:16-1, endangering the welfare of a child pursuant to  
24 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)  
25 or a crime involving domestic violence as defined in section 3 of  
26 P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having  
27 in his possession a weapon enumerated in subsection r. of  
28 N.J.S.2C:39-1, or a person having been convicted of a crime  
29 pursuant to the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6,  
30 inclusive; section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-  
31 11; N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases,  
32 owns, possesses or controls a firearm is guilty of a crime of the  
33 second degree and upon conviction thereof, the person shall be  
34 sentenced to a term of imprisonment by the court. The term of  
35 imprisonment shall include the imposition of a minimum term,  
36 which shall be fixed at five years, during which the defendant shall  
37 be ineligible for parole. If the defendant is sentenced to an  
38 extended term of imprisonment pursuant to N.J.S.2C:43-7, the  
39 extended term of imprisonment shall include the imposition of a  
40 minimum term, which shall be fixed at, or between, one-third and  
41 one-half of the sentence imposed by the court or five years,  
42 whichever is greater, during which the defendant shall be ineligible  
43 for parole.

44 (2) A person having been convicted in this State or elsewhere of  
45 a disorderly persons offense involving domestic violence, whether  
46 or not armed with or having in his possession a weapon enumerated  
47 in subsection r. of N.J.S.2C:39-1, who purchases, owns, possesses  
48 or controls a firearm is guilty of a crime of the third degree.

1 (3) A person whose firearm is seized pursuant to the "Prevention  
2 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
3 seq.) and whose firearm has not been returned, or who is subject to  
4 a court order prohibiting the possession of firearms issued pursuant  
5 to the "Prevention of Domestic Violence Act of 1991," P.L.1991 ,  
6 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or  
7 controls a firearm is guilty of a crime of the third degree, except  
8 that the provisions of this paragraph shall not apply to any law  
9 enforcement officer while actually on duty, or to any member of the  
10 Armed Forces of the United States or member of the National  
11 Guard while actually on duty or traveling to or from an authorized  
12 place of duty.

13 (4) A person who is subject to a court order prohibiting the  
14 custody, control, ownership, purchase, possession, or receipt of a  
15 firearm or ammunition issued pursuant to the "Extreme Risk  
16 Protective Order Act of 2018," P.L. , c. (C. ) (pending before  
17 the Legislature as this bill) who purchases, acquires, owns,  
18 possesses, or controls a firearm or ammunition is guilty of a crime  
19 of the third degree.

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

27 (cf: P.L.2003, c.277, s.3)

28

29 <sup>2</sup>**[15.]** 14.<sup>2</sup> N.J.S.2C:58-3 is amended to read as follows:

30 2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
31 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
32 or otherwise acquire a handgun unless the purchaser, assignee,  
33 donee, receiver or holder is licensed as a dealer under this chapter  
34 or has first secured a permit to purchase a handgun as provided by  
35 this section.

36 b. Firearms purchaser identification card. No person shall sell,  
37 give, transfer, assign or otherwise dispose of nor receive, purchase  
38 or otherwise acquire an antique cannon or a rifle or shotgun, other  
39 than an antique rifle or shotgun, unless the purchaser, assignee,  
40 donee, receiver or holder is licensed as a dealer under this chapter  
41 or possesses a valid firearms purchaser identification card, and first  
42 exhibits the card to the seller, donor, transferor or assignor, and  
43 unless the purchaser, assignee, donee, receiver or holder signs a  
44 written certification, on a form prescribed by the superintendent,  
45 which shall indicate that he presently complies with the  
46 requirements of subsection c. of this section and shall contain his  
47 name, address and firearms purchaser identification card number or  
48 dealer's registration number. The certification shall be retained by

1 the seller, as provided in paragraph (4) of subsection a. of  
2 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
3 be filed with the chief of police of the municipality in which he  
4 resides or with the superintendent.

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

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

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

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

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

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

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

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

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

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

4 (10) To any person who is subject to a court order prohibiting  
5 the custody, control, ownership, purchase, possession, or receipt of  
6 a firearm or ammunition issued pursuant to the “Extreme Risk  
7 Protective Order Act of 2018,” P.L. , c. (C. ) (pending before  
8 the Legislature as this bill).

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

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

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

1 commission of acts of force and violence to overthrow the  
2 Government of the United States or of this State, or which seeks to  
3 deny others their rights under the Constitution of either the United  
4 States or the State of New Jersey, whether he has ever been  
5 convicted of a crime or disorderly persons offense, whether the  
6 person is subject to a restraining order issued pursuant to the  
7 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
8 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
9 firearm, whether the person is subject to a <sup>2</sup>[restraining] protective<sup>2</sup>  
10 order issued pursuant to the "Extreme Risk Protective Order Act of  
11 2018." P.L. , c. (C. ) (pending before the Legislature as this  
12 bill) prohibiting the person from possessing any firearm, and other  
13 information as the superintendent shall deem necessary for the  
14 proper enforcement of this chapter. For the purpose of complying  
15 with this subsection, the applicant shall waive any statutory or other  
16 right of confidentiality relating to institutional confinement. The  
17 application shall be signed by the applicant and shall contain as  
18 references the names and addresses of two reputable citizens  
19 personally acquainted with him.

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

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

37 f. Granting of permit or identification card; fee; term; renewal;  
38 revocation. The application for the permit to purchase a handgun  
39 together with a fee of \$2, or the application for the firearms  
40 purchaser identification card together with a fee of \$5, shall be  
41 delivered or forwarded to the licensing authority who shall  
42 investigate the same and, unless good cause for the denial thereof  
43 appears, shall grant the permit or the identification card, or both, if  
44 application has been made therefor, within 30 days from the date of  
45 receipt of the application for residents of this State and within 45  
46 days for nonresident applicants. A permit to purchase a handgun  
47 shall be valid for a period of 90 days from the date of issuance and  
48 may be renewed by the issuing authority for good cause for an

1 additional 90 days. A firearms purchaser identification card shall  
2 be valid until such time as the holder becomes subject to any of the  
3 disabilities set forth in subsection c. of this section, whereupon the  
4 card shall be void and shall be returned within five days by the  
5 holder to the superintendent, who shall then advise the licensing  
6 authority. Failure of the holder to return the firearms purchaser  
7 identification card to the superintendent within the five days shall  
8 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
9 purchaser identification card may be revoked by the Superior Court  
10 of the county wherein the card was issued, after hearing upon  
11 notice, upon a finding that the holder thereof no longer qualifies for  
12 the issuance of the permit. The county prosecutor of any county,  
13 the chief police officer of any municipality or any citizen may apply  
14 to the court at any time for the revocation of the card.

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

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

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

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

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

43 (2) a collector of handguns as curios or relics as defined in Title  
44 18, United States Code, section 921 (a) (13) who has in his  
45 possession a valid Collector of Curios and Relics License issued by  
46 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

11 The provisions of this subsection shall not be construed to afford  
12 or authorize any other exemption from the regulatory provisions  
13 governing firearms set forth in chapter 39 and chapter 58 of Title  
14 2C of the New Jersey Statutes;

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

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

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

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

46 m. The provisions of subsections a. and b. of this section and  
47 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
48 apply to the purchase of firearms by a law enforcement agency for

1 use by law enforcement officers in the actual performance of the  
2 officers' official duties, which purchase may be made directly from  
3 a manufacturer or from a licensed dealer located in this State or any  
4 other state.

5 (cf: P.L.2016, c.74, s.1)

6

7 <sup>2</sup>**[16.]** <sup>2</sup>15. <sup>3</sup>(New section)<sup>3</sup> The Supreme Court may promulgate  
8 Rules of Court to effectuate the purposes of the “Extreme Risk  
9 Protective Order Act of 2018,” P.L. , c. (C. ) (pending before  
10 the Legislature as this bill).

11

12 <sup>2</sup>**[17.]** <sup>2</sup>16. (New section) The Attorney General may adopt,  
13 pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410  
14 (C.52:14B-1 et seq.), rules and regulations necessary to implement  
15 the provisions of the “Extreme Risk Protective Order Act of 2018,”  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).

17

18 <sup>2</sup>**[18.]** <sup>2</sup>17. This act shall take effect on the first day of the  
19 <sup>2</sup>**[seventh]** <sup>2</sup>fifteenth month next following enactment, but the  
20 Attorney General and the Administrative Director of the Courts  
21 may take any anticipatory action as shall be necessary to effectuate  
22 the purposes of this act.

23

24

25

26

27

\_\_\_\_\_   
 “Extreme Risk Protective Order Act of 2018.”

P.L. 2018, CHAPTER 34, *approved June 13, 2018*

Assembly, No. 1181 (*First Reprint*)

1 AN ACT concerning <sup>1</sup>**mental**<sup>1</sup> health <sup>1</sup>care<sup>1</sup> professionals' duty to  
2 warn and protect and amending P.L.1991, c.270.

3

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

6

7 1. Section 1 of P.L.1991, c.270 (C.2A:62A-16) is amended to  
8 read as follows:

9 1. a. Any person who is licensed in the State of New Jersey to  
10 practice psychology, psychiatry, medicine, nursing, clinical social  
11 work, or marriage <sup>1</sup>**counseling**<sup>1</sup> and family therapy<sup>1</sup>, whether or  
12 not compensation is received or expected, is immune from any civil  
13 liability for a patient's violent act against another person or against  
14 himself unless the practitioner has incurred a duty to warn and  
15 protect the potential victim as set forth in subsection b. of this  
16 section and fails to discharge that duty as set forth in subsection c.  
17 of this section.

18 b. A duty to warn and protect is incurred when the following  
19 conditions exist:

20 (1) The patient has communicated to that practitioner a threat of  
21 imminent, serious physical violence against a readily identifiable  
22 individual or against himself and the circumstances are such that a  
23 reasonable professional in the practitioner's area of expertise would  
24 believe the patient intended to carry out the threat; or

25 (2) The circumstances are such that a reasonable professional in  
26 the practitioner's area of expertise would believe the patient  
27 intended to carry out an act of imminent, serious physical violence  
28 against a readily identifiable individual or against himself.

29 c. A licensed practitioner of psychology, psychiatry, medicine,  
30 nursing, clinical social work or marriage <sup>1</sup>**counseling**<sup>1</sup> and family  
31 therapy<sup>1</sup> shall discharge the duty to warn and protect as set forth in  
32 subsection b. of this section by doing any one or more of the  
33 following:

34 (1) Arranging for the patient to be admitted voluntarily to a  
35 psychiatric unit of a general hospital, a short-term care facility, a  
36 special psychiatric hospital or a psychiatric facility, under the  
37 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

38 (2) Initiating procedures for involuntary commitment to  
39 treatment of the patient to an outpatient treatment provider, a short-  
40 term care facility, a special psychiatric hospital or a psychiatric

**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:

<sup>1</sup>Assembly AJU committee amendments adopted March 5, 2018.

1 facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et  
2 seq.);

3 (3) Advising a local law enforcement authority of the patient's  
4 threat and the identity of the intended victim;

5 (4) Warning the intended victim of the threat, or, in the case of  
6 an intended victim who is under the age of 18, warning the parent  
7 or guardian of the intended victim; or

8 (5) If the patient is under the age of 18 and threatens to commit  
9 suicide or bodily injury upon himself, warning the parent or  
10 guardian of the patient.

11 d. A practitioner who is licensed in the State of New Jersey to  
12 practice psychology, psychiatry, medicine, nursing, clinical social  
13 work or marriage <sup>1</sup>['counseling'] and family therapy<sup>1</sup> who, in  
14 complying with subsection c. of this section, discloses a privileged  
15 communication, is immune from civil liability in regard to that  
16 disclosure.

