

P.L. 2018, CHAPTER 35, *approved June 13, 2018*  
Assembly Committee Substitute (*Third Reprint*) for  
Assembly, No. 1217

1 AN ACT concerning extreme risk <sup>2</sup>**[protection]** protective<sup>2</sup> <sup>3</sup>**[order]**  
2 orders<sup>3</sup> and supplementing and amending various parts of the  
3 statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “Extreme Risk Protective Order Act of 2018.”

10  
11 2. (New section) As used in P.L. , c. (C. ) (pending  
12 before the Legislature as this bill):

13 “Ammunition” means ammunition or cartridge cases, primers,  
14 bullets, or propellant powder designed for use in any firearm, but  
15 does not include any shotgun shot or pellet not designed for use as  
16 the single, complete projectile load for one shotgun hull or casing or  
17 any unloaded, non-metallic shotgun hull or casing not having a  
18 primer.

19 “Deadly weapon” shall have the same meaning as in subsection  
20 c. of N.J.S.2C:11-1.

21 “Family or household member” means a spouse, domestic  
22 partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3),  
23 partner in a civil union couple as defined in section 2 of P.L.2006,  
24 c.103 (C.37:1-29), or former spouse, former domestic partner, or  
25 former partner in a civil union couple, or any other person who is a  
26 present household member or was at any time a household member;  
27 a person with whom the respondent has a child in common, or with  
28 whom the respondent anticipates having a child in common if one  
29 of the parties is pregnant; or a current or former dating partner.

30 “Firearm” shall have the same meaning as in N.J.S.2C:39-1.

31 “Law enforcement agency” means a department, division,  
32 bureau, commission, board or other authority of the State or of any  
33 political subdivision thereof which employs law enforcement  
34 officers.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AAP committee amendments adopted March 22, 2018.

<sup>2</sup>Senate SLP committee amendments adopted April 16, 2018.

<sup>3</sup>Senate SBA committee amendments adopted June 4, 2018.

1 “Law enforcement officer” means a person whose public duties  
2 include the power to act as an officer for the detection,  
3 apprehension, arrest, and conviction of offenders against the laws of  
4 this State.

5 “Petitioner” means a family or household member or law  
6 enforcement officer.

7 “Recent” means within six months prior to the date the petition  
8 was filed.

9

10 3. (New section) a. A law enforcement officer who, in good  
11 faith, does not file a petition for an extreme risk protective order or  
12 temporary extreme risk <sup>2</sup>[protection] protective<sup>2</sup> order shall be  
13 immune from criminal or civil liability.

14 b. A law enforcement agency shall be immune from civil or  
15 criminal liability for any damage or deterioration of firearms or  
16 ammunition stored or transported pursuant to section <sup>2</sup>[6 or] <sup>2</sup>7 <sup>2</sup>or <sup>2</sup>8<sup>2</sup>  
17 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
18 unless the damage or deterioration resulted from recklessness, gross  
19 negligence, or intentional misconduct by the law enforcement agency.

20 <sup>3</sup>c. The immunity provided in subsections a. and b. of this section  
21 shall be in addition to any privileges or immunities provided pursuant  
22 to any other law.<sup>3</sup>

23

24 4. (New section) a. <sup>1</sup>[A] Except as provided in subsection  
25 <sup>2</sup>[m.] l.<sup>2</sup> of this section, a<sup>1</sup> petitioner may file a petition <sup>1</sup>, as  
26 prescribed by the Administrative Director of the Courts,<sup>1</sup> for a  
27 temporary extreme risk protective order in the <sup>2</sup>[Superior Court]  
28 court<sup>2</sup> in accordance with the Rules of Court <sup>2</sup>[<sup>1</sup>or in any State,  
29 county, or municipal law enforcement agency<sup>1</sup>]<sup>2</sup> alleging that the  
30 respondent poses a significant danger of bodily injury to self or others  
31 by having custody or control of, owning, possessing, purchasing, or  
32 receiving a firearm. The petition shall be heard by the <sup>2</sup>[Superior  
33 Court] court<sup>2</sup> in an expedited manner.

34 <sup>3</sup>Petition forms shall be readily available at the courts, and at State,  
35 county, and municipal law enforcement agencies.<sup>3</sup>

36 <sup>2</sup>[<sup>1</sup>In the case of a petition filed in a] <sup>3</sup>[A<sup>2</sup>] Prior to filing a  
37 petition with the court, a family or household member may request  
38 assistance from a<sup>3</sup> State, county, or municipal law enforcement agency  
39 <sup>2</sup>[, a law enforcement officer or employee]<sup>2</sup> <sup>3</sup>which<sup>3</sup> shall advise the  
40 petitioner of the procedure for completing and signing a petition for a  
41 temporary extreme risk protective order.<sup>1</sup> <sup>3</sup>A law enforcement officer  
42 from the agency may assist the family or household member in  
43 preparing or filing the petition. This assistance may include, but not  
44 be limited to, providing information related to the factors set forth in  
45 subsection f. of this section, joining in the petition, referring the matter

1 to another law enforcement agency for additional assistance, or filing  
 2 the officer's own petition with the court.<sup>3</sup>

3 Filing a petition pursuant to this section shall not prevent a  
 4 petitioner from filing a criminal complaint <sup>2</sup>or applying for a  
 5 restraining order pursuant to the "Prevention of Domestic Violence  
 6 Act of 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.)<sup>2</sup> <sup>3</sup>or prevent any  
 7 person from taking any action authorized pursuant to P.L.1987, c.116  
 8 (C.30:4-27.1 et seq.)<sup>3</sup> based on the circumstances forming the basis of  
 9 the petition.

10 A petitioner may apply for relief under this section in <sup>2</sup>[a <sup>1</sup>[court]  
 11 county<sup>1</sup> where the respondent resides, or where the petitioner resides  
 12 in]<sup>2</sup> accordance with the Rules of Court.

13 b. A petition for a temporary extreme risk protective order shall  
 14 include an affidavit <sup>3</sup>[including] setting forth the facts tending to  
 15 establish the grounds of the petition, or the reason for believing that  
 16 they exist, and, to the extent available,<sup>3</sup> the number, types, physical  
 17 description, and locations of any firearms and ammunition currently  
 18 believed by the petitioner to be controlled or possessed by the  
 19 respondent.

20 c. The court shall not charge a fee to file the petition.

21 d. <sup>3</sup>[Petition forms shall be readily available at the courts, and at  
 22 State, county, and municipal]<sup>3</sup> <sup>1</sup>[police stations] <sup>3</sup>[law enforcement  
 23 agencies<sup>1</sup>] The court, before issuing a temporary extreme risk  
 24 protective order, shall examine under oath the petitioner and any  
 25 witness the petitioner may produce. The court, in lieu of examining  
 26 the petitioner and any witness, may rely on an affidavit submitted in  
 27 support of the petition<sup>3</sup>.

28 e. A judge shall issue the order if the court finds good cause to  
 29 believe that the respondent poses an immediate and present danger of  
 30 causing bodily injury to the respondent or others by having custody or  
 31 control of, owning, possessing, purchasing, or receiving a firearm.

