

ASSEMBLY, No. 4095

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 18, 2024

Sponsored by:

Assemblyman JAY WEBBER
District 26 (Morris and Passaic)
Assemblywoman DAWN FANTASIA
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Barlas

SYNOPSIS

Allows county sheriffs to issue firearms identification cards and permits to purchase handguns; authorizes county sheriffs to accept applications for permits to carry handguns.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/4/2024)

1 **AN ACT** concerning firearms identification cards and permits to
2 purchase and carry handguns and amending N.J.S.2C:58-3 and
3 N.J.S.2C:58-4.

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:58-3 is amended to read as follows:

9 2C:58-3. a. Permit to purchase a handgun.

10 (1) A person shall not sell, give, transfer, assign or otherwise
11 dispose of, nor receive, purchase, or otherwise acquire a handgun
12 unless the purchaser, assignee, donee, receiver or holder is licensed
13 as a dealer under this chapter or has first secured a permit to
14 purchase a handgun as provided by this section.

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

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

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

23 (b) between law enforcement officers;

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined **thus** is new matter.

1 b. Firearms purchaser identification card.

2 (1) A person shall not sell, give, transfer, assign or otherwise
3 dispose of nor receive, purchase or otherwise acquire an antique
4 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
5 unless the purchaser, assignee, donee, receiver or holder is licensed
6 as a dealer under this chapter or possesses a valid firearms
7 purchaser identification card, and first exhibits the card to the seller,
8 donor, transferor or assignor, and unless the purchaser, assignee,
9 donee, receiver or holder signs a written certification, on a form
10 prescribed by the superintendent, which shall indicate that the
11 person presently complies with the requirements of subsection c. of
12 this section and shall contain the person's name, address and
13 firearms purchaser identification card number or dealer's
14 registration number. The certification shall be retained by the
15 seller, as provided in paragraph (4) of subsection a. of
16 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
17 be filed with the chief police officer of the municipality in which
18 the person resides or with the superintendent.

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

24 The provisions of this paragraph shall not apply if the transaction
25 is:

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

28 (b) between law enforcement officers;

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

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

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

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

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

47 (c) a retail dealer may charge a fee, not to exceed \$70, for a
48 transaction conducted pursuant to this subsection; and

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

4 c. Who may obtain. Except as hereinafter provided, a person
5 shall not be denied a permit to purchase a handgun or a firearms
6 purchaser identification card, unless the person is known in the
7 community in which the person lives as someone who has engaged
8 in acts or made statements suggesting the person is likely to engage
9 in conduct, other than justified self-defense, that would pose a
10 danger to self or others, or is subject to any of the disabilities set
11 forth in this section or other sections of this chapter. A handgun
12 purchase permit or firearms purchaser identification card shall not
13 be issued:

14 (1) To any person who has been convicted of: (a) any crime in
15 this State or its felony counterpart in any other state or federal
16 jurisdiction; or (b) a disorderly persons offense in this State
17 involving an act of domestic violence as defined in section 3 of
18 P.L.1991, c.261 (C.2C:25-19) or its felony or misdemeanor
19 counterpart involving an act of domestic violence as defined under
20 a comparable statute in any other state or federal jurisdiction,
21 whether or not armed with or possessing a weapon at the time of the
22 offense;

23 (2) To any person who is presently confined for a mental
24 disorder as a voluntary admission as defined in section 2 of
25 P.L.1987, c.116 (C.30:4-27.2) or who is presently involuntarily
26 committed to inpatient or outpatient treatment pursuant to P.L.1987,
27 c.116 (C.30:4-27.1 et seq.);

28 (3) To any person who suffers from a physical defect or disease
29 which would make it unsafe for that person to handle firearms, to
30 any person with a substance use disorder unless any of the
31 foregoing persons produces a certificate of a medical doctor,
32 treatment provider, or psychiatrist licensed in New Jersey, or other
33 satisfactory proof, that the person no longer has that particular
34 disability in a manner that would interfere with or handicap that
35 person in the handling of firearms; to any person who knowingly
36 falsifies any information on the application form for a handgun
37 purchase permit or firearms purchaser identification card;

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

41 (5) To any person where the issuance would not be in the
42 interest of the public health, safety or welfare because the person is
43 found to be lacking the essential character of temperament
44 necessary to be entrusted with a firearm;

