

§§2,3  
C.2C:39-21  
and 2C:39-22  
§4  
Note

P.L. 2022, CHAPTER 54, *approved July 5, 2022*  
Senate, No. 2905 (*First Reprint*)

1 AN ACT concerning destructive devices, amending N.J.S.2C:39-1  
2 and supplementing chapter 39 of Title 2C of the New Jersey  
3 Statutes.

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

7  
8 1. N.J.S.2C: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, or replica thereof, as the case may be, is incapable of being  
15 fired or discharged, or which does not fire fixed ammunition,  
16 regardless of date of manufacture, or was manufactured before 1898  
17 for which cartridge ammunition is not commercially available, and  
18 is 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;

27 (2) any rocket having a propellant charge of more than four  
28 ounces or any missile having an explosive or incendiary charge of  
29 more than one-quarter of an ounce;

30 (3) any weapon capable of firing a projectile of a caliber greater  
31 than 60 caliber, except a shotgun or shotgun ammunition generally  
32 recognized as suitable for sporting purposes;

33 (4) any Molotov cocktail or other device consisting of a  
34 breakable container containing flammable liquid and having a wick  
35 or similar device capable of being ignited. The term **【does】** shall  
36 not include any device manufactured for the purpose of

**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>Senate SLP committee amendments adopted June 23, 2022.

1 illumination, distress signaling, line-throwing, safety, or similar  
2 purposes ; or

3 (5) any center-fire rifle that is capable of firing a .50 BMG  
4 cartridge as defined in subsection ee. of this section.

5 The provisions of this paragraph shall not apply to any antique  
6 firearm as defined in subsection a. of this section or any "curio or  
7 relic" as defined in 27 CFR 478.11.

8 The provisions of this paragraph also shall not apply to a weapon  
9 solely used to fire blank ammunition for the purpose of a living  
10 historical reenactment as defined in subsection ff. of this section.

11 d. "Dispose of" means to give, give away, lease, loan, keep for  
12 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
13 possession.

14 e. "Explosive" means any chemical compound or mixture that  
15 is commonly used or is possessed for the purpose of producing an  
16 explosion and which contains any oxidizing and combustible  
17 materials or other ingredients in such proportions, quantities or  
18 packing that an ignition by fire, by friction, by concussion or by  
19 detonation of any part of the compound or mixture may cause such  
20 a sudden generation of highly heated gases that the resultant  
21 gaseous pressures are capable of producing destructive effects on  
22 contiguous objects. The term shall not include small arms  
23 ammunition, or explosives in the form prescribed by the official  
24 United States Pharmacopoeia.

25 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
26 automatic or semi-automatic rifle, or any gun, device or instrument  
27 in the nature of a weapon from which may be fired or ejected any  
28 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
29 vapor or other noxious thing, by means of a cartridge or shell or by  
30 the action of an explosive or the igniting of flammable or explosive  
31 substances. It shall also include, without limitation, any firearm  
32 which is in the nature of an air gun, spring gun or pistol or other  
33 weapon of a similar nature in which the propelling force is a spring,  
34 elastic band, carbon dioxide, compressed or other gas or vapor, air  
35 or compressed air, or is ignited by compressed air, and ejecting a  
36 bullet or missile smaller than three-eighths of an inch in diameter,  
37 with sufficient force to injure a person.

38 g. "Firearm silencer" means any instrument, attachment,  
39 weapon or appliance for causing the firing of any gun, revolver,  
40 pistol or other firearm to be silent, or intended to lessen or muffle  
41 the noise of the firing of any gun, revolver, pistol or other firearm.

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

45 i. "Machine gun" means any firearm, mechanism or instrument  
46 not requiring that the trigger be pressed for each shot and having a  
47 reservoir, belt or other means of storing and carrying ammunition

1 which can be loaded into the firearm, mechanism or instrument and  
2 fired therefrom.

3 j. "Manufacturer" means any person who receives or obtains  
4 raw materials or parts and processes them into firearms or finished  
5 parts of firearms, except a person who exclusively processes grips,  
6 stocks and other nonmetal parts of firearms. The term does not  
7 include a person who repairs existing firearms or receives new and  
8 used raw materials or parts solely for the repair of existing firearms.

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

12 l. "Retail dealer" means any person including a gunsmith,  
13 except a manufacturer or a wholesale dealer, who sells, transfers or  
14 assigns for a fee or profit any firearm or parts of firearms or  
15 ammunition which he has purchased or obtained with the intention,  
16 or for the purpose, of reselling or reassigning to persons who are  
17 reasonably understood to be the ultimate consumers, and includes  
18 any person who is engaged in the business of repairing firearms or  
19 who sells any firearm to satisfy a debt secured by the pledge of a  
20 firearm.

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

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

30 o. "Sawed-off shotgun" means any shotgun having a barrel or  
31 barrels of less than 18 inches in length measured from the breech to  
32 the muzzle, or a rifle having a barrel or barrels of less than 16  
33 inches in length measured from the breech to the muzzle, or any  
34 firearm made from a rifle or a shotgun, whether by alteration, or  
35 otherwise, if such firearm as modified has an overall length of less  
36 than 26 inches.

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

40 q. "Superintendent" means the Superintendent of the State  
41 Police.

42 r. "Weapon" means anything readily capable of lethal use or of  
43 inflicting serious bodily injury. The term includes, but is not  
44 limited to, all (1) firearms, even though not loaded or lacking a clip  
45 or other component to render them immediately operable; (2)  
46 components which can be readily assembled into a weapon; (3)  
47 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
48 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,

1 sandclubs, slingshots, cesti or similar leather bands studded with  
2 metal filings or razor blades imbedded in wood; and (4) stun guns;  
3 and any weapon or other device which projects, releases, or emits  
4 tear gas or any other substance intended to produce temporary  
5 physical discomfort or permanent injury through being vaporized or  
6 otherwise dispensed in the air.

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

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

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

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

22 w. "Assault firearm" means:

23 (1) The following firearms:

24 Algimec AGM1 type

25 Any shotgun with a revolving cylinder such as the "Street  
26 Sweeper" or "Striker 12"

27 Armalite AR-180 type

28 Australian Automatic Arms SAR

29 Avtomat Kalashnikov type semi-automatic firearms

30 Beretta AR-70 and BM59 semi-automatic firearms

31 Bushmaster Assault Rifle

32 Calico M-900 Assault carbine and M-900

33 CETME G3

34 Chartered Industries of Singapore SR-88 type

35 Colt AR-15 and CAR-15 series

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

37 Demro TAC-1 carbine type

38 Encom MP-9 and MP-45 carbine types

39 FAMAS MAS223 types

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

41 Franchi SPAS 12 and LAW 12 shotguns

42 G3SA type

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

44 Intratec TEC 9 and 22 semi-automatic firearms

45 M1 carbine type

46 M14S type

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

48 PJK M-68 carbine type

- 1 Plainfield Machine Company Carbine
- 2 Ruger K-Mini-14/5F and Mini-14/5RF
- 3 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 4 SKS with detachable magazine type
- 5 Spectre Auto carbine type
- 6 Springfield Armory BM59 and SAR-48 type
- 7 Sterling MK-6, MK-7 and SAR types
- 8 Steyr A.U.G. semi-automatic firearms
- 9 USAS 12 semi-automatic type shotgun
- 10 Uzi type semi-automatic firearms
- 11 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 12 Weaver Arm Nighthawk.
- 13 (2) Any firearm manufactured under any designation which is
- 14 substantially identical to any of the firearms listed above.
- 15 (3) A semi-automatic shotgun with either a magazine capacity
- 16 exceeding six rounds, a pistol grip, or a folding stock.
- 17 (4) A semi-automatic rifle with a fixed magazine capacity
- 18 exceeding 15 rounds.
- 19 (5) A part or combination of parts designed or intended to
- 20 convert a firearm into an assault firearm, or any combination of
- 21 parts from which an assault firearm may be readily assembled if
- 22 those parts are in the possession or under the control of the same
- 23 person.
- 24 x. "Semi-automatic" means a firearm which fires a single
- 25 projectile for each single pull of the trigger and is self-reloading or
- 26 automatically chambers a round, cartridge, or bullet.
- 27 y. "Large capacity ammunition magazine" means a box, drum,
- 28 tube or other container which is capable of holding more than 15
- 29 rounds of ammunition to be fed continuously and directly therefrom
- 30 into a semi-automatic firearm.
- 31 z. "Pistol grip" means a well-defined handle, similar to that
- 32 found on a handgun, that protrudes conspicuously beneath the
- 33 action of the weapon, and which permits the shotgun to be held and
- 34 fired with one hand.
- 35 aa. "Antique handgun" means a handgun manufactured before
- 36 1898, or a replica thereof, which is recognized as being historical in
- 37 nature or of historical significance and either (1) utilizes a match,
- 38 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 39 cartridge in which the pin is part of the cartridge or (2) does not fire
- 40 fixed ammunition or for which cartridge ammunition is not
- 41 commercially available.
- 42 bb. "Trigger lock" means a commercially available device
- 43 approved by the Superintendent of State Police which is operated
- 44 with a key or combination lock that prevents a firearm from being
- 45 discharged while the device is attached to the firearm. It may
- 46 include, but need not be limited to, devices that obstruct the barrel
- 47 or cylinder of the firearm, as well as devices that immobilize the
- 48 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. ".50 BMG cartridge" means a cartridge that is designed and  
26 intended to be fired from a center-fire rifle and that meets all of the  
27 following criteria:

28 (1) it has an overall length of 5.54 inches from the base to the tip  
29 of the bullet;

30 (2) the bullet diameter for the cartridge is from .510 inches to  
31 and including .511 inch;

32 (3) the case base diameter for the cartridge is from .800 inches to  
33 and including .804 inch; and

34 (4) the cartridge case length is 3.91 inches.

35 ff. "Living historical reenactment" means a depiction of  
36 historical characters, scenes, historical life, or events for  
37 entertainment, education, or historical documentation through the  
38 wearing or use of period, historical, antique or vintage clothing,  
39 accessories, firearms, weapons, and other implements of the  
40 historical period.