17 e. In addition to complying with subsection c. of this section, a  
18 licensed practitioner shall notify the chief law enforcement officer  
19 of the municipality in which the patient resides or the  
20 Superintendent of State Police if the patient resides in a  
21 municipality that does not have a full-time police department that a  
22 duty to warn and protect has been incurred with respect to the  
23 patient and shall provide to the chief law enforcement officer or  
24 superintendent, as appropriate, the patient's name and other non-  
25 clinical identifying information. The chief law enforcement officer  
26 or superintendent, as appropriate, shall use that information to  
27 ascertain whether the patient has been issued a firearms purchaser  
28 identification card, permit to purchase a handgun, or any other  
29 permit or license authorizing possession of a firearm.

30 If the patient has been issued a firearms purchaser identification  
31 card, permit to purchase a handgun, or any other permit or license  
32 authorizing possession of a firearm, or if there is information  
33 indicating that the patient otherwise may have access to a firearm,  
34 the information provided may be used in determining whether the  
35 patient has become subject to any of the disabilities set forth in  
36 subsection c. of N.J.S.2C:58-3. If the chief law enforcement officer  
37 or superintendent, as appropriate, determines that the patient has  
38 become subject to any of the disabilities set forth in subsection c. of  
39 N.J.S.2C:58-3, any identification card or permit issued to the  
40 patient shall be void and subject to revocation by the Superior Court  
41 in accordance with the procedure established in subsection f. of  
42 N.J.S.2C:58-3.

43 If the court determines that the patient is subject to any of the  
44 disabilities set forth in subsection c. of N.J.S.2C:58-3 and revokes  
45 the patient's firearms identification card in accordance with the  
46 procedure established in subsection f. of N.J.S.2C:58-3, the court  
47 may order the patient to surrender to the county prosecutor any  
48 firearm owned by or accessible to the patient and order the

1 prosecutor to dispose of the firearms. When the court orders the  
2 county prosecutor to dispose of the firearms, the prosecutor shall  
3 dispose of the firearms as provided in N.J.S.2C:64-6.

4 If the court, upon motion of the prosecutor, finds probable cause  
5 that the patient has failed to surrender any firearm, card, or permit,  
6 the court may order a search for and removal of these items at any  
7 location where the judge has reasonable cause to believe these items  
8 are located. The judge shall state with specificity the reasons and  
9 the scope of the search and seizure authorized by the order.

10 A firearm surrendered or seized pursuant to this subsection  
11 which is not legally owned by the patient shall be immediately  
12 returned to the legal owner of the firearm if the legal owner submits  
13 a written request to the prosecutor attesting that the patient does not  
14 have access to the firearm.

15 A law enforcement officer or agency shall not be held liable in  
16 any civil action brought by any person for failing to learn of, locate,  
17 or seize a firearm pursuant to this subsection.

18 A patient who is determined to be subject to any of the  
19 disabilities established in paragraph (3) of subsection c. of  
20 N.J.S.2C:58-3 and submits a certificate of a medical doctor or  
21 psychiatrist licensed in New Jersey, or other satisfactory proof in  
22 accordance with that paragraph shall be entitled to the reinstatement  
23 of any firearms purchaser identification cards, permits to purchase a  
24 handgun, and any other permit or license authorizing possession of  
25 a firearm seized pursuant to this subsection.

26 (cf: P.L.2009, c.112, s.21)

27

28 <sup>1</sup>2. Section 2 of P.L.1991, c.270 (C.2A:62A-17) is amended to  
29 read as follows:

30 2. When a duty to warn and protect arises from the receipt of a  
31 privileged communication from a patient in a drug or alcohol abuse  
32 program governed by federal law, a licensed practitioner of  
33 psychology, psychiatry, medicine, nursing, clinical social work or  
34 marriage **【counseling】** and family therapy may be required to  
35 obtain a court order authorizing disclosure prior to disclosure of  
36 information about the patient including the patient's threat of  
37 violence, in accordance with 42 U.S.C. s. 290dd-3 and 42 U.S.C. s.  
38 290ee-3 and regulations promulgated thereunder.<sup>1</sup>

39 (cf: P.L.1991, c.270, s.2)

40

41 <sup>1</sup>**【2.】 3.**<sup>1</sup> This act shall take effect immediately.

42

43

44

45

46 Requires firearms seizure when certain health care professional  
47 determines patient poses threat of harm to self or others.

P.L. 2018, CHAPTER 39, *approved June 13, 2018*  
Assembly, No. 2761 (*Third Reprint*)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1<sup>1</sup>,  
2 N.J.S.2C:39-3, and N.J.S.2C:39-12,<sup>1</sup> and supplementing chapter  
3 39 of Title 2C of the New Jersey Statutes.

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

7  
8 <sup>1</sup>**[**1. N.J.S.2C:39-1 is amended to read as follows:  
9 2C:39-1. Definitions. The following definitions apply to this  
10 chapter and to chapter 58:

11 a. "Antique firearm" means any rifle or shotgun and "antique  
12 cannon" means a destructive device defined in paragraph (3) of  
13 subsection c. of this section, if the rifle, shotgun or destructive  
14 device, as the case may be, is incapable of being fired or  
15 discharged, or which does not fire fixed ammunition, regardless of  
16 date of manufacture, or was manufactured before 1898 for which  
17 cartridge ammunition is not commercially available, and is  
18 possessed as a curiosity or ornament or for its historical  
19 significance or value.

20 b. "Deface" means to remove, deface, cover, alter or destroy  
21 the name of the maker, model designation, manufacturer's serial  
22 number or any other distinguishing identification mark or number  
23 on any firearm.

24 c. "Destructive device" means any device, instrument or object  
25 designed to explode or produce uncontrolled combustion, including  
26 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
27 rocket having a propellant charge of more than four ounces or any  
28 missile having an explosive or incendiary charge of more than one-  
29 quarter of an ounce; (3) any weapon capable of firing a projectile of  
30 a caliber greater than 60 caliber, except a shotgun or shotgun  
31 ammunition generally recognized as suitable for sporting purposes;  
32 (4) any Molotov cocktail or other device consisting of a breakable  
33 container containing flammable liquid and having a wick or similar  
34 device capable of being ignited. The term does not include any  
35 device manufactured for the purpose of illumination, distress  
36 signaling, line-throwing, safety or similar purposes.

**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:

<sup>1</sup>Assembly AAP committee amendments adopted March 22, 2018.

<sup>2</sup>Senate SLP committee amendments adopted April 16, 2018.

<sup>3</sup>Senate SBA committee amendments adopted May 21, 2018.

- 1 d. "Dispose of" means to give, give away, lease, loan, keep for  
2 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
3 possession.
- 4 e. "Explosive" means any chemical compound or mixture that  
5 is commonly used or is possessed for the purpose of producing an  
6 explosion and which contains any oxidizing and combustible  
7 materials or other ingredients in such proportions, quantities or  
8 packing that an ignition by fire, by friction, by concussion or by  
9 detonation of any part of the compound or mixture may cause such  
10 a sudden generation of highly heated gases that the resultant  
11 gaseous pressures are capable of producing destructive effects on  
12 contiguous objects. The term shall not include small arms  
13 ammunition, or explosives in the form prescribed by the official  
14 United States Pharmacopoeia.
- 15 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
16 automatic or semi-automatic rifle, or any gun, device or instrument  
17 in the nature of a weapon from which may be fired or ejected any  
18 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
19 vapor or other noxious thing, by means of a cartridge or shell or by  
20 the action of an explosive or the igniting of flammable or explosive  
21 substances. It shall also include, without limitation, any firearm  
22 which is in the nature of an air gun, spring gun or pistol or other  
23 weapon of a similar nature in which the propelling force is a spring,  
24 elastic band, carbon dioxide, compressed or other gas or vapor, air  
25 or compressed air, or is ignited by compressed air, and ejecting a  
26 bullet or missile smaller than three-eighths of an inch in diameter,  
27 with sufficient force to injure a person.
- 28 g. "Firearm silencer" means any instrument, attachment,  
29 weapon or appliance for causing the firing of any gun, revolver,  
30 pistol or other firearm to be silent, or intended to lessen or muffle  
31 the noise of the firing of any gun, revolver, pistol or other firearm.
- 32 h. "Gravity knife" means any knife which has a blade which is  
33 released from the handle or sheath thereof by the force of gravity or  
34 the application of centrifugal force.
- 35 **[I.]** i. "Machine gun" means any firearm, mechanism or  
36 instrument not requiring that the trigger be pressed for each shot  
37 and having a reservoir, belt or other means of storing and carrying  
38 ammunition which can be loaded into the firearm, mechanism or  
39 instrument and fired therefrom.
- 40 j. "Manufacturer" means any person who receives or obtains  
41 raw materials or parts and processes them into firearms or finished  
42 parts of firearms, except a person who exclusively processes grips,  
43 stocks and other nonmetal parts of firearms. The term does not  
44 include a person who repairs existing firearms or receives new and  
45 used raw materials or parts solely for the repair of existing firearms.
- 46 k. "Handgun" means any pistol, revolver or other firearm  
47 originally designed or manufactured to be fired by the use of a  
48 single hand.

1       l. "Retail dealer" means any person including a gunsmith,  
2 except a manufacturer or a wholesale dealer, who sells, transfers or  
3 assigns for a fee or profit any firearm or parts of firearms or  
4 ammunition which he has purchased or obtained with the intention,  
5 or for the purpose, of reselling or reassigning to persons who are  
6 reasonably understood to be the ultimate consumers, and includes  
7 any person who is engaged in the business of repairing firearms or  
8 who sells any firearm to satisfy a debt secured by the pledge of a  
9 firearm.

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

14       n. "Shotgun" means any firearm designed to be fired from the  
15 shoulder and using the energy of the explosive in a fixed shotgun  
16 shell to fire through a smooth bore either a number of ball shots or a  
17 single projectile for each pull of the trigger, or any firearm designed  
18 to be fired from the shoulder which does not fire fixed ammunition.

19       o. "Sawed-off shotgun" means any shotgun having a barrel or  
20 barrels of less than 18 inches in length measured from the breech to  
21 the muzzle, or a rifle having a barrel or barrels of less than 16  
22 inches in length measured from the breech to the muzzle, or any  
23 firearm made from a rifle or a shotgun, whether by alteration, or  
24 otherwise, if such firearm as modified has an overall length of less  
25 than 26 inches.

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

29       q. "Superintendent" means the Superintendent of the State  
30 Police.

31       r. "Weapon" means anything readily capable of lethal use or of  
32 inflicting serious bodily injury. The term includes, but is not  
33 limited to, all (1) firearms, even though not loaded or lacking a clip  
34 or other component to render them immediately operable; (2)  
35 components which can be readily assembled into a weapon; (3)  
36 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
37 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
38 sandclubs, slingshots, cesti or similar leather bands studded with  
39 metal filings or razor blades imbedded in wood; and (4) stun guns;  
40 and any weapon or other device which projects, releases, or emits  
41 tear gas or any other substance intended to produce temporary  
42 physical discomfort or permanent injury through being vaporized or  
43 otherwise dispensed in the air.

44       s. "Wholesale dealer" means any person, except a  
45 manufacturer, who sells, transfers, or assigns firearms, or parts of  
46 firearms, to persons who are reasonably understood not to be the  
47 ultimate consumers, and includes persons who receive finished  
48 parts of firearms and assemble them into completed or partially

1 completed firearms, in furtherance of such purpose, except that it  
2 shall not include those persons dealing exclusively in grips, stocks  
3 and other nonmetal parts of firearms.