32 f. <sup>2</sup>[<sup>1</sup>[In] To assist the court in<sup>1</sup> determining whether to issue an  
 33 order pursuant to this section, <sup>1</sup>the] The<sup>2</sup> county prosecutor <sup>2</sup>or a  
 34 designee of the county prosecutor<sup>2</sup> shall produce in an expedited  
 35 manner any available evidence <sup>2</sup>including, but not limited to,  
 36 <sup>3</sup>available<sup>3</sup> evidence related to the factors set forth in this section,<sup>2</sup>  
 37 and<sup>1</sup> the court shall consider whether the respondent <sup>2</sup>[has]<sup>2</sup>:

38 (1) <sup>2</sup>has<sup>2</sup> any history of threats or acts of violence by the  
 39 respondent directed toward self or others;

40 (2) <sup>2</sup>has<sup>2</sup> any history of use, attempted use, or threatened use of  
 41 physical force by the respondent against another person;

42 (3) <sup>2</sup>[any recent violation of] is the subject of a temporary or final  
 43 restraining order or has violated<sup>2</sup> a <sup>2</sup>temporary or final<sup>2</sup> restraining  
 44 order issued pursuant to the "Prevention of Domestic Violence Act of  
 45 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

1 (4) <sup>2</sup>[any recent violation of] is the subject of a temporary or final  
 2 protective order or has violated<sup>2</sup> a <sup>2</sup>temporary or final<sup>2</sup> protective order  
 3 issued pursuant to the “Sexual Assault Survivor Protection Act of  
 4 2015,” P.L.2015, c.147 (C.2C:14-13 et al.);

5 (5) <sup>2</sup>[ever been convicted of] has any prior arrests, pending  
 6 charges, or convictions for<sup>2</sup> a violent <sup>2</sup>indictable crime or<sup>2</sup> disorderly  
 7 persons <sup>2</sup>[or petty disorderly persons]<sup>2</sup> offense, stalking offense  
 8 pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or domestic  
 9 violence offense enumerated in section 3 of P.L.1991, c.261 (C.2C:25-  
 10 19);

11 (6) <sup>2</sup>has<sup>2</sup> <sup>3</sup>[ever been convicted of an] any prior arrests, pending  
 12 charges, or convictions for any<sup>3</sup> offense involving cruelty to animals  
 13 <sup>3</sup>or any history of acts involving cruelty to animals<sup>3</sup>; <sup>2</sup>[or ]<sup>2</sup>

14 (7) <sup>2</sup>has<sup>2</sup> any history of drug or alcohol abuse and recovery from  
 15 this abuse <sup>2</sup>[.]; or<sup>2</sup>

16 <sup>2</sup>[g. In determining whether to issue an order pursuant to this  
 17 section, <sup>1</sup>the county prosecutor shall produce in an expedited manner  
 18 any available evidence and<sup>1</sup> the court also may consider any factors  
 19 related to whether the respondent presents an increased risk of  
 20 violence, including, but not limited to, whether the respondent has any:

21 (1) history of violating a restraining order issued pursuant to the  
 22 “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261  
 23 (C.2C:25-17 et seq.);

24 (2) history of violating a protective order issued pursuant to the  
 25 “Sexual Assault Survivor Protection Act of 2015,” P.L.2015, c.147  
 26 (C.2C:14-13 et al.)

27 (3) prior arrests for a violent disorderly persons or petty disorderly  
 28 persons offense, stalking offense pursuant to section 1 of P.L.1992,  
 29 c.209 (C.2C:12-10), or domestic violence offense enumerated in  
 30 section 3 of P.L.1991, c.261 (C.2C:25-19); or

31 (4) recent acquisitions of] (8) has recently acquired<sup>2</sup> a firearm,  
 32 ammunition, or other deadly weapon.

33 <sup>2</sup>[h.] g.<sup>2</sup> The temporary extreme risk protective order shall  
 34 prohibit the respondent from having custody or control of, owning,  
 35 purchasing, possessing, or receiving firearms or ammunition, and from  
 36 securing or holding a firearms purchaser identification card or permit  
 37 to purchase a handgun pursuant to N.J.S.2C:58-3, or a permit to carry  
 38 a handgun pursuant to N.J.S.2C:58-4 during the period the protective  
 39 order is in effect and shall order the respondent to surrender firearms  
 40 and ammunition in the respondent’s custody or control, or which the  
 41 respondent possesses or owns, and any firearms purchaser  
 42 identification card, permit to purchase a handgun, or permit to carry a  
 43 handgun held by the respondent in accordance with section 7 of P.L. ,  
 44 c. (C. ) (pending before the Legislature as this bill). Any card or  
 45 permit issued to the respondent shall be immediately revoked pursuant  
 46 to subsection f. of N.J.S.2C:58-3.

1       <sup>2</sup>[i.] h.<sup>2</sup> A temporary extreme risk protective order issued under  
2 this section shall remain in effect until a court issues a further order.

3       <sup>2</sup>[j.] i.<sup>2</sup> The court that issues the temporary extreme risk  
4 protective order shall immediately forward<sup>3</sup>:

5       (1)<sup>3</sup> a copy of the order <sup>3</sup>[and petition]<sup>3</sup> to the <sup>3</sup>petitioner and<sup>3</sup>  
6 1county prosecutor <sup>2</sup>[and<sup>1</sup>] <sup>3</sup>[who shall forward a copy to the<sup>2</sup>] in the  
7 county in which the respondent resides; and

8       (2) a copy of the order and the petition to the<sup>3</sup> appropriate law  
9 enforcement agency <sup>3</sup>in the municipality in which the respondent  
10 resides,<sup>3</sup> which shall immediately, or as soon as practicable, serve it on  
11 the respondent <sup>3</sup>[, <sup>2</sup>[and]<sup>2</sup> to the law enforcement agency of the  
12 municipality in which the petitioner resides or is sheltered <sup>2</sup>, and the  
13 petitioner<sup>2</sup>]<sup>3</sup>.

14       If personal service cannot be effected upon the respondent, the  
15 court may order other appropriate substituted service. At no time shall  
16 <sup>2</sup>[the] a<sup>2</sup> petitioner <sup>2</sup>who is a family or household member<sup>2</sup> be asked  
17 or required to serve any order on the respondent. The law enforcement  
18 agency serving the order shall not charge a fee or seek reimbursement  
19 from the petitioner for service of the order.

20       <sup>2</sup>[k.] j.<sup>2</sup> Notice of temporary extreme risk protective orders  
21 issued pursuant to this section shall be sent by the <sup>2</sup>[clerk of the court  
22 or other person designated by the court] county prosecutor<sup>2</sup> to the  
23 appropriate chiefs of police, members of the State Police, and any  
24 other appropriate law enforcement agency or court.

25       <sup>2</sup>[l.] k.<sup>2</sup> Any temporary extreme risk protective order issued  
26 pursuant to this section shall be in effect throughout the State, and  
27 shall be enforced by all law enforcement officers.