41 (cf: P.L.2019, c.164, s.6)

42

43 2. (New section) a. A person who lawfully owned a center-fire  
44 rifle that is capable of firing a .50 BMG cartridge before the rifle  
45 was prohibited under the provisions of paragraph (5) of subsection  
46 c. of N.J.S.2C:39-1 by the enactment of P.L. , c. (C. )  
47 (pending before the Legislature as this bill) shall register that

1 firearm within one year of the enactment of P.L. , c. (C. )  
2 (pending before the Legislature as this bill).

3 In order to register a prohibited firearm, the owner shall<sup>1</sup>]:

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

6 (2) pay a registration fee of \$50 for each prohibited weapon]<sup>1</sup>.

7 b. An applicant who resides in a municipality with an  
8 organized full-time police department shall register the firearm with  
9 the chief law enforcement officer of the municipality. All other  
10 applicants shall register the firearm with the Superintendent of State  
11 Police.

12 c. Within 60 days of the effective date of P.L. , c. (C. )  
13 (pending before the Legislature as this bill), the superintendent shall  
14 prepare the form of registration statement required under subsection  
15 a. of this section and shall provide a suitable supply of statements to  
16 each organized full-time municipal police department and each  
17 State Police station.

18 d. One copy of the completed prohibited firearm registration  
19 statement shall be returned to the registrant, a second copy shall be  
20 sent to the superintendent, and, if the registration takes place at a  
21 municipal police department, a third copy shall be retained by that  
22 municipal police department.

23 e. If the owner of a prohibited firearm that has been registered  
24 pursuant to this section dies, the owner's heirs or estate shall, within  
25 90 days, dispose of that firearm in accordance with the provisions  
26 of section 3 of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill).

28 f. If a prohibited firearm registered pursuant to this section is  
29 used in the commission of a crime, the registrant of that prohibited  
30 firearm shall be civilly liable for any damages resulting from that  
31 crime.

32 The liability imposed by this subsection shall not apply<sup>1</sup>:<sup>1</sup> (1) if  
33 the firearm used in the commission of that crime was stolen and the  
34 registrant reported the theft of the weapon to law enforcement  
35 authorities within 36 hours of <sup>1</sup>the registrant's knowledge of the  
36 theft] discovering that the firearm was stolen;<sup>1</sup> or (2) prior to the  
37 commission of the crime, the registrant lawfully transferred the  
38 firearm to another person.

39 g. The provisions of this paragraph shall not apply to any  
40 antique firearm, curio or relic, or weapon solely used to fire blank  
41 ammunition for the purpose of a living historical reenactment in  
42 accordance with the provisions of paragraph (5) of subsection c. of  
43 N.J.S.2C:39-1<sup>1</sup>.<sup>1</sup>

44  
45 3. (New section) a. A person who lawfully owned a center-  
46 fire rifle that is capable of firing a .50 BMG cartridge prohibited  
47 under the provisions of paragraph (5) of subsection c. of

1 N.J.S.2C:39-1 on the effective date of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill) and does not register it pursuant  
3 to section 2 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill) may retain possession of that firearm for a period not to  
5 exceed one year from that effective date. During that time period,  
6 the owner of the prohibited firearm shall either:

7 (1) transfer the prohibited firearm to a person or firm lawfully  
8 entitled to own or possess such weapon;

9 (2) render the prohibited firearm inoperable; or

10 (3) voluntarily surrender the prohibited firearm pursuant to  
11 N.J.S.2C:39-12.

12 b. If the owner of the prohibited firearm elects to render the  
13 weapon inoperable, the owner shall file a certification on a form  
14 prescribed by the superintendent indicating the date on which the  
15 weapon was rendered inoperable. This certification shall be filed  
16 with either the chief law enforcement officer of the municipality in  
17 which the owner resides or, in the case of an owner who resides in a  
18 municipality which does not have a full-time police department,  
19 with the superintendent.

20 c. As used in this section, "inoperable" means that the firearm  
21 is altered in such a manner that it cannot be immediately fired and  
22 that the owner or possessor of the firearm does not possess or have  
23 control over the parts necessary to make the firearm operable.

24 d. The provisions of this paragraph shall not apply to any  
25 antique firearm, curio or relic, or weapon solely used to fire blank  
26 ammunition for purpose of a living historical reenactment in  
27 accordance with the provisions of paragraph (5) of subsection c. of  
28 N.J.S.2C:39-1<sup>1</sup>.

29  
30 4. This act shall take effect on the first day of the third month  
31 next following the date of enactment, but the Superintendent of  
32 State Police may take any anticipatory action in advance thereof as  
33 shall be necessary for the implementation of this act.

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38 Revises definition of destructive device to include certain .50  
39 caliber rifles; makes certain exceptions.



P.L. 2022, CHAPTER 53, *approved July 5, 2022*

Senate, No. 2846

1 AN ACT concerning firearms and amending N.J.S.2C:39-9.

2

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

5

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

7 2C:39-9. Manufacture, Transport, Disposition and Defacement  
8 of Weapons and Dangerous Instruments and Appliances.

9 a. Machine guns. Any person who manufactures, causes to be  
10 manufactured, transports, ships, sells or disposes of any machine  
11 gun without being registered or licensed to do so as provided in  
12 chapter 58 of Title 2C of the New Jersey Statutes is guilty of a  
13 crime of the third degree.

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

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

20 d. Weapons. Any person who manufactures, causes to be  
21 manufactured, transports, ships, sells or disposes of any weapon,  
22 including gravity knives, switchblade knives, ballistic knives,  
23 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
24 sandclubs, slingshots, cesti or similar leather bands studded with  
25 metal filings, or, except as otherwise provided in subsection i. of  
26 this section, in the case of firearms if he is not licensed or registered  
27 to do so as provided in chapter 58 of Title 2C of the New Jersey  
28 Statutes, is guilty of a crime of the fourth degree. Any person who  
29 manufactures, causes to be manufactured, transports, ships, sells or  
30 disposes of any weapon or other device which projects, releases or  
31 emits tear gas or other substances intended to produce temporary  
32 physical discomfort or permanent injury through being vaporized or  
33 otherwise dispensed in the air, which is intended to be used for any  
34 purpose other than for authorized military or law enforcement  
35 purposes by duly authorized military or law enforcement personnel  
36 or the device is for the purpose of personal self-defense, is pocket-  
37 sized and contains not more than three-quarters of an ounce of  
38 chemical substance not ordinarily capable of lethal use or of  
39 inflicting serious bodily injury, or other than to be used by any  
40 person permitted to possess such weapon or device under the  
41 provisions of subsection d. of N.J.S.2C:39-5, which is intended for  
42 use by financial and other business institutions as part of an  
43 integrated security system, placed at fixed locations, for 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 protection of money and property, by the duly authorized personnel  
2 of those institutions, is guilty of a crime of the fourth degree.

3 e. Defaced firearms. Any person who defaces any firearm is  
4 guilty of a crime of the third degree. Any person who knowingly  
5 buys, receives, disposes of or conceals a defaced firearm, except an  
6 antique firearm or an antique handgun, is guilty of a crime of the  
7 fourth degree.

8 f. (1) Any person who manufactures, causes to be  
9 manufactured, transports, ships, sell, or disposes of any armor  
10 piercing ammunition, as defined in subsection gg. of N.J.S.2C:39-1,  
11 which is intended to be used for any purpose other than for  
12 authorized military or law enforcement purposes by duly authorized  
13 military or law enforcement personnel, is guilty of a crime of the  
14 fourth degree.

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

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

39 h. Large capacity ammunition magazines. Any person who  
40 manufactures, causes to be manufactured, transports, ships, sells or  
41 disposes of a large capacity ammunition magazine which is  
42 intended to be used for any purpose other than for authorized  
43 military or law enforcement purposes by duly authorized military or  
44 law enforcement personnel is guilty of a crime of the fourth degree.

45 i. Transporting firearms into this State for an unlawful sale or  
46 transfer. Any person who knowingly transports, ships or otherwise  
47 brings into this State any firearm for the purpose of unlawfully  
48 selling, transferring, giving, assigning or otherwise disposing of that  
49 firearm to another individual is guilty of a crime of the second

1 degree. Any motor vehicle used by a person to transport, ship, or  
2 otherwise bring a firearm into this State for unlawful sale or transfer  
3 shall be subject to forfeiture in accordance with the provisions of  
4 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
5 shall not apply to innocent owners, nor shall it affect the rights of a  
6 holder of a valid lien.

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

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

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

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

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

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

27 k. Purchasing firearm parts to manufacture a firearm without a  
28 serial number. In addition to any other criminal penalties provided  
29 under law, a person who, with the purpose to manufacture or  
30 otherwise assemble a firearm and without being registered or  
31 licensed do so as provided in chapter 58 of Title 2C of the New  
32 Jersey Statutes, purchases or otherwise obtains separately or as part  
33 of a kit a firearm frame or firearm receiver which is not imprinted  
34 with a serial number registered with a federally licensed  
35 manufacturer or any combination of parts from which a firearm  
36 without a serial number may be readily manufactured or otherwise  
37 assembled, but which does not have the capacity to function as a  
38 firearm unless manufactured or otherwise assembled is guilty of a  
39 crime of the **third** second degree. Notwithstanding the provisions  
40 of N.J.S.2C:1-8 or any other law, a conviction under this subsection  
41 shall not merge with a conviction for any other criminal offense and  
42 the court shall impose separate sentences upon a violation of this  
43 subsection and any other criminal offense.

44 As used in this subsection, "firearm frame or firearm receiver"  
45 means the part of a firearm that provides housing for the firearm's  
46 internal components, such as the hammer, bolt or breechblock,  
47 action, and firing mechanism, and includes without limitation any  
48 object or part which is not a firearm frame or receiver in finished  
49 form but is designed or intended to be used for that purpose and

1 which may readily be made into a firearm frame or receiver through  
2 milling or other means.