4 t. "Stun gun" means any weapon or other device which emits  
5 an electrical charge or current intended to temporarily or  
6 permanently disable a person.

7 u. "Ballistic knife" means any weapon or other device capable  
8 of lethal use and which can propel a knife blade.

9 v. "Imitation firearm" means an object or device reasonably  
10 capable of being mistaken for a firearm.

11 w. "Assault firearm" means:

12 (1) The following firearms:

13 Algimec AGM1 type

14 Any shotgun with a revolving cylinder such as the "Street  
15 Sweeper" or "Striker 12"

16 Armalite AR-180 type

17 Australian Automatic Arms SAR

18 Avtomat Kalashnikov type semi-automatic firearms

19 Beretta AR-70 and BM59 semi-automatic firearms

20 Bushmaster Assault Rifle

21 Calico M-900 Assault carbine and M-900

22 CETME G3

23 Chartered Industries of Singapore SR-88 type

24 Colt AR-15 and CAR-15 series

25 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

26 Demro TAC-1 carbine type

27 Encom MP-9 and MP-45 carbine types

28 FAMAS MAS223 types

29 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

30 Franchi SPAS 12 and LAW 12 shotguns

31 G3SA type

32 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

33 Intratec TEC 9 and 22 semi-automatic firearms

34 M1 carbine type

35 M14S type

36 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

37 PJK M-68 carbine type

38 Plainfield Machine Company Carbine

39 Ruger K-Mini-14/5F and Mini-14/5RF

40 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

41 SKS with detachable magazine type

42 Spectre Auto carbine type

43 Springfield Armory BM59 and SAR-48 type

44 Sterling MK-6, MK-7 and SAR types

45 Steyr A.U.G. semi-automatic firearms

46 USAS 12 semi-automatic type shotgun

47 Uzi type semi-automatic firearms

48 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

1 Weaver Arm Nighthawk.

2 (2) Any firearm manufactured under any designation which is  
3 substantially identical to any of the firearms listed above.

4 (3) A semi-automatic shotgun with either a magazine capacity  
5 exceeding six rounds, a pistol grip, or a folding stock.

6 (4) A semi-automatic rifle with a fixed magazine capacity  
7 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a  
8 semi-automatic rifle which has an attached tubular device and which  
9 is capable of operating only with .22 caliber rimfire ammunition.

10 (5) A part or combination of parts designed or intended to  
11 convert a firearm into an assault firearm, or any combination of  
12 parts from which an assault firearm may be readily assembled if  
13 those parts are in the possession or under the control of the same  
14 person.

15 x. "Semi-automatic" means a firearm which fires a single  
16 projectile for each single pull of the trigger and is self-reloading or  
17 automatically chambers a round, cartridge, or bullet.

18 y. "Large capacity ammunition magazine" means a box, drum,  
19 tube or other container which is capable of holding more than **[15]**  
20 10 rounds of ammunition to be fed continuously and directly  
21 therefrom into a semi-automatic firearm. The term shall not include  
22 an attached tubular device which is capable of holding only .22  
23 caliber rimfire ammunition.

24 z. "Pistol grip" means a well-defined handle, similar to that  
25 found on a handgun, that protrudes conspicuously beneath the  
26 action of the weapon, and which permits the shotgun to be held and  
27 fired with one hand.

28 aa. "Antique handgun" means a handgun manufactured before  
29 1898, or a replica thereof, which is recognized as being historical in  
30 nature or of historical significance and either (1) utilizes a match,  
31 friction, flint, or percussion ignition, or which utilizes a pin-fire  
32 cartridge in which the pin is part of the cartridge or (2) does not fire  
33 fixed ammunition or for which cartridge ammunition is not  
34 commercially available.

35 bb. "Trigger lock" means a commercially available device  
36 approved by the Superintendent of State Police which is operated  
37 with a key or combination lock that prevents a firearm from being  
38 discharged while the device is attached to the firearm. It may  
39 include, but need not be limited to, devices that obstruct the barrel  
40 or cylinder of the firearm, as well as devices that immobilize the  
41 trigger.

42 cc. "Trigger locking device" means a device that, if installed on  
43 a firearm and secured by means of a key or mechanically,  
44 electronically or electromechanically operated combination lock,  
45 prevents the firearm from being discharged without first  
46 deactivating or removing the device by means of a key or

1 mechanically, electronically or electromechanically operated  
2 combination lock.

3 dd. "Personalized handgun" means a handgun which  
4 incorporates within its design, and as part of its original  
5 manufacture, technology which automatically limits its operational  
6 use and which cannot be readily deactivated, so that it may only be  
7 fired by an authorized or recognized user. The technology limiting  
8 the handgun's operational use may include, but not be limited to:  
9 radio frequency tagging, touch memory, remote control, fingerprint,  
10 magnetic encoding and other automatic user identification systems  
11 utilizing biometric, mechanical or electronic systems. No make or  
12 model of a handgun shall be deemed to be a "personalized handgun"  
13 unless the Attorney General has determined, through testing or  
14 other reasonable means, that the handgun meets any reliability  
15 standards that the manufacturer may require for its commercially  
16 available handguns that are not personalized or, if the manufacturer  
17 has no such reliability standards, the handgun meets the reliability  
18 standards generally used in the industry for commercially available  
19 handguns.

20 (cf: P.L.2002, c.130, s.5)]<sup>1</sup>

21

22 <sup>1</sup>1. N.J.S.2C:39-1 is amended to read as follows:

23 Definitions. The following definitions apply to this chapter and  
24 to chapter 58:

25 a. "Antique firearm" means any rifle or shotgun and "antique  
26 cannon" means a destructive device defined in paragraph (3) of  
27 subsection c. of this section, if the rifle, shotgun or destructive  
28 device, as the case may be, is incapable of being fired or  
29 discharged, or which does not fire fixed ammunition, regardless of  
30 date of manufacture, or was manufactured before 1898 for which  
31 cartridge ammunition is not commercially available, and is  
32 possessed as a curiosity or ornament or for its historical  
33 significance or value.

34 b. "Deface" means to remove, deface, cover, alter or destroy  
35 the name of the maker, model designation, manufacturer's serial  
36 number or any other distinguishing identification mark or number  
37 on any firearm.

38 c. "Destructive device" means any device, instrument or object  
39 designed to explode or produce uncontrolled combustion, including  
40 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
41 rocket having a propellant charge of more than four ounces or any  
42 missile having an explosive or incendiary charge of more than one-  
43 quarter of an ounce; (3) any weapon capable of firing a projectile of  
44 a caliber greater than 60 caliber, except a shotgun or shotgun  
45 ammunition generally recognized as suitable for sporting purposes;  
46 (4) any Molotov cocktail or other device consisting of a breakable  
47 container containing flammable liquid and having a wick or similar

- 1 device capable of being ignited. The term does not include any  
2 device manufactured for the purpose of illumination, distress  
3 signaling, line-throwing, safety or similar purposes.
- 4 d. "Dispose of" means to give, give away, lease, loan, keep for  
5 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
6 possession.
- 7 e. "Explosive" means any chemical compound or mixture that  
8 is commonly used or is possessed for the purpose of producing an  
9 explosion and which contains any oxidizing and combustible  
10 materials or other ingredients in such proportions, quantities or  
11 packing that an ignition by fire, by friction, by concussion or by  
12 detonation of any part of the compound or mixture may cause such  
13 a sudden generation of highly heated gases that the resultant  
14 gaseous pressures are capable of producing destructive effects on  
15 contiguous objects. The term shall not include small arms  
16 ammunition, or explosives in the form prescribed by the official  
17 United States Pharmacopoeia.
- 18 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
19 automatic or semi-automatic rifle, or any gun, device or instrument  
20 in the nature of a weapon from which may be fired or ejected any  
21 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
22 vapor or other noxious thing, by means of a cartridge or shell or by  
23 the action of an explosive or the igniting of flammable or explosive  
24 substances. It shall also include, without limitation, any firearm  
25 which is in the nature of an air gun, spring gun or pistol or other  
26 weapon of a similar nature in which the propelling force is a spring,  
27 elastic band, carbon dioxide, compressed or other gas or vapor, air  
28 or compressed air, or is ignited by compressed air, and ejecting a  
29 bullet or missile smaller than three-eighths of an inch in diameter,  
30 with sufficient force to injure a person.
- 31 g. "Firearm silencer" means any instrument, attachment,  
32 weapon or appliance for causing the firing of any gun, revolver,  
33 pistol or other firearm to be silent, or intended to lessen or muffle  
34 the noise of the firing of any gun, revolver, pistol or other firearm.
- 35 h. "Gravity knife" means any knife which has a blade which is  
36 released from the handle or sheath thereof by the force of gravity or  
37 the application of centrifugal force.
- 38 i. "Machine gun" means any firearm, mechanism or instrument  
39 not requiring that the trigger be pressed for each shot and having a  
40 reservoir, belt or other means of storing and carrying ammunition  
41 which can be loaded into the firearm, mechanism or instrument and  
42 fired therefrom. A machine gun also shall include, without  
43 limitation, any firearm with a trigger crank attached.
- 44 j. "Manufacturer" means any person who receives or obtains  
45 raw materials or parts and processes them into firearms or finished  
46 parts of firearms, except a person who exclusively processes grips,  
47 stocks and other nonmetal parts of firearms. The term does not

- 1 include a person who repairs existing firearms or receives new and  
2 used raw materials or parts solely for the repair of existing firearms.
- 3 k. "Handgun" means any pistol, revolver or other firearm  
4 originally designed or manufactured to be fired by the use of a  
5 single hand.
- 6 l. "Retail dealer" means any person including a gunsmith,  
7 except a manufacturer or a wholesale dealer, who sells, transfers or  
8 assigns for a fee or profit any firearm or parts of firearms or  
9 ammunition which he has purchased or obtained with the intention,  
10 or for the purpose, of reselling or reassigning to persons who are  
11 reasonably understood to be the ultimate consumers, and includes  
12 any person who is engaged in the business of repairing firearms or  
13 who sells any firearm to satisfy a debt secured by the pledge of a  
14 firearm.
- 15 m. "Rifle" means any firearm designed to be fired from the  
16 shoulder and using the energy of the explosive in a fixed metallic  
17 cartridge to fire a single projectile through a rifled bore for each  
18 single pull of the trigger.
- 19 n. "Shotgun" means any firearm designed to be fired from the  
20 shoulder and using the energy of the explosive in a fixed shotgun  
21 shell to fire through a smooth bore either a number of ball shots or a  
22 single projectile for each pull of the trigger, or any firearm designed  
23 to be fired from the shoulder which does not fire fixed ammunition.
- 24 o. "Sawed-off shotgun" means any shotgun having a barrel or  
25 barrels of less than 18 inches in length measured from the breech to  
26 the muzzle, or a rifle having a barrel or barrels of less than 16  
27 inches in length measured from the breech to the muzzle, or any  
28 firearm made from a rifle or a shotgun, whether by alteration, or  
29 otherwise, if such firearm as modified has an overall length of less  
30 than 26 inches.
- 31 p. "Switchblade knife" means any knife or similar device  
32 which has a blade which opens automatically by hand pressure  
33 applied to a button, spring or other device in the handle of the knife.
- 34 q. "Superintendent" means the Superintendent of the State  
35 Police.
- 36 r. "Weapon" means anything readily capable of lethal use or of  
37 inflicting serious bodily injury. The term includes, but is not  
38 limited to, all (1) firearms, even though not loaded or lacking a clip  
39 or other component to render them immediately operable; (2)  
40 components which can be readily assembled into a weapon; (3)  
41 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
42 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
43 sandclubs, slingshots, cesti or similar leather bands studded with  
44 metal filings or razor blades imbedded in wood; and (4) stun guns;  
45 and any weapon or other device which projects, releases, or emits  
46 tear gas or any other substance intended to produce temporary  
47 physical discomfort or permanent injury through being vaporized or  
48 otherwise dispensed in the air.