45 (6) To any person who is subject to or has violated a temporary
46 or final restraining order issued pursuant to the "Prevention of
47 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
48 seq.) prohibiting the person from possessing any firearm or a

1 temporary or final domestic violence restraining order issued in
2 another jurisdiction prohibiting the person from possessing any
3 firearm;

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

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

12 (9) To any person named on the consolidated Terrorist Watchlist
13 maintained by the Terrorist Screening Center administered by the
14 Federal Bureau of Investigation;

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

20 (11) To any person who is subject to or has violated a court order
21 prohibiting the custody, control, ownership, purchase, possession,
22 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
23 c.327 (C.2C:12-14 et al.);

24 (12) To any person who is subject to or has violated a temporary
25 or final protective order issued pursuant to the "Victim's Assistance
26 and Survivor Protection Act," P.L.2015, c.147 (C.2C:14-13 et al.);

27 (13) To any person who has previously been voluntarily admitted
28 to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et
29 seq.) or involuntarily committed to inpatient or outpatient treatment
30 pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court
31 has expunged the person's record pursuant to P.L.1953, c.268
32 (C.30:4-80.8 et seq.);

33 (14) To any person who is subject to an outstanding arrest
34 warrant for an indictable crime in this State or for a felony, other
35 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
36 would apply, in any other state or federal jurisdiction; or

37 (15) To any person who is a fugitive from justice due to having
38 fled from any state or federal jurisdiction to avoid prosecution for a
39 crime, other than a crime to which section 1 of P.L.2022, c.50
40 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
41 criminal proceeding.

42 In order to obtain a permit to purchase a handgun or a firearms
43 purchaser identification card, the applicant shall demonstrate that,
44 within four years prior to the date of the application, the applicant
45 satisfactorily completed a course of instruction approved by the
46 superintendent in the lawful and safe handling and storage of
47 firearms. The applicant shall be required to demonstrate
48 completion of a course of instruction only once prior to obtaining

1 either a firearms purchaser identification card or the applicant's first
2 permit to purchase a handgun.

3 The applicant shall not be required to demonstrate completion of
4 a course of instruction in order to obtain any subsequent permit to
5 purchase a handgun, to replace an existing firearms purchaser
6 identification card, or to renew a firearms purchaser identification
7 card.

8 An applicant who is a law enforcement officer who has satisfied
9 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
10 enforcement officer who has satisfied the requirements of
11 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
12 discharged as a member of the United States Armed Forces or
13 National Guard who received substantially equivalent training shall
14 not be required to complete the course of instruction required
15 pursuant to the provisions of this subsection.

16 A person who obtained a permit to purchase a handgun or a
17 firearms purchaser identification card prior to the effective date of
18 P.L.2022, c.58 shall not be required to complete a course of
19 instruction pursuant to this subsection.

20 d. Issuance. The chief police officer of an organized full-time
21 police department of the municipality 【where】 in which the
22 applicant resides, the county sheriff of the county in which the
23 applicant resides, or the superintendent, in all other cases, shall
24 upon application, issue to any person qualified under the provisions
25 of subsection c. of this section a permit to purchase a handgun or a
26 firearms purchaser identification card.

27 A firearms purchaser identification card issued following the
28 effective date of P.L.2022, c.58 shall display a color photograph
29 and be electronically linked to the fingerprints of the card holder. A
30 person who obtained a firearms purchaser identification card prior
31 to the effective date of P.L.2022, c.58 shall not be required to
32 obtain a firearms purchaser identification card that displays a color
33 photograph and is electronically linked to fingerprints. The
34 superintendent shall establish guidelines as necessary to effectuate
35 the issuance of firearms purchaser identification cards that display a
36 color photograph and which are electronically linked to the
37 fingerprints of the card holder.

38 The requirements of this subsection concerning firearms
39 purchaser identification cards issued following the effective date of
40 P.L.2022, c.58 shall remain inoperative until such time as the
41 superintendent establishes a system to produce cards that comply
42 with this requirement and, until such time, applicants issued a
43 firearms purchaser identification card shall be provided with cards
44 that do not conform to the requirements of this section, which shall
45 be afforded full force and effect until such time as the system is
46 established and a compliant card is issued in accordance with this
47 subsection. An applicant issued a non-compliant firearms purchaser
48 identification card shall obtain a card, at no cost to the applicant,

1 which conforms to the requirements of this section no later than one
2 year after receiving notice that the system to produce cards that
3 comply with this requirement is operational.

