

CHAPTER 54

FIREARMS AND WEAPONS

Authority

N.J.S.A. 2C:39-1 et seq. and 2C:58-1 et seq.; as to N.J.A.C. 13:54-1.15, N.J.S.A. 47:1A-2 and Executive Order No. 9 (Gov. Richard J. Hughes, September 30, 1963).

Source and Effective Date

R.2007 d.378, effective November 13, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 54, Firearms and Weapons, expires on May 12, 2015. See: 46 N.J.R. 2393(a).

Chapter Historical Note

Chapter 54, Weapons and Explosives, was adopted and became effective prior to September 1, 1969 pursuant to Authority delegated at N.J.S.A. 2A:151-1 et seq.

Subchapter 6, Security Systems for Dealers, was adopted as R.1971 d.158, effective September 3, 1971. See: 3 N.J.R. 158(a), 3 N.J.R. 207(a).

Chapter 54, Weapons and Explosives, was repealed and Chapter 54, Firearms and Weapons, was adopted as new rules by R.1986 d.413, effective October 6, 1986. See: 18 N.J.R. 51(a), 18 N.J.R. 2048(b).

Pursuant to Executive Order No. 66(1978), Chapter 54, Firearms and Weapons, was readopted as R.1991 d.564, effective November 18, 1991. See: 23 N.J.R. 2250(a), 23 N.J.R. 3521(a).

Pursuant to Executive Order No. 66(1978), Chapter 54 was readopted as R.1996 d.579, effective November 18, 1996. See: 28 N.J.R. 4375(a), 28 N.J.R. 5181(a).

Subchapter 7, Retired Law Enforcement Officer's Identification Card to Permit Carrying a Handgun, was adopted as new rules by R.1997 d.348, effective August 18, 1997. See: 29 N.J.R. 2624(a), 29 N.J.R. 3733(a).

Chapter 54, Firearms and Weapons, was readopted as R.2002 d.183, effective May 17, 2002. See: 34 N.J.R. 211(a), 34 N.J.R. 2136(a).

Chapter 54, Firearms and Weapons, was readopted as R.2007 d.378, effective November 13, 2007. As a part of R.2007 d.378, Subchapter 1, Firearms Identification Card and Permit to Purchase a Handgun, was renamed Firearms Purchaser Identification Card and Permit to Purchase a Handgun; Subchapter 4, Wholesale Dealers, Manufacturers and Wholesale Dealers Agents and Employees, was renamed Wholesale Dealers, Manufacturers and Wholesale Dealers' Agents and Employees; and Subchapter 5, Machine Guns, Assault Firearms and Large Capacity Magazines, was renamed Machine Guns, Assault Firearms and Large Capacity Ammunition Magazines, effective December 17, 2007. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 54, Firearms and Weapons, was scheduled to expire on November 13, 2014. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. FIREARMS PURCHASER IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN

13:54-1.1 Firearms purchaser identification cards and permits to purchase handguns

This subchapter prescribes the requirements and procedures for the issuance of firearms purchaser identification cards, permits to purchase handguns and the general rules for holders of such permits and identification cards.

Case Notes

Statute making falsifying answers on "any instrument required by law" in purchasing a firearm a State offense includes falsification on Federal as well as State forms; State has jurisdiction over offense involving Federal forms if offense occurred within the State's borders (citing former N.J.A.C. 13:54-5.8). *State v. Pleva*, 203 N.J. Super. 178, 496 A.2d 375 (App.Div.1985) certification denied 102 N.J. 323, 508 A.2d 203.

13:54-1.2 Definitions

The words and terms used in this chapter shall have the following meanings:

"Ammunition" means various projectiles, including bullets, missiles, slugs or balls together with fuses, propelling charges and primers that may be fired, ejected, projected, released, or emitted from firearms or weapons.

"Antique cannon" means any weapon which satisfies the definition of an antique firearm and which is also capable of firing a projectile of a caliber greater than .60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes.

"Antique firearm" means any firearm, which is incapable of being fired or discharged, or which does not fire fixed ammunition regardless of the date of manufacture, or was manufactured before 1898, for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

"Assault firearms" means:

1. Any of the following firearms:

Algimec AGM1 type

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

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

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

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

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

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type

Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

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

PJK M-68 carbine type

Plainfield Machine Company Carbine

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

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

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types

Steyr A.U.G. semi-automatic firearms

USAS 12 semi-automatic type shotgun

Uzi type semi-automatic firearms

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

Weaver Arm Nighthawk;

2. Any firearm manufactured under any designation, which is substantially identical to any of the firearms listed in paragraph 1 above. As used in this definition, the term "substantial" means pertaining to the substance, matter, material or essence of a thing and the term "identical" means exactly the same. Hence, a firearm is substantially identical to another only if it is identical in all material, essential respects. A firearm is not substantially identical to a listed assault firearm unless it is identical except for differences that do not alter the essential nature of the firearm.

The following are examples of manufacturer changes that do not alter the essential nature of the firearm: the name or designation of the firearm; the color of the firearm; the material used to make the barrel or stock of the firearm; the material used to make a pistol grip; and a modification of a pistol grip. This is not an exclusive list. A semi-automatic firearm should be considered to be "substantially identical," that is, identical in all material respects, to a named assault weapon if it meets the below listed criteria:

i. A semi-automatic rifle that has the ability to accept a detachable magazine and has at least two of the following:

- (1) A folding or telescoping stock;
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;
- (3) A bayonet mount;
- (4) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(5) A grenade launcher;

ii. A semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of the following:

(1) An ammunition magazine that attaches to the pistol outside of the pistol grip;

(2) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(3) A shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

(4) Manufactured weight of 50 ounces or more when the pistol is unloaded; and/or

(5) A semi-automatic version of an automatic firearm; and

iii. A semi-automatic shotgun that has at least two of the following:

(1) A folding or telescoping stock;

(2) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(3) A fixed magazine capacity in excess of six rounds; and/or

(4) An ability to accept a detachable magazine;

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

4. A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds; or

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

The following are not considered assault firearms within the meaning of this definition:

1. The Colt Match Target rifle, based on the manufacturer's specifications, is not part of the AR-15 series, and, thus, is not prohibited under N.J.S.A. 2C:39-1w(1). Although this rifle may resemble the Colt AR-15, there have been substantial changes to the firearm, including the receiver, which is not identical to an AR-15 receiver. In addition, because of changes in the configuration of the firearm, the Colt Match Target rifle is not substantially identical to a firearm prohibited under this classification.

2. The Springfield M1A rifle is not one of the enumerated firearms which are specifically prohibited under

the State assault firearms laws. It has been prohibited in this State as being substantially identical to a named firearm. However, according to the manufacturer's specifications, the M1A has been modified. The modified M1A, which became available in 1994, is not considered to be substantially identical to a prohibited firearm under N.J.S.A. 2C:39-1w(2) and these rules. However, earlier versions of the M1A, which contain at least two of the criteria identified in the Attorney General's Guidelines Regarding the "Substantially Identical" Provision in the State's Assault Firearms Laws dated August 19, 1996 and reproduced in paragraph 2 above, are considered to be substantially identical to a prohibited firearm and continue to be defined as an assault firearm.

"Body armor penetrating bullets" means bullet(s) designed for use in a handgun and whose core or jacket, if the jacket is thicker than .025 of an inch, is of tungsten carbide or hard bronze or is made of other material, which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale and is capable of breaching or penetrating body armor.

"Chief of police" or "chief police officer" means the highest ranking sworn member of a municipal police department.

"Firearm or firearms" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, 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.

"Firearms Purchaser Identification Card number" means the number assigned by the State Bureau of Identification (SBI) pursuant to a fingerprint check of an applicant's fingerprints, for the issuance of a Firearms Purchaser Identification Card, as reported by the SBI to the investigating authority. The Firearms Purchaser Identification Card number shall be synonymous with SBI number.

"Gunsmith" means a person who is in the business of repairing or servicing firearms.

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

"Large capacity ammunition magazine" means a box, drum, tube or other container, which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. A large capacity ammunition magazine that has been permanently

altered so that it is not capable of holding more than 15 rounds of ammunition will cease to be defined as a "large capacity ammunition magazine." An ammunition magazine, which has been temporarily blocked or modified from holding more than 15 rounds, as by a piece of wood or a pin, is still considered to be a "large capacity ammunition magazine."

"Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

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

"NICS" means the National Instant Criminal Background Check System accessed by telephone or facsimile transmission through the Division of State Police, which retailers must contact for information on whether a person is prohibited from receiving or possessing a firearm under State or Federal law.

"Person" means any natural person, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural, as well as the singular and any gender.

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

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

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

"Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breach to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breach to the muzzle, or any firearm made from a rifle or a shotgun,

whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

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

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

“Superintendent” means the Superintendent of the New Jersey State Police.

“Weapon” means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all:

1. Firearms, even though not loaded or lacking a clip or other component to render them immediately operable;
2. Components which can be readily assembled into a weapon;
3. Gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood;
4. Stun guns; and
5. Any weapon or other device, which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

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

Amended by R.2001 d.246, effective July 16, 2001.

See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

Added “NICS”.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In definition “Antique firearm”, inserted “the”; rewrote definition “Assault firearms”; in definition “Body armor penetration bullets”, substituted “bullet(s)” for “any bullet” and “a handgun” for “handguns”, added a comma following “material”; in definition “Chief of police”, inserted “sworn”; in definition “Firearm or firearms”, deleted “assault firearm,” following “machine gun,”, substituted “projectable” for “projectile,”, and deleted a comma following “other gas”; added definitions “Firearm Purchaser Identification Card number”, “Pistol grip”, and

“Semi-automatic”; in definition “Large capacity ammunition magazine”, inserted the second and third sentences; in definition “Person”, substituted “natural person” for “individual”; and in definition “Weapon”, paragraph 3, substituted “switchblade” for “switch-blades,” and “cesti” for “cestus”, and deleted “and” from the end, in paragraph 4, inserted a semicolon following “guns”, deleted “any other” following “and”, and codified the text following “and” as new paragraph 5, in paragraph 5, inserted “Any” and a comma following “device”.