3 1. Manufacturing or facilitating the manufacture of a firearm  
4 using a three-dimensional printer. In addition to any other criminal  
5 penalties provided under law it is a **【third】** second degree crime for:

6 (1) a person who is not registered or licensed to do so as a  
7 manufacturer as provided in chapter 58 of Title 2C of the New  
8 Jersey Statutes, to use a three-dimensional printer or similar device  
9 to manufacture or produce a firearm, firearm receiver, magazine, or  
10 firearm component; or

11 (2) a person to distribute by any means, including the Internet,  
12 to a person in New Jersey who is not registered or licensed as a  
13 manufacturer as provided in chapter 58 of Title 2C of the New  
14 Jersey Statutes, digital instructions in the form of computer-aided  
15 design files or other code or instructions stored and displayed in  
16 electronic format as a digital model that may be used to program a  
17 three-dimensional printer to manufacture or produce a firearm,  
18 firearm receiver, magazine, or firearm component.

19 As used in this subsection: "three-dimensional printer" means a  
20 computer or computer-driven machine or device capable of  
21 producing a three-dimensional object from a digital model; and  
22 "distribute" means to sell, or to manufacture, give, provide, lend,  
23 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
24 display, share, advertise, offer, or make available via the Internet or  
25 by any other means, whether for pecuniary gain or not, and includes  
26 an agreement or attempt to distribute.

27 m. Covert or undetectable firearms. Any person who  
28 manufactures, causes to be manufactured, transports, ships, sells or  
29 disposes of any covert firearm as defined in subsection hh. of  
30 N.J.S.2C:39-1 or any undetectable firearm as defined in subsection  
31 ii. of N.J.S.2C:39-1 is guilty of a crime of the **【third】** second  
32 degree.

33 n. Transporting a manufactured firearm without a serial  
34 number. In addition to any other criminal penalties provided under  
35 law, a person who transports, ships, sells, or disposes of a firearm  
36 manufactured or otherwise assembled using a firearm frame or  
37 firearm receiver as defined in subsection k. of this section which is  
38 not imprinted with a serial number registered with a federally  
39 licensed manufacturer, including but not limited to a firearm  
40 manufactured or otherwise assembled from parts purchased or  
41 otherwise obtained in violation of subsection k. of this section, is  
42 guilty of a crime of the **【third】** second degree.

43 (cf: P.L.2019, c.165, s3)

44

45 2. This act shall take effect immediately.

46

47

#### STATEMENT

48

49 This bill upgrades purchasing firearm parts to manufacture a  
50 firearm without a serial number; manufacturing a firearm with a

1 three-dimensional printer; manufacturing a covert or undetectable  
2 firearm; and transporting a manufactured firearm without a serial  
3 number from third degree crimes to second degree crimes.

4 Under current law, it is a third degree crime for a person:

- 5 • not licensed as a manufacturer to purchase or otherwise  
6 obtain separately or as part of a kit a firearm frame or  
7 firearm receiver which is not imprinted with a serial number;
- 8 • not licensed as a manufacturer to manufacture a firearm or  
9 certain components of a firearm using a three-dimensional  
10 printer;
- 11 • to distribute to an unlicensed person, including via the  
12 Internet, digital instructions to manufacture a firearm or  
13 certain components of a firearm using a three-dimensional  
14 printer; and
- 15 • to manufacture, cause to be manufacture, transport, ship, sell  
16 or dispose of any covert firearm or undetectable firearm.

17 The bill's provisions upgrade each these offenses to second  
18 degree crimes. A crime of the third degree is punishable by three to  
19 five years imprisonment, a fine of up to \$15,000, or both. A crime  
20 of the second degree is punishable by five to 10 years  
21 imprisonment, a fine of up to \$150,000, or both.

22

23

24

25

26 \_\_\_\_\_  
27 Upgrades certain crimes related to manufacturing firearms from  
third degree to second degree.

P.L. 2022, CHAPTER 52, *approved July 5, 2022*  
Senate, No. 1204 (*First Reprint*)

1 AN ACT concerning firearm ownership and amending N.J.S.2C:58-  
2 3.

3

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

6

7 <sup>1</sup>**[**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 dispose  
10 of, nor receive, purchase, or otherwise acquire a handgun unless the  
11 purchaser, assignee, donee, receiver or holder is licensed as a dealer  
12 under this chapter or has first secured a permit to purchase a handgun  
13 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 or  
16 otherwise acquires a handgun pursuant to this section shall conduct the  
17 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 in  
25 their possession a valid Collector of Curios and Relics License issued  
26 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

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

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

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

35 (b) every retail dealer shall maintain a record of transactions  
36 conducted pursuant to this subsection, which shall be maintained at the  
37 address displayed on the retail dealer's license for inspection by a law  
38 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>Senate SLP committee amendments adopted June 23, 2022.

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

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

6 b. Firearms purchaser identification card.

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

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

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

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

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

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

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

5 (d) any record produced pursuant to this subsection shall not be  
6 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-  
7 1 et 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 repute  
9 in the community in which he lives, and who is not subject to any of  
10 the disabilities set forth in this section or other sections of this chapter,  
11 shall be denied a permit to purchase a handgun or a firearms purchaser  
12 identification card, except as hereinafter set forth. No handgun  
13 purchase permit or firearms purchaser identification card shall be  
14 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 not  
18 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 person  
25 who has ever been confined for a mental disorder, or to any alcoholic  
26 unless any of the foregoing persons produces a certificate of a medical  
27 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
28 proof, that he is no longer suffering from that particular disability in a  
29 manner that would interfere with or handicap him in the handling of  
30 firearms; to any person who knowingly falsifies any information on  
31 the application form for a handgun purchase permit or firearms  
32 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 interest  
37 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 for  
43 an offense which, if committed by an adult, would constitute a crime  
44 and the offense involved the unlawful use or possession of a weapon,  
45 explosive or destructive device or is enumerated in subsection d. of  
46 section 2 of P.L.1997, c.117 (C.2C:43-7.2);



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

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

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

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

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

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

1 approves the commission of acts of force and violence to overthrow  
2 the 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 convicted  
5 of a crime or disorderly persons offense, whether the person is subject  
6 to a restraining order issued pursuant to the "Prevention of Domestic  
7 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.)  
8 prohibiting the person from possessing any firearm, whether the  
9 person is subject to a protective order issued pursuant to the "Extreme  
10 Risk Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.)  
11 prohibiting the person from possessing any firearm, and other  
12 information as the superintendent shall deem necessary for the proper  
13 enforcement of this chapter. For the purpose of complying with this  
14 subsection, the applicant shall waive any statutory or other right of  
15 confidentiality relating to institutional confinement. The application  
16 shall be signed by the applicant and shall contain as references the  
17 names and addresses of two reputable citizens personally acquainted  
18 with him.

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

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

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

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

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

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

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

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

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

40 (2) a collector of handguns as curios or relics as defined in Title  
41 18, United States Code, section 921 (a) (13) who has in his possession  
42 a valid Collector of Curios and Relics License issued by the federal  
43 Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

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

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

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

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

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

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

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

7 o. Registration of handguns owned by new residents. Any person  
8 who becomes a resident of this State following the effective date of  
9 P.L. , c. (pending before the Legislature as this bill) and who  
10 transports into this State a firearm that the person owned or acquired  
11 while residing in another state shall apply for a firearm purchaser  
12 identification card within 60 days of becoming a New Jersey resident,  
13 and shall register any handgun so transported into this State within 60  
14 days as provided in this subsection.

15 A person who registers a handgun pursuant to this subsection shall  
16 complete a registration statement, which shall be in a form prescribed  
17 by the superintendent. The information provided in the registration  
18 statement shall include, but shall not be limited to, the name and  
19 address of the person and the make, model, and serial number of the  
20 handgun being registered. Each registration statement shall be signed  
21 by the person, and the signature shall constitute a representation of the  
22 accuracy of the information contained in the registration statement.

23 The registration statement shall be submitted to the law  
24 enforcement agency of the municipality in which the person resides or,  
25 if the municipality does not have a municipal law enforcement agency,  
26 any State Police station.

27 Within 60 days prior to the effective date of P.L. , c. (pending  
28 before the Legislature as this bill), the superintendent shall prepare the  
29 form of registration statement as described in this subsection and shall  
30 provide a suitable supply of statements to each organized full-time  
31 municipal police department and each State Police station.

32 A person who fails to apply for a firearm purchaser identification  
33 card or register a handgun as required pursuant to this subsection shall  
34 be liable to a civil penalty of \$250 for a first offense and shall be guilty  
35 of a disorderly persons offense for a second or subsequent offense.

36 If a person is in possession of multiple firearms or handguns in  
37 violation of this subsection, the person shall be guilty of one offense  
38 under this subsection provided the violation is a single event.

39 The civil penalty shall be collected pursuant to the "Penalty  
40 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in a  
41 summary proceeding before the municipal court having jurisdiction. A  
42 law enforcement officer having enforcement authority in that  
43 municipality may issue a summons for a violation, and may serve and  
44 execute all process with respect to the enforcement of this subsection  
45 consistent with the Rules of Court.

46 (cf: P.L.2018, c.36, s.1)]<sup>1</sup>

47  
48 <sup>1</sup>1. N.J.S.2C:58-3 is amended to read as follows:

1 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

15 (b) between law enforcement officers;

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

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

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

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

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

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

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

39 b. Firearms purchaser identification card.

