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Senators Pou, Beach, Gordon and Assemblyman Conaway

SYNOPSIS
Revises statutes concerning firearms purchaser identification cards and handgun purchase permits; makes handgun purchase permit valid for four years.

CURRENT VERSION OF TEXT
As amended by the General Assembly on June 20, 2013.
AN ACT concerning firearms and amending and supplementing various parts of the statutory law.

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

1. (New section) a. As used in this act, “firearms purchaser identifier” shall mean either:
   (1) A driver’s license issued to a resident of this State pursuant to R.S.39:3-10, a probationary driver’s license issued to a resident of this State pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4), or, in the case of a person who is not the holder of such a driver’s license or probationary driver’s license, an identification card issued to a resident of this State pursuant to the “Identification Cards for Nondrivers’ Act,” P.L.1980, c.347 (C.39:3-29.2 et seq.) embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun; or
   (2) A secure firearms purchaser identification card displaying a digitalized color picture of the holder. The card shall be of a form and design, and display such information as the superintendent shall deem appropriate, and shall be embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun.
   b. On or before the first day of the seven month following enactment, the Attorney General, after consultation with the superintendent, shall determine which documentation, be it the licenses and cards set forth in paragraph (1) of subsection a. of this section, or the card set forth in paragraph (2) of subsection a. of this section, shall serve as the firearms purchaser identifier for this State.
   c. Upon making that determination, the Attorney General shall notify the Governor and the Legislature and, as hereinafter provided, shall proceed to effectuate the operational implementation of that determination.

2. (New Section) Sections 3 through 6 of this act shall apply if the Attorney General shall determine to utilize a driver’s license, provisional driver’s license, or State issued identification card to serve as the firearms purchaser identifier for this State.

3. (New section) a. Beginning on the first day of the 25th month following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), every firearms purchaser identification card issued to a resident of this State and

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

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
1 Senate floor amendments adopted May 13, 2013.
2 Assembly ABU committee amendments adopted June 17, 2013.
3 Assembly floor amendments adopted June 20, 2013.
every permit to purchase a handgun shall be affirmed as embedded information on that resident’s driver’s license issued pursuant to R.S.39:3-10.

A resident 18 years of age or older who has been issued a firearms purchaser identification card and who is the holder of a probationary driver’s license issued pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4) shall have the issuance of that card affirmed as embedded information on that probationary driver’s license.

A resident who has been issued a firearms purchaser identification card or a permit to purchase a handgun, but who is not the holder of a New Jersey driver’s license or a [provisional] probationary license shall have the issuance of that card or permit affirmed as information embedded on that resident’s identification card issued pursuant to the “Identification Cards for Nondrivers’ Act,” P.L.1980, c.47 (C.39:3-29.2 et seq.).

b. The embedded information shall include such data as the superintendent and State law require.

The Chief Administrator of the New Jersey Motor Vehicle Commission shall provide for the use of a process or processes in the construction, preparation, and placement of the embedded information to prevent, to the greatest extent possible, the alteration, counterfeiting, forging, or other modification of the information so embedded in the cardholder or permit holder’s driver’s license or identification card.

The chief administrator shall provide that a driver’s license or identification card containing embedded information concerning whether the person is a holder of a firearms purchaser identification card or a permit to purchase a handgun, to the greatest extent possible, shall be indistinguishable from a driver’s license or identification card that does not contain such embedded information.

c. The superintendent and the chief administrator shall ensure that the firearms database and the motor vehicle and driving records databases are distinct and separate entities, and that they are housed separately, the firearm records database by the superintendent and the motor vehicle and driving records by the chief administrator.

The superintendent and the chief administrator, after consultation, shall adopt protocols governing the access procedures and guidelines for these databases by law enforcement.

Non-law enforcement entities entitled or otherwise lawfully afforded access to motor vehicle and driving records shall not be authorized or permitted access to the firearms database, or to any information therein.

d. The superintendent shall ensure that a driver’s license or identification card embedded with information affirming the holder is qualified and eligible to purchase and receive a rifle, shotgun, or handgun:
(1) can be and is rendered operationally disabled for the purposes of purchasing or receiving a firearm if the holder becomes subject to any of the disabilities set forth in subsection c. N.J.S.2C:58-3; and

(2) can effectuate the purposes of paragraph (7) of subsection a. of N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning restrictions on the number of handguns a person may purchase within any 30-day period.

4. (New section) a. Unless the holder shall otherwise become subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, a firearms purchaser identification card issued prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) shall remain valid until the first renewal of the holder’s driver’s license or identification card occurring after the first day of the 25th month following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. As part of the application for a renewal of a resident’s driver’s license or identification card after that date, applicants shall be notified that they may request to have information affirming that they are the holder of a firearms purchaser identification card, a permit to purchase a handgun, or both, embedded in their driver’s license or identification card, as the case may be.

c. The application to have that information embedded shall provide that the issuing authority for the applicant’s firearms purchaser identification card or permit to purchase a handgun, be it the chief law enforcement officer of the municipality wherein the applicant resides or the superintendent, as the case may be, shall conduct a criminal history background check and such other investigations as are required under the provisions of N.J.S.2C:58-3 to ensure that the applicant is not disqualified from having an affirmation of his being the holder of a firearms purchaser identification card, a permit to purchase a handgun, or both embedded in his driver’s license or identification card. Any applicant aggrieved by a denial may request a hearing in the Superior Court of the county in which he resides, as provided in subsection d. of N.J.S.2C:58-3.

d. The issuing authority shall notify the chief administrator, in a manner and form prescribed by the superintendent, whether the applicant is qualified for a firearms purchaser identification card, a permit to purchase a handgun, or both identification card with the appropriate information embedded therein.

e. (1) A firearms purchaser identification card shall remain valid, and the affirmation of that fact shall be embedded on a holder’s driver’s license or identification card, and each
replacement or renewal thereof, until that person becomes disqualified under the provisions of N.J.S.2C:58-3.

(2) An embedded permit to purchase a handgun shall remain valid until the holder’s driver’s license or identification card, as the case may be, expires. At that time, the holder may apply to the issuing authority for a renewal. The issuing authority shall investigate to determine whether the applicant is still qualified for a permit to purchase a handgun. The investigation shall include a criminal background check and other investigations required under N.J.S.2C:58-3, or any portion of those requirements.

The issuing authority shall notify the chief administrator whether an applicant is eligible to have an affirmation that he is the holder of a permit to purchase a handgun embedded in his new driver’s license or identification card.

The chief administrator shall issue driver’s licenses and identification cards in accordance with the determinations of the applicant’s issuing authority.

f. Nothing in this section shall be construed to alter in any manner:

(1) the regulatory provisions of N.J.S.2C:58-3 governing the qualifications or eligibility for the issuance of a firearms purchaser identification card or permit to purchase a handgun;

(2) the purposes of paragraph (7) of subsection a. of N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning restrictions on the number of handguns a person may purchase within any 30 day period;

(3) the issuance of firearms purchaser identification cards or permits to purchase a handgun to non-residents of this State;

(4) the initial issuance of firearms purchaser identification cards and any permits to purchase a handgun to residents seeking to purchase a rifle, shotgun, or handgun, as the case may be, but who at the time of their application for a firearms purchaser identification card or permit to purchase a handgun are the holder of a valid driver’s license or identification card that is not embedded with information affirming that they are qualified and eligible to purchase a rifle, shotgun, or handgun. Such paper cards and permits shall be issued and shall be valid only until the holder’s driver’s license or identification card is first subject to renewal; or

(5) any of the reporting and record keeping requirements imposed on retail dealers pursuant to N.J.S.2C:58-2.

5. (New section) Beginning on the first day of the 73rd month following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), no retail dealer shall sell, assign, or transfer any rifle, shotgun, or handgun to a resident of this State who does not present at the time of the sale, assignment, or transfer, a valid New Jersey driver’s license or identification card that is embedded with information affirming that the holder of that driver’s
license or identification card is qualified and eligible to purchase or receive such a rifle, shotgun, or handgun.

