the practice of audiology or speech-language pathology in the preceding biennial renewal period.

(b) Licensees applying for their first biennial renewal are exempt from the continuing education requirements in (a) above.

(c) A licensee may obtain continuing education credit hours from the following sources:

1. Giving a new seminar, webinar, teleconference, lecture, or in-service workshop related to the practice of audiology or speech-language pathology: one credit hour per each hour of actual presentation of the seminar, lecture, or workshop, up to a maximum of 10 credit hours.

   i. As used in (c)1 above, “new” means that the licensee has never presented the seminar, lecture, or in-service workshop before in any setting;

2. Teaching a new undergraduate course related to the practice of audiology or speech-language pathology at a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, or new graduate course in a college or university accredited by the American Speech-Language-Hearing Association: six credit hours for each new course up to a maximum of 12 credit hours.

   i. As used in (c)2 above, “new” means that the licensee has never taught the course before in any educational setting

3.-9. (No change.)

(a)

DIVISION OF STATE POLICE
Firesarms and Weapons

Readoption with Amendments: N.J.A.C. 13:54

Adopted New Rules: N.J.A.C. 13:54-1.16 and 3.21


Adopted: May 8, 2015, by Joseph R. Fuentes, Superintendent, Division of State Police, with the approval of John J. Hoffman, Acting Attorney General.

Filed: May 12, 2015, as R. 2015 d.094, with a non-substantial change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), but with the proposed amendments to N.J.A.C. 13:54-1.2, 1.17, 3.2, and 3.16 not adopted but still pending.


Effective Dates: May 12, 2015, Readoption; June 15, 2015, Amendments and New Rule.

Expiration Date: May 12, 2022.

Summary of Public Comments and Agency Responses:

In addition to publication of the rules proposed for readoption with amendments and new rule in the New Jersey Register (see above), the Division of State Police (Division) notified the press through the State House Press Room, and posted a notice that the notice of proposal had been proposed on the Division’s website. As a result, the Superintendent and the Acting Attorney General received written comments from the following individuals or representatives of organizations:

Paul L. Adamowski
Mr. & Mrs. Gregory Adams
Ronald A. Adamson
Albert Almeida
James Anderson
Kenneth E. Armellino
Thomas Arnold
Jeff Ariola
Joey Aspelund
Scott L. Bach
Kathy A. Banks
Cort Biehl
Edward Barnes
James P. Barone
Doug Barrow
Rick P. Bazar
Michael Beattie
David Bell
Willard R. Belinowicz
D. Bystrowski
James Brozowski
Gregory Barry
Arnold E. Bay Jr.
Andrew Behrend
Aaron Bennett
Paul Bracciante
Thomas R. Bracco
Joseph P. Britt
Al Brittin
Claire Brittin
Grace Brittin
Len Burdock
James Butler
Roy Byers
Ed Cabrera
Anthony Calabrese
Nick Calandrillo
Ricardo D. Calheiros
Michael Canino
Julian Capicchioni
John Carnevale
A. Michael Candido
Thomas B. Carney
Michael J. Corbo
Dominic S. Costanzo
Albert Chard
Joseph Chiaravalle
Christopher W. Chard
Timothy Clarke
Bill Cole
John R. Courter
Albert Cuccinello
Keith Conticelli
Robert D’Arcangelo
Charles DeFilippo
Erik Di Stefano
J.S. Dicampli
R. DiGiacomo
Edward Donnelly
Paul Dunberg
Anthony DiDonato
David Eastlack
William J. Eisner
Carl E. Elwood Sr.
Anthony C. Eufasio Jr.
Kingston W. Fairclough
James J. Feehan
Steven Fine
Joseph S. Finnis Sr.
Glenn Fontana
Jack Gangluff
Kenneth Gavlick
Vladimir Gavrielescu
Ron Goldsworth
Nicholas P. Grande
Thomas S. Graziano
Alan J. Gebele
Christine L. Gebele
Erik Hansen
Matt Hagadom
Marcus H. Karavan
Ima Libtard
John W. Schanbacher