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

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

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

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

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

17 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

- 1 (1) To any person who has been convicted of any crime, or a  
2 disorderly persons offense involving an act of domestic violence as  
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or  
4 not armed with or possessing a weapon at the time of the offense;
- 5 (2) To any drug-dependent person as defined in section 2 of  
6 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
7 mental disorder to a hospital, mental institution or sanitarium, or to  
8 any person who is presently an habitual drunkard;
- 9 (3) To any person who suffers from a physical defect or disease  
10 which would make it unsafe for him to handle firearms, to any  
11 person who has ever been confined for a mental disorder, or to any  
12 alcoholic unless any of the foregoing persons produces a certificate  
13 of a medical doctor or psychiatrist licensed in New Jersey, or other  
14 satisfactory proof, that he is no longer suffering from that particular  
15 disability in a manner that would interfere with or handicap him in  
16 the handling of firearms; to any person who knowingly falsifies any  
17 information on the application form for a handgun purchase permit  
18 or firearms purchaser identification card;
- 19 (4) To any person under the age of 18 years for a firearms  
20 purchaser identification card and to any person under the age of 21  
21 years for a permit to purchase a handgun;
- 22 (5) To any person where the issuance would not be in the interest  
23 of the public health, safety or welfare;
- 24 (6) To any person who is subject to a restraining order issued  
25 pursuant to the "Prevention of Domestic Violence Act of 1991",  
26 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
27 possessing any firearm;
- 28 (7) To any person who as a juvenile was adjudicated delinquent  
29 for an offense which, if committed by an adult, would constitute a  
30 crime and the offense involved the unlawful use or possession of a  
31 weapon, explosive or destructive device or is enumerated in  
32 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 33 (8) To any person whose firearm is seized pursuant to the  
34 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261  
35 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 36 (9) To any person named on the consolidated Terrorist Watchlist  
37 maintained by the Terrorist Screening Center administered by the  
38 Federal Bureau of Investigation;
- 39 (10) To any person who is subject to a court order prohibiting the  
40 custody, control, ownership, purchase, possession, or receipt of a  
41 firearm or ammunition issued pursuant to the "Extreme Risk  
42 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);  
43 or
- 44 (11) To any person who is subject to a court order prohibiting the  
45 custody, control, ownership, purchase, possession, or receipt of a  
46 firearm or ammunition issued pursuant to P.L.2021, c.327  
47 (C.2C:12-14 et al.).



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

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

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

1 firearm, whether the person is subject to a protective order issued  
2 pursuant to the "Extreme Risk Protective Order Act of 2018",  
3 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to  
4 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-  
5 14 et al.) prohibiting the person from possessing any firearm, and  
6 other information as the superintendent shall deem necessary for the  
7 proper enforcement of this chapter. For the purpose of complying  
8 with this subsection, the applicant shall waive any statutory or other  
9 right of confidentiality relating to institutional confinement. The  
10 application shall be signed by the applicant and shall contain as  
11 references the names and addresses of two reputable citizens  
12 personally acquainted with him.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 o. Registration of handguns owned by new residents. Any  
5 person who becomes a resident of this State following the effective  
6 date of P.L. , c. (pending before the Legislature as this bill) and  
7 who transports into this State a firearm that the person owned or  
8 acquired while residing in another state shall apply for a firearm  
9 purchaser identification card within 60 days of becoming a New  
10 Jersey resident, and shall register any handgun so transported into  
11 this State within 60 days as provided in this subsection.

12 A person who registers a handgun pursuant to this subsection  
13 shall complete a registration statement, which shall be in a form  
14 prescribed by the superintendent. The information provided in the  
15 registration statement shall include, but shall not be limited to, the  
16 name and address of the person and the make, model, and serial  
17 number of the handgun being registered. Each registration statement  
18 shall be signed by the person, and the signature shall constitute a  
19 representation of the accuracy of the information contained in the  
20 registration statement.

21 The registration statement shall be submitted to the law  
22 enforcement agency of the municipality in which the person resides  
23 or, if the municipality does not have a municipal law enforcement  
24 agency, any State Police station.

25 Within 60 days prior to the effective date of P.L. , c.  
26 (pending before the Legislature as this bill), the superintendent shall  
27 prepare the form of registration statement as described in this  
28 subsection and shall provide a suitable supply of statements to each  
29 organized full-time municipal police department and each State  
30 Police station.

31 A person who fails to apply for a firearm purchaser identification  
32 card or register a handgun as required pursuant to this subsection  
33 shall be granted 30 days to comply with the provisions of this  
34 subsection. If the person does not comply within 30 days, the  
35 person shall be liable to a civil penalty of \$250 for a first offense  
36 and shall be guilty of a disorderly persons offense for a second or  
37 subsequent offense.

38 If a person is in possession of multiple firearms or handguns in  
39 violation of this subsection, the person shall be guilty of one  
40 offense under this subsection provided the violation is a single  
41 event.

42 The civil penalty shall be collected pursuant to the "Penalty  
43 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in  
44 a summary proceeding before the municipal court having  
45 jurisdiction. A law enforcement officer having enforcement  
46 authority in that municipality may issue a summons for a violation,  
47 and may serve and execute all process with respect to the

1 enforcement of this subsection consistent with the Rules of Court.<sup>1</sup>  
2 (cf: P.L.2021, c.327, s.6)

3

4 2. This act shall take effect on the first day of the seventh  
5 month following the date of enactment.

6

7

8

9

10 \_\_\_\_\_  
11 Requires firearm owners who become New Jersey residents to  
12 obtain firearm purchaser identification card and register handguns  
acquired out-of-State.

P.L. 2022, CHAPTER 56, *approved July 5, 2022*  
Assembly, No. 1765 (*First Reprint*)

1 AN ACT concerning public safety and supplementing Title 2C of the  
2 New Jersey Statutes.

3

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

6

7 1. a. In cases involving the common law tort of public  
8 nuisance, New Jersey courts have issued decisions which have  
9 limited the ability of public officials to pursue civil actions for  
10 abatement, damages, and other relief from the negligent, reckless  
11 and, in some cases, illegal conduct of bad actors in the gun industry,  
12 whose misconduct results in harm to the public and fuels the  
13 epidemic of gun violence in New Jersey and across the nation.  
14 Since the passage of Protection of Lawful Commerce in Arms Act  
15 (PLCAA), federal law has created an additional barrier to this relief  
16 and shielded <sup>1</sup>**【the firearm】** gun<sup>1</sup> industry <sup>1</sup>members<sup>1</sup> from being  
17 held accountable for misconduct.

18 b. The practical result of those decisions is that the people of  
19 New Jersey have been deprived in many cases of adequate  
20 protection from and appropriate redress for injuries to public health  
21 and safety resulting from gun violence.

22 c. With respect to gun violence, the unavailability of a robust  
23 public nuisance statute has limited the State's ability to seek legal  
24 redress in situations where firearms manufacturers and retail dealers  
25 may have knowingly or recklessly taken actions that have  
26 endangered the safety and health of New Jersey residents through  
27 the sale, manufacture, distribution, and marketing of lethal, but  
28 nonetheless legal, <sup>1</sup>**【firearms】** gun-related products<sup>1</sup>. Even as  
29 manufacturers have incorporated features and technology resulting  
30 in more deadly and destructive firearms, some actors in the  
31 <sup>1</sup>**【firearm】** gun<sup>1</sup> industry have implemented sales, distribution and  
32 marketing practices that have contributed to the development of an  
33 illegal secondary market for these increasingly dangerous  
34 instrumentalities.

35 d. Therefore, it is necessary and proper to promote and protect  
36 the health, safety, and welfare of the people of New Jersey by

**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 June 23, 2022.

1 <sup>1</sup>requiring gun industry members to establish and implement  
2 reasonable procedures, safeguards, and business practices for the  
3 sale, manufacture, distribution, importing, and marketing of gun-  
4 related products and<sup>1</sup> establishing a statutory cause of action for  
5 public nuisance violations available to the Attorney General to  
6 address injuries to public health and safety and to seek relief,  
7 including but not limited to, abatement and other injunctive relief,  
8 damages, and attorneys' fees and costs.

9  
10 2. As used in this act:

11 “Gun industry member” means a person <sup>1</sup>**【**, firm, corporation,  
12 company, partnership, society, joint stock company, or any other  
13 entity or association<sup>1</sup>**】** engaged in the sale, manufacturing,  
14 distribution, importing or marketing of <sup>1</sup>**【**firearms, ammunition,  
15 ammunition magazines, or firearm accessories<sup>1</sup>**】** a gun-related  
16 product, and any officer, agent, employee, or other person  
17 authorized to act on behalf of that person or who acts in active  
18 concert or participation with one or more such persons.

19 “Gun-related product” means any firearm, ammunition,  
20 ammunition magazine, firearm component or part including, but not  
21 limited to, a firearm frame and a firearm receiver, or firearm  
22 accessory, which product was, or was intended to be, sold,  
23 manufactured, distributed, imported, or marketed in this State, or  
24 which product was possessed in this State and as to which it was  
25 reasonably foreseeable that the product would be possessed or used  
26 in this State.

27 “Person” means any natural person, firm, corporation, company,  
28 partnership, society, joint stock company, or any other entity or  
29 association<sup>1</sup>.

30 “Public Nuisance” means any condition which injures,  
31 endangers, or threatens to injure or endanger or contributes to the  
32 injury or endangerment of the health, safety, peace, comfort, or  
33 convenience of others <sup>1</sup>or which otherwise constitutes a public  
34 nuisance under common law<sup>1</sup>.

35 <sup>1</sup>**【**“Qualified product” shall have the same meaning as defined in  
36 15 USC §7903(4)**】**

37 “Reasonable controls” means reasonable procedures, safeguards,  
38 and business practices that are designed to:

39 (1) prevent the sale or distribution of a gun-related product to a  
40 straw purchaser, a firearm trafficker, a person prohibited from  
41 possessing a firearm under State or federal law, or a person who the  
42 gun industry member has reasonable cause to believe is at  
43 substantial risk of using a gun-related product to harm themselves  
44 or unlawfully harm another or of unlawfully possessing or using a  
45 gun-related product;

46 (2) prevent the loss of a gun-related product or theft of a gun-  
47 related product from a gun industry member;



1       (3) ensure that a gun industry member complies with all  
2 provisions of State and federal law and does not otherwise promote  
3 the unlawful sale, manufacture, distribution, importing, marketing,  
4 possession, or use of a gun-related product; and

5       (4) ensure that the gun industry member does not engage in an  
6 act or practice in violation of any of the regulatory provisions  
7 governing firearms set forth in chapters 39 and 58 of Title 2C of the  
8 New Jersey Statutes or engage in conduct that constitutes a  
9 violation of P.L.1960, c.39 (C.56:8-2) or any regulations  
10 promulgated thereunder.

11       “Straw purchaser” means an individual who purchases, or  
12 attempts or conspires to purchase, a gun-related product at the  
13 request, order, or demand of another or for the purpose of selling or  
14 transferring to another person, knowing or reasonably believing that  
15 such other person is not authorized to either purchase or possess a  
16 gun-related product, or both, by the laws of this State, the United  
17 States, or of the state in which the other person resides by virtue of  
18 having a conviction of a crime, or for any other reason<sup>1</sup>.

