

AN ACT concerning the sale and possession of firearms and supplementing and amending various parts of the statutory law.

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

1. (New section) The Legislature finds and declares that:

a. The decision of the United States Supreme Court in New York State Rifle & Pistol Association v Bruen holds significant implications for carrying a handgun in New Jersey and the law governing the issuance of permits to carry a handgun. The Bruen decision establishes that states cannot deny permits to carry a handgun to otherwise-qualified citizens who fail to show that they have the “proper cause” to carry a handgun. New Jersey law relies on a similar standard, considering whether an applicant has a “justifiable need,” in determining whether to issue a permit to carry a handgun.

b. In accordance with the precedent established in the Bruen decision, laws requiring showings of particularized need are no longer legally viable to determine whether a person may carry a handgun in public. The Bruen decision does make clear, however, that the Legislature can enact laws to protect our communities from threats to public health, safety, and welfare posed by gun violence, which take into account as appropriate the Supreme Court’s Second Amendment ruling while continuing to promote and enhance public safety.

c. Statistics show that expanding handgun carrying creates safety risks, helping to fuel the epidemic of gun violence. For example, a study by researchers at the Johns Hopkins Bloomberg School of Public Health found that the estimated average rate of officer-involved shootings increased by 12.9 percent in ten states that relaxed restrictions between 2014 and 2020 on civilians carrying concealed firearms in public. Accordingly, evidence demonstrates that more guns on the streets can translate into more acts of gun violence. To mitigate the impact of having more people carrying guns in public places, steps must be taken to better ensure that those who exercise the right to carry are responsible, law-abiding, and appropriately trained individuals who would not pose undue safety risks if armed in public places.

d. In Bruen, the Supreme Court recognized that states may prohibit individuals who are not “law-abiding, responsible citizens” from carrying firearms in public, and endorsed the use of “licensing requirements for carrying a handgun for self-defense.” Although the Court did not provide a complete list of lawful requirements, it specifically cited a “background check, mental health check, training in firearms handling and in laws regarding the use of force, among other possible requirements” as permissible. The purpose of these checks, the Court explained, is to “ensure only that those bearing arms in the jurisdiction are in fact, ‘law-abiding, responsible citizens.’” It

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.

is thus important to bolster and improve the process in this State for ensuring that only such individuals possess and carry firearms. Toward that end, this act strengthens the criteria and background investigation requirements that are used to determine whether an applicant is qualified to carry a firearm in New Jersey.

e. This act also designates places in which the carrying of a weapon is prohibited. Previously, application of the justifiable need standard minimized the serious dangers of misuse and accidental use inherent in the carrying of handguns in a public place. Given the likelihood that a much greater number of individuals will now qualify to carry handguns in public, it is now both necessary and appropriate to clearly identify in the law those sensitive places where, due to heightened public safety concerns, carrying a weapon of any kind, including a handgun, is not permissible. These prohibitions are based on common sense principles and historical analogues.

f. Notwithstanding its rejection of a particularized need standard, the Bruen decision recognizes that the carrying of firearms in sensitive places can “be prohibited consistent with the Second Amendment.” Indeed, the Court assumed it settled that “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings,” as well other places such as “legislative assemblies, polling places, and courthouses,” are “longstanding” and not subject to disputes regarding their constitutionality. The Court added that other “sensitive place” regulations may be permissible if “consistent with the Second Amendment’s text and historical understanding” – that is, “relevantly similar” to historical analogues.

g. The sensitive-place prohibitions on dangerous weapons set forth in this act are rooted in history and tradition. They are analogous to historical laws that can be found from the Founding era to Reconstruction, which are also found in modern laws in many states. History and tradition support at least the following location-based restrictions on carrying firearms:

(1) Places that are the site of core constitutional activity, such as but not limited to the exercise of First Amendment rights, or that are otherwise vital to the functioning of democracy and our system of government. That includes prohibitions of firearms in facilities within the criminal justice system;