(CITE 47 N.J.R. 1328)
ADOPTIONS

Hermen Pedrosa
Hasjonn Simmons
Frank Maryd
Amy Levine-Brittin
John Franzetti
Walter J. Prihoda
Randall I. Charles
Peter Quaranta
Walter McClintock
David McIntosh
Richard Neary
Frank Rytter
Frank Jack Fiamingo
Frank Garnick
Eric Saperstein
Eric Hoffmann
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Russell Jalbert
David Schulze
Manny Nunez
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Patrick Hebert
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Mike Eggemann
Milton Fitterman
Martin Gassaro
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Orlando Martinez
Salvatore Urbano
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Matthew B. Dernier
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Douglas Gold
Richard Kline
Tony Sabino
Donald Macaluso
AlexaJoan Macaluso
William McClung Jr.
Robert Marter
Mark Roberts
Milton Rodriguez
Ken Aitken
Guy Menghi
Michael Rothberg
Jeffrey Samnis
Lawrence L. Martin Jr.
Thomas F. McShane
Todd Dangelo
Peter E. Sesnick
Martin Vander Ploeg
Kosta Zamfotis
Howard R. (Signature undistinguishable)
J. William Vonder Fecht
James Baldassare Jr.
Javier Rojas
Jesse (No last name given) <redhawk8187@gmail.com>
Serge Bezjian
Ronald D. Stintzcum
George J. Hatch
Alex Hatcher
Gregory Hoffman
Gene Rossi
Thomas Morabito
Anthony & Vincenza Annuzzi
Wayne Schultz
Alan Paret
William J. Sona

LAW AND PUBLIC SAFETY

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Marjorie Kleiman
Wm. Kleinenhagen
Cameron Walton
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Geraldine Bachmann
Adam Bachmann
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Paul Frie
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William Korman
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Johnny Demented
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Kevin Zane
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Larry Laubengeiger
Stephen DeVito
Chris TenHoove
Mary & Terry Warner
Christopher C. Ferrer
Randy Carvin
Joseph Bues
Robert Spanvill
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Mark Phillips
Matthew Sodano
Matthew Spano
Michael Georgas
Michael James
John Brishin
Pat Leahy
Eugene Boltniew
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Subchapter 1. Firearms Purchaser Identification Card and Permit to Purchase a Handgun

N.J.A.C. 13:54-1.3

COMMENT: Commenters object to the proposed new language in this section, which changes the name of the “Permit to Purchase a Handgun” (Permit) to “Permit to Purchase a Handgun and Form of Register” (Form of Register). This proposed name change appears throughout the Administrative Code and the commenters maintain that the permit and the form of register are two separate, statutorily created forms. Commenters further hold that each form has different mandates as defined in N.J.S.A. 2C:58-3.h (Permit to Purchase) and 2C:58-2.c (Form of Register). Specifically, the form of register is required to be completed in triplicate and is to be furnished to the person(s) licensed to be engaged in the business of selling, leasing, or otherwise transferring firearms. The permit is to be completed in quadruplicate and is issued to the “applicant,” not the licensed dealer. The commenters generally oppose the Division’s apparent contradiction to statutory law by combining the two forms into one.

RESPONSE: The Division holds that the Permit to Purchase and Form of Register is a form that has been in use for over 10 years and is accepted by all police departments and county municipal courts. The form, S.P. 671, is produced in quadruplicate and encompasses all the requisite information for all statutory requirements. Specifically, N.J.S.A. 2C:58-3.h mandates a form of register be provided in triplicate. N.J.S.A. 2C:58-3.h states “the permit shall be in the form prescribed by the superintendent.” Lastly, there is no mandate in either statute that requires the two forms to be separate.

N.J.A.C. 13:54-1.5(a)8

COMMENT: Commenters express dissatisfaction with the readoption of the prohibition on persons who have had firearms seized pursuant to the New Jersey Domestic Violence Act and whose firearm has not been returned. They assert that this disqualifier has never been placed on any
New Jersey gun license application or form, including the Firearm Purchaser ID Card application, Certificate of Eligibility, Permit to Purchase a Handgun application, Permit to Carry a Handgun application, and Retail or Wholesale Dealer Application. This provision has been unasked by the State Police for over 10 years and therefore should not be readopted. On January 14, 2004, New Jersey’s gun laws changed and a brand new category of persons was banned from purchasing and possessing guns. Anyone who has had firearms seized and not returned because of a domestic violence allegation, lost their gun rights. Although this law has been in effect for over 10 years, the New Jersey State Police have failed to ask about it on any New Jersey’s gun application. The law was changed in two places: N.J.S.A. 2C:58-3.8(a) “No handgun purchase permit or firearms purchaser identification card shall be issued … To any person whose firearm is seized pursuant to the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned …” and N.J.S.A. 2C:39-7.b(3) “A person whose firearm is seized pursuant to the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned … pursuant to the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or controls a firearm is guilty of a crime of the third degree.” N.J.A.C. 13:54-1.3(a) reads: “The provisions set forth in N.J.S.A. 2C:58-3.8(a) and 2C:39-7.b(3) are sufficient and a change to the form is not necessary. All applicants for firearms identification card and/or permit to purchase a handgun are subject to a background check, which requires inquiry into the domestic violence registry. However, the Division recognizes the need to update the form and will make the change to the form to include a question regarding the seizure of firearms as a result of a domestic violence incident in which the weapons were not returned.”