28       <sup>2</sup>[<sup>1</sup>m.] l.<sup>2</sup> (1) A petition for a temporary extreme risk protective  
29 order filed against a law enforcement officer shall be filed in the law  
30 enforcement agency in which the officer is employed. The law  
31 enforcement officer or employee receiving the petition shall advise the  
32 petitioner of the procedure for completing and signing a petition.

33       (2) Upon receipt of the petition, the law enforcement officer's  
34 employer shall immediately initiate an internal affairs investigation.

35       (3) The disposition of the internal affairs investigation shall  
36 immediately be served upon the county prosecutor who shall make a  
37 determination whether to refer the matter to the courts.

38       (4) The law enforcement officer's employer shall take appropriate  
39 steps to implement any findings set forth in the disposition of the  
40 internal affairs investigation.

41       The law enforcement officer shall not be terminated during the  
42 pendency of the internal affairs investigation.<sup>1</sup>

43  
44       5. (New section) a. A hearing for <sup>2</sup>[an] a final<sup>2</sup> extreme risk  
45 protective order shall be held <sup>1</sup>in the Superior Court<sup>1</sup> in accordance  
46 with the Rules of Court within 10 days of the filing of a petition

1 pursuant to <sup>1</sup>subsection a. of<sup>1</sup> section 4 of P.L. , c. (C. )  
 2 (pending before the Legislature as this bill) <sup>2</sup>[in the county where the  
 3 temporary extreme risk protective order was filed, unless good cause is  
 4 shown for the hearing to be held in another county]<sup>2</sup>. A copy of the  
 5 petition shall be served on the respondent in accordance with the Rules  
 6 of Court.

7 b. <sup>2</sup>[<sup>1</sup>In order to assist the court in determining whether to issue  
 8 an order pursuant to this section, the] The<sup>2</sup> county prosecutor shall  
 9 produce in an expedited manner any available evidence <sup>2</sup>including, but  
 10 not limited to, evidence related to the factors enumerated in subsection  
 11 f. of section 4 of P.L. , c. (C. ) (pending before the Legislature as  
 12 this bill)<sup>2</sup>.<sup>1</sup> If the court finds by a preponderance of the evidence at the  
 13 hearing that the respondent poses a significant danger of bodily injury  
 14 to the respondent's self or others by having custody or control of,  
 15 owning, possessing, purchasing, or receiving a firearm, the court shall  
 16 issue <sup>1</sup>[a one-year] <sup>an</sup><sup>1</sup> extreme risk protective order <sup>3</sup>[<sup>1</sup>which shall  
 17 expire one year following the date of entry of the order unless the  
 18 order is extended pursuant to section 6 of P.L. , c. (C. )  
 19 (pending before the Legislature as this bill)<sup>1</sup>]<sup>3</sup>.

20 c. When deciding whether to issue the order, the court shall  
 21 consider the factors enumerated in subsection f. of section 4 of  
 22 P.L. , c. (C. ) (pending before the Legislature as this bill) <sup>2</sup>[and  
 23 may consider, but is not limited to, the factors enumerated in  
 24 subsection g. of section 4 of P.L. , c. (C. ) (pending before the  
 25 Legislature as this bill),]<sup>2</sup> <sup>3</sup><sup>3</sup> as well as any other relevant evidence.

26 d. An extreme risk protective order issued pursuant to this section  
 27 shall prohibit the respondent from having custody or control of,  
 28 owning, purchasing, possessing, or receiving a firearm. <sup>1</sup>A respondent  
 29 who is a law enforcement officer shall be subject to the provisions of  
 30 subsection <sup>2</sup>[m.] <sup>l.</sup><sup>2</sup> of section 4 of P.L. , c. (C. ) (pending  
 31 before the Legislature as this bill).<sup>1</sup>  
 32

33 <sup>3</sup>[6. (New section) a. Upon request by a petitioner <sup>2</sup>in a form  
 34 prescribed by the Administrative Office of the Courts<sup>2</sup>, and after  
 35 notice to the respondent <sup>2</sup>in accordance with the Rules of Court<sup>2</sup> <sup>1</sup>,  
 36 appropriate law enforcement, and the county prosecutor<sup>1</sup> and a  
 37 hearing, the court may extend an extreme risk protective order  
 38 issued pursuant to section 5 of P.L. , c. , (C. )  
 39 (pending before the Legislature as this bill). A petition for an  
 40 extension may be filed <sup>2</sup>[any time]<sup>2</sup> within three months preceding  
 41 the expiration of the current protective order <sup>2</sup>but no less than 30  
 42 days preceding the expiration of the current protective order<sup>2</sup>. The  
 43 protective order may be extended for one year if the court makes  
 44 the same findings by a preponderance of the evidence as required  
 45 for granting the initial order issued pursuant to section 5 of P.L. ,  
 46 c. (C. ) (pending before the Legislature as this bill). The court

1 shall consider the factors enumerated in subsection f. of section 4 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill)  
3 <sup>2</sup>and may consider, but is not limited to, the factors enumerated in  
4 subsection g. of section 4 of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill),<sup>2</sup> as well as any other relevant evidence.

6 b. The court may terminate an order upon petition by the  
7 respondent after a hearing at which the respondent shall bear the  
8 burden of proving by a preponderance of the evidence that the  
9 respondent no longer poses a significant danger of causing bodily  
10 injury to the respondent's self or to other persons by having custody  
11 or control of, owning, possessing, purchasing, or receiving a  
12 firearm. The respondent may file no more than one petition to  
13 terminate an order while the order is in effect.<sup>3</sup>

14  
15 <sup>3</sup>6. (New section) Upon request of the petitioner or respondent, in  
16 a form prescribed by the Administrative Office of the Courts, the court  
17 may terminate a final extreme risk protective order issued pursuant to  
18 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill) if:

20 a. the petitioner or respondent, as the case may be, has received  
21 notice in accordance with the Rules of Court;

22 b. the appropriate law enforcement agency and the county  
23 prosecutor have been notified; and

24 c. a hearing has been held by the court.

25 The petition for termination of the order may be filed at any time  
26 following the issuance of the order. During the hearing, the court shall  
27 consider the factors enumerated in subsection f. of section 4 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill), as well as any  
29 other relevant evidence including, but not limited to, whether the  
30 respondent has received, or is receiving, mental health treatment.