19  
20       3. a. <sup>1</sup>(1)<sup>1</sup> A gun industry member shall not, by conduct either  
21 unlawful in itself or unreasonable under all the circumstances,  
22 knowingly or recklessly create, maintain, or contribute to a public  
23 nuisance in this State through the sale, manufacturing,  
24 <sup>1</sup>distribution,<sup>1</sup> importing, or marketing of a <sup>1</sup>[qualified] gun-  
25 related<sup>1</sup> product.

26       <sup>1</sup>(2) A gun industry member shall establish, implement, and  
27 enforce reasonable controls regarding its manufacture, sale,  
28 distribution, importing, and marketing of gun-related products.

29       (3) It shall be a public nuisance to engage in conduct that  
30 violates paragraphs (1) or (2) of this subsection.<sup>1</sup>

31       b. Whenever it appears to the Attorney General that a gun  
32 industry member has engaged in or is engaging in conduct that  
33 violates subsection a. of this section, the Attorney General may  
34 commence an action to seek and obtain: an injunction prohibiting  
35 the gun industry member from continuing that conduct or engaging  
36 therein or doing any acts in furtherance thereof; an order providing  
37 for abatement of the nuisance at the expense of the defendant;  
38 restitution; damages; reasonable attorneys' fees, filing fees, and  
39 reasonable costs of suit; and any other appropriate relief.

40       c. To prevail in an action under this section, the Attorney  
41 General shall not be required to demonstrate that the gun industry  
42 member acted with the purpose to engage in any public nuisance or  
43 otherwise cause harm to the public. The Attorney General shall not  
44 be required to demonstrate any special injury to be granted the  
45 relief authorized by this section.

46       d. When it appears to the Attorney General that a gun industry  
47 member has engaged in, is engaging in, or is about to engage in

1 conduct that violates subsection a. of this section, or when the  
2 Attorney General believes it is in the public interest that an  
3 investigation should be made to ascertain whether a gun industry  
4 member has in fact engaged in, is engaging in, or is about to engage  
5 in conduct that violates subsection a. of this section, the Attorney  
6 General may:

7 (1) require the gun industry member <sup>1</sup>or any other person<sup>1</sup> to file  
8 a statement or report in writing under oath or otherwise, as to all the  
9 facts and circumstances concerning conduct, and other data and  
10 information as the Attorney General deems necessary;

11 (2) examine under oath any gun industry member <sup>1</sup>or any other  
12 person<sup>1</sup> concerning the act or omission;

13 (3) examine any record, object, book, document, account, or  
14 paper as the Attorney General deems necessary; and

15 (4) pursuant to an order of the Superior Court, impound and  
16 retain in the Attorney General's possession any record, book,  
17 document, account, object, or paper that is produced in accordance  
18 with this act until the completion of all proceedings in connection  
19 with impounded items.

20 e. <sup>1</sup>【The】 To the extent causation is applicable, the<sup>1</sup> conduct of a  
21 gun industry member shall be deemed to constitute a proximate  
22 cause of the public nuisance if the harm to the public was a  
23 reasonably foreseeable effect of such conduct, notwithstanding any  
24 intervening actions, including but not limited to criminal actions by  
25 third parties.

26 f. <sup>1</sup>The Attorney General may establish or designate within the  
27 Department of Law and Public Safety a unit, bureau, office or  
28 division to exercise all functions, powers, and duties of the Attorney  
29 General established under or deriving from P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
30 (pending before the Legislature as this bill) and which may perform  
31 such other functions, powers, and duties vested in the Department  
32 of Law and Public Safety as the Attorney General may deem  
33 appropriate.

34 g.<sup>1</sup> Nothing in P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
35 Legislature as this bill) shall be construed to deny, abrogate, or  
36 impair any statutory or common law right, remedy, or prohibition  
37 otherwise available to any party, including the Attorney General.

38  
39 4. The provisions of P.L.1987, c.197 (C.2A:58C-1 et seq.) shall  
40 not apply to any public nuisance action brought by the Attorney  
41 General pursuant to section 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
42 before the Legislature as this bill).

43  
44 5. This act shall take effect immediately and shall apply to all  
45 actions instituted on or after the effective date of this act, and to all  
46 proceedings taken subsequent to the effective date of this act in all  
47 actions pending on the act's effective date, except that judgments

**A1765 [1R]**

5

1 entered or awards made pursuant to law from which no appeal is  
2 pending on the act's effective date shall not be affected by the  
3 provisions of this act.

4

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7

8 \_\_\_\_\_  
9 Allows Attorney General to bring cause of action for certain  
10 public nuisance violations arising from sale or marketing of  
firearms.

P.L. 2022, CHAPTER 58, *approved July 5, 2022*  
Assembly, No. 4370 (*First Reprint*)

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

2

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

5

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

7 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

21 (b) between law enforcement officers;

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

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

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

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

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

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

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

43 b. Firearms purchaser identification card.

**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 June 23, 2022.

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

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

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

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

26 (b) between law enforcement officers;

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

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

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

36 In addition:

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

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

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

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

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

1 firearm or ammunition issued pursuant to the "Extreme Risk Protective  
2 Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.); or

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

7 In order to obtain a permit to purchase a handgun or a firearms  
8 purchaser identification card, the applicant shall demonstrate that,  
9 within four years prior to the date of the application, the applicant  
10 satisfactorily completed a course of instruction approved by the  
11 superintendent in the lawful and safe handling and storage of firearms.  
12 The applicant shall be required to demonstrate completion of a course  
13 of instruction only once prior to obtaining either a firearms purchaser  
14 identification card or the applicant's first permit to purchase a  
15 handgun.

16 The applicant shall not be required to demonstrate completion of a  
17 course of instruction in order to obtain any subsequent permit to  
18 purchase a handgun <sup>1</sup>or a firearms purchaser identification card<sup>1</sup> , to  
19 replace an existing firearms purchaser identification card, or to renew  
20 a firearms purchaser identification card.

21 An applicant who is a law enforcement officer who has satisfied  
22 the requirements of subsection j. of N.J.S.2C:39-6, a retired law  
23 enforcement officer who has satisfied the requirements of subsection l.  
24 of N.J.S.2C:39-6, or a veteran who was honorably discharged as a  
25 member of the United States Armed Forces or National Guard who  
26 received substantially equivalent training shall not be required to  
27 complete the course of instruction required pursuant to the provisions  
28 of this subsection.

29 A person who obtained a permit to purchase a handgun or a  
30 firearms purchaser identification card prior to the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
32 not be required to complete a course of instruction pursuant to this  
33 subsection.

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

40 <sup>1</sup>A firearms purchaser identification card issued following the  
41 effective date of P.L. , c. (C. ) (pending before the Legislature as  
42 this bill) shall display a color photograph and a thumb print of the card  
43 holder. A person who obtained a firearms purchaser identification card  
44 prior to the effective date of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill) shall not be required to obtain a firearm  
46 purchaser identification card that displays a color photograph and a  
47 thumb print. The superintendent shall establish guidelines as necessary

1 to effectuate the issuance of firearms purchaser identification cards that  
2 display a color photograph and a thumb print of the card holder.<sup>1</sup>

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

17 e. Applications. Applications for permits to purchase a handgun  
18 and for firearms purchaser identification cards shall be in the form  
19 prescribed by the superintendent and shall set forth the name,  
20 residence, place of business, age, date of birth, occupation, sex and  
21 physical description, including distinguishing physical characteristics,  
22 if any, of the applicant, and shall state whether the applicant is a  
23 citizen, whether he is an alcoholic, habitual drunkard, drug-dependent  
24 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
25 he has ever been confined or committed to a mental institution or  
26 hospital for treatment or observation of a mental or psychiatric  
27 condition on a temporary, interim or permanent basis, giving the name  
28 and location of the institution or hospital and the dates of confinement  
29 or commitment, whether he has been attended, treated or observed by  
30 any doctor or psychiatrist or at any hospital or mental institution on an  
31 inpatient or outpatient basis for any mental or psychiatric condition,  
32 giving the name and location of the doctor, psychiatrist, hospital or  
33 institution and the dates of the occurrence, whether he presently or  
34 ever has been a member of any organization which advocates or  
35 approves the commission of acts of force and violence to overthrow  
36 the Government of the United States or of this State, or which seeks to  
37 deny others their rights under the Constitution of either the United  
38 States or the State of New Jersey, whether he has ever been convicted  
39 of a crime or disorderly persons offense, whether the person is subject  
40 to a restraining order issued pursuant to the "Prevention of Domestic  
41 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.)  
42 prohibiting the person from possessing any firearm, whether the  
43 person is subject to a protective order issued pursuant to the "Extreme  
44 Risk Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et  
45 al.), whether the person is subject to a protective order issued pursuant  
46 to P.L.2021, c.327 (C.2C:12-14 et al.) prohibiting the person from  
47 possessing any firearm, and other information as the superintendent  
48 shall deem necessary for the proper enforcement of this chapter. For



1 the purpose of complying with this subsection, the applicant shall  
2 waive any statutory or other right of confidentiality relating to  
3 institutional confinement. The application shall be signed by the  
4 applicant and shall contain as references the names and addresses of  
5 two reputable citizens personally acquainted with him.

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

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

23 f. Granting of permit or identification card; fee; term; renewal;  
24 revocation. The application for the permit to purchase a handgun  
25 together with a fee of \$2, or the application for the firearms  
26 purchaser identification card together with a fee of \$5, shall be  
27 delivered or forwarded to the licensing authority who shall  
28 investigate the same and, unless good cause for the denial thereof  
29 appears, shall grant the permit or the identification card, or both, if  
30 application has been made therefor, within 30 days from the date of  
31 receipt of the application for residents of this State and within 45  
32 days for nonresident applicants. A permit to purchase a handgun  
33 shall be valid for a period of 90 days from the date of issuance and  
34 may be renewed by the issuing authority for good cause for an  
35 additional 90 days. A firearms purchaser identification card issued  
36 or renewed after the effective date of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill) shall **be valid until such time as**  
38 **expire during the <sup>1</sup>fourth<sup>1</sup> tenth<sup>1</sup> calendar year following its date**  
39 **of issuance and on the same calendar day as the person's date of**  
40 **birth.**

41 <sup>1</sup>A firearms purchaser identification card issued prior to the  
42 effective date of P.L. , c. (pending before the Legislature as this  
43 bill) shall expire during the fourth calendar year following the  
44 effective date of P.L. , c. (pending before the Legislature as this  
45 bill) and on the same calendar day as the person's date of birth.]<sup>1</sup>

46 If the date of birth of the firearms purchaser identification card  
47 holder does not correspond to a calendar day of the <sup>1</sup>fourth<sup>1</sup> tenth<sup>1</sup>

1 calendar year, the card shall expire on the last day of the birth month  
2 of the card holder.