13:54-1.3 Firearm identification card or permit to purchase required

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase or otherwise acquire a rifle, shotgun or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of a rifle, shotgun or antique cannon, other than an antique rifle or shotgun, to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell or acquire a sawed-off shotgun.

(b) No person, other than a licensed or registered retail or wholesale dealer shall receive, purchase or otherwise acquire a handgun unless that person possesses and exhibits a permit to purchase a handgun. No person shall sell, give, transfer or assign or otherwise dispose of a handgun to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid permit to purchase.

(c) The provisions of (a) and (b) above shall not apply to the Armed Forces of the United States, the National Guard or to a law enforcement agency; provided that such transactions are authorized in writing by the appropriate governmental entity as provided by this chapter.

1. The Superintendent shall be notified in writing within five days of any firearm purchased or otherwise acquired by a New Jersey law enforcement agency for departmental use. In the case of a purchased firearm, the notification to the Superintendent shall be made by the chief of police or department head of the agency or designee, and shall include the purchase date, dealer’s name and address, and the make, model, caliber and serial number of the firearm.

2. No law enforcement agency shall directly transfer a department-owned firearm, other than those issued as a duty firearm, to another person without such transfer going through a New Jersey licensed retail firearms dealer.

3. In the case of a firearm seized through forfeiture, pursuant to N.J.S.A. 2C:64-1 et seq., all applicable forfeiture standing operating procedures (SOPs) and guidelines issued by the Attorney General and/or the county prosecutor’s office shall be followed. Notification to the Superintendent of the use of the forfeited weapon by the agency shall be made by the chief of police or department head of

the agency or designee, and shall include the acquisition date, and the make, model, caliber and serial number of the firearm. This notification shall also include a copy of the written authorization of the county prosecutor's office, New Jersey Attorney General's Office, and the Superior Court of New Jersey, approving the use of the seized and/or forfeited firearm by the agency. No court order shall be necessary in the case of prima facie contraband; however, all forfeiture SOPs dealing with contraband must still be followed. Forfeited firearms shall be used solely for law enforcement purposes. Once a seized and/or forfeited firearm is no longer useful to the law enforcement agency, it shall be destroyed upon authorization from the county prosecutor's office and/or Attorney General's Office that originally granted approval for use of the firearm.

4. If an agency wishes to utilize firearms that are considered abandoned property, all procedures pursuant to the Abandoned Property Act, N.J.S.A. 40A:14-157, must be followed in addition to ensuring that proper notifications are made to the prosecutor's office, Attorney General's Office and the Superintendent as set forth above. New Jersey law enforcement agencies can only purchase firearms through licensed retail firearms dealers in New Jersey. Individuals donating firearms to New Jersey law enforcement agencies must ensure that all such transfers are conducted through licensed dealers pursuant to all regulatory provisions, State statutes and all necessary local ordinances.

(d) Nothing in this subchapter shall be construed to apply to the transfer, receipt or acquisition of a firearm that is otherwise lawful under N.J.S.A. 2C:58-3.1, 2C:58-3.2 or 2C:58-6.1(b).

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted ", other than an antique rifle or shotgun,;" and added (c)1 through (c)4 and (d).

13:54-1.4 Applications for a firearms purchaser identification card and for a permit to purchase a handgun

(a) Every person applying for a firearms purchaser identification card or for a permit to purchase a handgun shall furnish such information and particulars as are set forth in the application form designated STS-33. Forms can be obtained from municipal police departments, State Police stations and licensed retail firearms dealers.

(b) The applicant shall waive any statutory or other right of confidentiality relating to institutional confinement.

(c) The applicant shall provide the names and addresses of two reputable citizens personally acquainted with him as references.

(d) The application shall be signed by the applicant and the completed application, together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59

in accordance with N.J.S.A. 53:1-20.5 et seq., a consent for mental health records search form designated SP 66 and a nonrefundable application fee of \$5.00 for a firearms identification card and \$2.00 for a permit to purchase a handgun, shall be submitted to the chief of police of an organized full-time police department in the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the State Police station servicing the municipality in which the applicant resides, or to any State Police station in the case of a non-resident.

(e) The chief of police of an organized full time police department of the municipality where the applicant resides, or the Superintendent, when the applicant is a non-resident of this State or when the municipality does not have a full time department, shall accept and investigate applications for firearms purchaser identification cards and permits to purchase handguns.

(f) The fingerprints of any applicant shall be compared with any fingerprints maintained by the State Bureau of Identification and the Federal Bureau of Identification for the purpose of ascertaining the existence of any criminal record. The fingerprints shall be obtained and submitted for such comparison by the chief of police or the State Police, as the case may be.

(g) 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 or she was previously fingerprinted, and who provides an additional valid identification document of his or her identity, need not be fingerprinted again. In such cases, the chief of police or Superintendent shall otherwise fully investigate the applicant in accordance with this subchapter. The chief of police or Superintendent shall require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and pay the appropriate fee established by N.J.A.C. 13:59. Applicants unable to provide an additional valid identification document shall submit to fingerprinting.

(h) Applicants for a permit to purchase a handgun may apply for more than one permit per application. The number of permits requested, and each permit number shall be entered in the spaces provided on the application.

(i) The chief of police or the Superintendent, as the case may be, shall either approve or disapprove the applications. Permits and cards shall be issued by the chief of police or the Superintendent to persons who are found to be qualified and who are not subject to any of the disabilities set forth by this subchapter.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), deleted “, in the case of an identification card, or STS 33A, in the case of a permit to purchase” following “STS-33”; in (d), deleted “(P.L. 1985, c. 69)” following the N.J.S.A. reference, and substituted “SP 66” for “STS-1”; and in (g), substituted “an additional valid identification document” for “other reasonable satisfactory proof”, “Superintendent” for “superintendent” and “applicant” for “application”, deleted “in the discretion of the chief of police or Superintendent,” following “identity,”, and inserted the last two sentences.

13:54-1.5 Prerequisites for a permit to purchase handgun or a firearms purchaser identification card

(a) A permit to purchase a handgun, or a firearm purchaser identification card, shall not be issued to any person:

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 (N.J.S.A. 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 (N.J.S.A. 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 a habitual drunkard;
3. To any person who suffers from a physical defect or disease which would make it unsafe for him or her 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 or she is no longer suffering from that particular disability in such a manner that would interfere with or handicap him or her 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 (N.J.S.A. 2C:25-17et seq.) prohibiting the person from possessing any firearm;
7. To any person who as a juvenile was an 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 (N.J.S.A. 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 (N.J.S.A. 2C:25-17 et seq.) and whose firearm has not been returned.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Deleted (a), recodified (b) as new (a), and rewrote (a)1 through (a)8.

13:54-1.6 Exception for physical disability, mental disorder or alcoholism

A permit or identification card may be issued to a person who had previously suffered from a physical defect or disease, or mental disorder, or was an alcoholic if the applicant provides a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof that he or she is no longer suffering from that particular disability in such a manner that it would interfere with or handicap him or her in the handling of firearms.

13:54-1.7 Validity of firearms identification card and permit to purchase a handgun

(a) A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth by law and this subchapter pertaining to an applicant’s eligibility. Upon becoming subject to any of the disabilities set forth in this subchapter, the card shall be void and shall be returned to the Superintendent within five days.

(b) 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. In no event shall a permit to purchase a handgun be valid for more than 180 days from the date the permit was originally issued.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (b), inserted “the” preceding “date of issuance”, inserted “good cause for”, deleted “, for a total of 180 consecutive days”, and inserted the second sentence.

13:54-1.8 Written certification; delivery of permit to purchase

(a) Any person receiving, purchasing or otherwise acquiring a firearm by exhibiting a firearms purchaser identification card shall sign a written certification on form NJSP 634, which shall indicate that he or she presently complies with all of the requirements for obtaining an identification card and does not suffer from any of the disabilities set forth in this subchapter. The certification shall contain his or her name, address and firearms purchaser identification number or dealer’s license, and any other information deemed necessary by the Superintendent. If the seller is not a licensed dealer, the certification may be retained by the seller or it may be filed with the chief of police of the municipality in which he or she resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he or she is a licensed dealer.

(b) A permit to purchase a handgun shall be issued to the applicant in quadruplicate. Prior to receiving a handgun from the seller, the purchaser must deliver all copies of the permit to the seller, who shall complete all of the information on the required form. Within five days 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 where the purchaser resides; provided that in a municipality having no chief of police, the second copy shall be forwarded to the Superintendent. The third copy shall be returned to the purchaser, and the fourth shall be kept by the seller as a permanent record.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted a comma following "NJSP 634"; and inserted "or dealer's license, and any other information deemed necessary by the Superintendent", "may be retained by the seller or it", and "or she" following "he" in the third and fourth sentences.

13:54-1.9 Number of firearms that may be purchased

(a) Only one handgun may be purchased or delivered on each permit to purchase.

(b) There shall be no restriction on the number of rifles, shotguns and antique cannons that may be purchased or acquired, provided the receiver possesses a valid firearms purchaser identification card and otherwise complies with all of the provisions of this subchapter.

13:54-1.10 Revocation of a firearms purchaser identification card

(a) A firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after a hearing, and upon a finding that the holder no longer qualifies for the issuance of such a card.

(b) The county prosecutor, any law enforcement officer or any citizen may request a hearing for revocation by applying to the Superior Court of the county in which the card was issued.

(c) Any person having knowledge that a person is subject to any of the disabilities set forth in this subchapter to obtain or possess a permit to purchase a handgun or a firearms purchaser identification card may notify the chief of police, the Superintendent or any other law enforcement officer who may take such action as may be deemed appropriate.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), deleted "a judge of" following "revoked by".

13:54-1.11 Duplicate firearms purchaser identification card

(a) Persons shall apply for a duplicate firearms purchaser identification card to replace a lost, stolen or mutilated card, or in the case of a change of residence by the holder, within 30 days of such loss, theft, mutilation, or change of residence.