31 If the respondent petitioned for termination, the respondent shall  
32 bear the burden at the hearing of proving by a preponderance of the  
33 evidence that the respondent no longer poses a significant danger of  
34 causing bodily injury to the respondent's self or to other persons by  
35 having custody or control of, owning, possessing, purchasing, or  
36 receiving a firearm.<sup>3</sup>

37  
38 7. (New section) a. When a temporary <sup>2</sup>or final<sup>2</sup> extreme risk  
39 protective order <sup>2</sup>or extreme risk protective order<sup>2</sup> is issued pursuant  
40 to section 4 <sup>3</sup>or 5, or 6<sup>3</sup> or 5<sup>3</sup> of P.L. , c. (C. ) (pending before  
41 the Legislature as this bill), the court shall order the respondent to  
42 surrender to the local law enforcement agency all firearms and  
43 ammunition in the respondent's custody or control, or which the  
44 respondent owns or possesses, and any firearms purchaser  
45 identification card, permit to purchase a handgun, or permit to carry a  
46 handgun held by the respondent. <sup>3</sup>The court also shall notify the  
47 respondent that the respondent is prohibited from purchasing firearms

1 or ammunition or applying for a firearms purchaser identification card,  
2 permit to purchase a handgun, or permit to carry a handgun.<sup>3</sup>

3 b. <sup>3</sup>【Upon being served with the protective order, the respondent  
4 immediately shall surrender, in a safe manner, all firearms and  
5 ammunition in the respondent's custody or control, or which the  
6 respondent owns or possesses, and any firearms purchaser  
7 identification card, permit to purchase a handgun, or permit to carry a  
8 handgun held by the respondent to the control of the law enforcement  
9 officer. (1)】<sup>3</sup>

10 If the <sup>3</sup>petition for the temporary extreme risk<sup>3</sup> protective order  
11 indicates that the respondent owns or possesses any firearms or  
12 ammunition, <sup>3</sup>the court shall issue a search warrant with the temporary  
13 or final extreme risk protective order and<sup>3</sup> the law enforcement officer  
14 who serves the order shall request that all firearms and ammunition  
15 immediately be surrendered.

16 <sup>3</sup>【(2) If a law enforcement officer is unable to personally serve the  
17 order, the respondent shall surrender all firearms and ammunition to  
18 the control of the respondent's local law enforcement agency within 24  
19 hours of being served with the order. Alternatively, the】

20 (1) The respondent immediately shall surrender, in a safe manner,  
21 all firearms and ammunition in the respondent's custody or control, or  
22 which the respondent owns or possesses, and any firearms purchaser  
23 identification card, permit to purchase a handgun, or permit to carry a  
24 handgun held by the respondent to the control of the law enforcement  
25 officer.

26 (2) The<sup>3</sup> respondent may <sup>3</sup>【surrender or sell】 request that the law  
27 enforcement agency sell<sup>3</sup> all firearms and ammunition in a safe  
28 manner to a federally licensed firearms dealer <sup>2</sup>pursuant to section 8 of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>2</sup>.

30 (3) The law enforcement officer or licensed firearms dealer taking  
31 possession of any firearms or ammunition pursuant to this subsection  
32 shall issue a receipt identifying all firearms and ammunition that have  
33 been surrendered by the respondent. The officer or dealer shall  
34 provide a copy of the receipt to the respondent at the time of surrender.

35 (4) If the respondent surrenders firearms and ammunition to a law  
36 enforcement officer <sup>3</sup>pursuant to paragraph (1) of this subsection<sup>3</sup> or  
37 surrenders or sells firearms and ammunition to a licensed dealer  
38 pursuant to paragraph (2) of this subsection, the respondent shall,  
39 within 48 hours after being served with the order <sup>2,2</sup> file the receipt  
40 with <sup>2</sup>【the court that issued the protective order and file a copy of the  
41 receipt with the law enforcement agency that served the order】 the  
42 county prosecutor<sup>2</sup>. Failure to timely file the receipt or copy of the  
43 receipt shall constitute contempt of the order.

44 c. The court which issued the protective order may issue a search  
45 warrant for a firearm or ammunition that is in the custody or control  
46 of, owned, or possessed by a respondent who is subject to a



1 <sup>2</sup>**[restraining]** temporary or final protective<sup>2</sup> order issued pursuant to  
 2 section 4 <sup>3</sup>**[<sup>1</sup>[or],<sup>1</sup> 5<sup>1,1</sup> or 6]** or 5<sup>3</sup> of P.L. , c. (C. ) (pending  
 3 before the Legislature as this bill) if the respondent has lawfully been  
 4 served with that order and has failed to surrender the firearm or  
 5 ammunition as required by this section.

6 d. <sup>3</sup>**[If the respondent has surrendered a firearm or ammunition to**  
 7 **a law enforcement agency, within 30 days of the expiration of the**  
 8 **order or upon termination of the order, the]** The<sup>3</sup> respondent may  
 9 petition the agency for the return of any surrendered firearms or  
 10 ammunition <sup>3</sup>upon termination of an order pursuant to section 6 of  
 11 P.L. c. (C. ) (pending before the Legislature as this bill)<sup>3</sup>.  
 12 Within 30 days of receiving a petition for the return of surrendered  
 13 firearms or ammunition and after the <sup>3</sup>**[expiration or]**<sup>3</sup> termination of  
 14 the order, the agency shall return the firearm or ammunition unless:

15 (1) the firearm has been reported as stolen; <sup>3</sup>or<sup>3</sup>

16 (2) the respondent is prohibited from possessing a firearm under  
 17 State or federal law<sup>3</sup>**];** or

18 (3) the protective order is extended <sup>2</sup>or a petition to extend the  
 19 protective order is pending<sup>2</sup> pursuant to the provisions of section 6 of  
 20 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>3</sup>.

21 <sup>2</sup>Nothing in this act shall prohibit revocation and seizure of <sup>3</sup>**[an**  
 22 **individual's]** a person's<sup>3</sup> firearms purchaser identification card, permit  
 23 to purchase a handgun, permit to carry a handgun, and weapons  
 24 <sup>3</sup>**[pursuant to subsection f. of N.J.S.2C:58-3]** as authorized pursuant  
 25 to applicable law<sup>3</sup> <sup>2</sup>.

26 e. If a person other than the respondent claims title to any firearm  
 27 or ammunition surrendered pursuant to this section, and the law  
 28 enforcement agency determines that the person is the lawful owner of  
 29 the firearm or ammunition, the firearm or ammunition shall be  
 30 returned to that person.

31 f. If the respondent has surrendered a firearm or ammunition to a  
 32 federally licensed firearms dealer, after <sup>3</sup>**[expiration or]**<sup>3</sup> termination  
 33 of the order, the respondent may request the law enforcement agency,  
 34 in writing, to authorize the return of the firearm or ammunition from  
 35 the dealer. The dealer shall transfer the firearm or ammunition to the  
 36 respondent in accordance with procedures required when a firearm or  
 37 ammunition is being sold from the dealer's inventory <sup>2</sup>in accordance  
 38 with N.J.S.2C:58-2<sup>2</sup>.

39  
 40 8. (New section) A respondent who has surrendered any  
 41 firearm or ammunition to a law enforcement agency pursuant to  
 42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 43 who does not want the firearm or ammunition returned or is no  
 44 longer eligible to own or possess a firearm or ammunition may sell  
 45 or transfer title of the firearm or ammunition to a federally licensed  
 46 firearms dealer. The agency shall transfer possession of the firearm

1 or ammunition to a licensed dealer only after the dealer has  
 2 displayed written proof of transfer of the firearm or ammunition  
 3 from the respondent to the dealer and the agency has verified the  
 4 transfer with the respondent.