6. (New section) The suspension or revocation of a driver’s license embedded with information affirming that the holder is qualified and eligible to purchase or receive a firearm may not result in the forfeiture of that licensee’s right to purchase or receive a firearm during the period of that license suspension or revocation, if, upon appeal and review, the superintendent finds that the offense leading to the suspension would not disqualify the holder from purchasing or receiving a firearm.

The superintendent shall adopt regulations to effectuate the purposes of this section. Those regulations may provide the issuance of a temporary firearms purchaser identification card or permit to purchase a handgun.

7. (New section) Sections 8 through 10 of this act shall apply if the Attorney General shall determine to utilize a secure firearms purchaser identification card displaying a digitalized color picture of the holder to serve as the firearms purchaser identifier for this State.

8. (New section) a. In addition to the requirements for the form and content of a firearms purchaser identification card issued pursuant to N.J.S.2C:58-3, after the effective date of this act each newly issued or renewed firearms purchaser identification card shall display a digitalized color picture of the card holder.

b. The superintendent shall provide for the use of a process or processes in the construction, manufacture or preparation of firearms purchaser identification cards which display a digitalized color picture of the card holder that prevent, to the greatest extent possible, the alteration, duplication, counterfeiting, photographing, forging or other modification of the card and prevent the superimposition of a picture other than the authorized original on the card.

The digitalized color picture displayed on a person’s firearms purchaser identification card shall be obtained in a manner and at a location prescribed by the superintendent.

c. The card shall be embedded with information indicating whether the holder is qualified and eligible to purchase and receive a rifle and shotgun, and upon application and approval by the issuing authority, information indicating whether the holder is qualified and eligible to purchase and receive a handgun. The application shall be in a manner and form prescribed by the superintendent.

d. Nothing in this section shall be construed to invalidate a firearms purchaser identification card issued prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as
this bill) unless that firearms purchaser identification is expired and void pursuant to section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill) and the card holder has not obtained a firearms purchaser identification card that displays a digitalized color picture of the applicant, or that the card holder has otherwise become subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3.

e. The superintendent shall ensure that a firearms purchaser identifier:

(1) can be, and is rendered operationally disabled for the purposes of purchasing or receiving a firearm if the holder becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3; and

(2) can effectuate the purposes of P.L.2009, c.104, concerning restrictions on the number of handguns a person may purchase within any 30-day period.

9. (New section) a. When a person applies for a firearms purchaser identification card, or renews a firearms purchaser identification card, or a permit to purchase a handgun pursuant to N.J.S.2C:58-3 and section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill), the chief law enforcement officer of the municipality wherein the applicant resides, or the superintendent if the applicant’s municipality of residence has no chief law enforcement officer, shall conduct a criminal history record background check to determine if the applicant is subject to any of the disabilities set forth in N.J.S.2C:58-3 and issue a firearms purchaser identifier embedded with information indicating the holder is qualified and eligible to purchase and receive a rifle, shotgun, or handgun, as the case may be, if the applicant so qualifies.

b. Whenever an applicant who has been issued a firearms purchaser identifier that displays a digitalized color picture of the applicant subsequently has reconstructive or cosmetic surgery which significantly alters the applicant’s facial features, that applicant shall notify the chief law enforcement officer of the municipality wherein the applicant resides, or the superintendent if the applicant’s municipality of residence has no chief law enforcement officer, who may require that the picture of the applicant be updated.

10. (New section) a. The superintendent shall implement a phase-in program that provides for the issuance of firearms purchaser identifiers that display a digitalized color picture to applicants who have obtained a firearms purchaser identification card prior to the effective date of this act which does not meet the requirements set forth pursuant to this act. Under the phase-in program, any firearms purchaser identification card issued prior to
the effective date of this act shall be set to expire on a date fixed by
the superintendent. Prior to the expiration date fixed by the
superintendent, each card holder, and each applicant who wishes to
have information embedded indicating that he is qualified and
eligible to purchase or receive a handgun, shall be required to
submit to a criminal history background check in accordance with
subsection a. of section 9 of P.L. , c. (C. ) (pending before
the Legislature as this bill) and obtain a firearms purchaser
identifier that displays a digitalized color picture of the card holder
and is embedded with the appropriate information.

b. The superintendent shall implement a procedure to notify the
holders of a firearms purchaser identification card issued prior to
the effective date of this act of the date that the card is set to expire
as well as the manner and location at which the card holder may
obtain a firearms purchaser identifier that displays a digitalized
color picture of the card holder and is appropriately embedded.

c. The phase-in program shall begin on the first day of the
seventh month following the effective date of this act, and shall be
completed no later than the first day of the 24th month following
the effective date of this act.

d. A firearms purchaser identifier that displays a digitalized
color picture of the card holder and issued pursuant to this act, shall
be valid for a period of four years, unless the holder shall otherwise
become subject to any of the disabilities set forth in subsection c. of
N.J.S.2C:58-3. A firearms purchaser identifier issued pursuant to
this section shall expire on the last day of the 48th calendar month
following the calendar month in which it was issued, at which time
the firearms purchaser identifier may be renewed in the same
manner and under the same conditions that applied to original
applications required under this act and N.J.S.2C:58-3.

11. (New section) The superintendent shall develop and
implement a public education program to notify the holders of
firearms purchaser identification cards and permits to purchase a
handgun, and prospective applicants for such cards or permits, of
the provisions of this act.

12. (New section) a. Not later than the first day of the 25th
month following the effective date of this act, the Attorney General
shall develop and implement a system that allows a retail dealer of
firearms to instantly determine, through the use of the information
embedded in a prospective firearms purchaser’s firearms purchaser
identifier, whether that purchaser is qualified and eligible to
purchase a firearm.

b. On and after the first day of the 73rd month following the
effective date of P.L. , c. (C. ) (pending before the
Legislature as this bill), and except as otherwise provided in
paragraph (4) of subsection f. of section 4 of this act concerning the
issuance of initial firearms purchaser identification cards and, if appropriate, permits to purchase a handgun in certain cases, as herein provided, no retail dealer of firearms or agent or employee of a retail dealer of firearms shall sell, transfer, or assign any firearm to a resident of this State whose firearms purchaser identifier is not embedded with the information required under the provisions of this act and that dealer or agent utilizes the system established pursuant to subsection a. of this section to ensure that the purchaser is qualified and eligible to purchase or receive the firearm. The system shall affirm that the purchaser is qualified and eligible to purchase or receive the firearm by authorizing the dealer or agent to proceed with the sale or transfer. If the system affirms that the purchaser is not qualified and eligible to purchase or receive the firearm, it shall notify the dealer or agent that the purchase or transfer of the firearm is denied. If the system is unable to instantly affirm whether a sale or transfer may proceed or shall be denied, it shall notify the dealer or agent to put a hold on the sale or transfer pending further review and investigation. The State shall give priority status to all such reviews and investigations so that a final determination on the pending sale or transfer shall be rendered in a timely fashion.

The system also shall be of a design and with a capacity to facilitate the record keeping and reporting information a dealer is required to perform concerning firearms transactions under N.J.S.2C:58-2 and to ensure that the purchaser or transferee is in compliance with the provisions of paragraph (7) of subsection a. of N.J.S.2C:58-2 and subsection i. of N.J.S.2C:58-3, concerning limitations on the number of handguns that may be lawfully purchased within a 30 day period.

c. Between the first day of the 25th month and the first day of the 73rd month following the effective date of this act, the superintendent shall test and evaluate the system developed by the Attorney General to facilitate firearms sales, transfers, and assignments by instantly determining whether a prospective purchaser or assignee is qualified and eligible to purchase or receive a firearm. The superintendent shall select, and over time expand, the number of the retail licensees to participate in the test.