(2) Schools, universities, other educational institutions, where people assemble for educational purposes and for the purposes of teaching, learning, research, and the pursuit of knowledge;

(3) Parks and other recreation spaces, including locations where children congregate;

(4) Locations that protect vulnerable classes of people, such as the young and the frail;

(5) Places where intoxicating substances are sold, places where large groups of individuals congregate, and places where volatile conditions may pose a threat to public safety; and

(6) Various forms of transportation and public infrastructure, whose safety, security, and stability are critical to supporting social function.

h. The historical record also supports restriction of firearm possession on private property when the owner has not given their consent. Many states require a property owner's permission before another may enter private dwellings and private lands with a firearm or other weapons. Requiring consent from the property owner before carrying weapons onto private property is also in line with both the reasonable expectations and property rights of New Jersey property owners.

i. Additionally, the fees to obtain a firearms purchaser identification permit or a permit to purchase a handgun in New Jersey were initially set by statute over 50 years ago at \$5 and \$2, respectively, and in over a half century the law has never been changed to increase these fees, notwithstanding the impact of inflation, increasing costs of background checks and related investigations, and the investment made over the years to technologically upgrade the firearms application and registration system established and maintained by the New Jersey State Police.

j. Accordingly, the Legislature finds it is necessary and proper to revise this State's procedural and substantive laws related to firearms to update the process and the standards applicable to firearm purchase and possession as well as our handgun carry law, and to continue to promote public safety and reduce gun violence in a manner consistent with the Second Amendment principles articulated by the current Supreme Court jurisprudence. These revisions will focus on factors other than the need or purpose a person may assert as justification to carry a handgun, such as the person's background and qualifications, with the ultimate goal of keeping New Jersey streets and neighborhoods safe from gun violence.

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

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

(1) 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 permit to purchase a handgun as provided by this section.

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

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

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

(b) between law enforcement officers;

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U.S.C. section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; 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) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun. In addition:

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

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

(c) a retail dealer may charge a fee 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]~~ A person shall not 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, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that ~~[he]~~ the person presently complies with the requirements of subsection c. of this section and shall contain ~~[his]~~ the person's name, address and firearms purchaser identification card number or dealer's registration number. The 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]~~ the person resides or with the superintendent.

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

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

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

(b) between law enforcement officers;

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

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

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

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

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

(c) a retail dealer may charge a fee, not to exceed \$25, 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] Except as hereinafter provided, a person [of good character and good repute] shall not be denied a permit to purchase a handgun or a firearms purchaser identification card, unless the person is known in the community in which [he] the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, [and who] or 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] A handgun purchase permit or firearms purchaser identification card shall not be issued:

(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 the 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 presently confined for a mental disorder [to a hospital, mental institution or sanitarium] as a voluntary admission as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to inpatient or outpatient treatment pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), or to any person who is presently [an habitual drunkard] an alcoholic, as defined by section 2 of P.L.1975, c.305 (C.26:2B-8);

(3) To any person who suffers from a physical defect or disease which would make it unsafe for [him] that person to handle firearms,

[to any person who has ever been confined for a mental disorder,] or to any alcoholic as defined by section 2 of P.L.1975, c.305 (C.26:2B-8) 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] the person is no longer suffering from that particular disability in a manner that would interfere with or handicap [him] that person 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 because the person is found to be lacking the essential character of temperament necessary to be entrusted with a firearm;

(6) To any person who is subject to or has violated a temporary or final 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 or a temporary or final domestic violence restraining order issued in another jurisdiction 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);

(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; or

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

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

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

(12) To any person who is subject to or has violated a temporary or final restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et al.);

(13) To any person who has previously been voluntarily admitted or involuntarily committed to inpatient or outpatient treatment pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the

court has expunged the person's record pursuant to P.L.1953, c.268 (C.30:4-80.8 et seq.);

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

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

(16) To any person who has been convicted of more than one crime of the fourth degree in violation of sections 4, 5, or 6 of P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

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

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

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.