4 If an application for a permit or identification card is denied, the
5 applicant shall be provided with a written statement of the reasons
6 for the denial. Any person aggrieved by the denial of a permit or
7 identification card may request a hearing in the Superior Court of
8 the county in which the person resides if the person is a resident of
9 New Jersey or in the Superior Court of the county in which the
10 person's application was filed if the person is a nonresident. The
11 request for a hearing shall be made in writing within 30 days of the
12 denial of the application for a permit or identification card. The
13 applicant shall serve a copy of the request for a hearing upon the
14 chief police officer of the municipality in which the person resides
15 or the county sheriff of the county in which he resides, as the case
16 may be, if the person is a resident of New Jersey, and upon the
17 superintendent in all cases. The hearing shall be held and a record
18 made thereof within 60 days of the receipt of the application for a
19 hearing by the judge of the Superior Court. No formal pleading and
20 no filing fee shall be required as a preliminary to a hearing.
21 Appeals from the results of a hearing shall be in accordance with
22 law.

23 The Administrative Director of the Courts shall coordinate with
24 the superintendent in the development of an electronic filing system
25 to receive requests for hearings and serve the chief police officer,
26 the county sheriff, and superintendent as required in this section.

27 e. Applications. Applications for permits to purchase a
28 handgun and for firearms purchaser identification cards shall be in
29 the form prescribed by the superintendent and shall set forth the
30 name, residence, place of business, age, date of birth, occupation,
31 sex, any aliases or other names previously used by the applicant,
32 gender, and physical description, including distinguishing physical
33 characteristics, if any, of the applicant, and shall state whether the
34 applicant is a citizen, whether the applicant has a substance use
35 disorder, whether the applicant has ever been confined or
36 committed to a mental institution or hospital for treatment or
37 observation of a mental or psychiatric condition on a temporary,
38 interim or permanent basis, giving the name and location of the
39 institution or hospital and the dates of confinement or commitment,
40 whether the applicant has been attended, treated or observed by any
41 doctor or psychiatrist or at any hospital or mental institution on an
42 inpatient or outpatient basis for any mental or psychiatric condition,
43 giving the name and location of the doctor, psychiatrist, hospital or
44 institution and the dates of the occurrence, whether the applicant
45 presently or ever has been a member of any organization which
46 advocates or approves the commission of acts of force and violence
47 to overthrow the Government of the United States or of this State,
48 or which seeks to deny others their rights under the Constitution of

1 either the United States or the State of New Jersey, whether the
2 applicant has ever been convicted of a crime or disorderly persons
3 offense in this State or felony or misdemeanor in any other state or
4 federal jurisdiction, whether the applicant is subject to a restraining
5 order issued pursuant to the "Prevention of Domestic Violence Act
6 of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or an order entered
7 under the provisions of a substantially similar statute under the laws
8 of another jurisdiction prohibiting the applicant from possessing
9 any firearm, whether the applicant is subject to a protective order
10 issued pursuant to the "Victim's Assistance and Survivor Protection
11 Act," P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under
12 the provisions of a substantially similar statute under the laws of
13 another jurisdiction, whether the applicant is subject to a protective
14 order issued pursuant to the "Extreme Risk Protective Order Act of
15 2018," P.L.2018, c.35 (C.2C:58-20 et al.), whether the applicant is
16 subject to a protective order issued pursuant to P.L.2021, c.327
17 (C.2C:12-14 et al.) prohibiting the applicant from possessing any
18 firearm, and other information as the superintendent shall deem
19 necessary for the proper enforcement of this chapter. For the
20 purpose of complying with this subsection, the applicant shall
21 waive any statutory or other right of confidentiality relating to
22 institutional confinement. The application shall be signed by the
23 applicant and shall contain as references the names and addresses of
24 two reputable citizens personally acquainted with the applicant.

25 An applicant for a permit to purchase a handgun shall also
26 certify, with respect to each handgun listed on the form, whether the
27 applicant is purchasing the handgun on the applicant's own behalf
28 or, if not, that the purchase is being made on behalf of a third party
29 to whom the applicant may lawfully transfer the handgun.

30 Application blanks shall be obtainable from the superintendent,
31 from any other officer authorized to grant a permit or identification
32 card, and from licensed retail dealers, or shall be made available
33 through an online process established or made available by the
34 superintendent.