N.J.A.C. 13:54-1.7(a)

COMMENT: The Division proposed language invalidating the Firearms Purchase ID Card if non-prohibitory information is changed, such as current address, name, or change of sex. Commenters argue this contradicts the law and the Administrative Code itself, as proposed for readoption, which states that the card shall be valid until such time as the holder “becomes subject to any of the disabilities as set forth by law.” Name, address, and sex are not disabilities set forth by law and should not invalidate a card. If one is subject to disabilities, the card is automatically void and must be returned to the Superintendent within five days. Making the changes and after 30 days for changes in name, address, sex is not only contrary to the law, but is also impractical because obtaining a new firearm purchaser ID card for change of address, name, or sex notoriously takes well over 30 days for processing. Under the proposed amendment, within 30 days of somebody changing their name, address, or sex, their firearms ID card would no longer be valid and they could not transport their firearms under that card. Simply because somebody gets married and changes his or her name, residence, or gender, they should not be discriminated against and have their firearms purchaser ID card made invalid, and then have to suffer the well-known extreme delays that occur in relicensing.

RESPONSE: The Division believes that this amendment is not overreaching in its authority to address the issue of an identification card accurately describing the card holder. As stated in N.J.S.A. 2C:58-3.e, application for initial issuance of a firearms identification card requires the applicant to utilize the “form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics.” It is a logical extension to determine that a change of required identifying information would invalidate the card. Given the absence of specific guidance on this issue, it is within the Superintendent’s authority, as provided in N.J.S.A. 2C:58-3 et seq. to require this change of information to continue to hold a valid firearms identification card. The agency will adopt the amendment as proposed.

N.J.A.C. 13:54-1.7(b)

COMMENT: This proposed amendment by the Superintendent mandates that 90-day extensions of a permit to purchase a handgun be completed within the original 90 days of issuance. This is a new requirement found nowhere in New Jersey law. No permit to purchase is ever valid for more than 180 days. It makes no difference if an extension is granted after the original 90 days, so long as the extension does not exceed 180 days in total. Since the extension, no matter when completed, cannot cause the permit’s validity to exceed a total of 180 days in any event, prohibiting the completion of an extension after the original 90 days expires serves no valid law enforcement purpose.

RESPONSE: The agency agrees with the commenter’s objection that the extension need not be made within the 90-day period because the permit to purchase cannot be valid for more than 180 days under any circumstances and, therefore, the proposed amendment is not necessary. The agency will not adopt the proposed amendment.

N.J.A.C. 13:54-1.16

COMMENT: Commenters oppose the State Police’s failure to recognize and implement that portion of N.J.S.A. 2C:58-2.a(7)(b), which clearly states, “(7) A dealer shall not knowingly deliver more than one handgun to any person within any 30-day period. This limitation shall not apply to: … (b) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921(a)(13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.” As of this moment, the State Police have no means to acknowledge this obvious exception to the law.

RESPONSE: The Division proposed the new rule to address this exemption. As stated in N.J.A.C. 13:54-1.16(a), anyone seeking to acquire more than one handgun within a 30-day period must apply for a Multiple Handgun Purchase Exemption. The rule further states that the applicant must check the appropriate box on the required form that corresponds with the exemption being sought. The form, S.P. 015, allows for a “collector” to be an exemption.

Subchapter 2. Handguns

N.J.A.C. 13:54-2.4(d)1

COMMENT: Commenters object to the readoption without change of the requirement to prove justifiable need to obtain a permit to carry a handgun. The general protestation focuses on the exclusion of "general self defense" as a valid reason for obtaining a permit to carry a handgun. Commenters further state this is a second amendment violation and is in direct contradiction with the “natural and unalienable rights” cited and protected by Article I of the 1844 New Jersey State Constitution. Furthermore, they argue that this rule should be repealed in its entirety based on its unconstitutionality.