3 A firearms purchaser identification card issued pursuant to this  
4 section may be renewed upon filing of a renewal application and  
5 payment of the required fee, provided that the holder is not subject to  
6 any of the disabilities set forth in subsection c. of this section and  
7 complies with all other applicable requirements as set forth in statute  
8 and regulation.

9 <sup>1</sup>~~【The】~~ A firearms purchaser identification card issued prior to  
10 the effective date of P.L. , c. (pending before the Legislature as  
11 this bill) shall not expire.

12 A<sup>1</sup> firearms purchaser identification card shall be void if the  
13 holder becomes subject to any of the disabilities set forth in  
14 subsection c. of this section, whereupon the card shall <sup>1</sup>be void  
15 and shall<sup>1</sup> be returned within five days by the holder to the  
16 superintendent, who shall then advise the licensing authority.  
17 Failure of the holder to return the firearms purchaser identification  
18 card to the superintendent within the five days shall be an offense  
19 under subsection a. of N.J.S.2C:39-10. Any firearms purchaser  
20 identification card may be revoked by the Superior Court of the  
21 county wherein the card was issued, after hearing upon notice, upon  
22 a finding that the holder thereof no longer qualifies for the issuance  
23 of the permit. The county prosecutor of any county, the chief police  
24 officer of any municipality or any citizen may apply to the court at  
25 any time for the revocation of the card.

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

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

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

47 i. Restriction on number of firearms person may purchase.  
48 Only one handgun shall be purchased or delivered on each permit

1 and no more than one handgun shall be purchased within any 30-  
2 day period, but this limitation shall not apply to:

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

6 (2) a collector of handguns as curios or relics as defined in Title  
7 18, United States Code, section 921 (a) (13) who has in his  
8 possession a valid Collector of Curios and Relics License issued by  
9 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

22 The provisions of this subsection shall not be construed to afford  
23 or authorize any other exemption from the regulatory provisions  
24 governing firearms set forth in chapter 39 and chapter 58 of Title  
25 2C of the New Jersey Statutes;

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

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

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

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

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

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

20 (cf: P.L.2021, c.327, s.6)

21

22       2. This act shall take effect immediately.

23

24

25

26

27       Requires training for issuance of firearms purchaser  
28 identification card and permit to purchase handgun under certain  
29 circumstances; provide firearms purchaser identification card  
30 include photograph and thumb print and remain valid for ten years.

P.L. 2022, CHAPTER 55, *approved July 5, 2022*  
Assembly, No. 1302 (*Second Reprint*)

1 **AN ACT** concerning the sale of ammunition, amending N.J.S.2C:58-  
2 1, N.J.S.2C:58-2, N.J.S.2C:58-3, and P.L.2007, c.318, and  
3 supplementing Title 2C of the New Jersey Statutes.

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

7  
8 1. N.J.S.2C:58-1 is amended to read as follows:  
9 2C:58-1. Registration of manufacturers and wholesale dealers of  
10 firearms

11 a. Registration. Every manufacturer and wholesale dealer of  
12 firearms shall register with the superintendent as provided in this  
13 section. No person shall engage in the business of, or act as a  
14 manufacturer or wholesale dealer of firearms, or manufacture or sell  
15 at wholesale any firearm, until he has so registered.

16 Applications for registration shall be made on such forms as  
17 shall be prescribed by the superintendent, and the applicant shall  
18 furnish such information and other particulars as may be prescribed  
19 by law or by any rules or regulations promulgated by the  
20 superintendent. Each application for registration or renewal shall  
21 be accompanied by a fee of \$150.00.

22 The superintendent shall prescribe standards and qualifications  
23 for the registration of manufacturers and wholesalers of firearms,  
24 for the protection of the public safety, health and welfare. He shall  
25 refuse to register any applicant for registration unless he is satisfied  
26 that the applicant can be permitted to engage in business as a  
27 manufacturer or wholesale dealer of firearms without any danger to  
28 the public safety, health or welfare.

29 The superintendent shall issue a certificate of registration to  
30 every person registered under this section, and such certificate shall  
31 be valid for a period of 3 years from the date of issuance.

32 b. Wholesale dealer's agent. Every registered wholesale dealer  
33 of firearms shall cause each of his agents or employees actively  
34 engaged in the purchase or sale of firearms to be licensed with the  
35 superintendent as a wholesale dealer's agent. Applications for  
36 agents' licenses shall be submitted on such forms as shall be  
37 prescribed by the superintendent, and shall be signed by 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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted June 23, 2022.

<sup>2</sup>Assembly AAP committee amendments adopted June 23, 2022.

1 registered wholesale dealer and by the agent. Each application shall  
2 be accompanied by a fee of \$5.00, and each license shall be valid  
3 for so long as the agent or employee remains in the employ of the  
4 wholesale dealer and the wholesale dealer remains validly  
5 registered under this section. The superintendent shall prescribe  
6 standards and qualifications for licensed wholesale dealers' agents,  
7 for the protection of the public safety, health and welfare.

8 c. Revocation of certificate of registration or license.  
9 The superintendent may, after reasonable notice to all affected  
10 parties and a hearing if requested, revoke any certificate of  
11 registration or agent's license if he finds that the registered or  
12 licensed person is no longer engaged in the business of  
13 manufacturing or wholesaling firearms in this State or that he can  
14 no longer be permitted to carry on such business without  
15 endangering the public safety, health or welfare. A certificate or  
16 license may be canceled at any time at the request of the registered  
17 or licensed person.

18 d. Appeals. Any person aggrieved by the refusal of the  
19 superintendent to register him as a manufacturer or wholesale dealer  
20 or a wholesale dealer's agent, or by revocation of his certificate or  
21 license, may appeal to the Appellate Division of the Superior Court.

22 e. Records of sales. Every manufacturer and wholesale dealer  
23 shall keep a detailed record of each firearm and all handgun  
24 ammunition sold by **【him】** the manufacturer and dealer. The  
25 firearm record shall include the date of sale, the name and address  
26 of the purchaser, a description of each firearm and the firearm's  
27 serial number 【thereof】. The handgun ammunition record shall be  
28 in electronic form and shall contain the date of the transaction; the  
29 type, caliber, or gauge of the ammunition; the quantity of  
30 ammunition sold; the name and address of the purchaser; and any  
31 other information the superintendent shall deem necessary for the  
32 proper enforcement of this chapter. The records shall be available  
33 for inspection at all reasonable times by any law enforcement  
34 officer.

35 Every manufacturer and wholesale dealer shall establish a system  
36 for maintaining electronic records pursuant to this subsection within  
37 12 months of the effective date of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill).

39 (cf: N.J.S.2C:58-1)

40

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

42 2C:58-2. a. Licensing of retail dealers and their employees. No  
43 retail dealer of firearms nor any employee of a retail dealer shall  
44 sell or expose for sale, or possess with the intent of selling, any  
45 firearm unless licensed to do so as hereinafter provided. The  
46 superintendent shall prescribe standards and qualifications for retail  
47 dealers of firearms and their employees for the protection of the  
48 public safety, health and welfare.

1 Applications shall be made in the form prescribed by the  
2 superintendent, accompanied by a fee of \$50 payable to the  
3 superintendent, and shall be made to a judge of the Superior Court  
4 in the county where the applicant maintains his place of business.  
5 The judge shall grant a license to an applicant if he finds that the  
6 applicant meets the standards and qualifications established by the  
7 superintendent and that the applicant can be permitted to engage in  
8 business as a retail dealer of firearms or employee thereof without  
9 any danger to the public safety, health and welfare. Each license  
10 shall be valid for a period of three years from the date of issuance,  
11 and shall authorize the holder to sell firearms at retail in a specified  
12 municipality.

13 In addition, every retail dealer shall pay a fee of \$5 for each  
14 employee actively engaged in the sale or purchase of firearms. The  
15 superintendent shall issue a license for each employee for whom  
16 said fee has been paid, which license shall be valid for so long as  
17 the employee remains in the employ of said retail dealer.

18 No license shall be granted to any retail dealer under the age of  
19 21 years or to any employee of a retail dealer under the age of 18 or  
20 to any person who could not qualify to obtain a permit to purchase a  
21 handgun or a firearms purchaser identification card, or to any  
22 corporation, partnership or other business organization in which the  
23 actual or equitable controlling interest is held or possessed by such  
24 an ineligible person.

25 All licenses shall be granted subject to the following conditions,  
26 for breach of any of which the license shall be subject to revocation  
27 on the application of any law enforcement officer and after notice  
28 and hearing by the issuing court:

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

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

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

38 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
39 be delivered to any person unless such person possesses and  
40 exhibits a valid firearms purchaser identification card and furnishes  
41 the seller, on the form prescribed by the superintendent, a  
42 certification signed by him setting forth his name, permanent  
43 address, firearms purchaser identification card number and such  
44 other information as the superintendent may by rule or regulation  
45 require. The certification shall be retained by the dealer and shall  
46 be made available for inspection by any law enforcement officer at  
47 any reasonable time.