35 The chief police officer, county sheriff or the superintendent
36 shall obtain the fingerprints of the applicant and shall have them
37 compared with any and all records of fingerprints in the
38 municipality and county in which the applicant resides and also the
39 records of the State Bureau of Identification and the Federal Bureau
40 of Investigation, provided that an applicant for a handgun purchase
41 permit who possesses a valid firearms purchaser identification card,
42 or who has previously obtained a handgun purchase permit from the
43 same licensing authority for which the applicant was previously
44 fingerprinted, and who provides other reasonably satisfactory proof
45 of the applicant's identity, need not be fingerprinted again; however,
46 the chief police officer, the county sheriff, or the superintendent
47 shall proceed to investigate the application to determine whether or

1 not the applicant has become subject to any of the disabilities set
2 forth in this chapter.

3 f. Granting of permit or identification card; fee; term; renewal;
4 revocation. The application for the permit to purchase a handgun
5 together with a fee of \$25, or the application for the firearms
6 purchaser identification card together with a fee of \$50, shall be
7 delivered or forwarded to the licensing authority who, upon
8 determining that the application is complete, shall investigate the
9 same and, provided the requirements of this section are met, shall
10 grant the permit or the identification card, or both, if application has
11 been made therefor, within 30 days from the date of receipt of the
12 completed application for residents of this State and within 45 days
13 for nonresident applicants. A permit to purchase a handgun shall be
14 valid for a period of 90 days from the date of issuance and may be
15 renewed by the issuing authority for good cause for an additional 90
16 days. A firearms purchaser identification card issued or renewed
17 after the effective date of P.L.2022, c.58 shall expire during the
18 10th calendar year following its date of issuance and on the same
19 calendar day as the person's date of birth.

20 If the date of birth of the firearms purchaser identification card
21 holder does not correspond to a calendar day of the 10th calendar
22 year, the card shall expire on the last day of the birth month of the
23 card holder.

24 A firearms purchaser identification card issued pursuant to this
25 section may be renewed upon filing of a renewal application and
26 payment of the required fee, provided that the holder is not subject
27 to any of the disabilities set forth in subsection c. of this section and
28 complies with all other applicable requirements as set forth in
29 statute and regulation. If an application for renewal of a firearms
30 purchaser identification card is denied, the applicant shall be
31 provided with a written statement of the reasons for the denial. Any
32 person aggrieved by the denial of an application for renewal of a
33 firearms purchaser identification card may request a hearing in the
34 Superior Court of the county in which the person resides if the
35 person is a resident of New Jersey or in the Superior Court of the
36 county in which the person's application was filed if the person is a
37 nonresident. The request for a hearing shall be made in writing
38 within 30 days of the denial of the application for renewal of the
39 firearms purchaser identification card. The applicant shall serve a
40 copy of the request for a hearing upon the chief police officer or
41 county sheriff of the municipality or county in which the applicant
42 resides, if the person is a resident of New Jersey, and upon the
43 superintendent in all cases. The hearing shall be held and a record
44 made thereof within 60 days of the receipt of the application for a
45 hearing by the judge of the Superior Court. A formal pleading and
46 filing fee shall not be required as a preliminary to a hearing.
47 Appeals from the results of a hearing shall be in accordance with
48 law.

1 The Administrative Director of the Courts shall coordinate with
2 the superintendent in the development of an electronic filing system
3 to receive requests for hearings and serve the chief police officer,
4 county sheriff, and superintendent as required in this section.

5 A firearms purchaser identification card issued prior to the
6 effective date of P.L.2022, c.58 shall not expire.

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

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

25 g. Disposition of fees. All fees for permits shall be paid to the
26 State Treasury for deposit into the Victims of Crime Compensation
27 Office account if the permit is issued by the superintendent, to the
28 municipality if issued by the chief police officer, and to the county
29 treasurer if issued by the judge of the Superior Court or county
30 sheriff.

