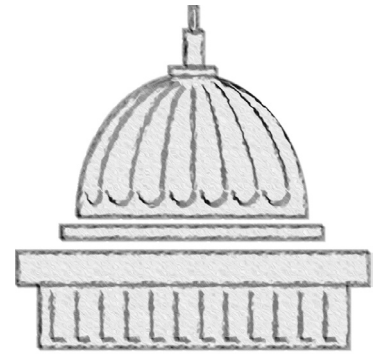


F. NRA / ILA Firearms Laws for

NEW JERSEY

(As of February, 2006)



Compiled by:

*NRA-Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030
(800) 392-8683
www.nraila.org*

A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	ID Card Required	Yes
Registration of Firearms	No	No*
Licensing of Owners	Yes	Yes
Permit to Carry	ID Card Required	Yes

* Police record of all transfers required.

PURCHASE

Rifles and Shotguns

It is unlawful to sell, give, transfer, assign, or otherwise dispose of or receive, purchase, or otherwise acquire a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver, or holder is licensed as a dealer under New Jersey law or possesses a valid Firearms Purchasers Identification Card (FID), and first exhibits the FID to the seller, donor, transferrer, or assignor, and the purchaser, assignee, donee, receiver, or holder signs a written certification form that identifies the purchaser, his or her address and FID or dealer's number, and states he or she presently is not disqualified from purchase.

A person is not restricted as to the number of rifles or shotguns they may purchase, provided they have a valid FID and the certification form requirements are met. The FID is required for private or dealer purchases.

Handguns

It is unlawful to sell, give, transfer, assign, or otherwise dispose of, or receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver, or holder is licensed as a dealer under New Jersey law or has first secured a Permit to Purchase a handgun.

The permit must be in the form prescribed by the Superintendent of State Police and shall be issued to the applicant in quadruplicate. The applicant prior to the time he receives the handgun from the seller shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form.

Only one handgun shall be purchased or delivered for each permit. A permit is required for private or dealer purchases.

No handgun -(except antique handguns) may be delivered

to any person unless accompanied by a trigger lock or a locked case, gun box, container or other secure facility.

Requirements for Obtaining Permit to Purchase or FID

The Police Chief of the municipality where the applicant resides or the Superintendent of State Police, in all other cases must, upon application, issue to any qualified applicant a Permit to Purchase or FID.

The fee for a Permit to Purchase is \$2, to be submitted with the application. The Permit to Purchase is valid for 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. The FID fee is \$5 to be submitted with the application. The FID is valid so long as the holder is eligible to obtain the FID. The applicant must be fingerprinted and pay a fingerprint fee of \$54, unless the applicant already has an FID, or has previously been fingerprinted

The Permit to Purchase or FID must be granted to a qualified applicant within 30 days from the date of receipt of the application for residents and 45 days for nonresident applicants.

Applications for a Permit to Purchase or FID must be in the form prescribed by the Superintendent of State Police and set forth the name, residence, place of business, age, date of birth, occupation, sex, and physical description of the applicant, and state whether the applicant is a citizen, whether an alcoholic, habitual drunkard, drug dependent person, whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim, or permanent basis, whether he has been attended, treated, or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, whether he presently or ever has been a member of any organization which advocates or approves acts of force and violence to overthrow the government, or which seeks to deny others their constitutional rights, whether he has ever been convicted of a crime or disorderly persons offense and such other information as the superintendent shall deem necessary for the proper enforcement. The applicant waives all rights of confidentiality relating to institutional confinement and must supply all necessary information on any mental or psychiatric treatment. The application must contain as references two

reputable citizens personally acquainted with the applicant.

No conditions or requirements can be added to the form or content of the application, or required by the licensing authority for the issuance of a Permit to Purchase or FID, other than those that are specifically set forth in the statute.

No person of good character and good repute who is not subject to any of the disabilities can be denied a permit to purchase a handgun or a firearms purchaser identification card. No Permit to Purchase or FID will be issued to any:

- Person who has been convicted of a crime.
- Drug dependent person, or person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to a habitual drunkard.
- Person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produce a certificate from a New Jersey licensed medical doctor or psychiatrist, or other satisfactory proof, that the applicant is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms.
- Person who knowingly falsifies any information on the application forms.
- Person under 18.
- Person where the issuance would not be in the interest of the public health, safety, or welfare.
- Person under the age of 21, in the case of a handgun or pistol.

Any person denied a Permit to Purchase or FID may request a hearing in the Superior Court of the county in which they reside or in the Superior Court of the county in which their application was filed. The request for a hearing must be made in writing within 30 days of the denial. A copy of the request shall be served on the police chief of the applicant's residence, if the applicant is a New Jersey resident, and upon the Superintendent of State Police in all cases. A hearing will be held within 30 days of the receipt of the application for such hearing. No formal pleading and no filing fee shall be required as a preliminary to such hearing

POSSESSION

It is unlawful to knowingly possess any handgun, including any antique handgun, without first having obtained a Permit to Carry, and it is unlawful to knowingly possess any rifle or shotgun without having first obtained a Firearms Purchaser Identification Card (FID), however, no Permit to Carry or FID is required:

1. To keep or carry any firearm about a person's place of business, residence, premises, or other land owned or possessed by him; a place of business shall be deemed a fixed location.