If, after 36 months of testing, the superintendent determines that the system is seriously flawed and is incapable of reliably facilitating lawful firearms sales, transfers, and assignments, the superintendent shall so report to the Governor and the Legislature recommending that the provisions of section 1[4] 102 of P.L. , c. (C. ) (pending before the Legislature of this bill) and subsection b. of this section be postponed until such time as the Attorney General and the superintendent shall determine that the system is fully operational and capable of reliably facilitating lawful firearms sales, transfers, and assignments for the residents of this State.
13. (New section) a. On and after the effective date of P.L. , an
applicant shall not be issued his initial permit to purchase a
handgun or his first firearms purchaser identification card unless the
applicant presents evidence of successfully completing a firearms
safety class or course of a type approved by the superintendent or
has received such training through law enforcement or military
service. Acceptable evidence of successfully completing a firearms
safety class or course shall include, but not be limited to, a
certificate indicating satisfactory completion of \[\text{an NRA}\] a
National Rifle Association\[\text{National Rifle Association}\] firearms course, a certificate that the
applicant is a certified \[\text{NRA}\] National Rifle Association\[\text{National Rifle Association}\] Firearms Instructor, a copy of a firearms or hunting license or
permit from any other jurisdiction that requires the holder to
successfully complete an equivalent firearms safety class or course,
or any other such documentation, certificate, or certification that the
superintendent deems equivalent.

The course or class, which shall be not more than four hours in
total, may be offered by the National Rifle Association, a State or
local law enforcement agency, junior college, college, university,
firearms training school, or any other entity approved by the
superintendent.

The superintendent shall prescribe the basic curriculum for the
firearms safety class or course required under this section.

In developing that curriculum, the superintendent shall consult
with a firearms safety panel which shall consist of four members.
Two of the members shall be appointed by the Senate President;
one shall represent organizations, associations, or clubs promoting
hunting, shooting sports or competitions and one of whom shall
represent organizations, associations, or other entities advocating
gun violence prevention. Two of the members shall be appointed
by the Speaker of the General Assembly; one shall represent
organizations, associations, or clubs promoting hunting, shooting
sports or competitions and one shall represent \[\text{organization}\] organizations\[\text{organizations}\] \[\text{organization}\] \[\text{organization}\] or other entities advocating gun
violence prevention. The superintendent shall serve as chair of the
panel. The panel shall meet at those times and in those places as
the chair shall determine.

The curriculum shall include, but not be limited to, classes
relating to responsible firearms ownership, safe storage, restricting
access to firearms by unsupervised minors, and any other matters
relating to protecting the safety and well being of New Jersey’s
families and children.

The basic curriculum shall be adopted within 60 days of the
appointment of the panel’s members. Should the panel fail to adopt
the basic curriculum within that timeframe, the superintendent shall
act independently in prescribing the provisions of the basic curriculum.

b. The superintendent shall prescribe the form or certificate an applicant shall receive, evidencing the successful completion of the firearms safety course required under this section and the manner in which that form or certificate shall be presented in order to qualify for a permit to purchase a handgun, a firearms purchaser identification card, or the embedding of information affirming that a person is the holder of such a card or permit in his firearms purchaser identifier.

The form or certificate issued pursuant to this subsection shall be valid, and shall be used, for each renewal of the holder’s firearms purchaser identifier and for any application for a firearms purchaser identification card or permit to purchase a handgun. An applicant who has successfully completed a firearms safety class or course pursuant to this subsection shall not be required to repeat that class or course as part of any application for any renewal of a firearms purchaser identifier, firearms purchaser identification card, or permit to purchase a handgun.

14. N.J.S.2C:39-10 is amended to read as follows:

2C:39-10. Violation of the regulatory provisions relating to firearms; false representation in applications.

a. (1) Except as otherwise provided in paragraph (2) of this subsection, any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

(2) A licensed dealer who knowingly violates the provisions of subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2 is a disorderly person.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. (1) Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun,
machine gun, or assault firearm or any other firearm, is guilty of a
crime of the third degree.

(2) Any person who gives or causes to be given any false
information on the form or certificate an applicant receives
evidencing that person’s successful completion of the firearms
safety course required pursuant to section 13 of P.L. 1990, c. (C.)
(pending before the Legislature as this bill) is guilty of a crime of
the third degree.

d. Any person who gives or causes to be given any false
information in registering an assault firearm pursuant to section 11
of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault
firearm was rendered inoperable pursuant to section 12 of P.L.1990,
c.32 (C.2C:58-13) commits a crime of the fourth degree.
e. Any person who knowingly sells, gives, transfers, assigns or
otherwise disposes of a firearm to a person who is under the age of
18 years, except as permitted in section 14 of P.L.1979, c.179
(C.2C:58-6.1), is guilty of a crime of the third degree.
Notwithstanding any other provision of law to the contrary, the
sentence imposed for a conviction under this subsection shall
include a mandatory minimum three-year term of imprisonment,
during which the defendant shall be ineligible for parole.
f. Unless the recipient is authorized to possess the handgun in
connection with the performance of official duties under the
provisions of N.J.S.2C:39-6, any person who knowingly sells,
gives, transfers, assigns or otherwise disposes of a handgun to a
person who is under the age of 21 years, except as permitted in
section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of
the third degree.
g. Any person who knowingly gives or causes to be given any
false information or knowingly engages in any other fraudulent
conduct in applying for an exemption to purchase more than one
handgun in a 30-day period in violation of the provisions of section
4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the
third degree. The presumption of nonimprisonment set forth in
N.J.S.2C:44-1 shall not apply to persons convicted under the
provisions of this subsection.
(cf: P.L.2009, c.186, s.3)

15. (New section) a. As used in this section, “rifle ammunition”
means ammunition specifically designed to be used in a rifle.
“Shotgun ammunition” means ammunition specifically designed to
be used in a shotgun. Blank ammunition, air gun pellets, flare gun
ammunition, nail gun ammunition, paint ball ammunition, or any
non-fixed ammunition shall not be construed to be rifle ammunition
or shotgun ammunition for the purposes of this section.
b. (1) No person shall sell, give, transfer, assign or otherwise
dispose of, receive, purchase, or otherwise acquire rifle ammunition
or shotgun ammunition unless the purchaser, assignee, donee,
receiver, or holder is licensed as a manufacturer, wholesaler, or dealer under this chapter or is the holder of and possesses a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun, a valid permit to carry a handgun, a valid New Jersey hunting license, or a valid New Jersey firearms purchaser identifier card embedded with information affirming that the holder is qualified and eligible to purchase and receive a firearm and first exhibits such card, permit, or identifier to the seller, donor, transferor or assignor.

(2) On or before the first day of the tenth month following enactment, the superintendent shall develop a program for the electronic reporting by dealers, on a real-time basis, of all rifle and shotgun ammunition sales and transfers, and information relating to each such sale and transfer. The reported information shall include the name, age, address, type of firearms identifier exhibited or possessed by the purchaser or transferee, the caliber and numerical amount of ammunition sold or transferred in the transaction, the date of the transaction, and such other information as the superintendent shall deem necessary for the proper enforcement of this section. The superintendent shall establish an electronic data base containing all such reported information, which shall be available to all law enforcement officers on a real-time basis. The superintendent shall establish security procedures to protect the confidentiality of the information contained in this data base, which shall preclude access to the information to any person not lawfully entitled to it. For the purposes of P.L. 1963, c.73 (C.47:1A-1 et seq.), the information contained in the data base established pursuant to this subsection shall not be deemed a government record.

c. (1) No person shall sell, give, transfer, assign or otherwise dispose of rifle ammunition or shotgun ammunition to a person who is under 18 years of age.

(2) No rifle ammunition or shotgun ammunition shall be shipped to an address other than that appearing on the purchaser or transferee’s valid firearms purchaser identification card, valid copy of a permit to purchase a handgun, valid permit to carry a handgun, valid New Jersey hunting license, or valid New Jersey firearms purchaser identifier embedded with information affirming that the person is qualified and eligible to purchase and receive a firearm that was exhibited to consummate the sale or transfer.