31 h. Form of permit; establishment of a web portal; disposition of
32 the completed information. (1) Except as otherwise provided in
33 paragraph (2) of this subsection, the permit shall be in the form
34 prescribed by the superintendent and shall be issued to the applicant
35 electronically through e-mail or the web portal established or
36 designated for this purpose by the superintendent or in such form or
37 manner as may be authorized by the superintendent. Prior to the
38 time the applicant receives the handgun from the seller, the
39 applicant shall provide to the seller an acknowledgement of the
40 permit in the form required under the process established by the
41 superintendent, and the seller shall complete all of the information
42 required on the web portal. This information shall be forwarded to
43 the superintendent through the web portal, or in such other manner
44 as may be authorized by the superintendent, and to the chief police
45 officer of the municipality in which the purchaser resides or county
46 sheriff of the county in which the purchaser resides, except that in a
47 municipality having no chief police officer or county sheriff, the
48 information shall be forwarded to the superintendent. The

1 purchaser shall retain a copy of the completed information and the
2 seller shall retain a copy of the completed information as a
3 permanent record.

4 A transfer of a handgun between or among immediate family
5 members, law enforcement officers, or collectors of firearms or
6 ammunition as curios or relics shall be conducted via the web portal
7 established or designated by the superintendent, which shall include
8 among other things a certification that the seller and purchaser are
9 in fact immediate family members, law enforcement officers, or
10 collectors of firearms or ammunition as curios or relics.

11 (2) The requirements of this subsection concerning the delivery
12 and form of permit and disposition of copies shall not be applicable
13 when these functions may be completed by utilizing an electronic
14 system as described in paragraph (2) of subsection b. of
15 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

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

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

23 (2) a collector of handguns as curios or relics as defined in Title
24 18, United States Code, section 921 (a) (13) who has in the
25 collector's possession a valid Collector of Curios and Relics License
26 issued by the federal Bureau of Alcohol, Tobacco, Firearms and
27 Explosives;

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

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

32 (5) any transaction where the person has purchased a handgun
33 from a licensed retail dealer and has returned that handgun to the
34 dealer in exchange for another handgun within 30 days of the
35 original transaction, provided the retail dealer reports the exchange
36 transaction to the superintendent; or

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

40 The provisions of this subsection shall not be construed to afford
41 or authorize any other exemption from the regulatory provisions
42 governing firearms set forth in chapter 39 and chapter 58 of Title
43 2C of the New Jersey Statutes;

44 A person shall not be restricted as to the number of rifles or
45 shotguns the person may purchase, provided the person possesses a
46 valid firearms purchaser identification card and provided further
47 that the person signs the certification required in subsection b. of
48 this section for each transaction.

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

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

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

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

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

41 o. Registration of handguns owned by new residents. Any
42 person who becomes a resident of this State following the effective
43 date of P.L.2022, c.52 and who transports into this State a firearm
44 that the person owned or acquired while residing in another state
45 shall apply for a firearms purchaser identification card within 60
46 days of becoming a New Jersey resident, and shall register any
47 handgun so transported into this State within 60 days as provided in
48 this subsection.

1 A person who registers a handgun pursuant to this subsection
2 shall complete a registration statement, which shall be in a form
3 prescribed by the superintendent. The information provided in the
4 registration statement shall include, but shall not be limited to, the
5 name and address of the person and the make, model, and serial
6 number of the handgun being registered. Each registration
7 statement shall be signed by the person, and the signature shall
8 constitute a representation of the accuracy of the information
9 contained in the registration statement.

10 The registration statement shall be submitted to the law
11 enforcement agency of the municipality in which the person resides
12 or, if the municipality does not have a municipal law enforcement
13 agency, any State Police station.

14 Within 60 days prior to the effective date of P.L.2022, c.52, the
15 superintendent shall prepare the form of registration statement as
16 described in this subsection and shall provide a suitable supply of
17 statements to each organized full-time municipal police department
18 and each State Police station.

19 A person who fails to apply for a firearms purchaser
20 identification card or register a handgun as required pursuant to this
21 subsection shall be granted 30 days to comply with the provisions
22 of this subsection. If the person does not comply within 30 days,
23 the person shall be liable to a civil penalty of \$250 for a first
24 offense and shall be guilty of a disorderly persons offense for a
25 second or subsequent offense.

26 If a person is in possession of multiple firearms or handguns in
27 violation of this subsection, the person shall be guilty of one
28 offense under this subsection provided the violation is a single
29 event.

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

37 p. A chief police officer, county sheriff, or the superintendent
38 may delegate to subordinate officers or employees of the law
39 enforcement agency the responsibilities established pursuant to this
40 section.