(b) The applicant shall complete an application for a duplicate firearms purchaser identification card designated as form STS-3 and a consent for mental health records search designated as form SP 66 and present same to the chief of police in the municipality where the applicant resides or to the Superintendent in all other cases.

(c) It shall be the responsibility of the chief of police of the municipality wherein the applicant currently resides or the Superintendent in all other cases, to conduct a criminal history records check and to determine if the applicant is subject to any of the disabilities as provided by law and this subchapter and to issue the duplicate card, should the applicant qualify. The applicant shall pay the appropriate fee for a Criminal History Record Check as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. (P.L. 1985, c.69).

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (b), substituted "SP 66" for "STS-1".

Case Notes

Borough police chief who denied new resident's application for duplicate firearms purchaser identification card (FPIC) was not required to apply a presumption of validity to decision made less than five years earlier by police chief of another municipality to issue initial FPIC; borough police chief was not reviewing grant of initial application, but was making his own investigation and evaluation as required by statute. In re Application of Boyadjian, 362 N.J.Super. 463, 828 A.2d 946 (2003).

Denial by borough police chief of application for duplicate firearms purchaser identification card (FPIC) was not arbitrary, capricious, or unreasonable; applicant had been convicted of lewdness charge and had been arrested for terroristic threats since issuance of initial FPIC by another municipality's chief of police less than five years earlier, and borough police chief properly applied his own fairly-drawn standards for determining gravity of arrests that preceded issuance of initial FPIC, including one for aggravated assault with a weapon. In re Application of Boyadjian, 362 N.J.Super. 463, 828 A.2d 946 (2003).

13:54-1.12 Appeal

(a) Any person denied a firearms purchaser identification card, a permit to purchase a handgun or a duplicate firearms purchaser identification card may request a hearing in the Superior Court of the county in which he or she resides or in the Superior Court of the county in which his or her application for a firearms purchaser identification card was denied if he or she 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, identification card or duplicate identification card. The applicant shall serve a copy of his or her request for a hearing upon the chief of police of the municipality in which he or she resides, if he or she is a resident of New Jersey, and upon the Superintendent in all cases.

(b) Any person denied a firearm purchaser identification card, a permit to purchase a handgun or a duplicate firearms purchaser identification card shall be notified in writing by the issuing authority of the reasons for the denial.

(c) The request for a hearing shall be made in writing within 30 days of the denial, and such request shall also be served upon the chief of police or the Superintendent.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted “card,” for “card or”, inserted “or a duplicate firearms purchaser identification card”, and inserted the last two sentences; and in (b), substituted “card,” for “card or”, and inserted “or a duplicate firearms purchaser identification card”.

Case Notes

Although a trial court judge conducting de novo review of a police chief’s denial of application for firearms purchaser identification card (FPIC) is not bound by any factual determinations that have been made, judge must nevertheless act with appropriate regard for the local interest factor to the extent legitimately reflected in the police chief’s denial, as well as for the chief’s investigative experience and expertise. In re Application of Boyadjian, 362 N.J.Super. 463, 828 A.2d 946 (2003).

13:54-1.13 Firearms passing to heirs or legatees

(a) Notwithstanding the provisions of this subchapter concerning the transfer, receipt or acquisition of a firearm, a permit to purchase a handgun or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to their heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. A person so acquiring ownership may retain the firearm if he or she meets the requirements of N.J.A.C. 13:54-1.5 and 1.6.

(b) If an heir or legatee is not qualified to acquire a firearm, he or she may retain ownership of the firearm for the purpose of sale for a period of 180 days, which period may be extended by the chief of police or the Superintendent. During such period the firearm must be placed in the custody of the chief of police or Superintendent.

(c) In the case of assault firearms or machine guns disposition shall be in accordance with N.J.A.C. 13:54-5.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted “transfer, receipt, or”, substituted “for the passing of a firearm upon the death of an owner thereof to their” for “of an”, and substituted “, whether the same be by testamentary bequest or by the laws of intestacy” for “for the passing of a firearm, upon the death of its owner”.

13:54-1.14 Limitation on fees

No fees, other than those established by this chapter or law, shall be assessed or charged to any person by any governmental entity of this State for the processing of applications, or for the proper investigation of applicants for licenses, permits, cards and registrations in accordance with the provisions of this chapter.

13:54-1.15 Confidentiality of background investigations, permits, firearms identification cards, licenses, certifications, certificates, forms of register, registration statements and applications

Any background investigation conducted by the chief of police, the Superintendent or the county prosecutor, of any applicant for a permit, firearms identification card license, or registration, in accordance with the requirements of this chapter, is not a public record and shall not be disclosed to any person not authorized by law or this chapter to have access to such investigation, including the applicant. Any application for a permit, firearms identification card, or license, and any document reflecting the issuance or denial of such permit, firearms identification card, or license, and any permit, firearms identification card, license, certification, certificate, form of register, or registration statement, maintained by any State or municipal governmental agency, is not a public record and shall not be disclosed to any person not authorized by law or this chapter to have access to such documentation, including the applicant, except on the request of persons acting in their governmental capacities for purposes of the administration of justice.

Amended by R.1992 d.446, effective November 2, 1992.
See: 24 N.J.R. 3022(a), 24 N.J.R. 4068(a).

Revised section.

Repeal and New Rule, R.1995 d.233, effective May 1, 1995.
See: 27 N.J.R. 305(a), 27 N.J.R. 1807(a).

Formerly “Confidentiality of background investigations, permits, licenses, firearms identification cards, registrations and applications”.

Law Review and Journal Commentaries

Gun Control—Right to know. P.R. Chenoweth, 138 N.J.L.J. 49 (1994).

Case Notes

Claim that regulation adopted by state police superintendent did not exempt investigative file documents related to issuance of firearms permits from disclosure under right-to-know law was moot. Southern New Jersey Newspapers, Inc. v. Township of Mt. Laurel, 141 N.J. 56, 660 A.2d 1173 (1995).

Publisher did not have absolute right of access to township files respecting permits to purchase handguns and firearms purchaser identification cards. Southern New Jersey Newspapers, Inc. v. Township of Mount Laurel, 275 N.J.Super. 465, 646 A.2d 510 (A.D.1994), certification granted 139 N.J. 289, 654 A.2d 470, judgment affirmed as modified and remanded 141 N.J. 56, 660 A.2d 1173.

Confidentiality statute; access to mental health records; newspaper publisher’s request for township files respecting permits to purchase handguns and firearms purchaser identification cards. Southern New Jersey Newspapers, Inc. v. Township of Mount Laurel, 275 N.J.Super. 465, 646 A.2d 510 (A.D.1994), certification granted 139 N.J. 289, 654 A.2d 470, judgment affirmed as modified and remanded 141 N.J. 56, 660 A.2d 1173.

SUBCHAPTER 2. HANDGUNS

13:54-2.1 Permit to carry a handgun

This subchapter prescribes requirements and procedures for the issuance, renewal and revocation of permits to carry handguns.

13:54-2.2 Permit required

No person, except as provided in N.J.S.A. 2C:39-6, shall carry, hold or possess a handgun without first having obtained a permit to carry the same in accordance with the provisions of this chapter.

Case Notes

N.J.S.A. 2C:39-2b creating presumption of absence of firearm carrying permit unless defendant presents contrary evidence held constitutional as not offensive to due process; presumption rational in view of statutory and regulatory requirement for possession of permit whenever handgun is carried. *McCandless v. Beyer*, 835 F.2d 58 (3rd Cir. 1987).

In prosecution for possession of a handgun without a permit, State did not have burden of offering evidence on the issue of whether defendant had a permit, pursuant to statutory presumption that an accused weapons offender does not possess a requisite license or permit unless he establishes the contrary. *State v. Ingram*, 98 N.J. 489, 488 A.2d 545 (1985).

13:54-2.3 Criteria for the issuance of a permit to carry a handgun

(a) No application for a permit to carry a handgun shall be approved by a chief police officer of a municipality, the Superintendent or the Superior Court, unless the applicant:

1. Is a person of good character who is not subject to any of the disabilities which would prevent him or her from obtaining a permit to purchase a handgun or a firearms purchaser identification card as provided in this chapter;
2. Has demonstrated that at the time of the application for the permit he or she is thoroughly familiar with the safe handling and use of handguns; and
3. Has demonstrated a justifiable need to carry a handgun.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (a), substituted "chief police officer" for "police chief".

13:54-2.4 Application for a permit to carry a handgun

(a) Every person applying for a permit to carry a handgun shall furnish such information and particulars as set forth in the application form designated SP 642. The application shall be signed by the applicant under oath and shall be endorsed by three reputable persons who have known the applicant for at least three years preceding the date of application, and who shall also certify thereon that the applicant is a person of good moral character and behavior. Applications can be obtained at police departments and State Police stations.

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns shall be evidenced by:

1. Completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission as described by N.J.S.A. 2C:39-6j;
2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; and
3. Passage of any test in this State's laws governing the use of force administered by a certified instructor of a police academy, a certified instructor of the National Rifle Association, or any other recognized certified instructor.

(c) The information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s).

(d) Each application form shall also be accompanied by a written certification of justifiable need to carry a handgun, which shall be under oath and which:

1. 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 such incidents to the appropriate law enforcement agencies; or
2. In the case of employees of private detective agencies, armored car companies and private security companies, that:

i. In the course of performing statutorily authorized duties, the applicant is subject to a substantial threat of serious bodily harm; and

ii. That carrying a handgun by the applicant is necessary to reduce the threat of unjustifiable serious bodily harm to any person.