2. To carry any firearm unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported and the course of travel shall include only such deviations as are reasonably necessary under the circumstances from any place of purchase to his residence or place of business, between his dwelling and his place of business, from one place of business or

residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair.

3. To transport such firearms as necessary for target practice, in the manner described in paragraph 2 above, by a member of a gun club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice in going to or from a place of target practice, provided the club has filed a copy of its charter with the Superintendent of State Police and annually submits a list of its members to the superintendent.

4. To transport any firearm, in the manner described in paragraph 2 above, while traveling:

a. Directly to or from any place for the purpose of hunting or fishing, provided such person has in his possession a valid hunting or fishing license.

b. Directly to or from any target range or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions.

c. Directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any gun club or gun collectors club for the purpose of displaying the firearms to the public or to members of such organization or club, provided that not less than 30 days prior to such exhibition or display notice shall be given to the Superintendent of State Police by the sponsoring organization or club and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate.

5. To carry a firearm in the woods or fields or upon the waters of this State for the purpose of hunting, target practice, or fishing, provided that the firearm is legal and appropriate for hunting or fishing purposes in this State and the person possesses a valid hunting license, or, with respect to fresh water fishing, a valid fishing license.

6. To transport firearms by a licensed dealer in firearms and his registered employees during the course of normal business, provided the firearms are transported in the manner described in paragraph 2 above.

7. For members of the armed forces or National Guard while on duty or traveling between places of duty and carrying authorized weapons.

8. For federal law enforcement officers and any other federal officers and employees required to carry firearms in the performance of their official duties.

9. For law enforcement officers, vehicle inspectors, prosecutors, and assistant prosecutors.

10. For guards and persons with limited police or arrest powers while in the performance of their duties.

11. For out-of-state law enforcement officers while actually engaged in official duties, provided that the Superintendent of State Police, or the police chief, or county prosecutor of the county where the out-of-state officer is engaged in official duties has been notified.

The FID requirement for rifles and shotguns does not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes for exhibition or demonstration at an authorized range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality.

It is unlawful to knowingly possess any firearm in or upon

any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution, irrespective of whether the person possesses a valid permit to carry the firearm or a valid firearms purchaser identification card. This prohibition does not apply to persons listed in paragraphs 7 through 11 above.

A Permit to Purchase or FID is not be required for the passing of a firearm other than an assault firearm upon the owner's death to his heir or estate.

No person under 18 may possess, carry, fire, or use a firearm except:

- In the actual presence or under the direct supervision of a parent or guardian, or some other person who holds a Permit to Carry or FID; or
- For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or
- For the purpose of competition or target practice on a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice; or
- For the purpose of hunting during the regularly designated hunting season, provided he possesses a valid hunting license and has successfully completed a hunter's safety course.

No person may possess, control, own, or purchase any firearm if he has:

- Been convicted of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, sexual assault; bias intimidation or endangering the welfare of a child; or any weapons offense; or any domestic violence offense including crime such as harassment, stalking or criminal restraint.
- Ever been committed for a mental disorder to any hospital, mental institution, or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm.
- Been convicted for the unlawful use, possession, or sale of a controlled dangerous substance.
- Subject to a court order pursuant to New Jersey law prohibiting the person from possessing any firearm.

It is unlawful to knowingly possess "any hollow nose, dum-dum, or body armor penetrating bullet." A person may keep such ammunition at his dwelling, premises, or other land owned or possessed by him, or carry such ammunition from the place of purchase to said dwelling or land. Military and law enforcement personnel and retail dealers may possess restricted ammunition, provided records are kept of purchasers. A federally licensed collector may possess no more than three examples of each distinctive variation of restricted ammunition.

CARRYING

It is unlawful to knowingly have in your possession a:

1. Handgun, including any antique handgun, without first obtaining a Permit to Carry. No distinction is drawn between carrying openly or concealed.

2. Rifle or shotgun without first obtaining a FID card. It is illegal to carry a loaded shotgun or rifle in any vehicle, or to shoot from any vehicle or across any road.

The exceptions 1 through 11 listed under POSSESSION also apply to CARRYING.

Application for Permit to Carry:

Application is made to the police chief where the applicant resides or to the Superintendent of State Police if the community does not have a police chief or if the applicant is a nonresident. The licensing authority makes a recommendation to a judge of the Superior Court who grants or denies the permit. The judge may also place restrictions on the permit. The permit is valid for two years and costs \$20.

The applicant must meet the requirements of the Permit to Purchase and FID, provide personal information, be fingerprinted, prove his familiarity with the use of handguns, have three reputable people knowing the person for at least three years and have a "justifiable need to carry a handgun."

A description, including serial number, of every handgun which the applicant intends to carry must be provided. Only one permit need be obtained for all such handguns.