41 (cf: P.L.2023, c.177, s.11)

42

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

44 2C:58-4. a. Scope and duration of authority. Any person who
45 holds a valid permit to carry a handgun issued pursuant to this
46 section shall be authorized to carry a handgun in a holster concealed
47 on their person in all parts of this State, except as prohibited by

1 subsection e. of N.J.S.2C:39-5 and section 7 of P.L.2022, c.131
2 (C.2C:58-4.6). One permit shall be sufficient for all handguns
3 owned by the holder thereof, but the permit shall apply only to a
4 handgun carried by the actual and legal holder of the permit and,
5 except as otherwise provided in subsection b. of section 6 of
6 P.L.2022, c.131 (C.2C:58-4.5), shall not be construed to authorize a
7 holder to carry a handgun openly, provided that a brief, incidental
8 exposure of a handgun while transferring it to or from a holster or
9 due to the shifting of the person's body position or clothing shall be
10 deemed a de minimis infraction within the contemplation of
11 N.J.S.2C:2-11.

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

19 b. Application forms. All applications for permits to carry
20 handguns, and all applications for renewal of permits, shall be made
21 on the forms and in the manner prescribed by the superintendent.
22 Each application shall set forth the full name, date of birth, sex,
23 residence, occupation, place of business or employment, any aliases
24 or other names previously used by the applicant, and physical
25 description of the applicant, and any other information the
26 superintendent may prescribe for the determination of the
27 applicant's eligibility for a permit and for the proper enforcement of
28 this chapter. The application shall be signed by the applicant under
29 oath, and shall be endorsed by not less than four reputable persons
30 who are not related by blood or by law to the applicant and have
31 known the applicant for at least three years preceding the date of
32 application, and who shall certify thereon that the applicant has not
33 engaged in any acts or made any statements that suggest the
34 applicant is likely to engage in conduct, other than lawful self-
35 defense, that would pose a danger to the applicant or others. The
36 reputable persons also shall provide relevant information supporting
37 the certification, including the nature and extent of their
38 relationship with the applicant and information concerning their
39 knowledge of the applicant's use of drugs or alcohol.

40 c. Investigation and approval. Each application shall be
41 accompanied by a \$200 application fee and shall in the first
42 instance be submitted to the chief police officer of the municipality
43 in which the applicant resides or to the county sheriff of the county
in which the applicant resides, or to the superintendent if: (1) the
44 applicant is an employee of an armored car company; (2) there is no
45 chief police officer in the municipality where the applicant resides;
46 (3) the applicant does not reside in this State; or (4) the applicant is
47 a mayor or other elected member of the municipal governing body.

1 In the case of an application made to the chief police officer of a
2 municipality, \$150 of the fee shall be retained by the municipality
3 and the remaining \$50 shall be forwarded to the superintendent.
4 The fee amount retained by the municipality shall be used to defray
5 the costs of investigation, administration, and processing of the
6 permit to carry handgun applications. Application fees made to the
7 superintendent shall be deposited into the Victims of Crime
8 Compensation Office account.

9 The chief police officer, the county sheriff or the superintendent,
10 as the case may be, shall determine whether the application is
11 complete and, if so, shall cause the fingerprints of the applicant to
12 be taken and compared with any and all records maintained by the
13 municipality, the county in which it is located, the State Bureau of
14 Identification and the Federal Bureau of Identification or, for an
15 applicant who previously submitted fingerprints in order to apply
16 for a firearms purchaser identification card or a permit to purchase a
17 handgun in accordance with N.J.S.2C:58-3 or a permit to carry a
18 handgun in accordance with this section, may solicit such other
19 identification information as may be authorized by the
20 superintendent for the conduct of a comparable criminal record
21 check. The chief police officer, the county sheriff, or the
22 superintendent, as the case may be, shall also determine and record
23 a complete description of each handgun the applicant intends to
24 carry. The chief police officer, the county sheriff, or the
25 superintendent, as the case may be, shall interview the applicant and
26 the persons endorsing the application under subsection b. of this
27 section, and shall make inquiry concerning, and investigate to the
28 extent warranted, whether the applicant is likely to engage in
29 conduct that would result in harm to the applicant or others,
30 including, but not limited to, whether the applicant has any history
31 of threats or acts of violence by the applicant directed toward self or
32 others or any history of use, attempted use, or threatened use of
33 physical force by the applicant against another person, or other
34 incidents implicating the disqualifying criteria set forth in
35 subsection c. of N.J.S.2C:58-3, including but not limited to
36 determining whether the applicant has been subject to any recent
37 arrests or criminal charges for disqualifying crimes or has been
38 experiencing any mental health issues such as suicidal ideation or
39 violent impulses, and the applicant's use of drugs or alcohol.