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., four photographs (1½ x 1½ square), a consent for mental health records search form designated SP 66, and a permit fee of \$20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief police officer of the

municipality in which the applicant resides, or the Superintendent:

1. If there is no full time police department in the municipality where the applicant resides; or
2. If the applicant is a non-resident of this State or if the applicant is an employee of an armored car company.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In the introductory paragraph of (b), substituted "shall" for "may"; in (b)2, inserted "and" at the end; deleted (b)3; recodified (b)4 as new (b)3; in (c), substituted "The" for "Where available, the" and deleted the second sentence; in the introductory paragraph of (d), substituted "justifiable need to carry a handgun," for "need"; and in the introductory paragraph of (e), deleted "(P.L. 1985, c.69)" following the N.J.S.A. reference, and substituted "SP 66" for "STS-1" and "chief police officer" for "chief of police".

13:54-2.5 Approval of application

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be thoroughly investigated. The investigation shall include, but not be limited to, ascertaining that the applicant satisfies all of the requirements contained in this chapter for obtaining a permit to purchase a handgun or a firearms purchaser identification card, that the applicant has or has not demonstrated a thorough familiarity with the safe handling and use of handguns as evidenced by the application and accompanying materials, and that the applicant has or has not factually demonstrated a justifiable need to carry a handgun. The chief of police or the Superintendent shall approve or disapprove the application after completion of the investigation. If the application is approved, by the chief of police or the Superintendent, as the case may be, it shall be forwarded to the Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun, for presentation to a judge of the Superior Court.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Inserted "by the chief of police or the Superintendent, as the case may be," and substituted "Superior Court of the county where the applicant resides, or if a nonresident or an employee of an armored car company, to a county where he or she intends to carry the handgun," for "county clerk".

13:54-2.6 Application of employees of armored car companies

Any application to carry a handgun by an employee of an armored car company shall be accompanied by a letter from the chief executive officer of the armored car company verifying employment of the applicant, endorsing approval of the application and agreeing to notify the Superintendent within five days of the termination of an employee to whom any permit is issued, and agreeing to obtain from that employee the permit, which shall be immediately surrendered to the Superintendent.

13:54-2.7 Issuance of a permit to carry a handgun

(a) Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of Chapter 58, Laws of 1979, the judge shall issue a permit.

(b) The court may, at its discretion, issue a limited type permit which would restrict the applicant as to the types of handguns he or she may carry and where and for what purposes such handguns may be carried.

(c) The Superintendent shall be provided with copies of all permits to carry handguns issued or re-issued by the Superior Court.

13:54-2.8 Appeal

(a) Any person making application for a permit to carry a handgun who is denied approval by the chief police officer or the Superintendent may request a hearing in the Superior Court of the county in which he or she resides, or a county in which he or she intends to carry a handgun, in the case of a non resident or an employee of an armored car company. Such request shall be made in writing within 30 days of denial of the application. Copies of the request shall be served on the Superintendent, the county prosecutor and the chief police officer of the municipality where the applicant resides, if he or she is a resident of this State.

(b) If the application is denied by the judge of the Superior Court the appeal shall be made in accordance with law.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted "chief police officer" for "chief of police" twice.

13:54-2.9 Duration and renewal

(a) All permits to carry a handgun 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 or her employment by the company occurring prior thereto, whichever is earlier in time.

(b) Permits must be renewed in the same manner and subject to the identical procedures by which the original permit was obtained. The chief police officer, the Superintendent and the Superior Court shall process a renewal for a permit to carry a handgun utilizing the same criteria established by this chapter for the issuance of an initial permit. This includes, but is not limited to, a renewed showing by the applicant of need, a renewed demonstration of thorough familiarity with the safe handling and use of handguns, as may be evidenced by recitation of all of the information requested on the initial application, including, but not limited to, the applicant's most recent qualification scores in the firing of a handgun.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (b), substituted "chief police officer" for "chief of police".

13:54-2.10 Revocation of permits

(a) Any permit issued pursuant to this chapter shall be void at such time as the holder no longer meets the requirements of N.J.A.C. 13:54-1.5 and 1.6, and the holder of such a void permit shall immediately surrender it to the Superintendent who shall give notice to the licensing authority.

(b) Any permit may be revoked by the Superior Court, after hearing, upon notice to the holder of the permit, if the Court finds that the holder no longer satisfies the requirements of N.J.A.C. 13:54-2.3 or any applicable law.

(c) 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 revocation of any permit issued pursuant to this chapter.

(d) Any person having knowledge that a person is subject to any of the disabilities set forth in this chapter and no longer qualifies to carry a handgun may so notify the chief of police, the Superintendent or any other law enforcement officer who may take such action as may be deemed appropriate.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (b), inserted "or any applicable law".

SUBCHAPTER 3. RETAIL DEALERS
13:54-3.1 Licensing of retail dealers; general

This subchapter prescribes requirements for issuance of licenses to retail dealers for the retail sale of firearms, retail sale of ammunition, gunsmithing and the requirements for issuance of licenses to employees of such dealers.

13:54-3.2 Retail license required

No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale or possess with intent to sell, any firearm, parts of firearms, ammunition, or engage in gunsmithing, unless such person has first obtained a retail dealers license issued pursuant to this chapter.

13:54-3.3 Application for license

(a) Every person, partnership or corporation applying for a retail dealer license shall furnish such information and particulars as required by the application form designated SP-649, and in the case of partnerships, corporations or other business organizations, the application form designated SP-649A shall also be completed. Such forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey 08628. All corporations applying for such a license, in addition to the application, shall submit a valid copy of the most recent certificate of incorporation, or such other documentation es-

tablishing the corporation, partnership or other business organization as a legal entity.

(b) The completed application, together with two sets of the applicant's fingerprints, a consent for mental health records search form designated SP 66, and a nonrefundable fee of \$50.00, payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., shall be submitted to the Superintendent.

(c) Any person who possesses an actual or equitable controlling interest in an applicant corporation, partnership or other business organization shall complete the necessary application form and be fingerprinted.

(d) No retail dealer shall permit any employee or other person to engage in the purchase, sale or offering for sale of any firearms, ammunition or engage in gunsmithing, unless such employee or person has been licensed by the Superintendent. Every employee applying for such a license must submit a completed application form designated NJSP 641, accompanied with two sets of fingerprints and a consent for mental health records search form SP 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted, provided that the number of the firearms purchaser identification card is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter. The retail dealer shall complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form for such employee and submit the required fee for processing such form. A nonrefundable fee of \$5.00 shall be paid by the retail dealer to the Superintendent for each employee in addition to the fingerprint fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted a comma for "and" following "partnerships" and "08628" for "08625", and inserted "or other business organizations" and ", partnership or other business organization"; in (b), substituted "SP 66" for "STS-1" and deleted "(P.L. 1985, c.69)" following the N.J.S.A. reference; in (c), inserted ", partnership or other business organization"; and rewrote (d).

13:54-3.4 Standards and qualifications

(a) No license shall be granted under this subchapter to any retail dealer under the age of 21 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 or a firearms purchaser identification card, 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.

(b) An employee who is licensed by the Superintendent to engage in the purchase or sale of firearms, ammunition or to

engage in gunsmithing is licensed for so long as the employee remains in the employ of the retail dealer or becomes disabled as provided in this chapter.

(c) Should an employee be transferred from his or her licensed location to another location, by the same licensed employer, that employee shall apply for a transfer of his or her employee license by submitting application form NJSP-641, consent for mental health records search form SP 66 and shall surrender his or her current employee license to the Superintendent.

(d) A retail dealer shall, within five days, return any employees' license of an employee who has been terminated or has become disqualified as provided in this chapter, to the Superintendent.

(e) No retail dealer shall conduct a retail business in a mobile or temporary facility ("Mobile" meaning a facility easily moved from one location to another. "Temporary" meaning a facility not having indicia of permanency). A temporary facility includes, but is not limited to, places for garage sales, flea markets, gun shows and exhibits.

(f) A retail dealer shall not receive an initial license unless local zoning requirements have been satisfied for the operation of such a business, and the Superintendent has been notified in writing that such requirements have been satisfied. The Superintendent may, in his or her discretion, decline to process or investigate an application for an initial retail dealer license until such time as the applicant demonstrates compliance with local zoning requirements. After the issuance of the initial license, a retail dealer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The failure of the retail dealer to comply with this notification requirement may result in the revocation of the registration or license of such dealer.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Rewrote (a); in (c), substituted "SP 66" for "STS-1,;" in (d), deleted "transferred," following "terminated"; and in (f), substituted "A retail dealer shall not receive an initial license" for "No retail dealer shall conduct a retail firearms business", substituted "an initial" for "a" following "application for", and inserted the last two sentences.

13:54-3.5 Exemptions for physical handicap

A physical handicap shall not disqualify an applicant for a license unless such handicap would make it unsafe for the applicant to handle firearms or would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety or welfare.

13:54-3.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of filing of an application for a

retail dealer license shall not be required to furnish the personal data as set forth in the application form for officers or directors of such corporation or for the stockholders of such corporation unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation.

(b) A certification shall be filed by the member or members holding an actual or equitable controlling interest in each corporation or partnership certifying that such member(s) shall take the appropriate action to inform all employees directly engaged in the sale, purchase or manufacture of firearms or ammunition of the pertinent laws and regulations governing the sale, purchase and manufacture of such firearms or ammunition.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted "or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation".

13:54-3.7 Licensing of retail dealers and employees

(a) The Superintendent shall cause the applicant for a retail dealer license to be investigated for purposes of providing the judge of the Superior Court with such information as the Superintendent deems appropriate with respect to the applicant's qualifications and disabilities.

(b) Upon completion of the investigation, the application shall then be forwarded by the Superintendent, accompanied by such other documentation as he or she deems appropriate, to a judge of the Superior Court in the County wherein the retail dealer intends to conduct business.

(c) The judge shall issue a license to an applicant:

1. Who conforms to the standards and qualifications prescribed by the Superintendent;
2. Who may engage in business as a retail dealer without any danger to the public safety, health or welfare; and
3. Who is not subject to any of the disabilities which would prevent him from obtaining a permit to purchase a handgun or a firearms purchaser identification card as provided by this chapter.

(d) The Superintendent shall maintain a copy of every license issued by the Superior Court to a retail dealer.