5  
 6 9. (New section) A law enforcement agency holding any firearm  
 7 or ammunition surrendered pursuant to P.L. , c. (C. ) (pending  
 8 before the Legislature as this bill) for more than one year after the  
 9 <sup>3</sup>[expiration or]<sup>3</sup> termination of the extreme risk protective order may  
 10 destroy the firearm or ammunition in accordance with the policies and  
 11 procedures of the agency for destruction of firearms or ammunition.

12  
 13 10. (New section) <sup>2</sup>[Except as provided in section 11 of P.L.,  
 14 c. (C. ) (pending before the Legislature as this bill), a] A<sup>2</sup>  
 15 violation by the respondent of an order issued pursuant to section 4  
 16 <sup>3</sup>[<sup>2</sup>[or]<sup>2</sup> 5 <sup>2</sup>, or 6<sup>2</sup>] or 5<sup>3</sup> of P.L. , c. (C. ) (pending before the  
 17 Legislature as this bill) shall constitute an offense under subsection e.  
 18 of N.J.S.2C:29-9 and each order shall so state. All contempt  
 19 proceedings conducted pursuant to N.J.S.2C:29-9 involving an  
 20 extreme risk protective order shall be heard by the Superior Court. All  
 21 contempt proceedings brought pursuant to P.L. , c. (C. )  
 22 (pending before the Legislature as this bill) shall be made in  
 23 accordance with the Rules of Court.

24  
 25 <sup>2</sup>[11. (New section) <sup>1</sup>[If a law enforcement officer finds  
 26 probable cause that a] a. A<sup>1</sup> respondent <sup>1</sup>[is]<sup>1</sup> in contempt of an  
 27 order entered pursuant to P.L. , c. (C. ) (pending before the  
 28 Legislature as this bill) <sup>1</sup>[, the respondent]<sup>1</sup> shall be arrested and  
 29 taken into custody.

30 <sup>1</sup>b. If a person alleges that a respondent has violated or is in  
 31 contempt of an order entered pursuant to P.L. , c. (C. )  
 32 (pending before the Legislature as this bill) but the facts are  
 33 insufficient to establish probable cause to arrest the respondent, a  
 34 law enforcement officer shall advise the petitioner of the procedure  
 35 for completing and signing a criminal complaint alleging a violation  
 36 of subsection e. of N.J.S.2C:29-9.<sup>1</sup><sup>2</sup>

37  
 38 <sup>2</sup>[12.] 11.<sup>2</sup> (New section) a. The Administrative Office of the  
 39 Courts shall include all persons who have had <sup>2</sup>[<sup>1</sup>an] a final<sup>2</sup> extreme  
 40 risk<sup>1</sup> protective <sup>1</sup>[orders] order<sup>1</sup> entered against them pursuant to  
 41 section 5 <sup>3</sup>[or 6]<sup>3</sup> of P.L. , c. (C. ) (pending before the  
 42 Legislature as this bill), and all persons who have been charged with a  
 43 violation of <sup>2</sup>[an] a temporary or final<sup>2</sup> extreme risk protective order  
 44 issued pursuant to section 4 <sup>3</sup>[<sup>2</sup>[or],<sup>2</sup> 5 <sup>2</sup>, or 6<sup>2</sup>] or 5<sup>3</sup> of P.L. ,  
 45 c. (C. ) (pending before the Legislature as this bill).<sup>1</sup> in <sup>2</sup>[the  
 46 Domestic Violence Central Registry established pursuant to P.L.1999,

1 c.421 (C.2C:25-34 et seq.)**】** an electronic central registry created and  
 2 maintained by the Administrative Office of the Courts<sup>2</sup>. All records  
 3 made pursuant to this section shall be kept confidential <sup>2</sup>**【**in  
 4 accordance with the Rules of Court<sup>1</sup>**and a】** and shall be released only  
 5 to a police or other law enforcement agency investigating a report of a  
 6 crime, offense, or act of domestic violence, or conducting a  
 7 background investigation involving a person's application for a  
 8 firearms purchaser identification card or permit to purchase a handgun  
 9 or employment as a police or law enforcement officer, or for any other  
 10 purpose authorized by law or the Supreme Court of the State of New  
 11 Jersey. A<sup>2</sup> respondent's information, other than information related to  
 12 a violation of<sup>2</sup>**【an】** a temporary or final<sup>2</sup> order pursuant to  
 13 section 4<sup>3</sup>**【**or,<sup>2</sup> 5<sup>2</sup>, or 6<sup>2</sup>**】** or 5<sup>3</sup> of P.L. , c. (C. ) (pending  
 14 before the Legislature as this bill), shall be removed from the registry  
 15 upon the<sup>3</sup>**【expiration】** termination<sup>3</sup> of the extreme risk protective  
 16 order<sup>1</sup>.

17 b. Any person who disseminates or discloses a record or report of  
 18 the central registry for a purpose other than the purposes authorized in  
 19 this section or as otherwise authorized by law or the Supreme Court of  
 20 the State of New Jersey is guilty of a crime of the fourth degree.

21

22 <sup>2</sup>**【13.】** 12.<sup>2</sup> N.J.S.2C:29-9 is amended to read as follows:

23 2C:29-9. Contempt. a. A person is guilty of a crime of the  
 24 fourth degree if **【he】** the person purposely or knowingly disobeys a  
 25 judicial order or protective order, pursuant to section 1 of P.L.1985,  
 26 c.250 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation  
 27 of a judicial order or the exercise of jurisdiction over any person,  
 28 thing, or controversy by a court, administrative body, or investigative  
 29 entity.

30 b. (1) Except as provided in paragraph (2) of this subsection, a  
 31 person is guilty of a crime of the fourth degree if that person purposely  
 32 or knowingly violates any provision in an order entered under the  
 33 provisions of the "Prevention of Domestic Violence Act of 1991,"  
 34 P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the  
 35 provisions of a substantially similar statute under the laws of another  
 36 state or the United States when the conduct which constitutes the  
 37 violation could also constitute a crime or a disorderly persons offense.

38 Orders entered pursuant to paragraphs (3), (4), (5), (8)<sup>3,3</sup> and (9) of  
 39 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
 40 substantially similar orders entered under the laws of another state or  
 41 the United States shall be excluded from the provisions of this  
 42 paragraph.

43 (2) In all other cases a person is guilty of a disorderly persons  
 44 offense if that person purposely or knowingly violates an order entered  
 45 under the provisions of the "Prevention of Domestic Violence Act of  
 46 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under

1 the provisions of a substantially similar statute under the laws of  
2 another state or the United States.

3 Orders entered pursuant to paragraphs (3), (4), (5), (8)<sup>3,3</sup> and (9)  
4 of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
5 substantially similar orders entered under the laws of another state or  
6 the United States shall be excluded from the provisions of this  
7 paragraph.