40 The chief police officer, the county sheriff, or the superintendent
41 may require such other information from the applicant or any other
42 person, including but not limited to publicly available statements
43 posted or published online by the applicant, as the chief police
44 officer or superintendent deems reasonably necessary to conduct the
45 review of the application.

46 An application shall not be approved by the chief police officer,
47 the county sheriff or the superintendent unless the applicant
48 demonstrates that the applicant is not subject to any of the

1 disabilities set forth in subsection c. of N.J.S.2C:58-3, that the
2 applicant is thoroughly familiar with the safe handling and use of
3 handguns, including providing proof of completion of any training
4 or proficiency requirements established under the law, and that the
5 applicant is in compliance with the liability insurance requirement
6 of section 4 of P.L.2022, c.131 (C.2C:58-4.3).

7 Once the application is deemed complete by the chief police
8 officer, the county sheriff, or the superintendent, if it is not
9 approved or denied by the chief police officer, the county sheriff, or
10 the superintendent within 90 days of filing, it shall be deemed to
11 have been approved; provided, however, the chief police officer or
12 the superintendent may, for good cause shown and upon written
13 notification to the applicant, extend by up to an additional 30 days
14 the time period for which the application may be approved or
15 denied. The written notification sent to the applicant shall provide
16 a detailed explanation of the reasons for the extension. An
17 applicant also may agree in writing to an additional extension of
18 time past the 120 day statutory time frame.

19 A chief police officer, county sheriff, or the superintendent may
20 delegate to subordinate officers or employees of the law
21 enforcement agency the responsibilities established pursuant to this
22 section.

23 d. Issuance of permit; establishment of web portal; disposition
24 of completed information. If the application has been approved by
25 the chief police officer, the county sheriff, or the superintendent, as
26 the case may be, the chief police officer, the county sheriff, or the
27 superintendent shall issue the permit to the applicant in the form
28 prescribed by the superintendent.

29 The permit shall be issued to the applicant electronically through
30 electronic mail or through the web portal established or designated
31 for this purpose by the superintendent, or in such form or manner as
32 may be authorized by the superintendent, if, but only if, the chief
33 police officer, the county sheriff, or superintendent determines that
34 the applicant:

35 (1) has not engaged in any acts or made any statements that
36 suggest the applicant is likely to engage in conduct, other than
37 lawful self-defense, that would pose a danger to the applicant or
38 others and is not subject to any of the disabilities set forth in
39 subsection c. of N.J.S.2C:58-3;

40 (2) is thoroughly familiar with the safe handling and use of
41 handguns;

42 (3) has completed the training requirements established pursuant
43 to subsection g. of this section, provided that any requirement for
44 classroom instruction and target training shall not be required for a
45 renewal applicant who completed the instruction and training when
46 obtaining a permit to carry a handgun issued within the previous
47 two years; and

1 (4) is in compliance with the liability insurance requirement of
2 section 4 of P.L.2022, c.131 (C.2C:58-4.3).

3 The provisions of this section requiring the issuance of a permit
4 to carry a handgun utilizing the web portal established pursuant to
5 this subsection and requiring the superintendent or chief police
6 officer to determine that an applicant has completed the training
7 requirement pursuant to subsection c. of this section and paragraph
8 (3) of this subsection and is in compliance with the liability
9 insurance requirements pursuant to subsection c. of this section and
10 paragraph (4) of this subsection shall remain inoperative until the
11 first day of the seventh month next following the date of enactment
12 of P.L.2022, c.131 (C.2C:58-4.2 et al.).