1 s. "Wholesale dealer" means any person, except a  
2 manufacturer, who sells, transfers, or assigns firearms, or parts of  
3 firearms, to persons who are reasonably understood not to be the  
4 ultimate consumers, and includes persons who receive finished  
5 parts of firearms and assemble them into completed or partially  
6 completed firearms, in furtherance of such purpose, except that it  
7 shall not include those persons dealing exclusively in grips, stocks  
8 and other nonmetal parts of firearms.

9 t. "Stun gun" means any weapon or other device which emits  
10 an electrical charge or current intended to temporarily or  
11 permanently disable a person.

12 u. "Ballistic knife" means any weapon or other device capable  
13 of lethal use and which can propel a knife blade.

14 v. "Imitation firearm" means an object or device reasonably  
15 capable of being mistaken for a firearm.

16 w. "Assault firearm" means:

17 (1) The following firearms:

18 Algimec AGM1 type

19 Any shotgun with a revolving cylinder such as the "Street  
20 Sweeper" or "Striker 12"

21 Armalite AR-180 type

22 Australian Automatic Arms SAR

23 Avtomat Kalashnikov type semi-automatic firearms

24 Beretta AR-70 and BM59 semi-automatic firearms

25 Bushmaster Assault Rifle

26 Calico M-900 Assault carbine and M-900

27 CETME G3

28 Chartered Industries of Singapore SR-88 type

29 Colt AR-15 and CAR-15 series

30 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

31 Demro TAC-1 carbine type

32 Encom MP-9 and MP-45 carbine types

33 FAMAS MAS223 types

34 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

35 Franchi SPAS 12 and LAW 12 shotguns

36 G3SA type

37 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

38 Intratec TEC 9 and 22 semi-automatic firearms

39 M1 carbine type

40 M14S type

41 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

42 PJK M-68 carbine type

43 Plainfield Machine Company Carbine

44 Ruger K-Mini-14/5F and Mini-14/5RF

45 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

46 SKS with detachable magazine type

47 Spectre Auto carbine type

48 Springfield Armory BM59 and SAR-48 type

- 1 Sterling MK-6, MK-7 and SAR types  
2 Steyr A.U.G. semi-automatic firearms  
3 USAS 12 semi-automatic type shotgun  
4 Uzi type semi-automatic firearms  
5 Valmet M62, M71S, M76, or M78 type semi-automatic firearms  
6 Weaver Arm Nighthawk.
- 7 (2) Any firearm manufactured under any designation which is  
8 substantially identical to any of the firearms listed above.
- 9 (3) A semi-automatic shotgun with either a magazine capacity  
10 exceeding six rounds, a pistol grip, or a folding stock.
- 11 (4) A semi-automatic rifle with a fixed magazine capacity  
12 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a  
13 semi-automatic rifle which has an attached tubular device and which  
14 is capable of operating only with .22 caliber rimfire ammunition.
- 15 (5) A part or combination of parts designed or intended to  
16 convert a firearm into an assault firearm, or any combination of  
17 parts from which an assault firearm may be readily assembled if  
18 those parts are in the possession or under the control of the same  
19 person.
- 20 (6) A firearm with a bump stock attached.
- 21 x. "Semi-automatic" means a firearm which fires a single  
22 projectile for each single pull of the trigger and is self-reloading or  
23 automatically chambers a round, cartridge, or bullet.
- 24 y. "Large capacity ammunition magazine" means a box, drum,  
25 tube or other container which is capable of holding more than **[15]**  
26 10 rounds of ammunition to be fed continuously and directly  
27 therefrom into a semi-automatic firearm. The term shall not include  
28 an attached tubular device which is capable of holding only .22  
29 caliber rimfire ammunition.
- 30 z. "Pistol grip" means a well-defined handle, similar to that  
31 found on a handgun, that protrudes conspicuously beneath the  
32 action of the weapon, and which permits the shotgun to be held and  
33 fired with one hand.
- 34 aa. "Antique handgun" means a handgun manufactured before  
35 1898, or a replica thereof, which is recognized as being historical in  
36 nature or of historical significance and either (1) utilizes a match,  
37 friction, flint, or percussion ignition, or which utilizes a pin-fire  
38 cartridge in which the pin is part of the cartridge or (2) does not fire  
39 fixed ammunition or for which cartridge ammunition is not  
40 commercially available.
- 41 bb. "Trigger lock" means a commercially available device  
42 approved by the Superintendent of State Police which is operated  
43 with a key or combination lock that prevents a firearm from being  
44 discharged while the device is attached to the firearm. It may  
45 include, but need not be limited to, devices that obstruct the barrel  
46 or cylinder of the firearm, as well as devices that immobilize the  
47 trigger.

1 cc. "Trigger locking device" means a device that, if installed on  
2 a firearm and secured by means of a key or mechanically,  
3 electronically or electromechanically operated combination lock,  
4 prevents the firearm from being discharged without first  
5 deactivating or removing the device by means of a key or  
6 mechanically, electronically or electromechanically operated  
7 combination lock.

8 dd. "Personalized handgun" means a handgun which  
9 incorporates within its design, and as part of its original  
10 manufacture, technology which automatically limits its operational  
11 use and which cannot be readily deactivated, so that it may only be  
12 fired by an authorized or recognized user. The technology limiting  
13 the handgun's operational use may include, but not be limited to:  
14 radio frequency tagging, touch memory, remote control, fingerprint,  
15 magnetic encoding and other automatic user identification systems  
16 utilizing biometric, mechanical or electronic systems. No make or  
17 model of a handgun shall be deemed to be a "personalized handgun"  
18 unless the Attorney General has determined, through testing or  
19 other reasonable means, that the handgun meets any reliability  
20 standards that the manufacturer may require for its commercially  
21 available handguns that are not personalized or, if the manufacturer  
22 has no such reliability standards, the handgun meets the reliability  
23 standards generally used in the industry for commercially available  
24 handguns.

25 ee. "Bump stock" means any device or instrument for a firearm  
26 that increases the rate of fire achievable with the firearm by using  
27 energy from the recoil of the firearm to generate a reciprocating  
28 action that facilitates repeated activation of the trigger.

29 ff. "Trigger crank" means any device or instrument to be  
30 attached to a firearm that repeatedly activates the trigger of the  
31 firearm through the use of a lever or other part that is turned in a  
32 circular motion; provided, however, the term shall not include any  
33 weapon initially designed and manufactured to fire through the use  
34 of a crank or lever.<sup>1</sup>

35 (cf: P.L.2017, c.323, s.1)

36

37 <sup>1</sup>2. N.J.S.2C:39-3 is amended to read as follows:

38 2C:39-3. Prohibited Weapons and Devices.

39 a. Destructive devices. Any person who knowingly has in his  
40 possession any destructive device is guilty of a crime of the third  
41 degree.

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

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

1 d. Defaced firearms. Any person who knowingly has in his  
2 possession any firearm which has been defaced, except an antique  
3 firearm or an antique handgun, is guilty of a crime of the fourth  
4 degree.

5 e. Certain weapons. Any person who knowingly has in his  
6 possession any gravity knife, switchblade knife, dagger, dirk,  
7 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus  
8 or similar leather band studded with metal filings or razor blades  
9 imbedded in wood, ballistic knife, without any explainable lawful  
10 purpose, is guilty of a crime of the fourth degree.

11 f. Dum-dum or body armor penetrating bullets. (1) Any  
12 person, other than a law enforcement officer or persons engaged in  
13 activities pursuant to subsection f. of N.J.S.2C:39-6, who  
14 knowingly has in his possession any hollow nose or dum-dum  
15 bullet, or (2) any person, other than a collector of firearms or  
16 ammunition as curios or relics as defined in Title 18, United States  
17 Code, section 921 (a) (13) and has in his possession a valid  
18 Collector of Curios and Relics License issued by the Bureau of  
19 Alcohol, Tobacco and Firearms, who knowingly has in his  
20 possession any body armor breaching or penetrating ammunition,  
21 which means: (a) ammunition primarily designed for use in a  
22 handgun, and (b) which is comprised of a bullet whose core or  
23 jacket, if the jacket is thicker than .025 of an inch, is made of  
24 tungsten carbide, or hard bronze, or other material which is harder  
25 than a rating of 72 or greater on the Rockwell B. Hardness Scale,  
26 and (c) is therefore capable of breaching or penetrating body armor,  
27 is guilty of a crime of the fourth degree. For purposes of this  
28 section, a collector may possess not more than three examples of  
29 each distinctive variation of the ammunition described above. A  
30 distinctive variation includes a different head stamp, composition,  
31 design, or color.

32 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.  
33 or k. of this section shall apply to any member of the Armed Forces  
34 of the United States or the National Guard, or except as otherwise  
35 provided, to any law enforcement officer while actually on duty or  
36 traveling to or from an authorized place of duty, provided that his  
37 possession of the prohibited weapon or device has been duly  
38 authorized under the applicable laws, regulations or military or law  
39 enforcement orders.

40 Nothing in subsection h. of this section shall apply to any law  
41 enforcement officer who is exempted from the provisions of that  
42 subsection by the Attorney General. Nothing in this section shall  
43 apply to the possession of any weapon or device by a law  
44 enforcement officer who has confiscated, seized or otherwise taken  
45 possession of said weapon or device as evidence of the commission  
46 of a crime or because he believed it to be possessed illegally by the  
47 person from whom it was taken, provided that said law enforcement

1 officer promptly notifies his superiors of his possession of such  
2 prohibited weapon or device.

3 (2) a. Nothing in subsection f. (1) shall be construed to prevent  
4 a person from keeping such ammunition at his dwelling, premises  
5 or other land owned or possessed by him, or from carrying such  
6 ammunition from the place of purchase to said dwelling or land, nor  
7 shall subsection f. (1) be construed to prevent any licensed retail or  
8 wholesale firearms dealer from possessing such ammunition at its  
9 licensed premises, provided that the seller of any such ammunition  
10 shall maintain a record of the name, age and place of residence of  
11 any purchaser who is not a licensed dealer, together with the date of  
12 sale and quantity of ammunition sold.

13 b. Nothing in subsection f.(1) shall be construed to prevent a  
14 designated employee or designated licensed agent for a nuclear  
15 power plant under the license of the Nuclear Regulatory  
16 Commission from possessing hollow nose ammunition while in the  
17 actual performance of his official duties, if the federal licensee  
18 certifies that the designated employee or designated licensed agent  
19 is assigned to perform site protection, guard, armed response or  
20 armed escort duties and is appropriately trained and qualified, as  
21 prescribed by federal regulation, to perform those duties.

22 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
23 shall be construed to prevent any licensed retail or wholesale  
24 firearms dealer from possessing that ammunition or large capacity  
25 ammunition magazine at its licensed premises for sale or disposition  
26 to another licensed dealer, the Armed Forces of the United States or  
27 the National Guard, or to a law enforcement agency, provided that  
28 the seller maintains a record of any sale or disposition to a law  
29 enforcement agency. The record shall include the name of the  
30 purchasing agency, together with written authorization of the chief  
31 of police or highest ranking official of the agency, the name and  
32 rank of the purchasing law enforcement officer, if applicable, and  
33 the date, time and amount of ammunition sold or otherwise  
34 disposed. A copy of this record shall be forwarded by the seller to  
35 the Superintendent of the Division of State Police within 48 hours  
36 of the sale or disposition.