RESPONSE: The Division did not propose any amendment to this rule and holds that it is consistent with N.J.S.A. 2C:58-4.b and c. The statute states that the Superintendent has the authority to prescribe additional requirements to determine an applicant’s eligibility for a permit to carry a handgun and cites that the applicant must demonstrate a justifiable need to carry a handgun.

Subchapter 3. Retail Dealers

N.J.A.C. 13:54-3.14(a)

COMMENT: Commenters object to the proposed amendment to N.J.A.C. 13:54-3.14(a) to require licensed dealers to record acquisitions of firearms on the same business day of their acquisition. Commenters generally feel it is unreasonably burdensome to not allow a dealer to at least have 24 hours to record the acquisition. Mandating same business day creates a useless hardship that serves no legitimate government function.

RESPONSE: The Division believes that this amendment is not overreaching in its authority to address the issue of maintaining accurate recordkeeping for inspection purposes. Pursuant to N.J.S.A. 2C:58-2.b, all persons “engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register” in which shall be entered the requisite information as prescribed.
General Comments

Federal Standards Statement

COMMENT: The Superintendent claims, in this statement, that a “Federal standards analysis” is not required because the rules proposed for readoption with amendments and new rules do not exceed Federal standards and that they are “not proposed under the authority of or in order to implement, comply with, or participate in any program established under Federal law ...” This is plainly incorrect as N.J.A.C. 13:54-3.19 specifically involves the NICS, establishing, among other things, the hours that the New Jersey State Police operate the “NICS Online” in which the State Police act as a POC for the Federal NICS system. Nowhere in the New Jersey statutes is there any laws authorizing, specifying, allowing, incorporating, or permitting the State Police to participate in the Federal NICS program. The State Police are enforcing a purely Federal law at a cost to the State of New Jersey without State statutory authorization. A “Federal standards Statement” is plainly mandated due to the implementation and compliance and participation of the Federal NICS law.

RESPONSE: A Federal standards analysis is not required because the rules proposed for readoption with amendments and new rules were not proposed under the authority of or in order to implement, comply with, or participate in any program established under Federal law or under State statutes that incorporate or refer to Federal law, Federal standards, or Federal requirements. Retail and wholesale firearms dealers may also be licensed under the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921-930 and, therefore, may be subject to Federal standards promulgated under that law. The rules proposed for readoption with amendments are promulgated pursuant to N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq. The proposed amendments incorporate by reference the requirements of 27 CFR 478.11, which requires Federally licensed firearms dealers to conduct an NICS background check on purchasers, and such is added in the notice of adoption Federal standards statement.

Jobs Impact

COMMENT: The Superintendent claims in this statement that the rules proposed for readoption with amendments and new rules will not result in loss of jobs in New Jersey. This is not the case, as these regulations create more burdens on licensed dealers who will be discouraged from continuing their business in New Jersey. It is self-evident that increased regulation causes hardship on business, thereby discouraging lawful New Jersey gun owners in a precarious position. Under current law, each one of these actions makes each of the shooters and family members described above, instantly guilty of a crime of the third degree. The addition of the “Reasonably Necessary” clause does nothing but place lawful New Jersey gun owners in a precarious position. Under current law, each one of these actions makes each of the shooters and family members described above, instantly guilty of a crime of the third degree. The addition of the “Reasonably Necessary” clause does nothing but leave any of the above actions open to subjective interpretation.

RESPONSE: This statute is not part of the Administrative Code and, therefore, beyond the scope of this rulemaking.

COMMENT: The Division believes that this amendment is not unreasonable as the regulatory requirement for inspections is in-house and not labor intensive.
RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

COMMENT: Commenters objected to the proposed changes to the Administrative Code, generally arguing that the changes are in violation of their second amendment rights.

RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

COMMENT: Commenter requested to be provided the objectives that caused the proposed rule changes.

RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments are not proposed under the authority of or in order to implement, comply with, or participate in any program established under Federal law or under State statutes that incorporate or refer to Federal law, Federal standards or Federal requirements. Retail and wholesale firearms dealers may also be licensed under the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921-930 and therefore may be subject to Federal standards promulgated under that law. The rules proposed for readoption with amendments are promulgated pursuant to N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq. The proposed amendments incorporate by reference the requirements of 27 CFR 478.11, which requires Federally licensed firearms dealers to conduct a NICS background check on purchasers.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:54.

Full text of the adopted amendments and new rules follows (deletions from proposal indicated in brackets with asterisks *thus*):

**SUBCHAPTER 1. FIREARMS PURCHASER IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN**

13:54-1.3 State of New Jersey Firearms identification card or permit to purchase a handgun and form of register required.

