

**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-5.1b, Chapter 54, Firearms and Weapons, expires on November 13, 2014. See: 43 N.J.R. 1203(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Chapter 54, Weapons and Explosives, was repealed and Chapter 54, Firearms and Weapons, was adopted as new rules by R.1986 d.413, effective October 6, 1986.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.

CHAPTER TABLE OF CONTENTS

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
- 13:54-1.2 Definitions
- 13:54-1.3 Firearm identification card or permit to purchase required
- 13:54-1.4 Applications for a firearms purchaser identification card and for a permit to purchase a handgun

- 13:54-1.5 Prerequisites for a permit to purchase handgun or a firearms purchaser identification card
- 13:54-1.6 Exception for physical disability, mental disorder or alcoholism
- 13:54-1.7 Validity of firearms identification card and permit to purchase a handgun
- 13:54-1.8 Written certification; delivery of permit to purchase
- 13:54-1.9 Number of firearms that may be purchased
- 13:54-1.10 Revocation of a firearms purchaser identification card
- 13:54-1.11 Duplicate firearms purchaser identification card
- 13:54-1.12 Appeal
- 13:54-1.13 Firearms passing to heirs or legatees
- 13:54-1.14 Limitation on fees
- 13:54-1.15 Confidentiality of background investigations, permits, firearms identification cards, licenses, certifications, certificates, forms of register, registration statements and applications

SUBCHAPTER 2. HANDGUNS

- 13:54-2.1 Permit to carry a handgun
- 13:54-2.2 Permit required
- 13:54-2.3 Criteria for the issuance of a permit to carry a handgun
- 13:54-2.4 Application for a permit to carry a handgun
- 13:54-2.5 Approval of application
- 13:54-2.6 Application of employees of armored car companies
- 13:54-2.7 Issuance of a permit to carry a handgun
- 13:54-2.8 Appeal
- 13:54-2.9 Duration and renewal
- 13:54-2.10 Revocation of permits

SUBCHAPTER 3. RETAIL DEALERS

- 13:54-3.1 Licensing of retail dealers; general
- 13:54-3.2 Retail license required
- 13:54-3.3 Application for license
- 13:54-3.4 Standards and qualifications
- 13:54-3.5 Exemptions for physical handicap
- 13:54-3.6 Exceptions for corporations
- 13:54-3.7 Licensing of retail dealers and employees
- 13:54-3.8 Duration of retail dealer license
- 13:54-3.9 Conditions of issuance of license; revocation
- 13:54-3.10 Renewal of retail dealers and employees licenses
- 13:54-3.11 Security required
- 13:54-3.12 Requirements for sale of rifle, shotgun, antique cannon or receiver
- 13:54-3.13 Requirements for sale of a handgun or frame
- 13:54-3.14 Permanent record of receipt and disposition of firearms and ammunition
- 13:54-3.15 Sale of firearms to the military and to law enforcement officers
- 13:54-3.16 Records available to Division of State Police
- 13:54-3.17 Records to Superintendent
- 13:54-3.18 Appeal
- 13:54-3.19 Division of State Police NICS hours of operation
- 13:54-3.20 Consignment firearms placed at licensed retail firearms dealers

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

- 13:54-4.1 General provisions
- 13:54-4.2 Registration required
- 13:54-4.3 Application for a certificate of registration
- 13:54-4.4 Standards and qualifications
- 13:54-4.5 Exemptions for physical handicap
- 13:54-4.6 Exceptions for corporations
- 13:54-4.7 Certification; security required
- 13:54-4.8 Duration of certificate of registration
- 13:54-4.9 Renewal of certificate of registration and agents' and employees' licenses
- 13:54-4.10 Revocation of certificate of registration

- 13:54-4.11 Appeals
- 13:54-4.12 Permanent record of receipt and disposition of firearms
- 13:54-4.13 Records available to law enforcement agencies
- 13:54-4.14 Records to Superintendent
- 13:54-4.15 Identification of firearms required

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

- 13:54-5.1 Purchase or sale of assault firearms and machine guns
- 13:54-5.2 License to purchase, possess or carry a machine gun or assault firearm
- 13:54-5.3 Disposition of machine gun or assault firearm upon death of licensee or registered holder
- 13:54-5.4 Notification of ineligibility to possess assault firearm or machine gun
- 13:54-5.5 Large capacity magazines
- 13:54-5.6 Advertising sale of machine gun, assault firearm or semi-automatic rifle
- 13:54-5.7 Number and types of criminal offenses involving assault firearms

SUBCHAPTER 6. SECURITY SYSTEMS FOR DEALERS

- 13:54-6.1 Definition of "dealer"
- 13:54-6.2 Approval of plans by Superintendent
- 13:54-6.3 Systems to detect and protect firearms and ammunition in a business premises
- 13:54-6.4 Minimum requirements for installation of a tape, contact or invisible ray alarm system
- 13:54-6.5 Internal security of firearms and ammunition
- 13:54-6.6 Report concerning theft of firearms
- 13:54-6.7 Regulations during a civil disturbance or declared emergency period

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

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