NOTE: Issuance of the permit is almost completely discretionary, and New Jersey courts have upheld the policy of strictly limiting permits "to persons specifically employed in security work . . . and to others who can establish an urgent necessity for carrying guns for self-protection."

Failure to give notice to an applicant within 60 days is deemed to be an approval of the permit. The procedure for appealing a denial is the same as appealing a denial of a Permit to Purchase or FID.

ANTIQUES AND REPLICAS

"Antique Firearm" means any rifle or shotgun 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.

"Antique handgun" is a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either utilizes a match, friction, flint, or percussion ignition, or a pin-fire cartridge in which the pin is part of the cartridge; or does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

MACHINE GUNS

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

Possession, purchase, or sale of a machine gun without a license is prohibited. A license can be obtained by applying to a judge of the Superior Court where the applicant resides or, if a nonresident, where business is conducted. Manufacture, shipping and transport of a machine gun without a license is also prohibited.

No license shall be issued unless the applicant would qualify for a Permit to Carry and the court finds "that the public safety

and welfare so require.” The license is valid for one year, unless otherwise provided by the court. The court may also attach such conditions and limitations to the license as it deems to be in the public interest.

RESTRICTED FIREARMS

New Jersey law restricts the ownership of certain semi-automatic and other firearms based upon their military appearance. A specific list of restricted “assault firearms” is maintained by the New Jersey State Police. It includes many widely available firearms, and is subject to change and modification. Contact the New Jersey State Police for Information regarding which firearms are “assault firearms.” An “assault firearm” also includes any semiautomatic shotgun with either a magazine capacity exceeding six rounds, a conspicuous pistol grip, or a folding stock; a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds; a part or combination of parts designed or intended to convert a firearm into an “assault firearm,” or any combination of parts from which an “assault firearm” may be readily assembled. Any magazine with a capacity greater than fifteen rounds is prohibited, even if there is no semi-automatic firearm to accompany the magazine unless the person has a registered “assault firearm” and the magazine is used for DCM sanctioned shooting matches.

Any “assault firearm” legally possessed before May 1, 1990 is illegal unless that firearm was registered before May 1, 1991. Any “assault firearm” which was not owned prior to May 1, 1990, must be licensed. The licensing procedures for an “assault firearm” are the same as those listed in MACHINE GUNS, above.

Upon the death of the owner of a properly licensed “assault firearm,” the owner’s heirs or estate have 90 days if unable to get a license to either transfer the firearm to any person or firm lawfully entitled to own or possess such firearm, render the firearm inoperable, voluntarily surrender it, or remove the firearm from New Jersey to a state where the “assault firearm” would be legal.

MISCELLANEOUS PROVISIONS

It is unlawful to discharge any incendiary or tracer ammunition, except for law enforcement or military purposes except that non-incendiary tracer shotgun ammunition may be used on trap and skeet ranges for target shooting purposes.

It is unlawful for any person to advertise to sell a machine gun, semi-automatic rifle, or assault firearm in newspaper circulating within New Jersey if the ad does not specify that the purchaser shall hold a valid license to purchase and possess a machine gun or assault firearm, or a valid FID card to purchase and possess an automatic or semi-automatic rifle.

It is unlawful for any person to deface a firearm, or to knowingly have in his possession any firearm which has been

defaced, except an antique firearm or antique handgun.

Civilians are prohibited from possessing silencers, shotguns with an overall length less than 26 inches or a barrel less than 18 inches, and rifles with an overall length less than 26 inches or a barrel less than 16 inches in length.

It is unlawful to loan money where the security for the loan is a firearm.

It is unlawful to riot with a firearm or deadly weapon.

Retail gun dealers and their employees must be licensed by the judge of the Superior Court in the county where the business is located.

All wounds arising from or caused by a firearm must be reported at once to the police.

Every conviction of a non-citizen for violating New Jersey’s gun laws must be certified to the proper officer of the United States Government by the county prosecutor or attorney general.

Unless allowed under exemptions for minors listed in the POSSESSION section above, it is unlawful to leave a loaded firearm within reach or easy access of a person under 16. This provision does not apply to a firearm stored in a securely locked box or container; or in a location which a reasonable person would believe to be secure; or securely locked with a trigger lock; or under circumstances where a minor obtained a firearm as a result of an unlawful entry by person.

Wholesale and retail dealers of firearms must conspicuously post at each purchase counter, printed in block letters not less than one inch in height a warning that it is a criminal offense to leave a loaded gun within access of a minor.

SOURCES: N.J. Stat. Ann. 2C:25-29; 2C:33-1; 2C:39-1; 2C:39-2; 2C:39-3; 2C:39-4; 2C:39-4.1; 2C:39-5; 2C:39-6; 2C:39-6.1; 2C:39-7; 2C:39-9; 2C:39-15; 2C:58-3; 2C:58-3.1; 2C:58-3.2; 2C:58-4; 2C:58-5; 2C:58-6.1; 2C:58-8; 2C:58-9; 2C:58-12; 2C:58-13; 2C:58-15; 2C:58-16; 2C:58-17; 23:4-16; 23:4-24.1

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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