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

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

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

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

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

  1. a. As used in this act, "handgun ammunition" means
ammunition specifically designed to be used only in a handgun.
"Handgun ammunition" shall not include blank ammunition, air gun
pellets, flare gun ammunition, nail gun ammunition, paint ball
ammunition, or any non-fixed ammunition.

  b. No person shall sell, give, transfer, assign or otherwise
dispose of, or receive, purchase, or otherwise acquire handgun
ammunition unless the purchaser, assignee, donee, receiver or
holder is licensed as a manufacturer, wholesaler, or dealer under
this chapter or is the holder of and possesses a valid firearms
purchaser identification card and a valid copy of a permit to
purchase a handgun or a valid permit to carry a handgun, or a
valid New Jersey firearms purchaser identifier card embedded with
information affirming that the person is qualified and eligible to
purchase and receive a handgun issued in accordance with P.L. ,
c. (C. ) (pending before the Legislature as this bill) and first
exhibits such card or permit, or identifier to the seller, donor,
transferor or assignor.

On or before the first day of the tenth month following the
enactment of P.L. , c. (C. ) (pending before the Legislature
as this bill), the superintendent shall develop a program for the
electronic reporting by dealers, on a real-time basis, of all Internet
handgun ammunition sales and transfers, and information relating to
each such sale and transfer. The reported information shall include
the name, age, address, type of firearms identifier exhibited or
possessed by the purchaser or transferee, the caliber and numerical
amount of ammunition sold or transferred in the transaction, the
date of the transaction, and such other information as the
superintendent shall deem necessary for the proper enforcement of
this section. The superintendent shall establish an electronic data
base containing all such reported information, which shall be available to all law enforcement officers on a real-time basis. The superintendent shall establish security procedures to protect the confidentiality of the information contained in this database, which shall preclude access to the information to any person not lawfully entitled to it. For the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.), the information contained in the database established pursuant to this subsection shall not be deemed a government record.

c. (1) No person shall sell, give, transfer, assign or otherwise dispose of handgun ammunition to a person who is under 21 years of age.

(2) No handgun ammunition shall be shipped to an address other than that appearing on the purchaser or transferee’s valid firearms purchaser identification card, valid copy of a permit to purchase a handgun, valid permit to carry a handgun, or valid New Jersey firearms purchaser identifier embedded with information affirming that the person is qualified and eligible to purchase and receive a handgun that was exhibited to consummate the sale or transfer.

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

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


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

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

17. (New section) a. A person who has been convicted of any of the following crimes or a substantially similar offense in any other jurisdiction who subsequently purchases, owns, possesses or controls firearms ammunition is guilty of a crime of the fourth degree:
(1) aggravated assault pursuant to N.J.S.2C:12-1;
(2) arson pursuant to N.J.S.2C:17-1;
(3) burglary pursuant to N.J.S.2C:18-2;
(4) escape pursuant to N.J.S.2C:29-5;
(5) extortion pursuant to N.J.S.2C:20-5;
(6) murder pursuant to N.J.S.2C:11-3;
(7) aggravated manslaughter or manslaughter pursuant to N.J.S.2C:11-4;
(8) kidnapping pursuant to N.J.S.2C:13-1;
(9) robbery pursuant to N.J.S.2C:15-1;
(10) aggravated sexual assault pursuant to N.J.S.2C:14-2;
(11) sexual assault pursuant to N.J.S.2C:14-2;
(12) bias intimidation pursuant to N.J.S.2C:16-1;
(13) endangering the welfare of a child pursuant to N.J.S.2C:24-4;
(14) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
(15) a crime involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1;
(16) leader of a narcotics trafficking network pursuant to N.J.S.2C:35-3;
(17) maintaining or operating a controlled dangerous substance production facility pursuant to N.J.S.2C:35-4;
(18) manufacturing, distributing or dispensing controlled dangerous substances pursuant to N.J.S.2C:35-5;
(19) employing a juvenile in a drug distribution scheme pursuant to N.J.S.2C:35-6;
(20) distributing or dispensing on or near school property pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);
(21) distributing imitation controlled dangerous substances pursuant to N.J.S.2C:35-11;
(22) possession of prohibited weapons and devices pursuant to N.J.S.2C:39-3;
(23) possession of weapons for unlawful purposes pursuant to N.J.S.2C:39-4;
(24) manufacture, transport, disposition or defacement of weapons and dangerous instruments and appliances pursuant to N.J.S.2C:39-9;
(25) disarming a law enforcement officer pursuant to subsection b. of section 1 of P.L. 1996, c.14 (C.2C:12-11);
(26) carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2);
(27) human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8);
(28) racketeering pursuant to N.J.S.2C:41-1 et seq.;
(29) producing or possessing chemical weapons, biological agents or nuclear or radiological devices pursuant to section 3 of
b. The provisions of this section shall not apply to a person convicted of an offense enumerated in paragraphs (22) or (23) of subsection a. of this section involving any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

c. Notwithstanding the provisions of this section, a person who has been convicted of an offense enumerated in subsection a. of this section who receives an acquittal on appeal, an expungement, a pardon, or any other reversal of the conviction may purchase, own, possess, or control ammunition without a judicial proceeding being required.

18. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to read as follows:

1. a. A person who knows or reasonably should know that a minor is likely to gain access to a loaded firearm at a premises under the person's control commits a disorderly persons offense if a minor gains access to the firearm, unless the person:

   (1) Stores the firearm in a securely locked box or container;

   (2) Stores the firearm in a location which a reasonable person would believe to be secure; or

   (3) Secures the firearm with a trigger lock.

b. This section shall not apply:

   (1) To activities authorized by section 14 of P.L.1979, c.179, (C.2C:58-6.1), concerning the lawful use of a firearm by a minor; or

   (2) Under circumstances where a minor obtained a firearm as a result of an unlawful entry by any person.

c. As used in this act, "minor" means a person under the age of 16.

d. A person is guilty of a crime of the fourth degree if a violation of this section results in bodily injury or death.

(c.f. P.L.1991, c.397, s.1)

19. (New section) a. A law enforcement officer, who has seized any firearm or other weapon, or firearms purchaser identification card, valid permit to purchase a handgun, or New Jersey firearms purchaser identifier embedded with information affirming that the person is qualified and eligible to purchase and receive a firearm pursuant to section subsection g. of section 10 of P.L.1987, c.116 (C.30:4-27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-27.15), shall deliver the seized weapon, firearms purchaser
identification card, and permit to purchase a handgun, or embedded
New Jersey firearms purchaser identifier to the county prosecutor,
who shall prepare a report that identifies the name and address of
the owner of the weapon, card, permit, or license and provide an
inventory of the seized items.

b. Upon an administrative or court order for the discharge of a
person from whom a firearm or other weapon, firearms purchaser
identification card, valid permit to purchase a handgun, or New
Jersey firearms purchaser identifier has been seized or disabled
pursuant to subsection g. of section 10 of P.L.1987, c.116 (C.30:4-
27.10) or subsection a. of section 15 of P.L.1987, c.116 (C.30:4-
27.15), the court or treatment team authorizing discharge of the
person shall give written notice of the discharge to the appropriate
county prosecutor.

c. The seized weapons shall be returned to the owner except
upon order of the Superior Court. The prosecutor who has
possession of the seized weapons may, upon notice to the owner,
petition a judge of the Superior Court, within 45 days of the owner's
discharge, to obtain title to the seized weapons, or to revoke or
disable any and all valid cards, permits, identifiers, and other
authorizations for the use, possession, or ownership of such
weapons pursuant to the law governing such use, possession, or
ownership, or may object to the return of the weapons on such
grounds as are provided for the initial rejection or later revocation
of the authorizations, or on the grounds that the owner is unfit, or
that the owner poses a threat to the public in general, or a person or
persons in particular.

d. A hearing shall be held and a record made thereof within 45
days of the notice provided for in subsection c. of this section. No
formal pleading and no filing fee shall be required as a preliminary
to such hearing. The hearing shall be summary in nature. Appeals
from the results of the hearing shall be to the Superior Court,
Appellate Division, in accordance with the law.

e. If the prosecutor does not institute an action within 45 days
of the owner's discharge, a seized weapon, card, permit, or
identifier shall be returned to the owner or in the case of a disabled
New Jersey firearms purchaser identifier, enabled.

f. (1) If, after the hearing, the court determines that the
possession of any weapons or authorizations to purchase them does
not pose a threat to the owner's own safety or the safety of others, or
that the owner is not subject to any of the disabilities set forth in
subsection c. of N.J.S.2C:58-3, the court shall order the return of
the weapons, firearms, and any permits, cards, or identifiers related
thereto to the owner or the enabling of those identifiers, as
appropriate.