37 (4) Nothing in subsection a. of this section shall be construed to  
38 apply to antique cannons as exempted in subsection d. of  
39 N.J.S.2C:39-6.

40 (5) Nothing in subsection c. of this section shall be construed to  
41 apply to any person who is specifically identified in a special deer  
42 management permit issued by the Division of Fish and Wildlife to  
43 utilize a firearm silencer as part of an alternative deer control  
44 method implemented in accordance with a special deer management  
45 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),  
46 while the person is in the actual performance of the permitted  
47 alternative deer control method and while going to and from the  
48 place where the permitted alternative deer control method is being

1 utilized. This exception shall not, however, otherwise apply to any  
2 person to authorize the purchase or possession of a firearm silencer.

3 h. Stun guns. Any person who knowingly has in his possession  
4 any stun gun is guilty of a crime of the fourth degree.

5 i. Nothing in subsection e. of this section shall be construed to  
6 prevent any guard in the employ of a private security company, who  
7 is licensed to carry a firearm, from the possession of a nightstick  
8 when in the actual performance of his official duties, provided that  
9 he has satisfactorily completed a training course approved by the  
10 Police Training Commission in the use of a nightstick.

11 j. Any person who knowingly has in his possession a large  
12 capacity ammunition magazine is guilty of a crime of the fourth  
13 degree unless the person has registered:

14 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32  
15 (C.2C:58-12) and the magazine is maintained and used in  
16 connection with participation in competitive shooting matches  
17 sanctioned by the Director of Civilian Marksmanship of the United  
18 States Department of the Army [.] ; or

19 (2) a firearm with a fixed magazine capacity <sup>2</sup>or detachable  
20 magazine<sup>2</sup> capable of holding up to 15 rounds pursuant to section 7  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill).

23 k. Handcuffs. Any person who knowingly has in his  
24 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),  
25 under circumstances not manifestly appropriate for such lawful uses  
26 as handcuffs may have, is guilty of a disorderly persons offense. A  
27 law enforcement officer shall confiscate handcuffs possessed in  
28 violation of the law.

29 l. Bump stock or trigger crank. Any person who knowingly  
30 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
31 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
32 regardless of whether the person is in possession of a firearm, is  
33 guilty of a crime of the third degree.

34 Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
35 provision of law, a conviction arising out of this subsection shall  
36 not merge with a conviction for possessing an assault firearm in  
37 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in  
38 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence  
39 shall be imposed upon each conviction. Notwithstanding the  
40 provisions of N.J.S.2C:44-5 or any other provisions of law, the  
41 sentence imposed pursuant to this subsection shall be served  
42 consecutively to that imposed for unlawfully possessing an assault  
43 firearm in violation of subsection f. of N.J.S.2C:39-5.<sup>1</sup>

44 (cf: P.L.2017, c.323, s.2)

45

46 <sup>1</sup>[2.] 3.<sup>1</sup> (New section) Notwithstanding the provisions of  
47 subsection j. of N.J.S.2C:39-3, a retired law enforcement officer

1 who is authorized to possess and carry a handgun pursuant to  
2 subsection l. of N.J.S.2C:39-6 may possess and carry a large  
3 capacity ammunition magazine which is capable of holding up to 15  
4 rounds of ammunition that can be fed continuously and directly into  
5 a semi-automatic handgun.

6  
7 <sup>1</sup>3. (New section) Notwithstanding the provisions of  
8 N.J.S.2C:39-6, a law enforcement officer may possess and carry  
9 while on duty a large capacity ammunition magazine and possess  
10 and carry while off duty a large capacity ammunition magazine  
11 which is capable of holding up to 15 rounds of ammunition that can  
12 be fed continuously and directly into a semi-automatic firearm.]<sup>1</sup>

13  
14 <sup>1</sup>4. (New section) The provisions of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
15 (pending before the Legislature as this bill) shall not apply to the  
16 possession of a large capacity ammunition magazine solely used as  
17 a prop for a motion picture, television, or video production,  
18 provided the large capacity ammunition magazine has been  
19 reconfigured to fire blank ammunition and remains under the  
20 control of a federal firearms license holder.<sup>1</sup>

21  
22 <sup>1</sup>4.] 5.<sup>1</sup> (New section) <sup>1</sup>Any] Except as provided in section  
23 7 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this  
24 bill),<sup>1</sup> a person who legally owns a semi-automatic rifle with a fixed  
25 magazine capacity exceeding 10 rounds or a large capacity  
26 ammunition magazine as defined under subsection y. of  
27 N.J.S.2C:39-1 which is capable of holding more than 10 rounds of  
28 ammunition on the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
29 before the Legislature as this bill) may retain possession of that rifle  
30 or magazine for a period not to exceed 180 days <sup>1</sup>from] after<sup>1</sup>  
31 the effective date of this act. During this time period, the owner of the  
32 semi-automatic rifle or magazine shall:

33 a. Transfer the semi-automatic rifle or magazine to any person  
34 or firm lawfully entitled to own or possess that firearm or  
35 magazine;

36 b. Render the semi-automatic rifle or magazine inoperable <sup>1</sup>or  
37 permanently modify a large capacity ammunition magazine to  
38 accept 10 rounds or less<sup>1</sup>; or

39 c. Voluntarily surrender the semi-automatic rifle or magazine  
40 pursuant to the provisions of N.J.S.2C:39-12.

41  
42 <sup>1</sup>5.] 6.<sup>1</sup> N.J.S.2C:39-12 is amended to read as follows:

43 2C:39-12. No person shall be convicted of an offense under this  
44 chapter for possessing any firearms, weapons, destructive devices,  
45 large capacity ammunition magazines, silencers or explosives, if  
46 after giving written notice of his intention to do so, including the

1 proposed date and time of surrender, he voluntarily surrendered the  
2 weapon, device, instrument or substance in question to the  
3 superintendent or to the chief of police in the municipality in which  
4 he resides, provided that the required notice is received by the  
5 superintendent or chief of police before any charges have been  
6 made or complaints filed against such person for the unlawful  
7 possession of the weapon, device, instrument or substance in  
8 question and before any investigation has been commenced by any  
9 law enforcement agency concerning the unlawful possession.  
10 Nothing in this section shall be construed as granting immunity  
11 from prosecution for any crime or offense except that of the  
12 unlawful possession of such weapons, devices, instruments or  
13 substances surrendered as herein provided.

14 (cf: N.J.S.2C:39-12)

15

16 <sup>1</sup>7. (New section) a. A person who legally owns a firearm  
17 <sup>2</sup>[with a fixed magazine capacity holding up to 15 rounds which is  
18 incapable of being modified to accommodate 10 or less rounds and  
19 was purchased on or] as set forth in paragraph (1) or (2) of this  
20 subsection<sup>2</sup> prior to the effective date of P.L. , c. (C. )  
21 (pending before the Legislature as this bill) shall register that  
22 firearm within one year from the effective date<sup>2</sup>[this act]:

23 (1) a firearm with a fixed magazine capacity holding up to 15  
24 rounds which is incapable of being modified to accommodate 10 or  
25 less rounds; or

26 (2) a firearm which only accepts a detachable magazine with a  
27 capacity of up to 15 rounds which is incapable of being modified to  
28 accommodate 10 or less rounds<sup>2</sup>.

29 <sup>2</sup>b.<sup>2</sup> In order to register the firearm<sup>2</sup> pursuant to subsection a. of  
30 this section<sup>2</sup>, the owner shall:

31 (1) complete a registration statement, in the form to be  
32 prescribed by the Superintendent of the State Police; <sup>3</sup>and<sup>3</sup>

33 (2) <sup>3</sup>[pay a registration fee of \$50 per firearm; and

34 (3)]<sup>3</sup> produce for inspection a valid firearms purchaser  
35 identification card, permit to carry a handgun, or permit to purchase  
36 a handgun.

37 <sup>2</sup>[b.] c.<sup>2</sup> The information provided in the registration  
38 statement established pursuant to subsection <sup>2</sup>[a.] b.<sup>2</sup> of this section  
39 shall include, but shall not be limited to: the name and address of  
40 the registrant; the number or numbers on the registrant's firearms  
41 purchaser identification card, permit to carry a handgun, or permit  
42 to purchase a handgun; and the make, model, and serial number of  
43 the firearm being registered. Each registration statement shall be  
44 signed by the registrant, and the signature shall constitute a  
45 representation of the accuracy of the information contained in the  
46 registration statement.

1       <sup>2</sup>**[c.] d.**<sup>2</sup> An applicant shall register the firearm in the law  
2 enforcement agency of the municipality in which the applicant  
3 resides or, if the municipality does not have a municipal law  
4 enforcement agency, any State Police station.

5       <sup>2</sup>**[d.] e.**<sup>2</sup> Within 60 days of the effective date of P.L. \_\_\_\_\_,  
6 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), the  
7 superintendent shall prepare the form of registration statement as  
8 described in subsection <sup>2</sup>**[b.] c.**<sup>2</sup> of this section and shall provide a  
9 suitable supply of statements to each organized full-time municipal  
10 police department and each State Police station.

11       <sup>2</sup>**[e.] f.**<sup>2</sup> One copy of the completed registration statement shall  
12 be returned to the registrant, a second copy shall be sent to the  
13 <sup>2</sup>**[Superintendent]** superintendent<sup>2</sup>, and, if the registration takes  
14 place at a municipal police department, a third copy shall be  
15 retained by that municipal police department.

16       <sup>2</sup>**[f.] g.**<sup>2</sup> The heir or estate of an owner of a firearm which has  
17 been registered pursuant to this section shall within 90 days after  
18 the owner's death dispose of that firearm in accordance with section  
19 5 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as  
20 this bill)<sup>1 2 2</sup>

21

22       <sup>1</sup>**[6.] 8.**<sup>1</sup> This act shall take effect immediately.

23

24

25

26

27       Reduces maximum capacity of ammunition magazines to 10  
28 rounds.

P.L. 2018, CHAPTER 38, *approved June 13, 2018*  
Assembly Committee Substitute for  
Assembly, No. 2759

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-  
2 1, N.J.S.2C:39-3, and N.J.S.2C:39-9.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

8 Definitions. The following definitions apply to this chapter and  
9 to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique  
11 cannon" means a destructive device defined in paragraph (3) of  
12 subsection c. of this section, if the rifle, shotgun or destructive  
13 device, as the case may be, is incapable of being fired or  
14 discharged, or which does not fire fixed ammunition, regardless of  
15 date of manufacture, or was manufactured before 1898 for which  
16 cartridge ammunition is not commercially available, and is  
17 possessed as a curiosity or ornament or for its historical  
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy  
20 the name of the maker, model designation, manufacturer's serial  
21 number or any other distinguishing identification mark or number  
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object  
24 designed to explode or produce uncontrolled combustion, including  
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
26 rocket having a propellant charge of more than four ounces or any  
27 missile having an explosive or incendiary charge of more than one-  
28 quarter of an ounce; (3) any weapon capable of firing a projectile of  
29 a caliber greater than 60 caliber, except a shotgun or shotgun  
30 ammunition generally recognized as suitable for sporting purposes;  
31 (4) any Molotov cocktail or other device consisting of a breakable  
32 container containing flammable liquid and having a wick or similar  
33 device capable of being ignited. The term does not include any  
34 device manufactured for the purpose of illumination, distress  
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for  
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
38 possession.