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

- 1 (a) Such person possesses and exhibits a valid permit to  
2 purchase a firearm and at least seven days have elapsed since the  
3 date of application for the permit;
- 4 (b) The person is personally known to the seller or presents  
5 evidence of his identity;
- 6 (c) The handgun is unloaded and securely wrapped;
- 7 (d) The handgun is accompanied by a trigger lock or a locked  
8 case, gun box, container or other secure facility; provided, however,  
9 this provision shall not apply to antique handguns or personalized  
10 handguns included in the roster pursuant to section 2 of P.L.2019,  
11 c.164 (C.2C:58-2.8). The exemptions afforded under this  
12 subparagraph for antique handguns and personalized handguns shall  
13 be narrowly construed, limited solely to the requirements set forth  
14 herein and shall not be deemed to afford or authorize any other  
15 exemption from the regulatory provisions governing firearms set  
16 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
17 Statutes; and
- 18 (e) (Deleted by amendment, P.L.2019, c.164)
- 19 (6) The dealer shall keep a true record of every handgun sold,  
20 given or otherwise delivered or disposed of, in accordance with the  
21 provisions of subsections b. through e. of this section and the record  
22 shall note whether a trigger lock, locked case, gun box, container or  
23 other secure facility was delivered along with the handgun.
- 24 (7) A dealer shall not knowingly deliver more than one handgun  
25 to any person within any 30-day period. This limitation shall not  
26 apply to:
- 27 (a) a federal, State, or local law enforcement officer or agency  
28 purchasing handguns for use by officers in the actual performance  
29 of their law enforcement duties;
- 30 (b) a collector of handguns as curios or relics as defined in Title  
31 18, United States Code, section 921 (a) (13) who has in his  
32 possession a valid Collector of Curios and Relics License issued by  
33 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 34 (c) transfers of handguns among licensed retail dealers,  
35 registered wholesale dealers and registered manufacturers;
- 36 (d) any transaction where the person has purchased a handgun  
37 from a licensed retail dealer and has returned that handgun to the  
38 dealer in exchange for another handgun within 30 days of the  
39 original transaction, provided the retail dealer reports the exchange  
40 transaction to the superintendent; or
- 41 (e) any transaction where the superintendent issues an  
42 exemption from the prohibition in this subsection pursuant to the  
43 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 44 b. Records. (1) Every person engaged in the retail business of  
45 selling, leasing or otherwise transferring a handgun, as a retail  
46 dealer or otherwise, shall keep a register in which shall be entered  
47 the time of the sale, lease or other transfer, the date thereof, the  
48 name, age, date of birth, occupation, residence and a physical



1 description including distinguishing physical characteristics, if any,  
2 of the purchaser, lessee or transferee, the name and permanent home  
3 address of the person making the sale, lease or transfer, the place of  
4 the transaction, and the make, model, manufacturer's number,  
5 caliber and other marks of identification on such handgun and such  
6 other information as the superintendent shall deem necessary for the  
7 proper enforcement of this chapter. The register shall be retained by  
8 the dealer and shall be made available at all reasonable hours for  
9 inspection by any law enforcement officer.

10 (2) Every person engaged in the retail business of selling,  
11 leasing, or otherwise transferring handgun ammunition, as a retail  
12 dealer or otherwise, shall keep an electronic record in which shall  
13 be entered the name of the manufacturer; the date of the transaction;  
14 the type; caliber or gauge of the ammunition; the quantity of the  
15 ammunition sold; the name, address, and date of birth of the  
16 purchaser; the identification used to establish the identity of the  
17 purchaser; and any other information the superintendent shall deem  
18 necessary for the proper enforcement of this chapter.

19 The electronic records shall be retained by the dealer and shall be  
20 made available at all reasonable hours for inspection by any law  
21 enforcement officer, and additionally shall be electronically  
22 reported to the superintendent in accordance with section<sup>1</sup>~~4~~ 5<sup>1</sup> of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill).

24 <sup>1</sup>(3) Every retail dealer in the business of selling or otherwise  
25 transferring handgun ammunition shall immediately electronically  
26 report to the State Police any transaction involving the sale,  
27 transfer, assignment, or disposition of 2,000 or more rounds of  
28 handgun ammunition and information relating to each transaction in  
29 accordance with this subsection.

30 Until the implementation of the electronic record system  
31 described in paragraph (2) of subsection b. of this section or section  
32 5 of P.L. , c. (C. ) (pending before the Legislature as this  
33 bill), the retail dealer shall immediately contact the State Police  
34 regarding the sale, transfer, assignment, or disposition of 2,000 or  
35 more rounds of handgun ammunition in accordance with guidelines  
36 established by the superintendent.<sup>1</sup>

37 c. Forms of register.

38 **【The】** (1) Until the implementation of the electronic record  
39 system described in paragraph (2) of subsection b. of this section or  
40 section<sup>1</sup>~~4~~ 5<sup>1</sup> of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), the superintendent shall prepare the form of  
42 the register as described in paragraph (1) of subsection b. of this  
43 section and furnish the same in triplicate to each person licensed to  
44 be engaged in the business of selling, leasing or otherwise  
45 transferring firearms.

46 (2) All retail dealers of handgun ammunition shall establish a  
47 system for maintaining electronic records of the sale or transfer of

1 handgun ammunition within 12 months after the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).

3 d. Signatures in register. **【The】** Until the dealer implements an  
4 electronic record system as described in paragraph (2) of subsection  
5 b. of this section or section <sup>1</sup>**【4】** <sup>5</sup> of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill), the purchaser, lessee or  
7 transferee of any handgun shall sign, and the dealer shall require  
8 him to sign his name to the register, in triplicate, and the person  
9 making the sale, lease or transfer shall affix his name, in triplicate,  
10 as a witness to the signature. The signatures, or the entry of an  
11 electronic signature in the electronic record system pursuant to  
12 paragraph (2) of subsection b. of this section or section <sup>1</sup>**【4】** <sup>5</sup> of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill),  
14 shall constitute a representation of the accuracy of the information  
15 contained in the register.

16 e. Copies of register entries; delivery to chief of police or  
17 county clerk.

18 **【Within】** (1) Except as otherwise provided in paragraph (2) of  
19 this subsection, within five days of the date of the sale, assignment  
20 or transfer, the dealer shall deliver or mail by certified mail, return  
21 receipt requested, legible copies of the register forms to the office  
22 of the chief of police of the municipality in which the purchaser  
23 resides, or to the office of the captain of the precinct of the  
24 municipality in which the purchaser resides, and to the  
25 superintendent. If hand delivered a receipt shall be given to the  
26 dealer therefor.

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

32 (2) A dealer shall not be required to use the triplicate form after  
33 the dealer establishes an electronic reporting system pursuant to  
34 paragraph (2) of subsection b. of this section or section <sup>1</sup>**【4】** <sup>5</sup> of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill).  
36 (cf: P.L.2019, c.164, s.7)

37  
38 <sup>1</sup>**【3.** N.J.S.2C:58-3 is amended to read as follows:

39 2C:58-3. a. Permit to purchase a handgun.

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

45 (2) A person who is not a licensed retail dealer and sells, gives,  
46 transfers, assigns, or otherwise disposes of, or receives, purchases

1 or otherwise acquires a handgun pursuant to this section shall  
2 conduct the transaction through a licensed retail dealer.

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

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

7 (b) between law enforcement officers;

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

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

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

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

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

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

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

31 b. Firearms purchaser identification card.

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

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

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

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

10 (b) between law enforcement officers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 Any person aggrieved by the denial of a permit or identification  
43 card may request a hearing in the Superior Court of the county in  
44 which he resides if he is a resident of New Jersey or in the Superior  
45 Court of the county in which his application was filed if he is a  
46 nonresident. The request for a hearing shall be made in writing  
47 within 30 days of the denial of the application for a permit or  
48 identification card. The applicant shall serve a copy of his request

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

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

47 Application blanks shall be obtainable from the superintendent,  
48 from any other officer authorized to grant a permit or identification

1 card, and from licensed retail dealers, or shall be made available  
2 through an online process established or made available by the  
3 superintendent.

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

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

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

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

5 h. Form of permit; quadruplicate; disposition of copies.

6 **【The】** (1) Except as otherwise provided in paragraph (2) of this  
7 subsection, the permit shall be in the form prescribed by the  
8 superintendent and shall be issued to the applicant in quadruplicate.  
9 Prior to the time he receives the handgun from the seller, the  
10 applicant shall deliver to the seller the permit in quadruplicate and  
11 the seller shall complete all of the information required on the form.  
12 Within five days of the date of the sale, the seller shall forward the  
13 original copy to the superintendent and the second copy to the chief  
14 of police of the municipality in which the purchaser resides, except  
15 that in a municipality having no chief of police, the copy shall be  
16 forwarded to the superintendent. The third copy shall then be  
17 returned to the purchaser with the pistol or revolver and the fourth  
18 copy shall be kept by the seller as a permanent record.

19 (2) The requirements of this subsection concerning the delivery  
20 and form of permit and disposition of copies shall not be applicable  
21 when these functions may be completed by utilizing an electronic  
22 system as described in paragraph (2) of subsection b. of  
23 N.J.S.2C:58-2 or section 4 of P.L. , c. (C. ) (pending before  
24 the Legislature as this bill).

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).



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

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

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

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

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

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

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

1 (cf: P.L.2018, c.36, s.1)]<sup>1</sup>

2

3 <sup>1</sup>3. N.J.S.2C:58-3 is amended to read as follows:

4 2C:58-3. a. Permit to purchase a handgun.

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

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

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

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

18 (b) between law enforcement officers;

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

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

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

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

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

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

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

42 b. Firearms purchaser identification card.

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

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

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

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

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

20 (b) between law enforcement officers;

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

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

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

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

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

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

41 (d) any record produced pursuant to this subsection shall not be  
42 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-  
43 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

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

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

1 firearm or ammunition issued pursuant to P.L.2021, c.327  
2 (C.2C:12-14 et al.).