Nothing in this act shall be construed to limit the authority of the
State or a law enforcement officer to seize, retain, or forfeit
property pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

(2) If, after the hearing, the court determines that the weapons are not to be returned to the owner, the court may:

(a) [With] with respect to weapons other than firearms, order the prosecutor to dispose of the weapons if the owner does not arrange for the transfer or sale of the weapons to an appropriate person within 60 days; or

(b) [Order] order the revocation of the owner's firearms purchaser identification card and any valid permit to purchase a handgun, or the operational disabling of any embedded firearms purchaser identifier, in which case the court shall order the owner to surrender any firearm seized and all other firearms possessed to the prosecutor and shall order the prosecutor to dispose of the firearms if the owner does not arrange for the sale of the firearms to a registered dealer of the firearms within 60 days; or

(c) [Order] order such other relief as it may deem appropriate. When the court orders the weapons forfeited to the State or the prosecutor is required to dispose of the weapons, the prosecutor shall dispose of the property as provided in N.J.S.2C:64-6.

g. A civil suit may be brought to enjoin a wrongful failure to return a seized firearm where the prosecutor refuses to return the weapon after receiving a written request to do so and notice of the owner's intent to bring a civil action pursuant to this section. Failure of the prosecutor to comply with the provisions of this section shall entitle the prevailing party in the civil suit to reasonable costs, including attorney's fees, provided that the court finds that the prosecutor failed to act in good faith in retaining the seized weapon.

h. A law enforcement officer or agency shall not be held liable in any civil action brought by any person for failing to learn of, locate, or seize a weapon, firearms purchaser identification card, valid permit to purchase a handgun, or embedded New Jersey firearms purchaser identifier issued pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill), or for returning a seized weapon, card, permit, or identifier to its owner.

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

2C:58-2. a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.
Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of three years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

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

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

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

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

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

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

4. No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card or a valid New Jersey firearms purchaser identifier embedded with information that the holder is qualified and eligible to receive a rifle or shotgun and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The certification shall be retained by the dealer.
and shall be made available for inspection by any law enforcement officer at any reasonable time.

(5) No handgun shall be delivered to any person unless:
   (a) Such person possesses and exhibits a firearms purchaser identification card and a valid permit to purchase a handgun (PPH) or a valid New Jersey firearms purchaser identifier embedded with information that the holder is qualified and eligible to receive a handgun and at least seven days have elapsed since the date of application for the permit calendar date of the sale;
   (b) The person is personally known to the seller or presents evidence of his identity;
   (c) The handgun is unloaded and securely wrapped;
   (d) Except as otherwise provided in subparagraph (e) of this paragraph, the handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility; provided, however, this provision shall not apply to antique handguns. The exemption afforded under this subparagraph for antique handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and
   (e) On and after the first day of the sixth month following the date on which the list of personalized handguns is prepared and delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), the handgun is identified as a personalized handgun and included on that list or is an antique handgun. The provisions of subparagraph (d) of this section shall not apply to the delivery of a personalized handgun.

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section and the record shall note whether a trigger lock, locked case, gun box, container or other secure facility was delivered along with the handgun.

(7) A dealer shall not knowingly deliver more than one handgun to any person within any 30-day period. This limitation shall not apply to:
   (a) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties;
   (b) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
   (c) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;
(d) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or

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

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures in register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within five days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent. If hand delivered a receipt shall be given to the dealer therefor.

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

(cf: P.L.2009, c.186, s.1)
21. N.J.S.2C:58-3 is amended to read as follows:

2C:58-3. a. (1) Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a firearms purchaser identification card and a permit to purchase a handgun as provided by this section or possesses a valid New Jersey firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a handgun.

(2) A person shall sell, give, transfer, assign, or otherwise dispose of, or receive, purchase or otherwise acquire a handgun pursuant to the provisions of this section only if the transaction is conducted by or through a retail dealer licensed under State law or a Federal Firearms Licensee. The provisions of this paragraph shall not apply if the transaction is:

(a) between members of an immediate family as defined in subsection m. of this section, including a temporary transfer between a member of the military being deployed and a family member;

(b) between law enforcement officers;

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a)(13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms; or

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

(3) Before a transaction under this subsection is conducted, the licensee shall complete a National Instant Criminal Background Check (NICS) of the person acquiring the handgun. In addition:

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

(b) every licensee shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address set forth on the licensee’s license for inspection by a law enforcement officer during reasonable hours;

(c) in addition to any fee the person receiving the handgun is required to pay for a NICS check, a licensee may charge a fee of up to $15 for a transaction conducted pursuant to this subsection; and

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

b. Firearms purchaser identification card.

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun,
unless the purchaser, assignee, donee, receiver or holder is licensed 
as a dealer under this chapter or possesses a valid firearms 
purchaser identification card or a valid New Jersey firearms 
purchaser identifier embedded with information affirming that the 
holder is qualified and eligible to purchase, receive or otherwise 
acquire a firearm, and first exhibits [said] that card or identifier to 
the seller, donor, transferor or assignor, and unless the purchaser, 
assignee, donee, receiver or holder signs a written certification, on a 
form prescribed by the superintendent, which shall indicate that he 
presently complies with the requirements of subsection c. of this 
section and shall contain his name, address and firearms purchaser 
identification card number [or], dealer’s registration number or 
New Jersey firearms purchaser identifier number, if appropriate. 
The said certification shall be retained by the seller, as provided in 
paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a 
person who is not a dealer, it may be filed with the chief of police 
of the municipality in which he resides or with the superintendent. 
(2) A person shall sell, give, transfer, assign, or otherwise 
dispose of, or receive, purchase or otherwise acquire an antique 
cannon or a rifle or shotgun pursuant to the provisions of this 
subsection only if the transaction is conducted by or through a retail 
dealer licensed under State law or a Federal Firearms Licensee. 
The provisions of this paragraph shall not apply if the transaction is: 
(a) between members of an immediate family as defined in 
subsection m. of this section, including a temporary transfer 
between a member of the military being deployed and a family 
member;  
(b) between law enforcement officers; 
(c) between collectors of firearms or ammunition as curios or 
relics as defined in Title 18, United States Code, section 921 (a) 
(13) who have in their possession a valid Collector of Curios and 
Relics License issued by the Bureau of Alcohol, Tobacco and 
Firearms; or 
(d) a temporary transfer pursuant to section 1 of P.L.1992, c.74 
(C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2). 
(3) Before a transaction under this subsection is conducted, the 
licensee shall complete a [National Instant Criminal Background 
Check] NICS check of the person acquiring the cannon, rifle or 
shotgun. In addition: 
(a) the licensee shall submit to the Superintendent of State 
Police, on a form approved by the superintendent, information 
identifying and confirming the background check; 
(b) every licensee shall maintain a record of transactions 
conducted pursuant to this section which shall be maintained at the 
address set forth on the licensee’s license for inspection by a law 
enforcement officer during reasonable hours;
(c) in addition to any fee the person receiving the rifle, shotgun, or antique cannon is required to pay for a NICS check, a licensee may charge a fee of up to $15 for a transaction conducted pursuant to this subsection; and