8 c. A person is guilty of a crime of the third degree if that person  
9 purposely or knowingly violates any provision in an order entered  
10 under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) or  
11 section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an order entered under  
12 the provisions of a substantially similar statute under the laws of  
13 another state or the United States when the conduct which constitutes  
14 the violation could also constitute a crime or a disorderly persons  
15 offense.

16 d. (1) Except as provided in paragraph (2) of this subsection, a  
17 person is guilty of a crime of the fourth degree if that person purposely  
18 or knowingly violates any provision in an order entered under the  
19 provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered  
20 under the provisions of a substantially similar statute under the laws of  
21 another state or the United States when the conduct which constitutes  
22 the violation could also constitute a crime or a disorderly persons  
23 offense.

24 (2) In all other cases a person is guilty of a disorderly persons  
25 offense if that person purposely or knowingly violates an order entered  
26 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order  
27 entered under the provisions of a substantially similar statute under the  
28 laws of another state or the United States.

29 e. A person is guilty of a crime of the fourth degree if the person  
30 purposely or knowingly violates any provision of an order entered  
31 under the provisions of the "Extreme Risk Protective Order Act of  
32 2018," P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 or an order entered under the provisions of a substantially similar  
34 statute under the laws of another state or the United States.

35 As used in this section, "state" means a state of the United States,  
36 the District of Columbia, Puerto Rico, the United States Virgin  
37 Islands, or any territory or insular possession subject to the jurisdiction  
38 of the United States. The term includes an Indian tribe or band, or  
39 Alaskan native village, which is recognized by a federal law or  
40 formally acknowledged by a state.

41 (cf: P.L.2016, c.93, s.3)

42

43 <sup>2</sup>[14.] 13.<sup>2</sup> Section 6 of P.L.1979, c.179 (C.2C:39-7) is  
44 amended to read as follows:

45 6. Certain Persons Not to Have Weapons.

46 a. Except as provided in subsection b. of this section, any  
47 person, having been convicted in this State or elsewhere of the  
48 crime of aggravated assault, arson, burglary, escape, extortion,

1 homicide, kidnapping, robbery, aggravated sexual assault, sexual  
2 assault, bias intimidation in violation of N.J.S.2C:16-1 or  
3 endangering the welfare of a child pursuant to N.J.S.2C:24-4,  
4 whether or not armed with or having in his possession any weapon  
5 enumerated in subsection r. of N.J.S.2C:39-1, or any person  
6 convicted of a crime pursuant to the provisions of N.J.S.2C:39-3,  
7 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been  
8 committed for a mental disorder to any hospital, mental institution  
9 or sanitarium unless he possesses a certificate of a medical doctor  
10 or psychiatrist licensed to practice in New Jersey or other  
11 satisfactory proof that he is no longer suffering from a mental  
12 disorder which interferes with or handicaps him in the handling of a  
13 firearm, or any person who has been convicted of other than a  
14 disorderly persons or petty disorderly persons offense for the  
15 unlawful use, possession or sale of a controlled dangerous  
16 substance as defined in N.J.S.2C:35-2 who purchases, owns,  
17 possesses or controls any of the said weapons is guilty of a crime of  
18 the fourth degree.

19 b. (1) A person having been convicted in this State or  
20 elsewhere of the crime of aggravated assault, arson, burglary,  
21 escape, extortion, homicide, kidnapping, robbery, aggravated sexual  
22 assault, sexual assault, bias intimidation in violation of  
23 N.J.S.2C:16-1, endangering the welfare of a child pursuant to  
24 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)  
25 or a crime involving domestic violence as defined in section 3 of  
26 P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having  
27 in his possession a weapon enumerated in subsection r. of  
28 N.J.S.2C:39-1, or a person having been convicted of a crime  
29 pursuant to the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6,  
30 inclusive; section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-  
31 11; N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases,  
32 owns, possesses or controls a firearm is guilty of a crime of the  
33 second degree and upon conviction thereof, the person shall be  
34 sentenced to a term of imprisonment by the court. The term of  
35 imprisonment shall include the imposition of a minimum term,  
36 which shall be fixed at five years, during which the defendant shall  
37 be ineligible for parole. If the defendant is sentenced to an  
38 extended term of imprisonment pursuant to N.J.S.2C:43-7, the  
39 extended term of imprisonment shall include the imposition of a  
40 minimum term, which shall be fixed at, or between, one-third and  
41 one-half of the sentence imposed by the court or five years,  
42 whichever is greater, during which the defendant shall be ineligible  
43 for parole.

44 (2) A person having been convicted in this State or elsewhere of  
45 a disorderly persons offense involving domestic violence, whether  
46 or not armed with or having in his possession a weapon enumerated  
47 in subsection r. of N.J.S.2C:39-1, who purchases, owns, possesses  
48 or controls a firearm is guilty of a crime of the third degree.

1 (3) A person whose firearm is seized pursuant to the "Prevention  
2 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
3 seq.) and whose firearm has not been returned, or who is subject to  
4 a court order prohibiting the possession of firearms issued pursuant  
5 to the "Prevention of Domestic Violence Act of 1991," P.L.1991 ,  
6 c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or  
7 controls a firearm is guilty of a crime of the third degree, except  
8 that the provisions of this paragraph shall not apply to any law  
9 enforcement officer while actually on duty, or to any member of the  
10 Armed Forces of the United States or member of the National  
11 Guard while actually on duty or traveling to or from an authorized  
12 place of duty.

13 (4) A person who is subject to a court order prohibiting the  
14 custody, control, ownership, purchase, possession, or receipt of a  
15 firearm or ammunition issued pursuant to the "Extreme Risk  
16 Protective Order Act of 2018," P.L. , c. (C. ) (pending before  
17 the Legislature as this bill) who purchases, acquires, owns,  
18 possesses, or controls a firearm or ammunition is guilty of a crime  
19 of the third degree.

20 c. Whenever any person shall have been convicted in another  
21 state, territory, commonwealth or other jurisdiction of the United  
22 States, or any country in the world, in a court of competent  
23 jurisdiction, of a crime which in said other jurisdiction or country is  
24 comparable to one of the crimes enumerated in subsection a. or b.  
25 of this section, then that person shall be subject to the provisions of  
26 this section.

27 (cf: P.L.2003, c.277, s.3)

28  
29 <sup>2</sup>[15.] 14.<sup>2</sup> N.J.S.2C:58-3 is amended to read as follows:

30 2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
31 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
32 or otherwise acquire a handgun unless the purchaser, assignee,  
33 donee, receiver or holder is licensed as a dealer under this chapter  
34 or has first secured a permit to purchase a handgun as provided by  
35 this section.