A firearms purchaser identification card issued following the effective date of P.L.2022, c.58 shall display a color photograph and [a thumb print] be electronically linked to the fingerprints of the card

holder. A person who obtained a firearms purchaser identification card prior to the effective date of P.L.2022, c.58 shall not be required to obtain a firearm purchaser identification card that displays a color photograph and [a thumb print] is electronically linked to the fingerprints. The superintendent shall establish guidelines as necessary to effectuate the issuance of firearms purchaser identification cards that display a color photograph and [a thumb print] which is electronically linked to the fingerprints of the card holder.

The requirements of this subsection concerning firearms purchaser identification cards issued following the effective date of P.L.2022, c.58 shall remain inoperative until such time as the superintendent establishes a system to produce cards that comply with this requirement and, until such time, applicants issued a firearms purchaser identification card shall be provided with cards that do not conform to the requirements of this section, which shall be afforded force and effect until such time as the system is established and a compliant card is issued in accordance with this subsection. An applicant issued a non-compliant firearms purchaser identification card shall obtain a card, at no cost to the applicant, which conforms to the requirements of this section no later than one year after receiving notice that the system to produce cards that comply with this requirement is operational.

If an application for a permit or identification card is denied, the applicant shall be provided with a written statement of the reasons for the denial. Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which [he] the person resides if [he] the person is a resident of New Jersey or in the Superior Court of the county in which [his] the person's application was filed if [he] the person 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] the request for a hearing upon the chief of police of the municipality in which he resides, if [he] the person 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] 60 days of the receipt of the application for a hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to a hearing. Appeals from the results of a hearing shall be in accordance with law.

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

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, [sex] any

aliases or other names previously used by the applicant, gender, and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether [he] the applicant is an alcoholic [, habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C. 26:2B-8) or is a drug-dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether [he] the applicant 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 confinement or commitment, whether [he] the applicant 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 the occurrence, whether [he] the applicant 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] the applicant has ever been convicted of a crime or disorderly persons offense, whether the [person] applicant 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] applicant from possessing any firearm, whether the [person] applicant is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.), whether the [person] applicant is subject to a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et al.) prohibiting the [person] applicant from possessing any firearm, and 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] the applicant.

An application for a permit to purchase a handgun shall also indicate, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant's own behalf or on behalf of a third party and shall specify that the applicant is not an actual purchaser if the applicant is acquiring the handgun on behalf of another person, unless otherwise permitted by law.

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

through an online process established or made available by the superintendent.

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]~~ the applicant was previously fingerprinted, and who provides other reasonably satisfactory proof of ~~[his]~~ the applicant's 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.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of ~~[\$2]~~ \$25, or the application for the firearms purchaser identification card together with a fee of ~~[\$5]~~ \$50, shall be delivered or forwarded to the licensing authority who, upon determining that the application is complete, 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 completed 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 firearms purchaser identification card issued or renewed after the effective date of P.L.2022, c.58 shall expire during the tenth calendar year following its date of issuance and on the same calendar day as the person's date of birth.

If the date of birth of the firearms purchaser identification card holder does not correspond to a calendar day of the tenth calendar year, the card shall expire on the last day of the birth month of the card holder.

A firearms purchaser identification card issued pursuant to this section may be renewed upon filing of a renewal application and payment of the required fee, provided that the holder is not subject to any of the disabilities set forth in subsection c. of this section and complies with all other applicable requirements as set forth in statute and regulation. If an application for renewal of a firearm purchaser identification card is denied, the applicant shall be provided with a written statement of the reasons for the denial. Any person aggrieved by the denial of an application for renewal of a firearm purchaser identification card may request a hearing in the Superior Court of the county in which the person resides if the person is a resident of New Jersey or in the Superior Court of the county in which the person's

application was filed if the person is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for renewal of the firearm purchaser identification card. The applicant shall serve a copy of the request for a hearing upon the chief of police of the municipality in which the applicant resides, if the person is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 60 days of the receipt of the application for a hearing by the judge of the Superior Court. A formal pleading and filing fee shall not be required as a preliminary to a hearing. Appeals from the results of a hearing shall be in accordance with law.