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

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase or firearms purchaser identification card shall be issued, and no New Jersey firearms purchaser identifier shall be embedded with information affirming that the holder is qualified and eligible to purchase and receive such firearms pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill):

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

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

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

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

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

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

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

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

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

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

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards or for New Jersey firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase or receive a rifle, shotgun, or handgun, as authorized under P.L. , c. (C. ) (pending before the Legislature as this bill), shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist,
hospital or institution and the dates of such occurrence, whether he
presently or ever has been a member of any organization which
advocates or approves the commission of acts of force and violence
to overthrow the Government of the United States or of this State,
or which seeks to deny others their rights under the Constitution of
either the United States or the State of New Jersey, whether he has
ever been convicted of a crime or disorderly persons offense,
whether the person is subject to a restraining order issued pursuant
c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing
any firearm, and such other information as the superintendent shall
deem necessary for the proper enforcement of this chapter. For the
purpose of complying with this subsection, the applicant shall
waive any statutory or other right of confidentiality relating to
institutional confinement. The application shall be signed by the
applicant and shall contain as references the names and addresses of
two reputable citizens personally acquainted with him.

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

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

When conducting an investigation to determine whether an
applicant is qualified and eligible to be issued a firearms purchaser
identification card, a permit to purchase a handgun, or a firearms
purchaser identifier, the issuing authority shall access the Civil
Commitment Automatic Tracking System. 3

f. Granting of permit or identification card; fee; term; renewal;
revocation. The application for the permit to purchase a handgun,
or for a New Jersey firearms purchaser identifier embedded with
such information, together with a fee of $2, or the application for
the firearms purchaser identification card, or a firearms purchaser
identifier embedded with such information, together with a fee of
$5, shall be delivered or forwarded to the licensing authority who
shall investigate the same and, unless good cause for the denial
thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. 

A permit to purchase a handgun issued for the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be valid until the holder’s firearms purchaser identifier expires, or until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section and at that time be operationally disabled. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. In the case of a firearms purchaser identifier embedded pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill), the information affirming the holder is qualified and eligible to purchase and receive a rifle or shotgun shall be valid and shall be embedded in each replacement or renewal of that person’s license or card, until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section and at that time shall be operationally disabled. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card or affirmation embedded in a firearms purchaser identifier may be revoked or operationally disabled by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit or for such an affirmation. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card or the operational disabling of any such affirmation. In any case where a person has been convicted of a crime, the court, upon motion of the county prosecutor, shall determine whether the person possesses a firearms purchaser identification card, a valid permit to purchase a handgun, or holds a New Jersey firearms purchaser identifier embedded with information affirming the holder’s qualification and eligibility to purchase or receive a rifle, shotgun, or handgun. Upon determining that the convicted person possesses such a card, permit, or identifier, the court at sentencing either shall revoke the card or permit, or in the case of an embedded firearms purchaser identifier, shall direct the superintendent to operationally disable the license or card, after notice and a hearing.
There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

A person shall apply for a duplicate firearms purchaser identification card in the case of a change of residence. The application, in a form prescribed by the superintendent, shall be submitted to the chief of police of the municipality in which he resides or with the superintendent, as the case may be. A driver's license or a State-issued non-driver identification card, which includes a photograph of the holder, shall be used to provide proof of the change of address. The person shall certify that he is not subject to any of the disabilities set forth in this section or other sections of this chapter. The duplicate card shall be issued without a criminal history record background check or mental health records check first being conducted if the applicant is a full-time member of a municipal, county, State or federal law enforcement agency.

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

h. Form of permit; quadruplicate; disposition of copies. In the case of a paper permit to purchase a handgun issued pursuant to this section, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each paper permit issued pursuant to this section. No more than one handgun shall be purchased within any 30-day period, regardless of whether the purchaser presents a paper permit or an embedded firearms purchaser identifier to the seller or transferor, but this limitation shall not apply to:

(1) a federal, State or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties;
(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; (3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers; (4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer; (5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or (6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

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

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card or a firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase and possess a rifle or shotgun and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card, or a firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.
k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

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

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

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

N.J.S.2C:58-4. Permits to carry handguns

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

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

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of such permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and such other information as the superintendent may prescribe for the determination of the applicant’s eligibility for a permit and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least [3] three years preceding the date of application, and who shall certify thereon that the applicant is a person of good moral character and behavior.
c. Investigation and approval. Each application shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent, (1) if the applicant is an employee of an armored car company, or (2) if there is no chief police officer in the municipality where the applicant resides, or (3) if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. If the application is not approved by the chief police officer or the superintendent within 60 days of filing, it shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

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

e. Appeals from denial of applications. Any person aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which he resides or in any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor and the chief police officer of
the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at such a hearing shall be in accordance with law and the rules governing the courts of this State.

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

f. Revocation of permits. Any permit issued under this section shall be void at such time as the holder thereof becomes subject to any of the disabilities set forth in section 2C:58-3c. and the holder of such a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority.

Any permit may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of such a permit. The county prosecutor of any county, the chief police officer of any municipality, the superintendent or any citizen may apply to the court at any time for the revocation of any permit issued pursuant to this section. In any case where a person has been convicted of a crime, the court, upon motion of the county prosecutor, shall determine whether the person possesses a permit to carry a handgun. Upon determining that the convicted person possesses such a permit, the court shall revoke the permit at sentencing, after notice and a hearing.

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

23. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to read as follows:

5. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) regarding a screening service and its staff that effectuate the following purposes and procedures:

a. A screening service shall serve as the facility in the public mental health care treatment system wherein a person believed to be in need of involuntary commitment to outpatient treatment, a short-term care facility, psychiatric facility or special psychiatric hospital undergoes an assessment to determine what mental health services are appropriate for the person and where those services may be most appropriately provided in the least restrictive environment.

The screening service may provide emergency and consensual treatment to the person receiving the assessment and may transport the person or detain the person up to 24 hours for the purposes of providing the treatment and conducting the assessment.

b. When a person is assessed by a mental health screener and involuntary commitment to treatment seems necessary, the screener
shall provide, on a screening document prescribed by the division, information regarding the person’s history and available alternative facilities and services that are deemed inappropriate for the person. When appropriate and available, and as permitted by law, the screener shall make reasonable efforts to gather information from the person’s family or significant others for the purposes of preparing the screening document. The screener shall also ascertain whether the person is an owner of a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, and the location of that firearm or weapon, and whether the person possesses a firearms purchaser identification card, a valid permit to purchase a handgun, or a firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun and the location of any such card, permit, or identifier. Any such information acquired by the screener shall be included in the screening document. If a psychiatrist, in consideration of this document and in conjunction with the psychiatrist’s own complete assessment, concludes that the person is in need of commitment to treatment, the psychiatrist shall complete the screening certificate. The screening certificate shall be completed by a psychiatrist except in those circumstances where the division’s contract with the screening service provides that another physician may complete the certificate. If a psychiatrist or physician reasonably believes the person is an owner of a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or possesses a firearms purchaser identification card, valid permit to purchase a handgun, or a firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun, that information, including the reported location of any weapon, card, permit, or identifier shall be included on the screening certificate.

Upon completion of the screening certificate, screening service staff shall determine, in consultation with the psychiatrist or another physician, as appropriate, the least restrictive environment for the appropriate treatment to which the person shall be assigned or admitted, taking into account the person’s prior history of hospitalization and treatment and the person’s current mental health condition. Screening service staff shall designate:

1. inpatient treatment for the person if he is immediately or imminently dangerous or if outpatient treatment is deemed inadequate to render the person unlikely to be dangerous to self, others or property within the reasonably foreseeable future; and
2. outpatient treatment for the person when outpatient treatment is deemed sufficient to render the person unlikely to be dangerous to self, others or property within the reasonably foreseeable future.