36 b. Firearms purchaser identification card. No person shall sell,  
37 give, transfer, assign or otherwise dispose of nor receive, purchase  
38 or otherwise acquire an antique cannon or a rifle or shotgun, other  
39 than an antique rifle or shotgun, unless the purchaser, assignee,  
40 donee, receiver or holder is licensed as a dealer under this chapter  
41 or possesses a valid firearms purchaser identification card, and first  
42 exhibits the card to the seller, donor, transferor or assignor, and  
43 unless the purchaser, assignee, donee, receiver or holder signs a  
44 written certification, on a form prescribed by the superintendent,  
45 which shall indicate that he presently complies with the  
46 requirements of subsection c. of this section and shall contain his  
47 name, address and firearms purchaser identification card number or  
48 dealer's registration number. The certification shall be retained by

1 the seller, as provided in paragraph (4) of subsection a. of  
2 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
3 be filed with the chief of police of the municipality in which he  
4 resides or with the superintendent.

5 c. Who may obtain. No person of good character and good  
6 repute in the community in which he lives, and who is not subject to  
7 any of the disabilities set forth in this section or other sections of  
8 this chapter, shall be denied a permit to purchase a handgun or a  
9 firearms purchaser identification card, except as hereinafter set  
10 forth. No handgun purchase permit or firearms purchaser  
11 identification card shall be issued:

12 (1) To any person who has been convicted of any crime, or a  
13 disorderly persons offense involving an act of domestic violence as  
14 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or  
15 not armed with or possessing a weapon at the time of the offense;

16 (2) To any drug dependent person as defined in section 2 of  
17 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a  
18 mental disorder to a hospital, mental institution or sanitarium, or to  
19 any person who is presently an habitual drunkard;

20 (3) To any person who suffers from a physical defect or disease  
21 which would make it unsafe for him to handle firearms, to any  
22 person who has ever been confined for a mental disorder, or to any  
23 alcoholic unless any of the foregoing persons produces a certificate  
24 of a medical doctor or psychiatrist licensed in New Jersey, or other  
25 satisfactory proof, that he is no longer suffering from that particular  
26 disability in a manner that would interfere with or handicap him in  
27 the handling of firearms; to any person who knowingly falsifies any  
28 information on the application form for a handgun purchase permit  
29 or firearms purchaser identification card;

30 (4) To any person under the age of 18 years for a firearms  
31 purchaser identification card and to any person under the age of 21  
32 years for a permit to purchase a handgun;

33 (5) To any person where the issuance would not be in the  
34 interest of the public health, safety or welfare;

35 (6) To any person who is subject to a restraining order issued  
36 pursuant to the "Prevention of Domestic Violence Act of 1991,"  
37 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
38 possessing any firearm;

39 (7) To any person who as a juvenile was adjudicated delinquent  
40 for an offense which, if committed by an adult, would constitute a  
41 crime and the offense involved the unlawful use or possession of a  
42 weapon, explosive or destructive device or is enumerated in  
43 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

44 (8) To any person whose firearm is seized pursuant to the  
45 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
46 (C.2C:25-17 et seq.) and whose firearm has not been returned; **[or]**

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

4 (10) To any person who is subject to a court order prohibiting  
5 the custody, control, ownership, purchase, possession, or receipt of  
6 a firearm or ammunition issued pursuant to the “Extreme Risk  
7 Protective Order Act of 2018,” P.L. , c. (C. ) (pending before  
8 the Legislature as this bill).

9 d. Issuance. The chief of police of an organized full-time  
10 police department of the municipality where the applicant resides or  
11 the superintendent, in all other cases, shall upon application, issue  
12 to any person qualified under the provisions of subsection c. of this  
13 section a permit to purchase a handgun or a firearms purchaser  
14 identification card.

15 Any person aggrieved by the denial of a permit or identification  
16 card may request a hearing in the Superior Court of the county in  
17 which he resides if he is a resident of New Jersey or in the Superior  
18 Court of the county in which his application was filed if he is a  
19 nonresident. The request for a hearing shall be made in writing  
20 within 30 days of the denial of the application for a permit or  
21 identification card. The applicant shall serve a copy of his request  
22 for a hearing upon the chief of police of the municipality in which  
23 he resides, if he is a resident of New Jersey, and upon the  
24 superintendent in all cases. The hearing shall be held and a record  
25 made thereof within 30 days of the receipt of the application for a  
26 hearing by the judge of the Superior Court. No formal pleading and  
27 no filing fee shall be required as a preliminary to a hearing.  
28 Appeals from the results of a hearing shall be in accordance with  
29 law.

30 e. Applications. Applications for permits to purchase a  
31 handgun and for firearms purchaser identification cards shall be in  
32 the form prescribed by the superintendent and shall set forth the  
33 name, residence, place of business, age, date of birth, occupation,  
34 sex and physical description, including distinguishing physical  
35 characteristics, if any, of the applicant, and shall state whether the  
36 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
37 drug dependent person as defined in section 2 of P.L.1970, c.226  
38 (C.24:21-2), whether he has ever been confined or committed to a  
39 mental institution or hospital for treatment or observation of a  
40 mental or psychiatric condition on a temporary, interim or  
41 permanent basis, giving the name and location of the institution or  
42 hospital and the dates of confinement or commitment, whether he  
43 has been attended, treated or observed by any doctor or psychiatrist  
44 or at any hospital or mental institution on an inpatient or outpatient  
45 basis for any mental or psychiatric condition, giving the name and  
46 location of the doctor, psychiatrist, hospital or institution and the  
47 dates of the occurrence, whether he presently or ever has been a  
48 member of any organization which advocates or approves the



1 commission of acts of force and violence to overthrow the  
2 Government of the United States or of this State, or which seeks to  
3 deny others their rights under the Constitution of either the United  
4 States or the State of New Jersey, whether he has ever been  
5 convicted of a crime or disorderly persons offense, whether the  
6 person is subject to a restraining order issued pursuant to the  
7 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
8 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
9 firearm, whether the person is subject to a <sup>2</sup>[restraining] protective<sup>2</sup>  
10 order issued pursuant to the "Extreme Risk Protective Order Act of  
11 2018." P.L. , c. (C. ) (pending before the Legislature as this  
12 bill) prohibiting the person from possessing any firearm, and other  
13 information as the superintendent shall deem necessary for the  
14 proper enforcement of this chapter. For the purpose of complying  
15 with this subsection, the applicant shall waive any statutory or other  
16 right of confidentiality relating to institutional confinement. The  
17 application shall be signed by the applicant and shall contain as  
18 references the names and addresses of two reputable citizens  
19 personally acquainted with him.

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

23 The chief police officer or the superintendent shall obtain the  
24 fingerprints of the applicant and shall have them compared with any  
25 and all records of fingerprints in the municipality and county in  
26 which the applicant resides and also the records of the State Bureau  
27 of Identification and the Federal Bureau of Investigation, provided  
28 that an applicant for a handgun purchase permit who possesses a  
29 valid firearms purchaser identification card, or who has previously  
30 obtained a handgun purchase permit from the same licensing  
31 authority for which he was previously fingerprinted, and who  
32 provides other reasonably satisfactory proof of his identity, need not  
33 be fingerprinted again; however, the chief police officer or the  
34 superintendent shall proceed to investigate the application to  
35 determine whether or not the applicant has become subject to any of  
36 the disabilities set forth in this chapter.