(e) An employee of a retail dealer shall be licensed by the Superintendent provided that such person:

1. Qualifies for the issuance of a permit to purchase a handgun or a firearms purchaser identification card as provided by this chapter; and
2. Would not pose a danger to the public health, safety or welfare.

13:54-3.8 Duration of retail dealer license

A retail dealer license shall be effective for three years from the date of issuance. If a retail dealer license is renewed, it shall be effective for three years from the date of the expiration of the initial or most recent license.

13:54-3.9 Conditions of issuance of license; revocation

(a) All licenses issued pursuant to this subchapter shall be subject to the following conditions, the breach of any of which may result in license revocation after notice and hearing by the issuing court, upon the application of the Superintendent or any law enforcement officer.

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, ammunition 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, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided in this chapter, unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes to the seller, on form NJSP 634, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the Superintendent may 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, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided by this chapter, unless:

i. Such person possesses and exhibits a valid permit to purchase a handgun and at least seven days have elapsed since the date of application for the permit;

ii. The person is personally known to the seller or presents evidence of his or her identity;

iii. The handgun is unloaded and securely wrapped; and

iv. 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 in

this subparagraph 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.

6. The dealer shall keep a true record of every firearm sold, given or otherwise delivered or disposed of and the record shall note that a trigger lock, locked case, gun box, container or other secure facility was delivered along with the handgun, in accordance with the provisions of N.J.S.A. 2C:58-2(a)(6) and 2C:58-2(b) through (e). The dealer shall:

i. Complete and keep a form of register, which is part of the permit to purchase a handgun (designated SP-671) for each handgun sold and obtain the information sought by the form of register and obtain the signature and address of the purchaser in the purchaser's own handwriting;

ii. Complete in a legible manner the permit to purchase a handgun in the space provided on the form;

iii. Forward the permit to purchase a handgun and form of register copies to the respective individuals, as noted on the forms, within five days of the date of sale. If the issuing authority is the State Police, both the original and the second copy of the permit to purchase and the form of register are to be forwarded to the State Police; and

iv. Retain the form of register and make it available for inspection by any law enforcement officer at reasonable hours.

7. The license holder shall continue to qualify for the issuance of a permit to purchase a handgun or firearms purchaser identification card and shall not pose a danger to the public health, safety or welfare.

8. The dealer shall comply with any other conditions regulating retail dealers as provided in this chapter.

9. The dealer shall continue to comply with local zoning requirements.

(b) Any person having knowledge that a person licensed pursuant to this chapter has violated any of the foregoing conditions or is otherwise unqualified to hold a license pursuant to the requirements of this chapter, may notify any law enforcement officer, who shall in turn notify the Superintendent, who may take such action as may be deemed appropriate.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Rewrote the section.

13:54-3.10 Renewal of retail dealers and employees licenses

(a) An applicant for renewal of a retail firearms dealers license need not be fingerprinted again, provided such applicant completes the New Jersey State Police, State Bureau

of Identification (SBI) "Request For Criminal History Record Information For A Non Criminal Justice Purpose" form, and submits the required fee for processing such form established by N.J.A.C. 13:59. If the applicant disputes the results of the criminal history records check, or the check reveals a discrepancy relating to the applicant, the individual shall be required to submit fingerprints for verification of identity.

(b) An applicant for renewal of a retail firearms dealers license need not submit additional proof of zoning compliance to the Superintendent. Dealers are nevertheless required to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that they are not in compliance with such local zoning requirements. The failure of a retail dealer to comply with this notification requirement may result in the revocation of the registration or license of such dealer.

(c) An applicant for renewal of a retail firearms dealers license shall follow all other procedures required for the issuance of an initial license, including completion of form SP 649 and submission of a consent for mental health records form SP 66. Such applications shall be accompanied by a nonrefundable fee of \$50.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

(d) The employee's license is valid, only so long as the employer's retail dealer license is valid, and therefore employees' licenses must be renewed simultaneously with the employer's license. To this end, all licensed employees who engage in the purchase or sale of firearms, ammunition or engage in gunsmithing, must also submit renewal applications to continue transacting business on behalf of the licensee, including completion of form SP 649 and submission of a consent for mental health records form SP 66. Such applications shall be accompanied by a nonrefundable fee of \$5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. The applicant shall also complete a request the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submit the required fee for processing such form established by N.J.A.C. 13:59.

(e) Retail dealers and employees of dealers applying for license renewal, at the time of such renewal, shall:

1. Continue to be qualified for the issuance of a permit to purchase a handgun or a firearms purchaser identification card as provided by this chapter;
2. Meet the standards and qualifications of the Superintendent; and
3. Not pose a danger to the public health, safety or welfare.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Added (a) and (b); recodified former (a) through (c) as (e) through (e); and rewrote (c) and (d).

13:54-3.11 Security required

Each retail dealer shall install a system for the prevention and detection of the theft of firearms or ammunition from the business premises in accordance with N.J.A.C. 13:54-6.

13:54-3.12 Requirements for sale of rifle, shotgun, antique cannon or receiver

In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to the sale or transfer of a rifle, shotgun, or receiver, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.

Amended by R.2001 d.246, effective July 16, 2001.

See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

Added the last sentence.

Repeal and New Rule, R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

13:54-3.13 Requirements for sale of a handgun or frame

(a) Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided in this chapter, shall present a valid permit to purchase a handgun to the dealer, who shall confirm the identity of the purchaser. A permit is valid for the purchase of one handgun or receiver. The dealer shall adhere to the following procedures:

1. Complete and keep a form of register, which is part of the permit to purchase a handgun (designated SP-671) for each handgun sold and obtain the information sought by the form of register and obtain the signature and address of the purchaser in the purchaser's own handwriting;
2. Complete in a legible manner the permit to purchase a handgun in the space provided on the form;
3. Deliver the handgun unloaded and securely wrapped;
4. Forward the permit to purchase a handgun and form of register copies to the respective individuals, as noted on the forms, within five days of the date of sale. If the issuing authority is the State Police, both the original and the second copy of the permit to purchase and the form of register are to be forwarded to the State Police;
5. Retain the form of register and make it available for inspection by any law enforcement officer at reasonable hours; and
6. In addition to complying with the other requirements of this chapter, the retail dealer shall, prior to completing the sale or transfer of a handgun or frame, initiate a NICS check with the Division of State Police as defined in 27 CFR 478.11, which is incorporated by reference herein, as may be amended and supplemented.

Amended by R.2001 d.246, effective July 16, 2001.

See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

Added (a)6.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In introductory paragraph of (a), substituted "in" for "by", "shall" for "must" following "chapter," "dealer, who shall" for "dealer who is required to", and "dealer shall" for "dealer is also required to"; and rewrote (a)6.

Case Notes

Administrative code section exception relating to "a licensed or registered retail or wholesale dealer" did not apply to a federally licensed dealer. *State v. Auringer*, 335 N.J.Super. 94, 761 A.2d 102 (N.J.Super.A.D. 2000).

13:54-3.14 Permanent record of receipt and disposition of firearms and ammunition

(a) Every retail dealer of firearms or gunsmith shall maintain a permanent record of each firearm acquisition and disposition, including firearm frames and receivers. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. The record of purchase or acquisition shall consist of invoices or other commercial records, which shall be filed in an orderly manner separate from other commercial records maintained. The purchase or other acquisition of a firearm by the licensed dealer must be recorded no later than at the close of the next business day following the date of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the next business day following the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm, the name and address of the person to whom the firearm was transferred, and the type, manufacturer, importer, caliber or gauge, model and the serial number of the firearm. The information prescribed for the record required by this subchapter shall be in addition to the maintenance of the form of register SP 671 and the certificate of eligibility NJSP-634. The dealer shall, in the case of a transfer of a handgun to an individual, note that the handgun was 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.

(b) Every retail dealer of ammunition shall maintain a permanent record of ammunition acquisition and disposition. The record of purchase or acquisition shall consist of invoices or other commercial records, which shall be filed in an orderly manner separate from other commercial records maintained. Such records shall show the name of the manufacturer, the type, caliber or gauge, quantity of the ammunition acquired in the transaction, the date of each acquisition and from whom received. The record of sale or disposition shall be maintained in a bound form and shall contain the date of the transaction, name of manufacturer, caliber or gauge,

quantity of ammunition sold, name, address and date of birth of purchaser, and identification used to establish the identity of purchaser. The dealer shall confirm the age of the purchaser of rifle and shotgun ammunition to be at least 18, and handgun ammunition to be at least 21. No record need be maintained for the sale or disposition of shotgun or rifle ammunition. However, sales or other dispositions of ammunition intended for use in any other firearm and which may be interchangeable between rifles and handguns, as well as hollow-nosed or dum-dum ammunition, must be recorded. The records shall be maintained in chronological order by date of acquisition and disposition and shall be kept at the location the business is being conducted.

(c) The firearms and ammunition acquisition and disposition record as prescribed under this section need not be required, provided the dealer maintains an updated Federal firearms and ammunition record on firearms or ammunition purchased or acquired and sold as prescribed in Title 26, Internal Revenue, Chapter 1 "Commerce in Firearms and Ammunition", and to the extent that the information required by this section is included on such records. If not included, then the Federal records are to be supplemented so as to include all information required by this section.

(d) No person shall sell, give, transfer, assign or otherwise dispose of body armor penetrating bullets except to a Federally-licensed collector of firearms and ammunition who possesses a valid Collector of Curios and Relics License as defined in Title 18 U.S.C. §921(a)(13) or to the Armed Forces of the United States or the National Guard, law enforcement agencies and licensed firearms dealers.

1. Collectors will be limited to the purchase or acquisition of not more than three rounds of each distinctive variation of cartridges. Distinctive variation includes a different head stamp, composition, design or color.

2. The seller shall record all sales of such ammunition including the name of the purchaser, the agency represented, the authorizing chief of police or other authorized law enforcement officer, or the highest ranking authorized military officer, the date, time and amount of ammunition. If the sale or disposition was to a law enforcement agency, the record shall also include the written authorization of the chief of police or highest ranking official of the agency.