If the screening service staff determines that the person is in need of involuntary commitment to outpatient treatment, the
screening service staff shall consult with an outpatient treatment provider to arrange, if possible, for an appropriate interim plan of outpatient treatment in accordance with section 9 of P.L.2009, c.112 (C.30:4-27.8a).

If a person has been admitted three times or has been an inpatient for 60 days at a short-term care facility during the preceding 12 months, consideration shall be given to not placing the person in a short-term care facility.

The person shall be admitted to the appropriate facility or assigned to the appropriate outpatient treatment provider, as appropriate for treatment, as soon as possible. Screening service staff are authorized to coordinate initiation of outpatient treatment or transport the person or arrange for transportation of the person to the appropriate facility.

c. If the mental health screener determines that the person is not in need of assignment or commitment to an outpatient treatment provider, or admission or commitment to a short-term care facility, psychiatric facility or special psychiatric hospital, the screener shall refer the person to an appropriate community mental health or social services agency or appropriate professional or inpatient care in a psychiatric unit of a general hospital.

d. A mental health screener shall make a screening outreach visit if the screener determines, based on clinically relevant information provided by an individual with personal knowledge of the person subject to screening, that the person may need involuntary commitment to treatment and the person is unwilling or unable to come to the screening service for an assessment.

e. If the mental health screener pursuant to this assessment determines that there is reasonable cause to believe that a person is in need of involuntary commitment to treatment, the screener shall so certify the need on a form prepared by the division.

(cf: P.L.2009, c.112, s.5)

24. Section 7 of P.L.1987, c.116 (C.30:4-27.7) is amended to read as follows:

7. a. A law enforcement officer, screening service, outpatient treatment provider or short-term care facility designated staff person or their respective employers, acting in good faith pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009, c.112 who takes reasonable steps to assess, take custody of, detain or transport an individual for the purposes of mental health assessment or treatment is immune from civil and criminal liability.

b. An emergency services or medical transport person or their respective employers, acting in good faith pursuant to this act and pursuant to the direction of a person designated in subsection a. of this section, who takes reasonable steps to take custody of, detain or transport an individual for the purpose of mental health assessment or treatment is immune from civil and criminal liability.
For the purposes of this subsection, "emergency services or medical transport person" means a member of a first aid, ambulance, rescue squad or fire department, whether paid or volunteer, auxiliary police officer or paramedic.

c. A mental health screener completing a screening document or a psychiatrist or physician completing a screening certificate or clinical certificate pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), shall, with regard to whether a person is an owner of a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or possesses a firearms purchaser identification card, valid permit to purchase a handgun, or firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun or handgun, or the location of such weapon, card, permit, or identifier, not be held liable in any civil action brought by any person for failing to learn of a weapon or any firearms purchaser identification card, valid permit to purchase a handgun, or firearms purchaser identifier embedded with information affirming the holder is qualified and eligible to purchase a rifle, shotgun, or handgun, or of the location of any such firearm, weapon, card, permit, or identifier.

(cf: P.L.2009, c.112, s.7)

25. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to read as follows:

10. a. (1) A short-term care or psychiatric facility or a special psychiatric hospital shall initiate court proceedings for involuntary commitment to inpatient or outpatient treatment by submitting to the court a clinical certificate completed by a psychiatrist on the patient's treatment team and the screening certificate which authorized admission of the patient to the facility; provided, however, that both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

(2) A screening service or outpatient treatment provider shall initiate court proceedings for commitment to outpatient treatment by submitting to the court a clinical certificate completed by a psychiatrist on the patient's treatment team and the screening certificate which authorized assignment of the patient to outpatient treatment with the outpatient treatment provider; provided, however, that both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

b. Court proceedings for the involuntary commitment to treatment of any person not referred by a screening service may be initiated by the submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist. A psychiatrist or
physician shall ascertain whether the person is an owner of a firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or possesses a firearms purchaser identification card, a valid permit to purchase a handgun, or a firearms purchaser identifier embedded with information affirming the holder is qualified and eligible to purchase a rifle, shotgun, or handgun, and the location of any such firearm, weapon, card, permit, or identifier and shall include that information on the clinical certificate.

The person shall not be involuntarily committed before the court issues a temporary court order.

c. A court proceeding for involuntary commitment to treatment of an inmate who is scheduled for release upon expiration of a maximum term of incarceration shall be initiated by the Attorney General or county prosecutor by submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist.

d. The Attorney General, in exercise of the State's authority as parens patriae, may initiate a court proceeding for the involuntary commitment to treatment of any person in accordance with the procedures set forth in subsection a. or b. of this section. When the Attorney General determines that the public safety requires initiation of a proceeding pursuant to subsection b. of this section, the Attorney General may apply to the court for an order compelling the psychiatric evaluation of the person. The court shall grant the Attorney General's application if the court finds that there is reasonable cause to believe that the person may be in need of involuntary commitment to treatment. The Attorney General may delegate the authority granted pursuant to this subsection, on a case by case basis, to the county prosecutor.

e. Any person who is a relative by blood or marriage of the person being screened who executes a clinical certificate, or any person who signs a clinical certificate for any purpose or motive other than for purposes of care, treatment and confinement of a person in need of involuntary commitment to treatment, shall be guilty of a crime of the fourth degree.

f. Upon receiving these documents the court shall immediately review them in order to determine whether there is probable cause to believe that the person is in need of involuntary commitment to treatment.

g. (1) If the court finds that there is probable cause to believe that the person, other than a person whose commitment is sought pursuant to subsection c. of this section, is in need of involuntary commitment to treatment, it shall issue a temporary order authorizing the assignment of the person to an outpatient treatment provider or the admission to or retention of the person in the custody of the facility, that is both appropriate to the person's condition and is the least restrictive environment, pending a final hearing.
(2) If the court finds that there is probable cause to believe that a person is in need of involuntary commitment to treatment, the court may order a law enforcement officer to search for any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any firearms purchaser identification card, valid permit to purchase a handgun, or firearms purchaser identifier embedded with information affirming that the holder is qualified and eligible to purchase a rifle, shotgun, or handgun at any location where the court has reasonable cause to believe any such firearm, weapon, card, permit, or identifier may be located and seize that firearm, weapon, identification card, or permit or, in the case of an embedded identifier, direct the superintendent to operationally disable that identifier.

h. If the court finds that there is probable cause to believe that a person whose commitment is sought pursuant to subsection c. of this section is in need of involuntary commitment to treatment, it shall issue an order setting a date for a final hearing and authorizing the Commissioner of the Department of Corrections to arrange for temporary commitment pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other facility designated for the criminally insane pending the final hearing and prior to the expiration of the person's term. The order shall specifically provide for transfer of custody to the Ann Klein Forensic Center in Trenton or other facility designated for the criminally insane if the person's maximum term will expire prior to the final hearing.

i. In the case of a person committed to treatment at a short-term care facility or special psychiatric hospital, after the facility's treatment team conducts a mental and physical examination, administers appropriate treatment and prepares a discharge assessment, the facility may transfer the patient to a psychiatric facility prior to the final hearing; provided that: (1) the patient, his family and his attorney are given 24 hours' advance notice of the pending transfer; and (2) the transfer is accomplished in a manner which will give the receiving facility adequate time to examine the patient, become familiar with his behavior and condition and prepare for the hearing. In no event shall the transfer be made less than five days prior to the date of the hearing unless an unexpected transfer is dictated by a change in the person's clinical condition. (cf: P.L.2009, c.112, s.11)