37 f. Granting of permit or identification card; fee; term; renewal;  
38 revocation. The application for the permit to purchase a handgun  
39 together with a fee of \$2, or the application for the firearms  
40 purchaser identification card together with a fee of \$5, shall be  
41 delivered or forwarded to the licensing authority who shall  
42 investigate the same and, unless good cause for the denial thereof  
43 appears, shall grant the permit or the identification card, or both, if  
44 application has been made therefor, within 30 days from the date of  
45 receipt of the application for residents of this State and within 45  
46 days for nonresident applicants. A permit to purchase a handgun  
47 shall be valid for a period of 90 days from the date of issuance and  
48 may be renewed by the issuing authority for good cause for an

1 additional 90 days. A firearms purchaser identification card shall  
2 be valid until such time as the holder becomes subject to any of the  
3 disabilities set forth in subsection c. of this section, whereupon the  
4 card shall be void and shall be returned within five days by the  
5 holder to the superintendent, who shall then advise the licensing  
6 authority. Failure of the holder to return the firearms purchaser  
7 identification card to the superintendent within the five days shall  
8 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
9 purchaser identification card may be revoked by the Superior Court  
10 of the county wherein the card was issued, after hearing upon  
11 notice, upon a finding that the holder thereof no longer qualifies for  
12 the issuance of the permit. The county prosecutor of any county,  
13 the chief police officer of any municipality or any citizen may apply  
14 to the court at any time for the revocation of the card.

15 There shall be no conditions or requirements added to the form  
16 or content of the application, or required by the licensing authority  
17 for the issuance of a permit or identification card, other than those  
18 that are specifically set forth in this chapter.

19 g. Disposition of fees. All fees for permits shall be paid to the  
20 State Treasury if the permit is issued by the superintendent, to the  
21 municipality if issued by the chief of police, and to the county  
22 treasurer if issued by the judge of the Superior Court.

23 h. Form of permit; quadruplicate; disposition of copies. The  
24 permit shall be in the form prescribed by the superintendent and  
25 shall be issued to the applicant in quadruplicate. Prior to the time  
26 he receives the handgun from the seller, the applicant shall deliver  
27 to the seller the permit in quadruplicate and the seller shall  
28 complete all of the information required on the form. Within five  
29 days of the date of the sale, the seller shall forward the original  
30 copy to the superintendent and the second copy to the chief of  
31 police of the municipality in which the purchaser resides, except  
32 that in a municipality having no chief of police, the copy shall be  
33 forwarded to the superintendent. The third copy shall then be  
34 returned to the purchaser with the pistol or revolver and the fourth  
35 copy shall be kept by the seller as a permanent record.

36 i. Restriction on number of firearms person may purchase.  
37 Only one handgun shall be purchased or delivered on each permit  
38 and no more than one handgun shall be purchased within any 30-  
39 day period, but this limitation shall not apply to:

40 (1) a federal, State, or local law enforcement officer or agency  
41 purchasing handguns for use by officers in the actual performance  
42 of their law enforcement duties;

43 (2) a collector of handguns as curios or relics as defined in Title  
44 18, United States Code, section 921 (a) (13) who has in his  
45 possession a valid Collector of Curios and Relics License issued by  
46 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

47 (3) transfers of handguns among licensed retail dealers,  
48 registered wholesale dealers and registered manufacturers;

1 (4) transfers of handguns from any person to a licensed retail  
2 dealer or a registered wholesale dealer or registered manufacturer;

3 (5) any transaction where the person has purchased a handgun  
4 from a licensed retail dealer and has returned that handgun to the  
5 dealer in exchange for another handgun within 30 days of the  
6 original transaction, provided the retail dealer reports the exchange  
7 transaction to the superintendent; or

8 (6) any transaction where the superintendent issues an  
9 exemption from the prohibition in this subsection pursuant to the  
10 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

11 The provisions of this subsection shall not be construed to afford  
12 or authorize any other exemption from the regulatory provisions  
13 governing firearms set forth in chapter 39 and chapter 58 of Title  
14 2C of the New Jersey Statutes;

15 A person shall not be restricted as to the number of rifles or  
16 shotguns he may purchase, provided he possesses a valid firearms  
17 purchaser identification card and provided further that he signs the  
18 certification required in subsection b. of this section for each  
19 transaction.

20 j. Firearms passing to heirs or legatees. Notwithstanding any  
21 other provision of this section concerning the transfer, receipt or  
22 acquisition of a firearm, a permit to purchase or a firearms  
23 purchaser identification card shall not be required for the passing of  
24 a firearm upon the death of an owner thereof to his heir or legatee,  
25 whether the same be by testamentary bequest or by the laws of  
26 intestacy. The person who shall so receive, or acquire the firearm  
27 shall, however, be subject to all other provisions of this chapter. If  
28 the heir or legatee of the firearm does not qualify to possess or carry  
29 it, he may retain ownership of the firearm for the purpose of sale for  
30 a period not exceeding 180 days, or for a further limited period as  
31 may be approved by the chief law enforcement officer of the  
32 municipality in which the heir or legatee resides or the  
33 superintendent, provided that the firearm is in the custody of the  
34 chief law enforcement officer of the municipality or the  
35 superintendent during that period.

36 k. Sawed-off shotguns. Nothing in this section shall be  
37 construed to authorize the purchase or possession of any sawed-off  
38 shotgun.

39 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
40 the sale or purchase of a visual distress signalling device approved  
41 by the United States Coast Guard, solely for possession on a private  
42 or commercial aircraft or any boat; provided, however, that no  
43 person under the age of 18 years shall purchase nor shall any person  
44 sell to a person under the age of 18 years a visual distress signalling  
45 device.

46 m. The provisions of subsections a. and b. of this section and  
47 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
48 apply to the purchase of firearms by a law enforcement agency for

1 use by law enforcement officers in the actual performance of the  
2 officers' official duties, which purchase may be made directly from  
3 a manufacturer or from a licensed dealer located in this State or any  
4 other state.

5 (cf: P.L.2016, c.74, s.1)

6

7 <sup>2</sup>**[16.]** 15.<sup>2</sup> <sup>3</sup>(New section)<sup>3</sup> The Supreme Court may promulgate  
8 Rules of Court to effectuate the purposes of the “Extreme Risk  
9 Protective Order Act of 2018,” P.L. , c. (C. ) (pending before  
10 the Legislature as this bill).

11

12 <sup>2</sup>**[17.]** 16.<sup>2</sup> (New section) The Attorney General may adopt,  
13 pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410  
14 (C.52:14B-1 et seq.), rules and regulations necessary to implement  
15 the provisions of the “Extreme Risk Protective Order Act of 2018,”  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).

17

18 <sup>2</sup>**[18.]** 17.<sup>2</sup> This act shall take effect on the first day of the  
19 <sup>2</sup>**[seventh]** fifteenth<sup>2</sup> month next following enactment, but the  
20 Attorney General and the Administrative Director of the Courts  
21 may take any anticipatory action as shall be necessary to effectuate  
22 the purposes of this act.

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“Extreme Risk Protective Order Act of 2018.”