

(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 other reasonable satisfactory proof of his or her identity, in the discretion of the chief of police or Superintendent, need not be finger-

printed again. In such case, the chief of police or superintendent shall otherwise fully investigate the application in accordance with this subchapter.

(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.

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

(a) Every person issued a permit to purchase a handgun, or a firearms purchaser identification card, shall be 18 years of age and of good repute in the community in which he lives.

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

1. Who has been convicted of any crime;
2. Who is drug dependent as defined by N.J.S.A. 24:21-2;
3. Who has been or is then confined for a mental disorder in any institution;
4. Who is a habitual drunkard or an alcoholic;
5. Who suffers from a physical defect or disease which would make it unsafe for him or her to handle firearms;
6. Who knowingly falsifies any information on the application form for a permit to purchase a handgun or firearms purchaser identification card;
7. Who refuses to waive statutory or other rights of confidentiality relating to institutional confinement; or
8. Where the issuance would otherwise not be in the interest of the public health, safety and welfare.

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 date of issuance and may be renewed by the issuing authority for an additional 90 days, for a total of 180 consecutive days.

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. If the seller is not a licensed dealer, the certification may be filed with the chief of police of the municipality in which he resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he 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.

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 a judge of 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.

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 STS-1 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).

13:54-1.12 Appeal

(a) Any person denied a firearms purchaser identification card or a permit to purchase a handgun 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.

(b) Any person denied a firearm purchaser identification card or a permit to purchase a handgun 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.

13:54-1.13 Firearms passing to heirs or legatees

(a) Notwithstanding the provisions of this subchapter concerning the acquisition of a firearm, a permit to purchase a handgun or a firearms purchaser identification card shall not be required of an heir or legatee for the passing of a firearm, upon the death of its owner. 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.

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).