26. Section 15 of P.L.1987, c.116 (C.30:4-27.15) is amended to read as follows:

15. a. If the court finds by clear and convincing evidence that the patient needs continued involuntary commitment to treatment, it
1 (1) shall issue an order authorizing the involuntary
2 commitment of the patient and the assignment or admission of the
3 patient pursuant to section 17 of P.L.2009, c.112 (C.30:4-27.15a)
4 and shall;
5 (2) shall schedule a subsequent court hearing in the event the
6 patient is not administratively discharged pursuant to section 17 of
7 P.L.1987, c.116 (C.30:4-27.17) prior thereto; and
8 (3) may order a law enforcement officer to search for and
9 seize any firearm or other weapon enumerated in subsection r. of
10 N.J.S.2C:39-1 or any firearms purchaser identification card, valid
11 permit to purchase a handgun, or firearms purchaser identifier
12 embedded with information affirming that the holder is qualified
13 and eligible to purchase a rifle, shotgun, or handgun at any location
14 where the court has reasonable cause to believe any such firearm,
15 weapon, card, permit, or identifier may be located and seize that
16 firearm, weapon, identification card, or permit or, in the case of an
17 embedded identifier, direct the superintendent to operationally
disable that identifier, unless such search and seizure this has
18 already occurred pursuant to section 10 of P.L.1987, c.116 (C.30:4-
19 27.10).
20 b. If the court finds that the patient does not need continued
21 involuntary commitment to treatment, the court shall so order. A
22 patient who is serving a term of incarceration shall be returned to
23 the appropriate State, county or local authority to complete service
24 of the term of incarceration imposed until released in accordance
25 with law, and any other patient shall be discharged by the facility
26 within 48 hours of the court's verbal order or by the end of the next
27 working day, whichever is longer, with a discharge plan prepared
28 pursuant to section 18 of P.L.1987, c.116 (C.30:4-27.18).
29 c. (1) The court may discharge the patient subject to
30 conditions, if the court finds that the person does not need
31 involuntary or continued involuntary commitment to treatment and
32 the court finds:
33 (a) that the patient's history indicates a high risk of
34 rehospitalization because of the patient's failure to comply with
35 discharge plans; or
36 (b) that there is substantial likelihood that by reason of mental
37 illness the patient will be dangerous to himself, others or property if
38 the patient does not receive other appropriate and available services
39 that render involuntary commitment to treatment unnecessary.
40 (2) Conditions imposed pursuant to this section shall include
41 those recommended by the facility and mental health agency and
42 developed with the participation of the patient. Conditions imposed
43 on the patient shall be specific and their duration shall not exceed
44 90 days unless the court determines, in a case in which the Attorney
45 General or a county prosecutor participated, that the conditions
46 should be imposed for a longer period. If the court imposes
conditions for a period exceeding six months, the court shall provide for a review hearing on a date the court deems appropriate but in no event later than six months from the date of the order. The review hearing shall be conducted in the manner provided in this section, and the court may impose any order authorized pursuant to this section.

(3) The designated mental health agency staff person shall notify the court if the patient fails to meet the conditions of the discharge plan, and the court shall issue an order directing that the patient be taken to a screening service for an assessment. The court shall determine, in conjunction with the findings of a screening service, if the patient needs to be rehospitalized and, if so, the patient shall be returned to the facility. The court shall hold a hearing within 20 days of the day the patient was returned to the facility to determine if the order of conditional discharge should be vacated.

d. Notwithstanding subsection a. of this section, or any provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16, 30:4-27.17 or 30:4-27.18), no person committed while serving a term of incarceration shall be discharged by the court or administratively discharged prior to the date on which the person’s maximum term would have expired had he not been committed. If the person is no longer in need of involuntary commitment to treatment, the person shall be returned to the appropriate State, county or local authority to complete service of the term of incarceration imposed until released in accordance with law, and the person shall be given day for day credit for all time during which the person was committed.

e. Notwithstanding subsection a. of this section, or any provision of section 16, 17 or 18 of P.L.1987, c.116 (C.30:4-27.16, 30:4-27.17 or 30:4-27.18), no person committed pursuant to N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental competence to stand trial shall be discharged by the court or administratively discharged unless the prosecuting attorney in the case receives prior notice and an opportunity to be heard.

(cf: P.L.2009, c.112, s.16)

27. Section 2 of P.L.1999, c.255 (C.2C:58-17) is amended to read as follows:

2. a. There is established a "KeepSafe" program to encourage and stimulate the safe storage of firearms in the State of New Jersey by providing instant rebates to firearms purchasers who purchase trigger locking devices.

Under the program, a person who purchases a firearm from a retail dealer licensed under the provisions of N.J.S.2C:58-2 shall be eligible for a $5 instant rebate when a compatible trigger locking device is purchased along with that firearm. The licensed retail
dealer shall deduct the rebate from the price of the compatible
locking device in order to reduce by $5 the cost of the device for the
purchaser.

b. The Superintendent of State Police, in conjunction with the
Attorney General, shall adopt guidelines in accordance with the
Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

In addition, the superintendent shall prepare and deliver to each
licensed retail firearms dealer in the State the forms necessary to
record and report participation in the program. The forms, which
shall set forth the name, address, telephone number, State tax
number and State license number of the retail firearms dealer, the
name of the firearms purchaser and his firearms purchaser
identification card number or permit to purchase a handgun number,
the make and model number of the compatible trigger locking
device purchased and the date of the sale, shall be in duplicate. One
copy shall be retained by the retail dealer for his records. The other
shall be submitted to the Attorney General for reimbursement. The
reimbursement copies shall be submitted monthly at a time
prescribed by the superintendent. The submitting retail dealer shall
be entitled to a reimbursement of $5 for each trigger locking device
sold as part of the KeepSafe program. To help defray any
administrative costs, each participating retail dealer shall receive, in
addition to the reimbursement, $0.50 for each valid reimbursement
copy submitted.

The superintendent also shall provide each licensed retail
firearms dealer with a sign to be prominently displayed at a
conspicuous place on the dealer's business premises where firearms
are offered for sale. In addition, the superintendent shall provide
signs to be placed in public buildings as determined appropriate by
the superintendent. As used in this section, “public building”
means any building, structure, facility or complex used by the
general public, including but not limited to, theaters, concert halls,
auditoriums, museums, schools, libraries, recreation facilities,
public transportation terminals and stations, factories, office
buildings, business establishments, passenger vehicle service
stations, shopping centers, hotels or motels and public eating places,
owned by any State, county or municipal government agency or
instrumentality or any private individual, partnership, association or
corporation.

The sign shall state substantially the following:

"KEEP NEW JERSEY FIREARMS SAFE.
TO ENCOURAGE NEW JERSEY GUN OWNERS TO
STORE THEIR FIREARMS SAFELY, THE STATE IS
OFFERING A $5 INSTANT REBATE WHEN YOU
PURCHASE A COMPATIBLE TRIGGER LOCK ALONG
WITH YOUR FIREARM.
REMEMBER--THE USE OF A TRIGGER LOCK IS
ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED, UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN.

NEW JERSEY’S FAMILIES AND CHILDREN ARE PRECIOUS--KEEP THEM SAFE!!”

(cf: P.L.1999, c.255, s.2)

28. (New section) a. The Superintendent of State Police shall promulgate guidelines to effectuate the purposes of this act. Those guidelines shall include, but not be limited to, policies and procedures governing the regular periodic review of the information stored in the firearms database to ensure that the information is current and accurate, policies and procedures governing the disabling of embedded driver’s licenses and identification cards should their holders be determined to no longer be lawfully qualified and eligible to purchase or receive a rifle, shotgun or handgun, and such other matters as the superintendent [deem] deems to be appropriate and necessary to effectuate the purposes of this act.

b. The Commissioner of Human Services, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and after consultation with the Superintendent of State Police, may adopt rules and regulations necessary to effectuate the purposes of this act.

c. The Supreme Court of New Jersey may adopt court rules to effectuate the purposes of this act.

29. This act shall take effect the first day of the seventh month following enactment, but the Superintendent of State Police and the Commissioner of Human Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.