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

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

A firearms purchaser identification card shall be void if the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card may be revoked 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 the permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card.

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

g. Disposition of fees. All fees for permits shall be paid to the State Treasury for deposit into the Victims of Crime Compensation Office account 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]~~ establishment of a web portal; disposition of [copies] the completed information. (1) Except as otherwise provided in paragraph (2) of this subsection, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant ~~[in quadruplicate]~~ electronically through e-mail or the web portal established or designated for this purpose by the superintendent or in such form or manner as may be authorized by the superintendent. Prior to the time ~~[he]~~ the applicant receives the handgun from the seller, the applicant shall [deliver] provide to the seller an acknowledgement of the permit in [quadruplicate] the

form required under the process established by the superintendent, and the seller shall complete all of the information required on the [form] web portal. [Within five days of the date of the sale, the seller shall forward the original copy] This information shall be forwarded to the superintendent through the web portal, or in such other manner as may be authorized by 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, [the copy] the information shall be forwarded to the superintendent. The [third copy shall then be returned to the] purchaser [with the pistol or revolver] shall retain a copy of the completed information and the [fourth copy shall be kept by the] seller shall retain a copy of the completed information as a permanent record.

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

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

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, 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] the collector's 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] the person may purchase, provided [he] the person possesses a valid firearms purchaser identification card and provided further that [he] the person 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 shall not be required for the passing of a firearm upon the death of an owner thereof to [his] the owner's heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of the firearm does not qualify to possess or carry it, [he] the heir or legatee may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a 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 the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that 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 a visual distress signalling device.

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

n. 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, sibling,

stepsibling, child, stepchild, and grandchild, as related by blood or by law.

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

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

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

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

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

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

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

(cf: P.L.2022, c.58, s.1)

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

2C:58-4. 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 a holster concealed on their person in all parts of this State, except as prohibited by subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.) (pending before Legislature as this bill). 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 and, except as otherwise provided in subsection b. of section 6 of P.L. , c. (C.) (pending before the Legislature as this bill), shall not be construed to authorize a holder to carry a handgun openly, provided that a brief, incidental exposure of a handgun while transferring it to or from a holster or due to the shifting of the person's body position or clothing shall be deemed a de minimis infraction within the contemplation of N.J.S.2C:2-11.

All permits to carry handguns shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of [his] the employee's employment by the company occurring prior thereto whichever is earlier in time, and they may thereafter be renewed every 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 permits, shall be made on the forms and in the manner prescribed by the superintendent. Each application shall set forth the full name, date of birth, [sex] gender, residence, occupation, place of business or employment, any aliases or other names previously used by the applicant, and physical description of the applicant, and any other information 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] endorsed by [three] not less than four reputable persons who are not related by blood or by law to the applicant and have known the applicant for at least three years preceding the date of application, and who shall certify thereon that the applicant [is a person of good moral character and behavior] has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others. The reputable persons also shall provide relevant information supporting the certification, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol.

c. Investigation and approval. Each application shall be accompanied by a \$200 application fee and shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent [,] if: (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; or (4) the applicant is a mayor or other elected member of the municipal governing body.

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

The chief police officer, or the superintendent, as the case may be, shall determine whether the application is complete and, if so, 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] The chief police officer or the superintendent, as the case may be, shall also determine and record a complete description of each handgun the applicant intends to carry. The chief police officer, or the superintendent, as the case may be, shall interview the applicant and the persons endorsing the application under subsection b. of this section, and shall make inquiry concerning, and investigate to the extent warranted, whether the applicant is likely to engage in conduct that would result in harm to the applicant or others, including, but not limited to, whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3, including but not limited to determining whether the applicant has been subject to any recent arrests or criminal charges for disqualifying crimes or has been experiencing any mental health issues such as suicidal ideation or violent impulses, and the applicant's use of drugs or alcohol.