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase, or otherwise acquire a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign, or otherwise dispose of a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, to a person other than a licensed or registered retail or wholesale dealer, unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell, acquire, or possess a sawed-off shotgun.

(b) No person, other than a licensed or registered retail or wholesale dealer shall receive, purchase, or otherwise acquire a handgun, unless that person possesses and exhibits a valid permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of a handgun to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid permit to purchase a handgun and form of register.

(c)-(d) (No change.)

13:54-1.4 Applications for a State of New Jersey firearms purchaser identification card and for a permit to purchase a handgun and form of register

(a) Every person applying for a State of New Jersey firearms purchaser identification card or for a permit to purchase a handgun form of register shall furnish such information and particulars as are set forth in the application form designated S.T.S. 033. Forms can be obtained from municipal police departments, State Police stations, and licensed retail firearms dealers.

(b)-(c) (No change.)

(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 S.P. 66, in addition to a non-refundable application fee of $5.00 for a State of New Jersey firearms purchaser identification card and $2.00 for a permit to purchase a handgun and form of register, 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 State of New Jersey firearms purchaser identification cards and permits to purchase handguns and form of register.

(f) The fingerprints of any applicant shall be compared with any fingerprints maintained by the State Bureau of Identification and the Federal Bureau of Investigation 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, via the State of New Jersey website, 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)-(i) (No change.)

13:54-1.5 Prerequisites for a permit to purchase handgun and form of register or a State of New Jersey firearms purchaser identification card

(a) A permit to purchase a handgun and form of register, or a State of New Jersey firearms purchaser identification card, shall not be issued:

1. 3. (No change.)

4. To any person under the age of 18 years for a State of New Jersey firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun and form of register;

5.-6. (No change.)

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

8. To any person whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.) and whose firearm has not been returned; or

9. To any person named in a consolidated Terrorist Watch List maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation.

13:54-1.7 Validity of a State of New Jersey firearms identification card and permit to purchase a handgun and form of register

(a) A State of New Jersey firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth by law and this subchapter pertaining to an applicant’s eligibility. Upon becoming subject to any of the disabilities set forth in this subchapter, the card shall be void and shall be returned to the Superintendent within five days. A State of New Jersey firearms purchaser identification card shall not be valid for more than 30 days...
after the information contained therein is no longer reflective of the issued person, that is, current address, name change, and/or sex change.

(b) A permit to purchase a handgun and form of register shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days *[provided the extension is completed within the original 90 days of the date of issuance]*. In no event shall a permit to purchase a handgun be valid for more than 180 days from the date the permit was originally issued.

13:54-1.8 Written certification; delivery of permit to purchase

(a) Any person receiving, purchasing, or otherwise acquiring a firearm by exhibiting a firearms purchaser identification card shall sign a written certification on a State of New Jersey Certificate of Eligibility designated as form S.P. 634, which shall indicate that he or she presently complies with all of the requirements for obtaining an identification card and does not suffer from any of the disabilities set forth in this subchapter. The certification shall contain his or her name, address, and State of New Jersey firearms purchaser identification number or dealer’s license, and any other information deemed necessary by the Superintendent. If the seller is not a licensed dealer, the certification may be retained by the seller or it may be filed with the chief of police of the municipality in which he or she resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he or she is a licensed dealer.

(b) A permit to purchase a handgun and form of register shall be issued to the applicant in quadruplicate. Prior to receiving a handgun from the seller, the purchaser must deliver all copies of the permit to the seller, who shall complete all of the information on the required form. Within five days of the transfer, the transferor shall forward the original copy to the Superintendent and the second copy to the chief of police of the municipality where the transferee resides; provided that in a municipality having no chief of police, the second copy shall be forwarded to the Superintendent. The third copy shall be returned to the transferee, and the fourth shall be kept by the transferor as a permanent record.

13:54-1.10 Revocation of a State of New Jersey firearms purchaser identification card

(a) A State of New Jersey firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after a hearing, and upon a finding that the holder no longer qualifies for the issuance of such a card.

(b)(c) (No change.)

13:54-1.11 Duplicate State of New Jersey firearms purchaser identification card

(a) Persons shall apply for a duplicate State of New Jersey firearms purchaser identification card to replace a lost, stolen, or mutilated card, a change of residence, or change of sex by the holder, within 30 days of such loss, theft, mutilation, change of residence, or change of sex.