13 e. Appeals from denial of applications. An applicant who is
14 denied a permit to carry a handgun shall be provided with a written
15 statement of the reasons for the denial. Any applicant aggrieved by
16 the denial by the chief police officer, the county sheriff, or the
17 superintendent of approval for a permit to carry a handgun may
18 request a hearing in the Superior Court of the county in which the
19 applicant resides or in any county in which the applicant intends to
20 carry a handgun, in the case of a nonresident, by filing a written
21 request for a hearing within 30 days of the denial. The aggrieved
22 applicant shall serve copies of the request upon the superintendent,
23 the county prosecutor, and the chief police officer of the
24 municipality where the applicant resides, if the applicant is a
25 resident of this State. The hearing shall be held within 60 days of
26 the filing of the request, and no formal pleading or filing fee shall
27 be required. Appeals from the determination at the hearing shall be
28 in accordance with law and the rules governing the courts of this
29 State.

30 The Administrative Director of the Courts shall coordinate with
31 the superintendent in the development of an electronic filing system
32 to receive requests for hearings and serve the chief police officer
33 and superintendent as required in this section.

34 f. Revocation of permits. Any permit issued under this section
35 shall be void at the time the holder thereof becomes subject to any
36 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
37 the holder of a void permit shall immediately surrender the permit
38 to the superintendent who shall give notice to the licensing
39 authority. Any permit may be revoked by the Superior Court, after
40 hearing upon notice to the holder, if the court finds that the holder
41 is no longer qualified for the issuance of a permit. The county
42 prosecutor of any county, the chief police officer of any
43 municipality, the superintendent, or any citizen may apply to the
44 court at any time for the revocation of any permit issued pursuant to
45 this section.

46 g. Training requirement. (1) On or prior to the first day of the
47 seventh month following the enactment of P.L.2022, c.131
48 (C.2C:58-4.2 et al.), the superintendent shall establish training

1 requirements in the lawful and safe handling and storage of
2 firearms, which shall consist of an online course of instruction, in-
3 person classroom instruction, and target training administered by a
4 certified firearm instructor on a firing range approved by the
5 superintendent and on the list of approved ranges published on the
6 State Police website. The training shall include, but not be limited
7 to, demonstration of a level of proficiency in the use of a handgun
8 in such manner as required by the superintendent and training,
9 developed or approved in conjunction with the Police Training
10 Commission, on justification in the use of deadly force under State
11 law.

12 (2) A person who obtained a permit pursuant to this section prior
13 to the first day of the seventh month following the date of
14 enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) and which permit
15 is not scheduled to expire until at least one year following the
16 enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.) shall comply with
17 the training requirement established pursuant to this subsection no
18 later than the first day of the tenth month following the date of
19 enactment of P.L.2022, c.131 (C.2C:58-4.2 et al.).

20 h. For purposes of this section, "holster" means a device or
21 sheath that securely retains a handgun which, at a minimum,
22 conceals and protects the main body of the firearm, maintains the
23 firearm in a consistent and accessible position, and renders the
24 trigger covered and inaccessible while the handgun is fully seated in
25 the holster.

26 (cf: P.L.2022, c.131, s.3)

27

28 3. This act shall take effect on the first day of the fourth month
29 next following enactment.

30

31

32 STATEMENT

33

34 This bill provides county sheriffs with the authority to issue
35 firearms purchaser identification cards and permits to purchase
36 handguns, and provides them with authority to accept applications
37 for permits to carry handguns.

38 Under current law, a State resident applying for a firearms
39 purchaser identification card or a permit to purchase a handgun
40 must make such application to the chief law enforcement officer of
41 an organized full-time police department of the municipality where
42 the applicant resides or the Superintendent of State Police if the
43 municipality does not have a full-time police force. Out-of-State
44 residents must make application to the superintendent. The chief
45 law enforcement officer, or superintendent, as the case may be, is
46 tasked with taking fingerprints and initiating a criminal history
47 records check on the applicant. Upon completion of the
48 background investigation, the applicant is issued the identification

1 card or permit by the chief law enforcement officer or
2 superintendent. Under the provisions of this bill, county sheriffs
3 are granted the same authority for State residents.

4 In the instance of an application for a permit to carry a handgun,
5 the initial application process is similar under current law. An
6 applicant must make application to the chief law enforcement
7 officer of an organized full-time police department of the
8 municipality where the applicant resides or the Superintendent of
9 State Police if the municipality does not have a full-time police
10 force. Out-of-State residents and employees of armored trucks must
11 make application to the superintendent. Upon approval of the
12 application by the chief law enforcement officer, or superintendent,
13 the Superior Court issues the permit. The bill provides county
14 sheriffs with the authority to accept, investigate and approve or
15 deny permit to carry applications for State residents.