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

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

24 e. Applications. Applications for permits to purchase a  
25 handgun and for firearms purchaser identification cards shall be in  
26 the form prescribed by the superintendent and shall set forth the  
27 name, residence, place of business, age, date of birth, occupation,  
28 sex and physical description, including distinguishing physical  
29 characteristics, if any, of the applicant, and shall state whether the  
30 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
31 drug-dependent person as defined in section 2 of P.L.1970, c.226  
32 (C.24:21-2), whether he has ever been confined or committed to a  
33 mental institution or hospital for treatment or observation of a  
34 mental or psychiatric condition on a temporary, interim or  
35 permanent basis, giving the name and location of the institution or  
36 hospital and the dates of confinement or commitment, whether he  
37 has been attended, treated or observed by any doctor or psychiatrist  
38 or at any hospital or mental institution on an inpatient or outpatient  
39 basis for any mental or psychiatric condition, giving the name and  
40 location of the doctor, psychiatrist, hospital or institution and the  
41 dates of the occurrence, whether he presently or ever has been a  
42 member of any organization which advocates or approves the  
43 commission of acts of force and violence to overthrow the  
44 Government of the United States or of this State, or which seeks to  
45 deny others their rights under the Constitution of either the United  
46 States or the State of New Jersey, whether he has ever been  
47 convicted of a crime or disorderly persons offense, whether the  
48 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, whether the person is subject to a protective order issued  
4 pursuant to the "Extreme Risk Protective Order Act of 2018",  
5 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to  
6 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-  
7 14 et al.) prohibiting the person from possessing any firearm, and  
8 other information as the superintendent shall deem necessary for the  
9 proper enforcement of this chapter. For the purpose of complying  
10 with this subsection, the applicant shall waive any statutory or other  
11 right of confidentiality relating to institutional confinement. The  
12 application shall be signed by the applicant and shall contain as  
13 references the names and addresses of two reputable citizens  
14 personally acquainted with him.

15 Application blanks shall be obtainable from the superintendent,  
16 from any other officer authorized to grant a permit or identification  
17 card, and from licensed retail dealers, or shall be made available  
18 through an online process established or made available by the  
19 superintendent.

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

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

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

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

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

20 h. Form of permit; quadruplicate; disposition of copies.

21 **【The】** (1) Except as otherwise provided in paragraph (2) of this  
22 subsection, the permit shall be in the form prescribed by the  
23 superintendent and shall be issued to the applicant in quadruplicate.  
24 Prior to the time he receives the handgun from the seller, the  
25 applicant shall deliver to the seller the permit in quadruplicate and  
26 the seller shall complete all of the information required on the form.  
27 Within five days of the date of the sale, the seller shall forward the  
28 original copy to the superintendent and the second copy to the chief  
29 of police of the municipality in which the purchaser resides, except  
30 that in a municipality having no chief of police, the copy shall be  
31 forwarded to the superintendent. The third copy shall then be  
32 returned to the purchaser with the pistol or revolver and the fourth  
33 copy shall be kept by the seller as a permanent record.

34 (2) The requirements of this subsection concerning the delivery  
35 and form of permit and disposition of copies shall not be applicable  
36 when these functions may be completed by utilizing an electronic  
37 system as described in paragraph (2) of subsection b. of  
38 N.J.S.2C:58-2 or section 5 of P.L. , c. (C. ) (pending before  
39 the Legislature as this bill).

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

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

47 (2) a collector of handguns as curios or relics as defined in Title  
48 18, United States Code, section 921 (a) (13) who has in his

1 possession a valid Collector of Curios and Relics License issued by  
2 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

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

15 The provisions of this subsection shall not be construed to afford  
16 or authorize any other exemption from the regulatory provisions  
17 governing firearms set forth in chapter 39 and chapter 58 of Title  
18 2C of the New Jersey Statutes;

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

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

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

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



1 sell to a person under the age of 18 years a visual distress signalling  
2 device.

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

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

16 (cf: P.L.2021, c.327, s.6)

17

18 4. Section 1 of P.L.2007, c.318 (C.2C:58-3.3) is amended to  
19 read as follows:

20 1. a. As used in this act **["handgun"]**:

21 "Ammunition" means an object consisting of all of the following  
22 components: a fixed metallic or nonmetallic hull casing containing  
23 a primer; one or more projectiles, one or more bullets, or shot; and  
24 gunpowder. All of the specified components shall be present for an  
25 object to be ammunition. As used in this section, ammunition shall  
26 not include, without limitation, blank ammunition, air gun pellets,  
27 flare gun ammunition, nail gun ammunition, paint ball ammunition,  
28 or any non-fixed ammunition.

29 "Handgun ammunition" means ammunition **["specifically]**  
30 designed **["to]** such that it may be used **["only]** in a handgun,  
31 including ammunition specifically designed to be used only in a  
32 handgun, as well as ammunition intended for use in any other  
33 firearm and which may be interchangeable between rifles and  
34 handguns. "Handgun ammunition" shall not include **["blank**  
35 ammunition, air gun pellets, flare gun ammunition, nail gun  
36 ammunition, paint ball ammunition, or any non-fixed**"]** ammunition  
37 specifically designed to be used only in a rifle or shotgun.

38 b. **["No]** A person shall not sell, give, transfer, assign or  
39 otherwise dispose of, or receive, purchase, or otherwise acquire  
40 handgun ammunition unless the purchaser, assignee, donee, receiver  
41 or holder is licensed as a manufacturer, wholesaler, or dealer under  
42 this chapter or is the holder of and possesses a valid firearms  
43 purchaser identification card, a valid copy of a permit to purchase a  
44 handgun, or a valid permit to carry a handgun and first exhibits  
45 **["such]** the card or permit to the seller, donor, transferor, or assignor  
46 along with a valid, current driver's license; valid, current nondriver

1 identification card; or other valid, current government-issued form  
2 of photo identification.

3 c. No person shall sell, give, transfer, assign, or otherwise  
4 dispose of handgun ammunition to a person who is under 21 years  
5 of age.

6 d. The provisions of this section shall not apply to a collector  
7 of firearms or ammunition as curios or relics who purchases,  
8 receives, acquires, possesses, or transfers handgun ammunition  
9 which is recognized as being historical in nature or of historical  
10 significance.

11 e. A person who violates this section shall be guilty of a crime  
12 of the fourth degree, except that nothing contained herein shall be  
13 construed to prohibit the sale, transfer, assignment or disposition of  
14 handgun ammunition to or the purchase, receipt or acceptance of  
15 ammunition by a law enforcement agency or law enforcement  
16 official for law enforcement purposes.

17 f. Nothing in this section shall be construed to prohibit the  
18 transfer of ammunition for use in a lawfully transferred firearm in  
19 accordance with the provisions of section 1 of P.L.1992,  
20 c.74 (C.2C:58-3.1), section 1 of P.L.1997, c.375 (C.2C:58-3.2) or  
21 section 14 of P.L.1979, c.179 (C.2C:58-6.1).

22 g. Nothing in this section shall be construed to prohibit the sale  
23 of a de minimis amount of handgun ammunition at a firearms range  
24 operated by a licensed dealer; a law enforcement agency; a legally  
25 recognized military organization; or a rifle or pistol club which has  
26 filed a copy of its charter with the superintendent for immediate use  
27 at that range.

28 (cf: P.L.2007, c.318, s.1)

29

30 5. (New section) a. (1) The Superintendent of State Police  
31 shall develop a program for retail dealers of handgun ammunition to  
32 electronically report a record of any transaction involving the sale,  
33 transfer, assignment, or disposition of handgun ammunition and  
34 information relating to each transaction. The reported information  
35 shall include: the date of the transaction; the name of the  
36 manufacturer, the caliber or gauge, and the quantity of ammunition  
37 sold or transferred; the name, address, and date of birth of the  
38 purchaser; the identification used to establish the identity of the  
39 purchaser; and any other information the superintendent may  
40 require.

41 (2) Subject to the time limitations established in paragraph (2)  
42 of subsection c. of <sup>1</sup>section 2 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill) N.J.S.2C:58-2<sup>1</sup>, every retail  
44 dealer of ammunition as defined in section 1 of P.L.2007, c.318  
45 (C.2C:58-3.3) shall electronically report to the superintendent a  
46 record of any transaction involving the sale, transfer, assignment, or  
47 disposition of handgun ammunition by utilizing the program  
48 developed pursuant to this subsection.

1 <sup>1</sup>Any transaction involving the sale, transfer, assignment, or  
 2 disposition of 2,000 or more rounds of handgun ammunition and  
 3 information relating to each transaction shall be immediately  
 4 reported to the superintendent in accordance with this section and  
 5 paragraph (3) of subsection b. of N.J.S.2C:58-2.<sup>1</sup>

6 A retail dealer may charge a fee determined by the  
 7 superintendent for a transaction electronically reported pursuant to  
 8 this subsection.

9 <sup>2</sup>**[b. (1)** The superintendent shall develop a program for retail  
 10 dealers to electronically report a record of any transaction involving  
 11 the sale, transfer, assignment, or disposition of a firearm and  
 12 information relating to each transaction.

13 (2) Within a timeframe as determined by the superintendent,  
 14 every retail dealer of firearms shall electronically report to the  
 15 superintendent a record of any transaction involving the sale,  
 16 transfer, assignment, or disposition of a firearm by utilizing the  
 17 program developed pursuant to this subsection.

18 **c.] b.<sup>2</sup>** The superintendent shall establish a searchable,  
 19 electronic database containing the information reported pursuant  
 20 <sup>2</sup>**[subsections]** to subsection<sup>2</sup> a. <sup>2</sup>[and b.]<sup>2</sup> of this section, which  
 21 shall be available to law enforcement officers. <sup>1</sup>The Attorney  
 22 General shall have access to the information stored in the database  
 23 which shall be used for law enforcement purposes.<sup>1</sup> The  
 24 superintendent also shall establish security procedures to protect the  
 25 confidentiality of the information contained in the database, which  
 26 shall prevent access to the information by any person or entity that  
 27 is not lawfully entitled to it.

28 <sup>2</sup>**[d.] c.<sup>2</sup>** The superintendent shall develop an Internet-based or  
 29 other electronic system to process or facilitate the processing of any  
 30 or all of the following: application for and issuance of firearms  
 31 purchaser identification cards, permits to purchase a handgun, or  
 32 other permits authorized under this chapter.

33 <sup>2</sup>**[e.] d.<sup>2</sup>** Any record reported or produced pursuant to this  
 34 section shall not be considered a public record or government  
 35 record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,  
 36 c.404 (C.47:1A-5 et al.).

37  
 38 6. This act shall take effect <sup>1</sup>**[immediately]** on the first day of  
 39 the seventh month next following the date of enactment, except the  
 40 Attorney General may take such anticipatory administrative action  
 41 in advance as shall be necessary for the implementation of this act<sup>1</sup>.

42  
 43  
 44  
 45  
 46 Regulates sale of handgun ammunition and develops system of  
 47 electronic reporting of handgun ammunition sales.