3. All of the above information shall be forwarded to the Superintendent of the State Police within 48 hours of the sale or disposition.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted the third and last sentences; in (b), substituted "to be at least 18" for "as 18" and "to be at least 21" for "as 21"; rewrote the introductory paragraph of (d), and in (d)2, inserted the last sentence.

Petition for Rulemaking.

See: 42 N.J.R. 2500(b), 2996(a).

13:54-3.15 Sale of firearms to the military and to law enforcement officers

Retail dealers licensed by this chapter may sell firearms to the Armed Forces of the United States, the National Guard and to law enforcement agencies. Retail dealers must maintain records of sale or disposition of firearms to any of the aforementioned entities or agencies. The records shall include the name of the entity or agency, and a written authorization of purchase on the official letterhead of the Superintendent, chief of police or the law enforcement officer or military officer officially authorized to make such purchases on behalf of the agency or governmental entity and copies of any payment vouchers used to acquire such firearms. The records shall specify the type, manufacturer, importer, caliber or gauge, model and serial number of each firearm purchased. The records shall also indicate the name and rank of the law enforcement or military officer authorized to make the purchase, including the date and time of the sale or disposition. The dealers shall maintain such records for inspection by law enforcement officers at reasonable hours. Sales of assault firearms and machine guns shall be in accordance with N.J.A.C. 13:54-5.1 and copies of records of such sales shall be forwarded to the Superintendent within 48 hours of the sale.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Inserted "and copies of any payment vouchers used to acquire such firearms".

13:54-3.16 Records available to Division of State Police

Records are to be retained by the dealer and shall, for administrative and law enforcement purposes, be made available for inspection during reasonable hours to any member of the Division of State Police.

13:54-3.17 Records to Superintendent

Upon discontinuance, termination, expiration or revocation of a retail dealer license, the retail dealer license and any employee licenses shall be forwarded to the Superintendent within five business days.

13:54-3.18 Appeal

Any person making application for a retail dealer license, who is denied approval by a Superior Court judge of the county wherein the application was made, may file an appeal in accordance with law.

13:54-3.19 Division of State Police NICS hours of operation

The NICS check is available telephonically weekdays from 9:00 A.M. to 8:00 P.M. and Saturday from 10:00 A.M. to 5:00 P.M. (except State holidays). The Division of State Police may expand hours of telephone coverage based upon operational experience. A facsimile service is available 24

hours a day, seven days a week. Only one transaction per telephone call or facsimile is permitted.

New Rule, R.2001 d.246, effective July 16, 2001.
See: 33 N.J.R. 763(a), 33 N.J.R. 2491(a).

13:54-3.20 Consignment firearms placed at licensed retail firearms dealers

Consignment firearms are firearms that are transferred by the legal owner (consignor) of the firearm to a licensed retail firearms dealer (consignee) for the purpose of resale. Licensed retail firearms dealers that receive firearms on consignment shall provide a receipt/invoice to the consignor with a full description of the firearms, including make, model, caliber and serial number. The licensed retail firearms dealer shall also provide in writing on the same receipt/invoice a statement indicating that any consignor requesting the return of a firearm shall be required to comply with the regulatory provisions of N.J.S.A. 2C:58-3 for the transfer of handguns and rifles or shotguns. Consignment handguns, rifles, or shotguns shall not be returned to the consignor without the consignor first producing a valid permit to purchase a handgun, or in the case of a rifle or shotgun, a New Jersey firearms purchaser identification card and completing a State of New Jersey Certificate of Eligibility form (SP 634), which is used for eligibility verification and contains a list of disqualifications for the cosigner.

New Rule, R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

SUBCHAPTER 4. WHOLESALE DEALERS,
MANUFACTURERS AND WHOLESALE
DEALERS' AGENTS AND EMPLOYEES

13:54-4.1 General provisions

This subchapter prescribes standards and qualifications for registration of wholesale dealers and manufacturers of firearms and the rules for holders of registration certificates to conduct business. This subchapter also provides for the licensing of wholesale dealers' agents and employees.

13:54-4.2 Registration required

No person shall manufacture or sell at wholesale any firearm or part of a firearm unless he or she has been registered by the Superintendent under the provisions of this chapter. This section shall not apply to a person who exclusively processes, or deals exclusively in, grips, stocks and other non-metal parts of firearms.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Inserted "or she", and inserted the last sentence.

13:54-4.3 Application for a certificate of registration

(a) Every person applying for a certificate of registration shall furnish such information and particulars required by the applications forms designated STS 280 and 280A. The forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey 08628. All corporations, partnerships and other business organizations applying for registration shall, in addition to the applications, submit a valid copy of the most recent certificate of incorporation, or such other documentation establishing the corporation, partnership or other business organization as a legal entity.

(b) Any person who possesses an actual or equitable controlling interest in the applicant shall complete the necessary application form and shall be fingerprinted.

(c) The completed application together with two sets of the applicant's fingerprints, a consent for mental health records search form SP 66, and a nonrefundable fee of \$150.00 payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., shall be submitted to the Superintendent.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), deleted ", partnership or corporation" following "person", substituted "08628" for "08625", and inserted ", partnerships and other business organizations" and ", partnership or other business organization"; and in (c), substituted "SP 66" for "STS-1", and deleted "(P.L. 1985, c.69)" following the N.J.S.A. reference.

13:54-4.4 Standards and qualifications

(a) Registration shall not be granted under this subchapter to any manufacturer or wholesale dealer of firearms under the age of 21 years or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, 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.

(b) No wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any wholesale dealer's agents, employees or other persons to engage in the purchase or sale or offering for sale of firearms or parts of firearms, unless such agents, employees or persons are over the age 18 and are licensed by the Superintendent. Such persons must submit to the Superintendent completed application form NJSP 641, two sets of fingerprints and consent for mental health records search form, SP 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted again, provided that the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and the applicable fee is paid, the number of the firearms purchaser identification card is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card

in accordance with the provisions of this chapter. The Superintendent shall issue licenses to such persons if they qualify to obtain a permit to purchase a handgun or to possess a firearms purchaser identification card as provided in this chapter, and would not pose a danger to the public health, safety or welfare. A nonrefundable fee of \$5.00 shall be paid by the employer to the Superintendent for each agent, employee or person in addition to the fees established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

(c) An employee who is licensed by the Superintendent to engage in the purchase, sale or manufacture of firearms is licensed until such time as he or she terminates his or her employment with the wholesale dealer or manufacturer or becomes disabled as provided in this chapter.

(d) Should an employee be transferred from his or her licensed location to another location, by the same registered employer, that employee shall apply for a transfer of his or her employee license by submitting application form SP 649, consent for mental health records search form SP 66, and shall surrender his or her current employee license to the Superintendent.

(e) A wholesale dealer and/or manufacturer shall, within five days, return to the Superintendent any employee license for an employee who has been terminated, permanently transferred or has become disqualified as provided by this chapter.

(f) A wholesale dealer and/or manufacturer shall not receive initial permission from the Superintendent to conduct a wholesale/manufacture firearms business unless local zoning requirements have been satisfied for the operation of such a business, and the Superintendent has been notified in writing that such requirements have been satisfied. After the issuance of the initial registration, a wholesale dealer and/or manufacturer has a continuing obligation to remain in compliance with local zoning requirements and to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that he or she is not in compliance with such local zoning requirements. The failure of the wholesale dealer and/or manufacturer to comply with this notification requirement may result in the revocation of the registration or license of such dealer and/or manufacturer.

(g) An applicant for renewal of a wholesale firearms dealers and/or manufacturer of firearms license need not submit additional proof of zoning compliance to the Superintendent. Wholesale dealers and/or manufacturers are nevertheless required to notify the Superintendent within 48 hours of receiving written notice from the local zoning official or other competent authority that they are not in compliance with such local zoning requirements. The failure of a wholesale dealer and/or manufacturer to comply with this notification requirement may result in the revocation of the registration or license of such wholesale dealer and/or manufacturer.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Rewrote (a); in (b), deleted "finished" preceding "parts" and "of" preceding "18", substituted "form, SP 66" for "form STS-1", inserted the third sentence, and deleted "(P.L. 1985, c.69)." following the N.J.S.A. reference; in (d), substituted "SP 649" for "NJSP 641" and "SP 66" for "STS-1"; in (e), inserted "permanently"; rewrote (f); and added (g).

13:54-4.5 Exemptions for physical handicap

A physical handicap shall not disqualify an applicant to be registered as a wholesale dealer or manufacturer of firearms or an applicant to be licensed as an employee unless such handicap would make it unsafe for the applicant to handle firearms or would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety and welfare.

13:54-4.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form STS-280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation.

(b) A certification shall be filed by the member or members holding an actual or equitable controlling interest in each corporation or partnership certifying that such member(s) shall take the appropriate action to inform all employees directly engaged in the sale, purchase or manufacture of firearms or ammunition of the pertinent laws and regulations governing the sale, purchase and manufacture of such firearms or ammunition.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), inserted "or such officers, directors or stockholders hold or possess the actual or equitable controlling interest in such corporation".

13:54-4.7 Certification; security required

(a) The Superintendent of State Police shall cause the applicant for registration to be investigated and either approve or deny the application. The application shall be approved if the Superintendent is satisfied that the applicant can be permitted to engage in business as a wholesale dealer of firearms without any danger to the public safety, health or welfare, and if the applicant would qualify for the issuance of a permit to purchase a pistol or a firearms purchaser identification card. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

(b) Each registrant as a wholesale dealer and/or manufacturer shall install a system for the prevention and detection of the theft of firearms from the business premises in accordance with the provisions of N.J.A.C. 13:54-6.

13:54-4.8 Duration of certificate of registration

A certificate of registration shall expire three years from the date of issuance. If a certificate of registration is renewed, it shall be effective for three years from the date of the expiration of the initial or most recent application.