39 e. "Explosive" means any chemical compound or mixture that  
40 is commonly used or is possessed for the purpose of producing an  
41 explosion and which contains any oxidizing and combustible

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

9 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
10 automatic or semi-automatic rifle, or any gun, device or instrument  
11 in the nature of a weapon from which may be fired or ejected any  
12 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
13 vapor or other noxious thing, by means of a cartridge or shell or by  
14 the action of an explosive or the igniting of flammable or explosive  
15 substances. It shall also include, without limitation, any firearm  
16 which is in the nature of an air gun, spring gun or pistol or other  
17 weapon of a similar nature in which the propelling force is a spring,  
18 elastic band, carbon dioxide, compressed or other gas or vapor, air  
19 or compressed air, or is ignited by compressed air, and ejecting a  
20 bullet or missile smaller than three-eighths of an inch in diameter,  
21 with sufficient force to injure a person.

22 g. "Firearm silencer" means any instrument, attachment,  
23 weapon or appliance for causing the firing of any gun, revolver,  
24 pistol or other firearm to be silent, or intended to lessen or muffle  
25 the noise of the firing of any gun, revolver, pistol or other firearm.

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

29 i. "Machine gun" means any firearm, mechanism or instrument  
30 not requiring that the trigger be pressed for each shot and having a  
31 reservoir, belt or other means of storing and carrying ammunition  
32 which can be loaded into the firearm, mechanism or instrument and  
33 fired therefrom. A machine gun also shall include, without  
34 limitation, any firearm with a trigger crank attached.

35 j. "Manufacturer" means any person who receives or obtains  
36 raw materials or parts and processes them into firearms or finished  
37 parts of firearms, except a person who exclusively processes grips,  
38 stocks and other nonmetal parts of firearms. The term does not  
39 include a person who repairs existing firearms or receives new and  
40 used raw materials or parts solely for the repair of existing firearms.

41 k. "Handgun" means any pistol, revolver or other firearm  
42 originally designed or manufactured to be fired by the use of a  
43 single hand.

44 l. "Retail dealer" means any person including a gunsmith,  
45 except a manufacturer or a wholesale dealer, who sells, transfers or  
46 assigns for a fee or profit any firearm or parts of firearms or  
47 ammunition which he has purchased or obtained with the intention,  
48 or for the purpose, of reselling or reassigning to persons who are

- 1 reasonably understood to be the ultimate consumers, and includes  
2 any person who is engaged in the business of repairing firearms or  
3 who sells any firearm to satisfy a debt secured by the pledge of a  
4 firearm.
- 5 m. "Rifle" means any firearm designed to be fired from the  
6 shoulder and using the energy of the explosive in a fixed metallic  
7 cartridge to fire a single projectile through a rifled bore for each  
8 single pull of the trigger.
- 9 n. "Shotgun" means any firearm designed to be fired from the  
10 shoulder and using the energy of the explosive in a fixed shotgun  
11 shell to fire through a smooth bore either a number of ball shots or a  
12 single projectile for each pull of the trigger, or any firearm designed  
13 to be fired from the shoulder which does not fire fixed ammunition.
- 14 o. "Sawed-off shotgun" means any shotgun having a barrel or  
15 barrels of less than 18 inches in length measured from the breech to  
16 the muzzle, or a rifle having a barrel or barrels of less than 16  
17 inches in length measured from the breech to the muzzle, or any  
18 firearm made from a rifle or a shotgun, whether by alteration, or  
19 otherwise, if such firearm as modified has an overall length of less  
20 than 26 inches.
- 21 p. "Switchblade knife" means any knife or similar device  
22 which has a blade which opens automatically by hand pressure  
23 applied to a button, spring or other device in the handle of the knife.
- 24 q. "Superintendent" means the Superintendent of the State  
25 Police.
- 26 r. "Weapon" means anything readily capable of lethal use or of  
27 inflicting serious bodily injury. The term includes, but is not  
28 limited to, all (1) firearms, even though not loaded or lacking a clip  
29 or other component to render them immediately operable; (2)  
30 components which can be readily assembled into a weapon; (3)  
31 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
32 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
33 sandclubs, slingshots, cesti or similar leather bands studded with  
34 metal filings or razor blades imbedded in wood; and (4) stun guns;  
35 and any weapon or other device which projects, releases, or emits  
36 tear gas or any other substance intended to produce temporary  
37 physical discomfort or permanent injury through being vaporized or  
38 otherwise dispensed in the air.
- 39 s. "Wholesale dealer" means any person, except a  
40 manufacturer, who sells, transfers, or assigns firearms, or parts of  
41 firearms, to persons who are reasonably understood not to be the  
42 ultimate consumers, and includes persons who receive finished  
43 parts of firearms and assemble them into completed or partially  
44 completed firearms, in furtherance of such purpose, except that it  
45 shall not include those persons dealing exclusively in grips, stocks  
46 and other nonmetal parts of firearms.

- 1 t. "Stun gun" means any weapon or other device which emits  
2 an electrical charge or current intended to temporarily or  
3 permanently disable a person.
- 4 u. "Ballistic knife" means any weapon or other device capable  
5 of lethal use and which can propel a knife blade.
- 6 v. "Imitation firearm" means an object or device reasonably  
7 capable of being mistaken for a firearm.
- 8 w. "Assault firearm" means:
- 9 (1) The following firearms:
- 10 Algimec AGM1 type  
11 Any shotgun with a revolving cylinder such as the "Street  
12 Sweeper" or "Striker 12"  
13 Armalite AR-180 type  
14 Australian Automatic Arms SAR  
15 Avtomat Kalashnikov type semi-automatic firearms  
16 Beretta AR-70 and BM59 semi-automatic firearms  
17 Bushmaster Assault Rifle  
18 Calico M-900 Assault carbine and M-900  
19 CETME G3  
20 Chartered Industries of Singapore SR-88 type  
21 Colt AR-15 and CAR-15 series  
22 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types  
23 Demro TAC-1 carbine type  
24 Encom MP-9 and MP-45 carbine types  
25 FAMAS MAS223 types  
26 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms  
27 Franchi SPAS 12 and LAW 12 shotguns  
28 G3SA type  
29 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1  
30 Intratec TEC 9 and 22 semi-automatic firearms  
31 M1 carbine type  
32 M14S type  
33 MAC 10, MAC 11, MAC 11-9mm carbine type firearms  
34 PJK M-68 carbine type  
35 Plainfield Machine Company Carbine  
36 Ruger K-Mini-14/5F and Mini-14/5RF  
37 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types  
38 SKS with detachable magazine type  
39 Spectre Auto carbine type  
40 Springfield Armory BM59 and SAR-48 type  
41 Sterling MK-6, MK-7 and SAR types  
42 Steyr A.U.G. semi-automatic firearms  
43 USAS 12 semi-automatic type shotgun  
44 Uzi type semi-automatic firearms  
45 Valmet M62, M71S, M76, or M78 type semi-automatic firearms  
46 Weaver Arm Nighthawk.
- 47 (2) Any firearm manufactured under any designation which is  
48 substantially identical to any of the firearms listed above.

- 1 (3) A semi-automatic shotgun with either a magazine capacity  
2 exceeding six rounds, a pistol grip, or a folding stock.
- 3 (4) A semi-automatic rifle with a fixed magazine capacity  
4 exceeding 15 rounds.
- 5 (5) A part or combination of parts designed or intended to  
6 convert a firearm into an assault firearm, or any combination of  
7 parts from which an assault firearm may be readily assembled if  
8 those parts are in the possession or under the control of the same  
9 person.
- 10 (6) A firearm with a bump stock attached.
- 11 x. "Semi-automatic" means a firearm which fires a single  
12 projectile for each single pull of the trigger and is self-reloading or  
13 automatically chambers a round, cartridge, or bullet.
- 14 y. "Large capacity ammunition magazine" means a box, drum,  
15 tube or other container which is capable of holding more than 15  
16 rounds of ammunition to be fed continuously and directly therefrom  
17 into a semi-automatic firearm.
- 18 z. "Pistol grip" means a well-defined handle, similar to that  
19 found on a handgun, that protrudes conspicuously beneath the  
20 action of the weapon, and which permits the shotgun to be held and  
21 fired with one hand.
- 22 aa. "Antique handgun" means a handgun manufactured before  
23 1898, or a replica thereof, which is recognized as being historical in  
24 nature or of historical significance and either (1) utilizes a match,  
25 friction, flint, or percussion ignition, or which utilizes a pin-fire  
26 cartridge in which the pin is part of the cartridge or (2) does not fire  
27 fixed ammunition or for which cartridge ammunition is not  
28 commercially available.
- 29 bb. "Trigger lock" means a commercially available device  
30 approved by the Superintendent of State Police which is operated  
31 with a key or combination lock that prevents a firearm from being  
32 discharged while the device is attached to the firearm. It may  
33 include, but need not be limited to, devices that obstruct the barrel  
34 or cylinder of the firearm, as well as devices that immobilize the  
35 trigger.
- 36 cc. "Trigger locking device" means a device that, if installed on  
37 a firearm and secured by means of a key or mechanically,  
38 electronically or electromechanically operated combination lock,  
39 prevents the firearm from being discharged without first  
40 deactivating or removing the device by means of a key or  
41 mechanically, electronically or electromechanically operated  
42 combination lock.
- 43 dd. "Personalized handgun" means a handgun which  
44 incorporates within its design, and as part of its original  
45 manufacture, technology which automatically limits its operational  
46 use and which cannot be readily deactivated, so that it may only be  
47 fired by an authorized or recognized user. The technology limiting  
48 the handgun's operational use may include, but not be limited to:

1 radio frequency tagging, touch memory, remote control, fingerprint,  
2 magnetic encoding and other automatic user identification systems  
3 utilizing biometric, mechanical or electronic systems. No make or  
4 model of a handgun shall be deemed to be a "personalized handgun"  
5 unless the Attorney General has determined, through testing or  
6 other reasonable means, that the handgun meets any reliability  
7 standards that the manufacturer may require for its commercially  
8 available handguns that are not personalized or, if the manufacturer  
9 has no such reliability standards, the handgun meets the reliability  
10 standards generally used in the industry for commercially available  
11 handguns.

12 ee. "Bump stock" means any device or instrument for a firearm  
13 that increases the rate of fire achievable with the firearm by using  
14 energy from the recoil of the firearm to generate a reciprocating  
15 action that facilitates repeated activation of the trigger.

16 ff. "Trigger crank" means any device or instrument to be  
17 attached to a firearm that repeatedly activates the trigger of the  
18 firearm through the use of a lever or other part that is turned in a  
19 circular motion; provided, however, the term shall not include any  
20 weapon initially designed and manufactured to fire through the use  
21 of a crank or lever.

22 gg. "Armor piercing ammunition" means: (1) a projectile or  
23 projectile core which may be used in a handgun and is constructed  
24 entirely, excluding the presence of traces of other substances, from  
25 one or a combination of tungsten alloys, steel, iron, brass, bronze,  
26 beryllium copper, or depleted uranium; or (2) a full jacketed  
27 projectile larger than .22 caliber designed and intended for use in a  
28 handgun and whose jacket has a weight of more than 25 percent of  
29 the total weight of the projectile. "Armor piercing ammunition"  
30 shall not include shotgun shot required by federal or State  
31 environmental or game regulations for hunting purposes, a frangible  
32 projectile designed for target shooting, a projectile which the United  
33 States Attorney General finds is primarily intended to be used for  
34 sporting purposes, or any other projectile or projectile core which  
35 the United States Attorney General finds is intended to be used for  
36 industrial purposes, including a charge used in an oil gas well  
37 perforating device.