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

[No] An application shall not be approved by the chief police officer or the superintendent unless the applicant demonstrates that [he] the applicant is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, that [he] the applicant is thoroughly familiar with the safe handling and use of handguns, including providing proof of completion of any training or proficiency requirements established under the law, and that [he has a justifiable need to carry a handgun] the applicant is in compliance with the

firearm carry liability insurance requirement of section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

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

If] Once the application is [not approved] deemed complete by the chief police officer or the superintendent , if it is not approved or denied by the chief police officer or the superintendent within [60] 90 days of filing, it shall be deemed to have been approved [unless the applicant agrees]; provided, however, the chief police officer or the superintendent may, for good cause shown and upon written notification to the applicant, extend by up to an additional 30 days the time period for which the application may be approved or denied. The written notification sent to the applicant shall provide a detailed explanation of the reasons for the extension. An applicant also may agree in writing to an additional extension of time [in writing] past the 120 day statutory time frame.

d. Issuance [by Superior Court] of permit; establishment of web portal; disposition of completed information; 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] chief police officer or the superintendent shall issue the permit to the applicant in the form prescribed by the superintendent.

The permit shall be issued to the applicant electronically through electronic mail or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent, if, but only if, [it is satisfied] the chief police officer or superintendent determines that the applicant:

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

(2) is thoroughly familiar with the safe handling and use of handguns [,] ; and [that he has a justifiable need to carry a handgun in accordance with the provisions of subsection c. of this section.

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 the handguns may be carried]

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

(4) is in compliance with the firearm carry liability insurance requirement of section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

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]~~ \$50.

e. Appeals from denial of applications. An applicant who is denied a permit to carry a handgun shall be provided with a written statement of the reasons for the denial. Any ~~[person]~~ applicant 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]~~ the applicant resides or in any county in which ~~[he]~~ the applicant intends to carry a handgun, in the case of a nonresident, by filing a written request for a hearing within 30 days of the denial. ~~[Copies]~~ The aggrieved applicant shall serve 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]~~ the applicant is a resident of this State. The hearing shall be held within ~~[30]~~ 60 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at the 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 the denial in accordance with law and the rules governing the courts of this State.]

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

f. Revocation of permits. Any permit issued under this section shall be void at the time the holder thereof becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and the holder of 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 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.

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

(2) A person who obtained a permit pursuant to this section prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall comply with the training requirement established pursuant to this subsection within 90 days following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill)

h. For purposes of this section, "holster" means a device or sheath that secures a handgun which, at a minimum, is equipped with a retention strap, conceals and protects the main body of the firearm, maintains the firearm in a consistent and accessible position, and renders the trigger covered and inaccessible while the handgun is fully seated in the holster.

(cf: P.L.2018, c.37, s.1)

4. (New section) a. Every private citizen who carries a handgun in public in this State shall maintain liability insurance coverage, under provisions approved by the Commissioner of Banking and Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public wherein such coverage shall be at least in:

(1) an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;

(2) an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and

(3) an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

b. Proof of insurance as required in subsection a. of this section shall be produced and displayed by the person carrying a handgun in public upon request to any law enforcement officer or to any person who has suffered or makes a good faith claim to have suffered either injury or property damage arising out of the ownership, maintenance, operation or use of a firearm carried in public.

c. A violation of this section shall be a crime of the fourth degree and shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

5. (New section) Safe carry requirements for authorized holders of a permit to carry a handgun.

a. The holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4 shall not:

(1) use or consume alcohol, a cannabis item, or a controlled substance while carrying a handgun;

(2) be under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;

(3) carry a handgun in public outside of a holster or carry a handgun in public in a holster that does not meet the requirements of subsection g. of N.J.S.2C:58-4;

(4) carry more than two firearms under the permittee's control at one time; or

(5) engage in an unjustified display of a handgun.

(6) if carrying a handgun in public, refuse to provide the handgun to a law enforcement officer upon request for purposes of inspecting the handgun.