(b) The applicant shall complete an application for a duplicate State of New Jersey firearms purchaser identification card designated as form S.T.S. 033 and a consent for mental health records search designated as form S.P. 66 and present same to the chief of police in the municipality where the applicant resides or to the Superintendent.

(c) (No change.)

13:54-1.12 Appeal

(a) Any person denied a State of New Jersey firearms purchaser identification card, a permit to purchase a handgun, or a duplicate firearms purchaser identification card may request a hearing in the Superior Court of the county in which he or she resides or in the Superior Court of the county in which his or her application for a firearms purchaser identification card was denied if he or she is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit, identification card, or duplicate identification card. The applicant shall serve a copy of his or her request for a hearing upon the chief of police of the municipality in which he or she resides, if he or she is a resident of New Jersey, and upon the Superintendent in all cases.

(b)(c) (No change.)
the following procedures:

(a) Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided in this chapter, shall present a valid permit to purchase a handgun to the wholesale dealer or manufacturer, or law enforcement agency as provided for the record required by this subchapter shall be in addition to the maintenance of the form of register S.P. 671 and the certificate of eligibility S.P. 634. The dealer shall, in the case of a transfer of a handgun to an individual, note that the handgun was accompanied by a trigger lock or a locked case, gun box, container, or other secure facility, provided, however, this provision shall not apply to antique handguns.

(b) A retail firearms dealer shall request permission from the Superintendent in writing and receive written approval from the Superintendent before beginning any electronic format of the acquisition and disposition record. Approval of such an electronic method shall be granted if the Superintendent finds that good cause is shown for the use of the alternate method; the alternate electronic method is within the purpose of, and consistent with the bound book form; and the alternate electronic form will not be contrary to any provision of State or Federal law or hinder the effective administration of law.

(c) Electronic Records. Licensees may seek approval from the Superintendent to use an electronic record of acquisition and disposition of firearms, in lieu of the bound book form. The Superintendent shall authorize an electronic record of acquisition and disposition upon proof by the licensee that the electronic record accurately and readily discloses all information required to be maintained in (a) above.

(d) The dealer shall have the authority to use an electronic record of acquisition and disposition upon proof by the licensee that the electronic record accurately and readily discloses all information required to be maintained in (a) above.
owner (consignor) of the firearm to a licensed retail firearms dealer based upon operational experience. Telephonic service will be available weekdays from 9:00 A.M. to 8:00 P.M. and Saturday from 9:00 A.M. to 1:00 P.M. NICS Online,” weekdays from 9:00 A.M. to 8:00 P.M. and Saturday from 9:00 A.M. to 1:00 P.M. NICS Online, which is used for eligibility verification and contains a list of disqualifications for the consignor.

13:54-3.31 Labeling of all firearms
All retail and gunsmithing firearms shall be affixed with a tag or label containing information that coincides with the records of the acquisition and disposition ledgers, both manual and/or electronic. Labels shall be clearly visible and facilitate reconciliation with ledgers for purposes of inspection by the Division of State Police.

SUBCHAPTER 4. WHOLESALE DEALERS, MANUFACTURERS, AND WHOLESALE DEALERS’ AGENTS AND EMPLOYEES

13:54-4.3 Application for a certificate of registration
(a) Every person applying for a certificate of registration shall furnish such information and particulars required by the applications forms designated S.P. 280 and S.P. 280A. The forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey 08628, or the New Jersey State Police web site: www.njsp.org. All corporations, partnerships, and other businesses applying for registration shall, in addition to the period covered, sequentially by date of acquisition, and must be limited to display only the information required by the applicable rules. The printouts/downloads may contain additional columns capturing certain additional information, provided that the required information is readily apparent.

(b) Any person who possesses an actual or equitable controlling interest in the dealership shall complete the necessary application form and shall be fingerprinted (other than those exempted under N.J.A.C. 13:54-4.6).

(c) The completed application together with a receipt from the current State-authorized fingerprinting vendor indicating fingerprints were submitted (if the applicant resides in a state without access to the authorized vendor, then the applicant shall provide two sets of fingerprints), a consent for mental health records search form S.P. 66, and a nonrefundable fee of $150.00 payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., shall be submitted to the Superintendent.