38 (cf: P.L.2017, c.323, s.1)

39

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

41 2C:39-3. Prohibited Weapons and Devices.

42 a. Destructive devices. Any person who knowingly has in his  
43 possession any destructive device is guilty of a crime of the third  
44 degree.

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

48 c. Silencers. Any person who knowingly has in his possession

1 any firearm silencer is guilty of a crime of the fourth degree.

2 d. Defaced firearms. Any person who knowingly has in his  
3 possession any firearm which has been defaced, except an antique  
4 firearm or an antique handgun, is guilty of a crime of the fourth  
5 degree.

6 e. Certain weapons. Any person who knowingly has in his  
7 possession any gravity knife, switchblade knife, dagger, dirk,  
8 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus  
9 or similar leather band studded with metal filings or razor blades  
10 imbedded in wood, ballistic knife, without any explainable lawful  
11 purpose, is guilty of a crime of the fourth degree.

12 f. Dum-dum or **【body】** armor **【penetrating bullets】** piercing  
13 ammunition. (1) Any person, other than a law enforcement officer  
14 or persons engaged in activities pursuant to subsection f. of  
15 N.J.S.2C:39-6, who knowingly has in his possession any hollow  
16 nose or dum-dum bullet, or (2) any person, other than a collector of  
17 firearms or ammunition as curios or relics as defined in Title 18,  
18 United States Code, section 921 (a) (13) and has in his possession a  
19 valid Collector of Curios and Relics License issued by the Bureau  
20 of Alcohol, Tobacco **【and】** , Firearms, and Explosives who  
21 knowingly has in his possession any **【body】** armor **【breaching or**  
22 **penetrating】** piercing ammunition **【**, which means: (a) ammunition  
23 primarily designed for use in a handgun, and (b) which is comprised  
24 of a bullet whose core or jacket, if the jacket is thicker than .025  
25 of an inch, is made of tungsten carbide, or hard bronze, or other  
26 material which is harder than a rating of 72 or greater on the  
27 Rockwell B. Hardness Scale, and (c) is therefore capable of  
28 breaching or penetrating body armor,**】** as defined in subsection gg.  
29 of N.J.S.2C:39-1 is guilty of a crime of the fourth degree. For  
30 purposes of this section, a collector may possess not more than  
31 three examples of each distinctive variation of the ammunition  
32 described above. A distinctive variation includes a different head  
33 stamp, composition, design, or color.

34 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.  
35 or k. of this section shall apply to any member of the Armed Forces  
36 of the United States or the National Guard, or except as otherwise  
37 provided, to any law enforcement officer while actually on duty or  
38 traveling to or from an authorized place of duty, provided that his  
39 possession of the prohibited weapon or device has been duly  
40 authorized under the applicable laws, regulations or military or law  
41 enforcement orders. Nothing in subsection h. of this section shall  
42 apply to any law enforcement officer who is exempted from the  
43 provisions of that subsection by the Attorney General. Nothing in  
44 this section shall apply to the possession of any weapon or device  
45 by a law enforcement officer who has confiscated, seized or  
46 otherwise taken possession of said weapon or device as evidence of  
47 the commission of a crime or because he believed it to be possessed

1 illegally by the person from whom it was taken, provided that said  
2 law enforcement officer promptly notifies his superiors of his  
3 possession of such prohibited weapon or device.

4 (2) a. Nothing in subsection f. (1) shall be construed to prevent  
5 a person from keeping such ammunition at his dwelling, premises  
6 or other land owned or possessed by him, or from carrying such  
7 ammunition from the place of purchase to said dwelling or land, nor  
8 shall subsection f. (1) be construed to prevent any licensed retail or  
9 wholesale firearms dealer from possessing such ammunition at its  
10 licensed premises, provided that the seller of any such ammunition  
11 shall maintain a record of the name, age and place of residence of  
12 any purchaser who is not a licensed dealer, together with the date of  
13 sale and quantity of ammunition sold.

14 b. Nothing in subsection f. (1) shall be construed to prevent a  
15 designated employee or designated licensed agent for a nuclear  
16 power plant under the license of the Nuclear Regulatory  
17 Commission from possessing hollow nose ammunition while in the  
18 actual performance of his official duties, if the federal licensee  
19 certifies that the designated employee or designated licensed agent  
20 is assigned to perform site protection, guard, armed response or  
21 armed escort duties and is appropriately trained and qualified, as  
22 prescribed by federal regulation, to perform those duties.

23 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
24 shall be construed to prevent any licensed retail or wholesale  
25 firearms dealer from possessing that ammunition or large capacity  
26 ammunition magazine at its licensed premises for sale or disposition  
27 to another licensed dealer, the Armed Forces of the United States or  
28 the National Guard, or to a law enforcement agency, provided that  
29 the seller maintains a record of any sale or disposition to a law  
30 enforcement agency. The record shall include the name of the  
31 purchasing agency, together with written authorization of the chief  
32 of police or highest ranking official of the agency, the name and  
33 rank of the purchasing law enforcement officer, if applicable, and  
34 the date, time and amount of ammunition sold or otherwise  
35 disposed. A copy of this record shall be forwarded by the seller to  
36 the Superintendent of the Division of State Police within 48 hours  
37 of the sale or disposition.

38 (4) Nothing in subsection a. of this section shall be construed to  
39 apply to antique cannons as exempted in subsection d. of  
40 N.J.S.2C:39-6.

41 (5) Nothing in subsection c. of this section shall be construed to  
42 apply to any person who is specifically identified in a special deer  
43 management permit issued by the Division of Fish and Wildlife to  
44 utilize a firearm silencer as part of an alternative deer control  
45 method implemented in accordance with a special deer management  
46 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),  
47 while the person is in the actual performance of the permitted  
48 alternative deer control method and while going to and from the

1 place where the permitted alternative deer control method is being  
2 utilized. This exception shall not, however, otherwise apply to any  
3 person to authorize the purchase or possession of a firearm silencer.

4 h. Stun guns. Any person who knowingly has in his possession  
5 any stun gun is guilty of a crime of the fourth degree.

6 i. Nothing in subsection e. of this section shall be construed to  
7 prevent any guard in the employ of a private security company, who  
8 is licensed to carry a firearm, from the possession of a nightstick  
9 when in the actual performance of his official duties, provided that  
10 he has satisfactorily completed a training course approved by the  
11 Police Training Commission in the use of a nightstick.

12 j. Any person who knowingly has in his possession a large  
13 capacity ammunition magazine is guilty of a crime of the fourth  
14 degree unless the person has registered an assault firearm pursuant  
15 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is  
16 maintained and used in connection with participation in competitive  
17 shooting matches sanctioned by the Director of Civilian  
18 Marksmanship of the United States Department of the Army.

19 k. Handcuffs. Any person who knowingly has in his  
20 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),  
21 under circumstances not manifestly appropriate for such lawful uses  
22 as handcuffs may have, is guilty of a disorderly persons offense. A  
23 law enforcement officer shall confiscate handcuffs possessed in  
24 violation of the law.

25 l. Bump stock or trigger crank. Any person who knowingly  
26 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-  
27 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,  
28 regardless of whether the person is in possession of a firearm, is  
29 guilty of a crime of the third degree.

30 Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
31 provision of law, a conviction arising out of this subsection shall  
32 not merge with a conviction for possessing an assault firearm in  
33 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in  
34 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence  
35 shall be imposed upon each conviction. Notwithstanding the  
36 provisions of N.J.S.2C:44-5 or any other provisions of law, the  
37 sentence imposed pursuant to this subsection shall be served  
38 consecutively to that imposed for unlawfully possessing an assault  
39 firearm in violation of subsection f. of N.J.S.2C:39-5.

40 (cf: P.L.2017, c.323, s.2)

41  
42 3. N.J.S.2C:39-9 is amended to read as follows:

43 2C:39-9. Manufacture, Transport, Disposition and Defacement  
44 of Weapons and Dangerous Instruments and Appliances. a. Machine  
45 guns. Any person who manufactures, causes to be manufactured,  
46 transports, ships, sells or disposes of any machine gun without  
47 being registered or licensed to do so as provided in chapter 58 is  
48 guilty of a crime of the third degree.

- 1       b. Sawed-off shotguns. Any person who manufactures, causes  
2 to be manufactured, transports, ships, sells or disposes of any  
3 sawed-off shotgun is guilty of a crime of the third degree.
- 4       c. Firearm silencers. Any person who manufactures, causes to  
5 be manufactured, transports, ships, sells or disposes of any firearm  
6 silencer is guilty of a crime of the fourth degree.
- 7       d. Weapons. Any person who manufactures, causes to be  
8 manufactured, transports, ships, sells or disposes of any weapon,  
9 including gravity knives, switchblade knives, ballistic knives,  
10 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
11 sandclubs, slingshots, cesti or similar leather bands studded with  
12 metal filings, or, except as otherwise provided in subsection i. of  
13 this section, in the case of firearms if he is not licensed or registered  
14 to do so as provided in chapter 58, is guilty of a crime of the fourth  
15 degree. Any person who manufactures, causes to be manufactured,  
16 transports, ships, sells or disposes of any weapon or other device  
17 which projects, releases or emits tear gas or other substances  
18 intended to produce temporary physical discomfort or permanent  
19 injury through being vaporized or otherwise dispensed in the air,  
20 which is intended to be used for any purpose other than for  
21 authorized military or law enforcement purposes by duly authorized  
22 military or law enforcement personnel or the device is for the  
23 purpose of personal self-defense, is pocket-sized and contains not  
24 more than three-quarters of an ounce of chemical substance not  
25 ordinarily capable of lethal use or of inflicting serious bodily injury,  
26 or other than to be used by any person permitted to possess such  
27 weapon or device under the provisions of subsection d. of  
28 N.J.S.2C:39-5, which is intended for use by financial and other  
29 business institutions as part of an integrated security system, placed  
30 at fixed locations, for the protection of money and property, by the  
31 duly authorized personnel of those institutions, is guilty of a crime  
32 of the fourth degree.
- 33       e. Defaced firearms. Any person who defaces any firearm is  
34 guilty of a crime of the third degree. Any person who knowingly  
35 buys, receives, disposes of or conceals a defaced firearm, except an  
36 antique firearm or an antique handgun, is guilty of a crime of the  
37 fourth degree.
- 38       f. (1) Any person who manufactures, causes to be  
39 manufactured, transports, ships, sells, or disposes of any **】**bullet,  
40 which is primarily designed for use in a handgun, and which is  
41 comprised of a bullet whose core or jacket, if the jacket is thicker  
42 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
43 other material which is harder than a rating of 72 or greater on the  
44 Rockwell B. Hardness Scale, and is therefore capable of breaching  
45 or penetrating body armor and **】** armor piercing ammunition as  
46 defined in subsection gg. of N.J.S.2C:39-1 which is intended to be  
47 used for any purpose other than for authorized military or law

1 enforcement purposes by duly authorized military or law  
2 enforcement personnel, is guilty of a crime of the fourth degree.