13:54-4.9 Renewal of certificate of registration and agents' and employees' licenses

(a) An applicant for renewal of a certificate of registration shall follow the same procedures as required for the issuance of initial registration, including completion of forms STS 280 and 280A and a consent for mental health records form SP 66. Renewal application(s) shall be accompanied with a non-refundable fee of \$150.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. An applicant for renewal of a certificate of registration need not be fingerprinted again, provided such applicant shall complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and submit the required fee for processing such form established by N.J.A.C. 13:59.

(b) The employee's wholesale dealer's agent license is valid only, so long as the employer's wholesale dealer registration or firearms manufacturer registration is valid, and therefore such a license must be renewed simultaneously with the employer's registration. To this end, all licensed wholesale dealers' agents who engage in the purchase or sale or offering for sale of firearms or parts of firearms must also submit renewal applications to continue transacting business on behalf of the registered person, including completion of form SP 641 and submission of a consent for mental health records form SP 66. Such applications shall be accompanied by a nonrefundable fee of \$5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. An applicant for renewal of a wholesale dealer's agent license need not be fingerprinted again, provided such applicant completes the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submits the required fee of processing such for as established by N.J.A.C. 13:59.

(c) Wholesale dealers and manufacturers and employees of such persons applying for renewal of a certificate of registration or license renewal, at the time of such renewal shall:

1. Continue to be qualified for the issuance of a permit to purchase a handgun or a firearms purchaser identification card;

2. Meet the standards and qualifications of the Superintendent; and
3. Not pose a danger to the public health, safety or welfare.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted "SP 66" for "STS-1", deleted "(P.L. 1985, c.69)." following the N.J.S.A. reference, and inserted the third sentence; and rewrote (b).

13:54-4.10 Revocation of certificate of registration

(a) Any certificate of registration may be revoked for breach of any of the conditions under which it was granted, or any conditions provided for in this chapter by the Superintendent, after written notice to all affected parties and a hearing, if requested.

(b) Any employee license may be revoked for breach of any conditions under which it was granted, or any conditions provided for in this chapter, by the Superintendent, after written notice to all affected parties and a hearing, if requested.

(c) Any certificate of registration or employee license shall be revoked by the Superintendent, after written notice to all affected parties and a hearing, if requested, if the holder no longer qualifies for the issuance of a permit to purchase a handgun or a firearms purchaser identification card, or if the person poses a danger to the public health, safety or welfare.

(d) Any person having knowledge that a person registered or licensed pursuant to this subchapter has violated any of the foregoing conditions or is otherwise unqualified to hold a registration or license may notify any law enforcement officer, who shall in turn notify the Superintendent, who may take such action as may be deemed appropriate.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a) and (b), inserted ", after written notice to all affected parties and a hearing, if requested"; and in (c), inserted "by the Superintendent, after written notice to all affected parties and a hearing, if requested".

13:54-4.11 Appeals

Any person who has been refused registration as a manufacturer or wholesale dealer or any person whose name has been removed from registration by the Superintendent or any person who has been denied an employee's license, may appeal to the Superintendent within 30 days. If the appeal is denied by the Superintendent, such person may appeal to the Appellate Division of the Superior Court.

13:54-4.12 Permanent record of receipt and disposition of firearms

(a) Each manufacturer and/or wholesale dealer of firearms shall record the type, model, caliber or gauge, and serial number of each complete firearm, frame or receiver he manufactures or otherwise acquires, and the date of manufacture or

acquisition of such firearm, frame or receiver. This information shall be recorded no later than the close of the next business day following the date of manufacture or acquisition.

(b) A record of sale or other disposition of a firearm, frame or receiver must be recorded no later than the close of the next business day following the date of such sale or disposition. The record shall indicate the date of the sale or disposition of each firearm, frame or receiver, the type, model, caliber or gauge, and serial number of each firearm, and the name and address of the dealer to whom the firearm, frame or receiver was transferred.

(c) The firearms records as prescribed under this section need not be required providing the dealer maintains an updated federal firearms record on firearms manufactured, purchased or acquired and sold as prescribed in Title 26, Internal Revenue, Chapter I "Commerce in Firearms and Ammunition" to the extent that the information required by this section is included on such records. If not included, then the Federal records shall be supplemented so as to include all information required by this section.

13:54-4.13 Records available to law enforcement agencies

Records are to be retained by wholesale dealers and/or manufacturers and shall, for administrative and law enforcement purposes, be made available for inspection during reasonable hours to any member of the Division of State Police.

13:54-4.14 Records to Superintendent

Upon discontinuance or termination of a wholesale dealers and/or manufacturers certificate of registration, the certificate of registration and any employee licenses shall be forwarded to the Superintendent within five days.

13:54-4.15 Identification of firearms required

Each registered manufacturer of firearms shall legibly identify each firearm manufactured by engraving, casting, stamping, or otherwise conspicuously placing or causing to be engraved, cast, stamped or placed on the frame, receiver or barrel thereof in a manner not susceptible to being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed on any other firearm manufactured and by engraving, casting, stamping, or otherwise conspicuously placing or causing to be engraved, cast, stamped or placed on the frame, receiver, or barrel thereof in a manner not susceptible to being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name of the manufacturer and also, the city wherein the registered manufacturer maintains his place of business. A firearm frame, receiver or barrel which is not a component part of a complete firearm at the time it is sold, shipped or otherwise disposed of by a registered

manufacturer shall be identified as required by this subchapter.

SUBCHAPTER 5. MACHINE GUNS, ASSAULT
FIREARMS AND LARGE CAPACITY
AMMUNITION MAGAZINES

**13:54-5.1 Purchase or sale of assault firearms and
machine guns**

(a) Except as provided in N.J.S.A. 2C:39-6, no person shall possess a machine gun without first having obtained a license in accordance with the provisions of this chapter. Except as provided in N.J.S.A. 2C:39-6, no person shall possess an assault firearm without first having obtained a license in accordance with the provisions of this chapter, registered the assault firearm pursuant to N.J.S.A. 2C:58-12, or rendered the assault firearm inoperable pursuant to N.J.S.A. 2C:58-13.

(b) Any licensed dealer in firearms who sells or otherwise transfers a machine gun or an assault firearm shall confirm both the identity of the purchaser, and in the case of a licensee, the validity of the license. A machine gun or assault firearm shall be delivered unloaded and securely wrapped.

(c) A licensed dealer who accepts an assault firearm and/or machine gun from a private citizen for transfer, resale or repair shall, within 48 hours of such acquisition, notify the Superintendent. Such dealer shall maintain possession of the assault firearm and/or machine gun, until he or she receives permission from the Superintendent to proceed with the transfer, resale or repair of the weapon. Failure by the dealer to comply with this requirement may result in the revocation of the license or registration of such dealer.

(d) In addition to the permanent records of receipt or disposition of firearms required by this chapter to be maintained by a wholesale or resale dealer, such dealers shall keep and maintain a separate ledger for the acquisition or receipt and sale or disposition of machine guns and assault firearms. This ledger shall be in the same form and contain the same information as provided for in N.J.A.C. 13:54-3.13, 3.14 and 3.15 and N.J.A.C. 13:54-4.12.

Amended by R.2007 d.378, effective December 17, 2007.
See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Rewrote (a); in (b), substituted "licensed dealer in firearms" for "retail dealer licensed pursuant to this chapter"; added (c); and recodified former (c) as (d).

**13:54-5.2 License to purchase, possess or carry a
machine gun or assault firearm**

(a) Licenses to purchase, possess or carry a machine gun or assault firearm shall be issued by a judge of the Superior Court in accordance with the provisions of N.J.S.A. 2C:58-5. The application for such license shall be referred to the

county prosecutor for investigation, recommendation and preparation of a report.

(b) The report of the county prosecutor shall be served upon the Superintendent and the chief of police of every municipality in which the applicant intends to carry the machine gun or assault firearm. The Superintendent and/or the chief of police, or their designees, may personally appear and oppose the issuance of any license to acquire a machine gun or assault firearm. If the court issues a license, the Superintendent and/or chief of police, or their designees, may appeal that decision in accordance with the Rules of Court.

(c) Upon issuance of a license by a court, a true copy of such license shall be filed with the Superintendent and chief of police of the municipality where the licensee resides or has his place of business.

(d) At any time, the Superintendent, a chief of police, any law enforcement officer of this State or any other citizen may apply to the court which issued the license for revocation on the ground that the licensee is no longer qualified to possess such license by virtue of his inability to satisfy the statutory requirements of N.J.S.A. 2C:58-4 and 2C:58-5, or if revocation is necessary in order to protect the public safety and welfare.

**13:54-5.3 Disposition of machine gun or assault firearm
upon death of licensee or registered holder**

(a) If the holder of a license to purchase, possess or carry a machine gun or assault firearm dies, or if the owner of an assault firearm, which has been registered pursuant to N.J.S.A. 2C:58-12 dies, then the heirs or estate of the deceased person shall have 90 days from the date of death to transfer the firearm to a licensed dealer or person or firm lawfully entitled to own or possess such firearm; voluntarily surrender the firearm pursuant to the provisions of N.J.S.A. 2C:39-12; or, only in the case of an assault firearm, render the firearm inoperable pursuant to the provisions of N.J.S.A. 2C:58-13. In the event that the heir or legatee of the assault firearm does not qualify for a firearms purchaser identification card or a permit to purchase a handgun, he or she must immediately transfer possession of such firearm to the chief law enforcement officer of the municipality or the Superintendent during such 90-day period.

(b) For purposes of this section, "inoperable" shall mean that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable. In the event that the firearm is rendered inoperable, the heir or estate shall file a certification on the form prescribed by the Superintendent, indicating the date on which the firearm was rendered inoperable. The certification shall be filed with either the chief of police of the municipality in which the heir resides, or if the municipality does not have a full time police

department, or if the owner resides outside of this State, with the Superintendent.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Rewrote (a).