13:54-4.4 Standards and qualifications
(a) (No change.)
(b) No wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any wholesale dealer’s agents, employees, or other persons to engage in the purchase or sale or offering for sale of firearms or parts of firearms, unless such agents, employees, or persons are over the age 18 and are licensed by the Superintendent. Such persons must submit to the Superintendent completed application form S.P. 641, a receipt from the current State-authorized fingerprinting vendor indicating fingerprints were submitted (if the applicant resides in a state without access to the authorized vendor, then the applicant shall provide two sets of fingerprints) and consent for mental health records search form S.P. 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted again, provided that the New Jersey State Police, State Bureau of Identification (SBI) “Request For Criminal History Record Information For Non Criminal Justice Purpose” and the applicable fee is paid, the number of the firearms purchaser identification card (S.B.I. #) is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter.
Superintendent shall issue licenses to such persons if they qualify to obtain a permit to purchase a handgun or to possess a firearms purchaser identification card as provided in this chapter, and would not pose a danger to the public health, safety, or welfare. A nonrefundable fee of $5.00 shall be paid by the employer to the Superintendent for each agent, employee, or person in addition to the fees established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

(c) (No change.)

(d) Should an employee be transferred from his or her licensed location to another location, by the same registered employer, that employee shall apply for a transfer of his or her employee license by submitting application form S.P. 69, consent for mental health records search form S.P. 66, and shall surrender his or her current employee license to the Superintendent once this transfer takes place.

(e) (No change.)

13:54-4.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form S.P. 280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors, or stockholders directly engage in the sale or purchase of firearms for the corporation or such directors, officers, or stockholders hold or possess the actual or equitable controlling interest in such corporation.

(b) A certification shall be filed by the member or members holding an actual or equitable controlling interest in each corporation or partnership certifying that such member(s) shall take the appropriate action to inform all employees directly engaged in the sale, purchase, or manufacture of firearms of the pertinent laws and regulations governing the sale, purchase, and manufacture of such firearms.

13:54-4.7 Certification; security required

(a) The Superintendent of State Police shall cause the applicant for registration to be investigated and either approve or deny the application. The application shall be approved if the Superintendent is satisfied that the applicant can be permitted to engage in business as a wholesale dealer of firearms without any danger to the public safety, health, or welfare, and if the applicant would qualify for the issuance of a permit to purchase a handgun or a firearms purchaser identification card. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

(b) (No change.)

13:54-4.11 Appeals

Any person who has been refused registration as a manufacturer or wholesale dealer or any person whose name has been removed from registration by the Superintendent or any person who has been denied an employee’s license, may appeal to the Superintendent within 30 days from the date of denial. If the appeal is denied by the Superintendent, such person may appeal to the Appellate Division of the Superior Court.

13:54-4.12 Permanent record of receipt and disposition of firearms

(a) (No change.)

(b) A record of sale or other disposition of a firearm, frame, or receiver must be recorded no later than the close of the business day of the transfer of such sale or disposition. The record shall indicate the date of the sale or disposition of each firearm, frame, or receiver, the type, model, caliber, or gauge, and serial number of each firearm, and the name and address of the dealer to whom the firearm, frame, or receiver was transferred.

(c) (No change.)

(d) Electronic Records. Licensees may seek approval from the Superintendent to use an electronic record of acquisition and disposition of firearms, in lieu of the bound book form. The Superintendent shall authorize an electronic record of acquisition and disposition upon proof by the licensee that the electronic record accurately and readily discloses all information required to be maintained in (a) above.

1. A retail firearms dealer shall request permission from the Superintendent in writing and receive written approval from the Superintendent before beginning any electronic format of the acquisition and disposition record. Approval of such an electronic method shall be granted if the Superintendent finds that good cause is shown for the use of the alternate method; the alternate electronic method is within the purpose of, and consistent with the bound book form; and the alternate electronic form will not be contrary to any provision of State or Federal law or hinder the effective administration of law.

2. The electronic form shall readily make available the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The date of acquisition and/or disposition shall be entered by the close of the business day of the transfer.

3. Any retail firearms dealer approved for the use of an electronic record of acquisition and disposition shall arrange for an electronic back-up system to safeguard all records against computer crashing, hacking, or being purged or lost through cyber space. The back-up system must be external, separate, and independent from any internal system to be utilized. Failure to institute an electronic back-up system shall result in the denial by the Superintendent for the request.