3 (2) Nothing in this subsection shall be construed to prevent a  
4 licensed collector of ammunition as defined in paragraph (2) of  
5 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
6 in paragraph (1) of this subsection from (a) any licensed retail or  
7 wholesale firearms dealer's place of business to the collector's  
8 dwelling, premises, or other land owned or possessed by him, or (b)  
9 to or from the collector's dwelling, premises or other land owned or  
10 possessed by him to any gun show for the purposes of display, sale,  
11 trade, or transfer between collectors, or (c) to or from the collector's  
12 dwelling, premises or other land owned or possessed by him to any  
13 rifle or pistol club organized in accordance with the rules prescribed  
14 by the National Board for the Promotion of Rifle Practice; provided  
15 that the club has filed a copy of its charter with the superintendent  
16 of the State Police and annually submits a list of its members to the  
17 superintendent, and provided further that the ammunition being  
18 transported shall be carried not loaded in any firearm and contained  
19 in a closed and fastened case, gun box, or locked in the trunk of the  
20 automobile in which it is being transported, and the course of travel  
21 shall include only such deviations as are reasonably necessary under  
22 the circumstances.

23 g. Assault firearms. Any person who manufactures, causes to  
24 be manufactured, transports, ships, sells or disposes of an assault  
25 firearm without being registered or licensed to do so pursuant to  
26 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

27 h. Large capacity ammunition magazines. Any person who  
28 manufactures, causes to be manufactured, transports, ships, sells or  
29 disposes of a large capacity ammunition magazine which is  
30 intended to be used for any purpose other than for authorized  
31 military or law enforcement purposes by duly authorized military or  
32 law enforcement personnel is guilty of a crime of the fourth degree.

33 i. Transporting firearms into this State for an unlawful sale or  
34 transfer. Any person who knowingly transports, ships or otherwise  
35 brings into this State any firearm for the purpose of unlawfully  
36 selling, transferring, giving, assigning or otherwise disposing of that  
37 firearm to another individual is guilty of a crime of the second  
38 degree. Any motor vehicle used by a person to transport, ship, or  
39 otherwise bring a firearm into this State for unlawful sale or transfer  
40 shall be subject to forfeiture in accordance with the provisions of  
41 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
42 shall not apply to innocent owners, nor shall it affect the rights of a  
43 holder of a valid lien.

44 The temporary transfer of a firearm shall not constitute a  
45 violation of this subsection if that firearm is transferred:

46 (1) while hunting or target shooting in accordance with the  
47 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

1       (2) for shooting competitions sponsored by a licensed dealer,  
2 law enforcement agency, legally recognized military organization,  
3 or a rifle or pistol club which has filed a copy of its charter with the  
4 superintendent in accordance with the provisions of section 1 of  
5 P.L.1992, c.74 (C.2C:58-3.1); or

6       (3) for participation in a training course conducted by a certified  
7 instructor in accordance with the provisions of section 1 of  
8 P.L.1997, c.375 (C.2C:58-3.2).

9       The transfer of any firearm that uses air or carbon dioxide to  
10 expel a projectile; or the transfer of an antique firearm shall not  
11 constitute a violation of this subsection.

12       j. Any person who manufactures, causes to be manufactured,  
13 transports, ships, sells, or disposes of a bump stock as defined in  
14 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in  
15 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third  
16 degree.

17 (cf: P.L.2017, c.323, s.3)

18

19       4. This act shall take effect immediately.

20

21

22

23

24       Adopts federal definition of armor piercing ammunition.

P.L. 2018, CHAPTER 37, *approved June 13, 2018*  
Assembly, No. 2758

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:58-4.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:58-4 is amended to read as follows:

8 2C:58-4. a. Scope and duration of authority. Any person  
9 who holds a valid permit to carry a handgun issued pursuant to this  
10 section shall be authorized to carry a handgun in all parts of this  
11 State, except as prohibited by **[section 2C:39-5e]** subsection e. of  
12 N.J.S.2C:39-5. One permit shall be sufficient for all handguns  
13 owned by the holder thereof, but the permit shall apply only to a  
14 handgun carried by the actual and legal holder of the permit.

15 All permits to carry handguns shall expire **[2]** two years from  
16 the date of issuance or, in the case of an employee of an armored  
17 car company, upon termination of his employment by the company  
18 occurring prior thereto whichever is earlier in time, and they may  
19 thereafter be renewed every **[2]** two years in the same manner and  
20 subject to the same conditions as in the case of original  
21 applications.

22 b. Application forms. All applications for permits to carry  
23 handguns, and all applications for renewal of **[such]** permits, shall  
24 be made on the forms prescribed by the superintendent. Each  
25 application shall set forth the full name, date of birth, sex,  
26 residence, occupation, place of business or employment, and  
27 physical description of the applicant, and **[such]** any other  
28 information **[as]** the superintendent may prescribe for the  
29 determination of the applicant's eligibility for a permit and for the  
30 proper enforcement of this chapter. The application shall be signed  
31 by the applicant under oath, and shall be indorsed by three reputable  
32 persons who have known the applicant for at least **[3]** three years  
33 preceding the date of application, and who shall certify thereon that  
34 the applicant is a person of good moral character and behavior.

35 c. Investigation and approval. Each application shall in the  
36 first instance be submitted to the chief police officer of the  
37 municipality in which the applicant resides, or to the  
38 superintendent, (1) if the applicant is an employee of an armored  
39 car company, or (2) if there is no chief police officer in the  
40 municipality where the applicant resides, or (3) if the applicant does  
41 not reside in this State. The chief police officer, or the

**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 superintendent, as the case may be, shall cause the fingerprints of  
2 the applicant to be taken and compared with any and all records  
3 maintained by the municipality, the county in which it is located,  
4 the State Bureau of Identification and the Federal Bureau of  
5 Identification. He shall also determine and record a complete  
6 description of each handgun the applicant intends to carry.

7 No application shall be approved by the chief police officer or  
8 the superintendent unless the applicant demonstrates that he is not  
9 subject to any of the disabilities set forth in ~~【2C:58-3c.】~~ subsection  
10 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe  
11 handling and use of handguns, and that he has a justifiable need to  
12 carry a handgun.

13 Each application form shall be accompanied by a written  
14 certification of justifiable need to carry a handgun, which shall be  
15 under oath and, in the case of a private citizen, shall specify in  
16 detail the urgent necessity for self-protection, as evidenced by  
17 specific threats or previous attacks which demonstrate a special  
18 danger to the applicant's life that cannot be avoided by means other  
19 than by issuance of a permit to carry a handgun. Where possible,  
20 the applicant shall corroborate the existence of any specific threats  
21 or previous attacks by reference to reports of the incidents to the  
22 appropriate law enforcement agencies.

23 If the application is not approved by the chief police officer or  
24 the superintendent within 60 days of filing, it shall be deemed to  
25 have been approved, unless the applicant agrees to an extension of  
26 time in writing.

27 d. Issuance by Superior Court; fee. If the application has been  
28 approved by the chief police officer or the superintendent, as the  
29 case may be, the applicant shall forthwith present it to the Superior  
30 Court of the county in which the applicant resides, or to the  
31 Superior Court in any county where he intends to carry a handgun,  
32 in the case of a nonresident or employee of an armored car  
33 company. The court shall issue the permit to the applicant if, but  
34 only if, it is satisfied that the applicant is a person of good character  
35 who is not subject to any of the disabilities set forth in ~~【section~~  
36 ~~2C:58-3c.】~~ subsection c. of N.J.S.2C:58-3, that he is thoroughly  
37 familiar with the safe handling and use of handguns, and that he has  
38 a justifiable need to carry a handgun in accordance with the  
39 provisions of subsection c. of this section. The court may at its  
40 discretion issue a limited-type permit which would restrict the  
41 applicant as to the types of handguns he may carry and where and  
42 for what purposes ~~【such】~~ the handguns may be carried. At the time  
43 of issuance, the applicant shall pay to the county clerk of the county  
44 where the permit was issued a permit fee of ~~【\$20.00】~~ \$20.

45 e. Appeals from denial of applications. Any person aggrieved  
46 by the denial by the chief police officer or the superintendent of  
47 approval for a permit to carry a handgun may request a hearing in

1 the Superior Court of the county in which he resides or in any  
2 county in which he intends to carry a handgun, in the case of a  
3 nonresident, by filing a written request for **【such】** a hearing within  
4 30 days of the denial. Copies of the request shall be served upon  
5 the superintendent, the county prosecutor, and the chief police  
6 officer of the municipality where the applicant resides, if he is a  
7 resident of this State. The hearing shall be held within 30 days of  
8 the filing of the request, and no formal pleading or filing fee shall  
9 be required. Appeals from the determination at **【such】** **【a】** the  
10 hearing shall be in accordance with law and the rules governing the  
11 courts of this State.

12 If the superintendent or chief police officer approves an  
13 application and the Superior Court denies the application and  
14 refuses to issue a permit, the applicant may appeal **【such】** the  
15 denial in accordance with law and the rules governing the courts of  
16 this State.

17 f. Revocation of permits. Any permit issued under this section  
18 shall be void at **【such】** the time **【as】** the holder thereof becomes  
19 subject to any of the disabilities set forth in **【section 2C:58-3c.】**  
20 subsection c. of N.J.S.2C:58-3, and the holder of **【such】** a void  
21 permit shall immediately surrender the permit to the superintendent  
22 who shall give notice to the licensing authority.

23 Any permit may be revoked by the Superior Court, after hearing  
24 upon notice to the holder, if the court finds that the holder is no  
25 longer qualified for the issuance of **【such】** a permit. The county  
26 prosecutor of any county, the chief police officer of any  
27 municipality, the superintendent, or any citizen may apply to the  
28 court at any time for the revocation of any permit issued pursuant to  
29 this section.

30 (cf: P.L.1981, c.135, s.1)

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32 2. This act shall take effect immediately.

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#### STATEMENT

36

37 This bill codifies the definition of justifiable need to carry a  
38 handgun as set forth in the New Jersey Administrative Code.

39 Under current law, in order to lawfully carry a handgun in  
40 public, it is necessary for a private citizen to obtain a permit to  
41 carry a handgun. Applicants for a permit to carry a handgun need  
42 the approval of the chief of police in the municipality where they  
43 reside and the approval of a Superior Court judge in the county  
44 where they reside. Approval is contingent upon a person  
45 submitting, with an application, a written certification establishing  
46 justifiable need.

1 Under current regulations (N.J.A.C.13:54-2.4), justifiable need is  
2 defined as the urgent necessity for self-protection, as evidenced by  
3 specific threats or previous attacks which demonstrate a special  
4 danger to the applicant's life that cannot be avoided by means other  
5 than by issuance of a permit to carry. This bill codifies this  
6 definition in statute.

7 The Department of Law and Public Safety has adopted an  
8 amendment to N.J.A.C.13:54-2.4 that added “serious threats” to the  
9 circumstances that could demonstrate a special danger to the  
10 applicant’s life that could be specified in the written certification of  
11 justifiable need. In addition, the revised regulation also specifies  
12 that a permit to carry a handgun can be issued based on a special  
13 danger to the applicant’s life that cannot be avoided by other  
14 “reasonable” means.

15 According to the sponsor, current law and judicial interpretations  
16 of the justifiable need standard clearly require demonstration of an  
17 urgent necessity for protection from a specific threat to one’s life  
18 rather than a mere generalized fear or concern. Therefore, the  
19 revision to N.J.A.C.13:54-2.4, which expands the scope of the right  
20 to carry well beyond that authorized under current law and judicial  
21 interpretation, is inconsistent with the Legislature’s intent to strictly  
22 limit who carries a handgun outside the home in this State. If  
23 enacted, the bill would negate this regulation.

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27

28 Codifies regulations defining justifiable need to carry handgun.