

### **13:54-1.4 Applications for a firearms purchaser identification card and for a permit to purchase a handgun**

(a) Every person applying for a firearms purchaser identification card or for a permit to purchase a handgun shall furnish such information and particulars as are set forth in the application form designated STS-33. Forms can be obtained from municipal police departments, State Police stations and licensed retail firearms dealers.

(b) The applicant shall waive any statutory or other right of confidentiality relating to institutional confinement.

(c) The applicant shall provide the names and addresses of two reputable citizens personally acquainted with him as references.

(d) The application shall be signed by the applicant and the completed application, together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., a consent for mental health records search form designated SP 66 and a nonrefundable application fee of \$ 5.00 for a firearms identification card and \$ 2.00 for a permit to purchase a handgun, shall be submitted to the chief of police of an organized full-time police department in the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the State Police station servicing the municipality in which the applicant resides, or to any State Police station in the case of a non-resident.

(e) The chief of police of an organized full time police department of the municipality where the applicant resides, or the Superintendent, when the applicant is a non-resident of this State or when the municipality does not have a full time department, shall accept and investigate applications for firearms purchaser identification cards and permits to purchase handguns.

(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 an additional valid identification document of his or her identity, need not be fingerprinted again. In such cases, the chief of police or Superintendent shall otherwise fully investigate the applicant in accordance with this subchapter. The chief of police or Superintendent shall require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and pay the appropriate fee established by N.J.A.C. 13:59. Applicants unable to provide an additional valid identification document shall submit to fingerprinting.

(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.

(j) An application for a firearms purchaser identification card or for a permit to purchase a handgun shall be prioritized and be investigated on an expedited basis and approved or disapproved without undue delay, within 14 days if possible, when the applicant identifies specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a firearms identification card and a permit to purchase a handgun, including but not limited to the following circumstances:

i. The applicant has been the victim of an act of violence that resulted in the infliction of serious or significant bodily injury, or was credibly threatened with an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or subjected to an incident in which the actor was armed with and used a deadly weapon or threatened by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S.2C:11-1 against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's written certification of need and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to another such incident; or

ii. The applicant is protected by a court order or under a condition imposed by the court restraining another person from contact with the applicant, and there is a substantial likelihood, based on the information presented in the applicant's written certification of need and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or be subjected to an incident in which the actor is armed with and would use a deadly weapon or threaten by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S.2C:11-1 against the applicant.

#### **13:54-2.4 Application for a permit to carry a handgun**

(a) Every person applying for a permit to carry a handgun shall furnish such information and particulars as set forth in the application form designated SP 642. The application shall be signed by the applicant under oath and shall be endorsed by three reputable persons who have known the applicant for at least three years preceding the date of application, and who shall also certify thereon that the applicant is a person of good moral character and behavior. Applications can be obtained at police departments and State Police stations.

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information.

Thorough familiarity with the safe handling and use of handguns may be

evidenced by:

1. Completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission as described by N.J.S.A. 2C:39-6j;

2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor;

3. Completion of a course or test in the safe handling of a handgun administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or

4. Passage of any test in this State's laws governing the use of force administered by a certified instructor of a police academy, a certified instructor of the National Rifle Association, or any other recognized certified instructor.

(c) Where available, the information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s). In the absence of, or in addition to (b)1 through 4 above, the applicant shall provide any other available and accurate information which may evidence his or her proficiency in the safe handling and use of firearms, including most recent handgun qualification scores and whether he or she utilized the handgun(s) he or she intends to carry, courses attended in the safe handling and use of firearms, and extent of knowledge, however gained, of this State's laws pertaining to the use of force in the defense of person and property.

(d) Each application form shall also be accompanied by a written certification of justifiable need which shall be under oath and which:

1. In the case of a private citizen shall specify in detail the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. Where possible the applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of such incidents to the appropriate law enforcement agencies; or

2. In the case of employees of private detective agencies, armored car companies and private security companies, that:

i. In the course of performing statutorily authorized duties, the applicant is subject to a substantial threat of serious bodily harm; and

ii. That carrying a handgun by the applicant is necessary to reduce the threat of unjustifiable serious bodily harm to any person.

(e) The completed application together with two sets of the applicant's fingerprints and fees 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), four photographs (1 1/2 x 1 1/2 square), a consent for mental health records search form designated STS-1, and a permit fee of \$20.00 payable to the County Clerk where the permit is to be issued shall be submitted to

the chief of police of the municipality in which the applicant resides, or the Superintendent:

1. If there is no full time police department in the municipality where the applicant resides; or

2. If the applicant is a non-resident of this State or if the applicant is an employee of an armored car company.

(f) An application for a permit to carry a handgun shall be prioritized and be investigated on an expedited basis and approved or disapproved without undue delay, within 14 days if possible, under the following circumstances:

1. The applicant is a private citizen who applies for a permit to purchase a handgun and/or a firearm purchaser identification card contemporaneously with the application for a permit to carry a handgun or who has previously obtained a handgun purchase permit from the same licensing authority; and

i. has been the victim of an act of violence that resulted in the infliction of serious or significant bodily injury, or was credibly threatened with an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or subjected to an incident in which the actor was armed with and used a deadly weapon or threatened by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S.2C:11-1 against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's written certification of need and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to another such incident; or

ii. is protected by a court order or under a condition imposed by the court restraining another person from contact with the applicant, and there is a substantial likelihood, based on the information presented in the applicant's written certification of need and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or be subjected to an incident in which the actor is armed with and would use a deadly weapon or threaten by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S.2C:11-1 against the applicant.

2. An applicant who meets the above criteria in i. or ii. shall be deemed to have demonstrated justifiable need.