4. The Superintendent authorizes licensed retail dealers to maintain their firearms acquisition and disposition records electronically, provided all of the following conditions are met:

i. The licensee records in the computer system all acquisition and disposition information required by N.J.A.C. 13:54-3.14(a), as applicable. Required information includes a record of both the manufacturer and the importer of foreign-made firearms (if any). Additional columns can be utilized to capture certain additional information (for example, inventory number, new/used, etc.), so long as the additional information is separate from the required information and the required information is readily apparent.

ii. The system must retain any correction of errors as an entirely new entry without deleting or modifying the original entry (for example, macro created to track changes). Alternatively, the system may allow for entries in a “notes” column to explain any correction and/or track changes (that is, what was changed, who made the change, why the change was needed). The NJSP Firearms Investigation Unit suggests that the recordkeeping system be capable of blocking fields from correction (for example, protect workbook function).

iii. The system cannot rely upon invoices or other paper/manual systems to provide any of the required information.

iv. The system must allow queries by serial number, acquisition date, name of the manufacturer or importer, name of the purchaser, and address of purchaser or other transferee.

v. The licensee must print or download all records from the system:

1. Every quarter of the calendar year;

2. Upon request of any law enforcement officer (must be provided within 24 hours);

3. Prior to discontinuance of the database; and

4. Prior to discontinuance of the licensee’s firearms business.

vi. The printouts/downloads required under (d) above must include all firearms in inventory, as well as all firearms transferred during the period covered, sequentially by date of acquisition, and must be limited to display only the information required by the applicable rules. The printouts/downloads may contain additional columns capturing certain additional information, provided that the required information is readily apparent.

vii. The printout must be retained until the next printout is prepared.

viii. Printouts may not include other merchandise.

ix. If a licensee downloads the records on a portable storage device (for example, Compact Disc (CD), Digital Versatile Disc (DVD), or Universal Serial Bus (USB) Flash Drive), the download must be retained on the portable storage device until the next download is prepared. Additionally, the licensee must be able to present the most current version of the requested records in a printed format at any law enforcement officer’s request.

x. Electronic firearms acquisition and disposition records may be stored on a computer server owned and operated solely by the person holding the license, provided that the records are readily accessible through a computer device located at the licensed premises during regular business hours. The server must be located within the United States.
xi. The system must back-up the firearms acquisition and disposition records on a daily basis to protect the data from accidental deletion or system failure.

5. All laws, regulations, policies, and procedures applicable to the paper form of the firearms acquisition and disposition records also apply to electronic versions. Licensees are not required to use an electronic acquisition and disposition record, and may continue to use a paper record in the format prescribed by regulation.

13:54-4.13 Records and firearms available to Division of State Police
(a) Records are to be retained by wholesale dealers and/or manufacturers and shall, for administrative and law enforcement purposes, be made available for inspection during reasonable hours to any member of the Division of State Police.

(b) All firearms acquired by the licensee shall at all times be maintained at the licensee’s licensed premises unless expressly permitted by any other New Jersey law or rule allowing the firearms to be temporarily removed for a lawful or permitted purpose.

SUBCHAPTER 6. SECURITY SYSTEMS FOR DEALERS

13:54-6.2 Approval of plans by Superintendent
(a)-(c) (No change.)

(f) All initial and renewal applications shall require the submission of plans for fire protection and fire suppression associated with that Unit’s investigation of such charges.

(c) A firearms instructor who seeks registration with the New Jersey State Police Firearms Investigation Unit, RPO Program to be eligible to qualify retired law enforcement officers to carry a handgun, and also costs associated with that Unit’s investigation of such charges.

(d) All initial and renewal applications shall require the submission of a Consent for Mental Health Records Search Form, S.P. 66. The applicant shall waive any statutory or other right of confidentiality relating to institutional confinement.

(e) Following the issuance of an initial Retired Law Enforcement Officer Permit to Carry a Handgun, a renewal application will require the submission of two new photographs every three years and will be passport-type.

(f) A firearms instructor who seeks registration with the New Jersey State Police Firearms Investigation Unit, RPO Program to be eligible to qualify any retired law enforcement officer must submit an endorsed letter to the Superintendent requesting permission to qualify retired law enforcement officers. The letter of request shall contain the instructor’s full name, home address, contact phone number, date of birth, and SBI number (if applicable) accompanied by a copy of any and all certificates proving their certification as a law enforcement certified firearms instructor.

I. The instructor must possess training equivalent to the Police Training Commission-approved firearms instructor course. Equivalent training includes successful completion of a firearms instructor training program, such as those offered by the Federal Bureau of Investigation, United States Secret Service, Federal Law Enforcement Training Center at Glynco, Georgia, New Jersey State Police, Smith and Wesson Academy, the National Rifle Association Police Firearms Instructor Program, or any other law enforcement firearms instructor training course satisfactorily completed as determined by the Superintendent.