A violation of this subsection shall be a crime of the fourth degree, and any such violation shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

b. The holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4, if stopped or detained by a law enforcement officer while carrying a handgun in public, shall:

(1) immediately disclose to the law enforcement officer that they are carrying a handgun; and

(2) display the permit to carry a handgun and proof of firearm public carry liability insurance required pursuant to section 4 of P.L. , c. (C.)(pending before the Legislature as this bill) upon the request of the officer.

A violation of paragraph (1) of this section shall be a crime of the fourth degree. A person who violates paragraph (2) of this subsection shall be guilty of a petty disorderly persons offense for a first offense and subject to a \$100 fine and a crime of the fourth degree for a second or subsequent offense.

6. (New section) Requirements and restrictions on the lawful carrying of a handgun in public.

In addition to any criminal penalties under subsection b. of N.J.S.2C:39-5, section 7 of P.L. , c. (C.)(pending before the Legislature as this bill), or any other law, it shall be a crime of the fourth degree for any person in a public place:

a. to carry a handgun concealed on or about their person, except as permitted in accordance with N.J.S.2C:39-6, without possessing on their person a valid and lawfully issued permit to carry under N.J.S.2C:58-4 and proof of firearm public carry liability insurance required pursuant to section 4 of P.L. , c. (C.)(pending before the Legislature as this bill); or

b. to carry a handgun openly, whether or not in possession of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 and proof of handgun public carry liability insurance required pursuant to section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

7. (New section) Places where the carrying of a weapon is prohibited.

a. Except as otherwise provided in this section, it shall be a crime of the third degree for any person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in N.J.S.2C:39-6 and only to the extent permitted by the entity responsible for security at the place in question, to knowingly carry a weapon, as defined in subsection r. of N.J.S.2C:39-1, in any of the following places, including in or upon any part of the buildings, grounds, or parking area of:

(1) a place owned, leased, or under the control of State, county or municipal government used for the purpose of government administration, including but not limited to police stations;

(2) a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

(3) a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;

(4) a State-contracted half-way house;

(5) a location being used as a polling place during the conduct of an election;

(6) within 100 feet of a place where a public gathering, demonstration or event is held for which a government permit is required, during the conduct of such gathering, demonstration or event;

(7) a school, college, university or other educational institution, and on any school bus;

(8) a child care facility or day care center;

(9) a nursery school, pre-school, zoo, or summer camp;

(10) a park, beach, recreation facility or area or playground owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun free zone by the governing authority based on considerations of public safety;

(11) at youth sports events, as defined in N.J.S.5:17-1, during and immediately preceding and following the conduct of the event;

(12) a publicly owned or leased library or museum;

(13) a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter under the control of the Juvenile Justice Commission or the Department of Children and Families;

(14) a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;

(15) a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;

(16) a site or facility where cannabis is sold for consumption on the premises;

(17) a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held;

(18) a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment and recreational venues located within the casino property;

(19) a plant or operation that produces, converts, distributes or stores energy or converts one form of energy to another;

(20) an airport or public transportation hub;

(21) a health care facility, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, assisted living center, home health care agency or residential health care facility;

(22) a facility licensed or regulated by the Department of Human Services or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;

(23) a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;

(24) private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued license under N.J.S.2C:58-4; and

(25) any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

b. (1) A person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in subsection a. or c. of N.J.S.2C:39-6, who is otherwise authorized under the law to carry or transport a firearm shall not do so while in a vehicle in New Jersey, unless the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk of the vehicle.

(2) A holder of a valid and lawfully issued permit to carry a handgun shall not leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely fastened case, or gunbox, and is not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle.

