

**CHAPTER 54
FIREARMS AND WEAPONS**

Authority

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

Source and Effective Date

R.1996 d.579, effective November 18, 1996.
See: 28 N.J.R. 4375(a), 28 N.J.R. 5181(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 54, Firearms and Weapons, expires on May 17, 2002. See: 34 N.J.R. 211(a).

Chapter Historical Note

Chapter 54, Weapons and Explosives, became effective prior to September 1, 1969 pursuant to Authority delegated at N.J.S.A. 2A:151-1 et seq. Subchapter 6 became effective September 3, 1971 as R.1971 d.158. See: 3 N.J.R. 158(a), 3 N.J.R. 207(a). Chapter 54, Weapons and Explosives was repealed and the new chapter, Firearms and Weapons, became effective October 6, 1986 as R.1986 d.413. See: 18 N.J.R. 51(a), 18 N.J.R. 2048(b). Pursuant to Executive Order No. 66(1978), Chapter 54 was readopted as R.1991 d.564, effective November 18, 1991. See: 23 N.J.R. 2250(a), 23 N.J.R. 3521(a).

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SUBCHAPTER 1. FIREARMS 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 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. 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 and Mini-14/5

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

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 retail dealer or wholesale dealer licensed pursuant to this chapter 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, which advertisement does not state 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.

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 municipality, 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 headquarters 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.

(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 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. Metal bars on all windows and on glass portion of door(s);
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.

13:54-6.6 Report concerning theft of firearms

(a) Dealers are required to complete form STS-62 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.

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

Authority

P.L. 1997, c.67 (N.J.S.A. 2C:39-6).

Source and Effective Date

R.1997 d.348, effective August 18, 1997.
See: 29 N.J.R. 2624(a), 29 N.J.R. 3733(a).

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.