13:54-5.4 Notification of ineligibility to possess assault firearm or machine gun

Any person having knowledge that a person is subject to any of the disabilities which would render such person ineligible to procure a license to purchase, possess or carry a machine gun or assault firearm, or to continue to be registered as an owner of an assault firearm, may notify the appropriate chief of police or the Superintendent, who may take such action as may be deemed appropriate.

13:54-5.5 Large capacity magazines

A retail or wholesale firearms dealer licensed pursuant to this chapter may maintain large capacity ammunition magazines at its licensed premises for sale or disposition to another dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to any of the afore-mentioned entities, including a description by make and model of the large capacity magazine. The record shall include the name of the purchasing agency, together with written authorization on the official letterhead of the Superintendent, chief of police or highest ranking officer of the agency or the appropriate ranking military officer, the name and rank of the law enforcement or military officer authorized to make the purchase, and the date and time of the sale or disposition. A copy of this record shall be forwarded by the seller to the Superintendent within 48 hours of the sale or disposition.

13:54-5.6 Advertising sale of machine gun, assault firearm or semi-automatic rifle

No person shall offer to sell a machine gun, semi-automatic rifle or assault firearm by means of an advertisement published in a newspaper circulating within this State, unless the advertisement states that the purchaser shall hold a valid license to purchase and possess a machine gun or assault firearm or, in the case of a semi-automatic rifle that is not an assault firearm, a valid firearms purchaser identification card.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Substituted "person" for "retail dealer or wholesale dealer licensed pursuant to this chapter" and "unless the advertisement states" for "which advertisement does not state".

13:54-5.7 Number and types of criminal offenses involving assault firearms

The chief of police of every municipality having a full time police department or, if the municipality does not have such a police department, the State Police station servicing that mu-

nicipality, shall on a monthly basis provide to the Superintendent the number and types of criminal offenses involving assault firearms. The report shall also include the type of assault firearm utilized in the commission of the crime. The report shall be received by the Superintendent no later than five business days from the end of the prior month.

SUBCHAPTER 6. SECURITY SYSTEMS FOR DEALERS

13:54-6.1 Definition of "dealer"

The term "dealer," when used in this subchapter, means retail dealers as well as wholesale dealers and shall also include manufacturers of firearms unless the context clearly indicates otherwise.

13:54-6.2 Approval of plans by Superintendent

(a) The dealer shall submit a plan of the selected security system to the Superintendent.

(b) Upon approval of such plan by the Superintendent, the dealer shall install such system prior to maintaining any inventory of firearms, parts of firearms, or ammunition.

(c) A plan that is not approved will be returned to the applicant along with the reasons for such rejection.

(d) The applicant shall have the opportunity to submit a revised plan.

(e) All security systems shall be subject to inspections by a member of the Division of State Police at any time.

(f) If at any time the system is found to be defective, the dealer shall make the necessary repairs or adjustment to correct the defect within seven days.

(g) Failure of a dealer to comply with any of the security standards may result in the revocation of the license or registration of such dealer.

13:54-6.3 Systems to detect and protect firearms and ammunition in a business premises

(a) The following list of approved security systems has been formulated as a guide to the firearms dealer, any one of which may be acceptable upon investigation and approval by the Superintendent.

1. An alarm system designated to activate a bell, gong, horn or siren located on the outside of the business premises which is audible for a minimum distance of 500 feet. The system shall be equivalent or greater to the minimum standards as outlined in N.J.A.C. 13:54-6.4;

2. Silent alarm system capable of automatically transmitting an alarm to a constantly attended central station alarm company and/or to a police department or head-

quarters providing full time service. The system shall be equivalent or greater to the minimum standards as outlined in N.J.A.C. 13:54-6.4;

3. A watchman or security guard on duty during non-business hours;

4. A system other than those listed above proposed by a dealer which is acceptable by the Superintendent.

13:54-6.4 Minimum requirements for installation of a tape, contact or invisible ray alarm system

(a) The installation of a tape, contact or invisible ray alarm system must:

1. Completely protect all accessible windows, doors, transoms, skylights and other openings leading from the premises;

2. Protect with contacts only, all movable accessible openings leading from the premises, and which provides one or more invisible rays or channels of radiation, with the minimum overall length of the rays or radiation equivalent to the longest dimensions of the area or areas to detect movement through the channel at a rate of one step per second; or

3. Protect with contact only, all doors leading from the premises and provide a system of invisible radiation to all sections of the enclosed area so as to detect movement. The system shall respond to the movement of a person walking not more than four consecutive steps at a rate of one step per second.

13:54-6.5 Internal security of firearms and ammunition

(a) In addition to the alarm system, a dealer shall provide for the internal security of firearms and ammunition.

1. Firearms or ammunition shall not be accessible or handled by anyone, unless the individual is directly supervised by a licensed dealer or licensed employee.

2. All firearms stored in a glass display case located in an area accessible by anyone other than a licensed dealer or licensed employee shall be locked at all times.

3. All firearms on display, including those in a glass display case shall be secured by a cable or other adequate locking device that prevents the firearm from being removed from a fixed location unless the dealer or licensed employee is at all times in the immediate vicinity and the firearms are always under observation.

(b) The following is a list of approved internal security methods for the safeguarding of firearms and ammunition during nonbusiness hours. A dealer shall select the method(s) which is most compatible with his or her business:

1. Shotguns and rifles secured in a rack equipped with a locking device such as a metal bar or a steel cable;

2. Firearms and ammunition secured in a heavy gauge metal cabinet equipped with an adequate locking device;

3. Firearms and ammunition secured in a heavy gauge mesh wire cage equipped with an adequate locking device on the door(s);

4. Firearms and ammunition secured in a safe or vault;

5. Firearms may remain in glass display cases, provided the firearms are secured with a steel cable or other adequate locking device; and/or

6. Other method(s) proposed by the dealer approved by the Superintendent.

(c) The method(s) selected by a dealer shall be included in the Security System form STS-61.

(d) Any other building(s) where firearms and/or ammunition are stored shall be subject to the same requirements as applicable to a business premise.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

Added (a)1 through (a)3: in the introductory paragraph of (b), inserted "or her": and rewrote (b)5.

13:54-6.6 Report concerning theft of firearms

(a) Dealers are required to complete form SP 515 and such other forms as shall be required by the Superintendent, reporting the loss of firearm(s) and/or ammunition, as a result of a burglary, robbery or any other cause, from the business premise. The dealer shall forward the completed form to the Superintendent within 48 hours of the loss or theft of firearm(s) and/or ammunition. The police department where the business is located shall be notified by the dealer of the theft or loss of firearm(s) and/or ammunition as soon as such loss or theft is discovered.

(b) A complete description, including the type, make, model, barrel-length, caliber and serial number of the stolen/missing firearm(s) shall be given to the investigating law enforcement agency.

(c) Failure of the dealer to comply with any of the above requirements may result in the revocation of the registration or license of such dealer.

Amended by R.2007 d.378, effective December 17, 2007.

See: 39 N.J.R. 2324(a), 39 N.J.R. 5349(a).

In (a), substituted "SP 515" for "STS-62".

13:54-6.7 Regulations during a civil disturbance or declared emergency period

(a) In the interest of the public health, safety and welfare, firearms dealers shall discontinue the sale of firearms and ammunition upon notification by the Superintendent or the chief of police of the municipality where the firearms dealers' business is located, that a civil disturbance or other emergency exists.

(b) Those businesses affected shall not resume the sale of firearms or ammunition until such time as the Superintendent or the chief of police of the municipality determines that the civil disturbance or other emergency no longer exists.

(c) All dealers located in the area affected by such disturbance or emergency shall be required to comply with one of the following:

1. Arrange with the chief of police officer of the municipality for appropriate security of firearms and ammunition; or

2. Remove all firearms and ammunition from the business premises to a secure location.

(d) Failure of the dealer to comply with any of the above requirements may result in the revocation of the license of such dealer.

**SUBCHAPTER 7. RETIRED LAW ENFORCEMENT
OFFICER'S IDENTIFICATION CARD TO PERMIT
CARRYING A HANDGUN**

**13:54-7.1 Forms and fees for retired law enforcement
officer's identification card**

(a) A person who is a retired law-enforcement officer within the meaning of P.L. 1997, c.67, § 1(1) (N.J.S.A. 2C:39-6(l)) and who, pursuant to this statute, applies for an initial identification card or for an annual renewal of a current or an expired identification card permitting the retired law-enforcement officer to carry a handgun shall complete the appropriate form prescribed by the Superintendent and shall submit the form to the Division of State Police. The form shall inquire as to the identity of the officer and the law-enforcement agency from which the officer retired, and as to

matters that might disqualify the officer, including judgments or convictions for crimes or offenses that would render the officer's possession of a handgun illegal under State or Federal law. The form shall be accompanied by three passport-type photos appropriate for inclusion on the identification card, and by evidence that the officer has timely qualified in the use of the handgun he or she is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to N.J.S.A. 2C:39-6(j). The form shall also be accompanied by a non-refundable application fee of \$50.00 and if the retired law-enforcement officer is applying for an initial identification card, rather than a renewal, the form shall be accompanied by the forms and fees set forth in (b) and (c) below, if applicable.

(b) No retired law-enforcement officer shall be approved to obtain an initial identification card unless the retired officer's fingerprints have been submitted to the State Bureau of Identification of the Division of State Police so as to allow the State Bureau of Identification to assign an identification number (hereinafter, the "SBI number") to the firearms applicant file for that retired officer. The retired officer shall submit the officer's SBI number on the application form. If the retired officer does not have an SBI number, then the officer's application shall be accompanied by the officer's fingerprints, and by the fee prescribed by N.J.A.C. 13:59-1.3(a).

(c) An application for an initial identification card shall also be accompanied by a fee of \$10.00 to be collected by the State Bureau of Identification. This \$10.00 fee will offset costs associated with "flagging" the retired officer's SBI number so as to alert the Firearms Investigation Unit of any pending or subsequently lodged criminal charges against the officer that might afford grounds for revoking the officer's privilege to carry a handgun, and also costs associated with that Unit's investigation of such charges.