A violation of paragraph (1) or (2) of this subsection is a crime of the fourth degree.

c. Notwithstanding the provisions of subsections a. and b. of this section, the holder of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 who is otherwise prohibited under this section from carrying a concealed firearm into the parking area of a prohibited location specified in subsection a. of this section shall be permitted to:

(1) transport a concealed handgun or ammunition within a vehicle into or out of the parking area, provided that the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk or storage area of the vehicle;

(2) store a handgun or ammunition within a locked lock box and out of plain view within the vehicle in the parking area;

(3) transport a concealed handgun in the immediate area surrounding their vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving the handgun within a locked lock box in the vehicle's trunk or other place inside the vehicle that is out of plain view; and

(4) transport a concealed handgun from a vehicle parked within a prohibited parking lot area to a place other than a prohibited place enumerated in subsection a. of this section, provided that the person immediately leaves the parking lot area and does not enter into or on the grounds of the prohibited place with the handgun.

d. The holder of a valid and lawfully issued permit to carry under N.J.S.2C:58-4 shall not be in violation of subsection a. of this section while the holder is traveling along a public right-of-way that touches or crosses any of the places enumerated in subsection a. of this section if the concealed handgun is carried on their person in accordance with the provisions of this act or is being transported in a vehicle by the permit holder in accordance with all other applicable provisions of law.

e. (1) Nothing in this act shall be construed to prohibit the holder of a valid and lawfully issued permit under N.J.S.2C:58-4 who is lawfully authorized to provide security at a place enumerated in subsection a. of this section from carrying a firearm, openly or concealed, provided that the authorization is set forth in writing, and only to the extent permitted by the entity responsible for security at the place in question.

(2) Unless otherwise required or prohibited by law, the owner or entity in control of any place enumerated in subsection a. of this section or owner or entity responsible for providing security may allow or prohibit retired law enforcement officers who are authorized to possess and carry a handgun pursuant to subsection l. of N.J.S.2C:39-6 or qualified retired law enforcement officers within the meaning of the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277 to carry a concealed handgun on the premises of such place.

f. Nothing in this section shall prohibit the carrying of a firearm where it is otherwise expressly authorized by law.

8. (New section) A person purchasing a firearm or firearm ammunition shall be required to disclose in a written document under

penalty, on a form prescribed by the superintendent, whether the firearm or ammunition to be purchased is intended to be transferred to a third party, and the name and address of that third party, if known.

9. (New section) Notwithstanding any provision of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Superintendent of State Police may adopt immediately upon filing with the Office of Administrative Law such regulations as the Superintendent deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 18 months, and may thereafter be amended, adopted, or readopted by the Superintendent in accordance with the requirements of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

10. Sections 2 and 7 of this act shall take effect immediately, section 8 of this act shall take effect on the first day of second month next following the date of enactment, and the remainder of this act shall take effect on the first day of the seventh month next following the date of enactment, but the Attorney General, Superintendent of State Police, and Commissioner of Banking and Insurance may take such anticipatory action as is necessary for the implementation of this act.

STATEMENT

This bill removes from current law the justifiable need standard, which is necessary to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearm purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents

is required to be of “good character” and “good repute” in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to indicate, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to

Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun application from 60 to 90 days.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the bill's effective date

would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the firearm carry liability insurance established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain public carry liability insurance. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce and display proof of insurance upon request to any law enforcement officer or to any person who has suffered or claims to have

suffered either injury or property damage arising out of the ownership, maintenance, operation or use of a firearm carried in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun;
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of firearm public carry liability insurance upon request of a law enforcement officer; or
- if carrying a handgun in public, refusing to provide the handgun to a law enforcement officer upon request for purposes of inspecting the handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that when stopped by a law enforcement officer a permit holder would be required to immediately disclose to the officer that the permit holder is carrying a handgun in public and display proof of liability insurance. A person who fails to disclose to a law enforcement officer that they are carrying a handgun would be guilty of a fourth degree crime. A person who fails to display proof of firearm public carry liability insurance would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense.

The bill also delineates places in which a permit holder would be prohibited from carrying a handgun. Under the bill, it would be a fourth degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;

- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility or day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a site or facility where cannabis is sold for consumption on the premises;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express

consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and

- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the bill requires a person purchasing a firearm or firearm ammunition to disclose in a written document under penalty of perjury whether the firearm or ammunition to be purchased is intended to be transferred to a third party, and the name and address of the third party, if known.

Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and weapons are prohibited.