

(c) Every licensed polysomnographic technologist shall maintain the documentation required by (a) above as part of his or her records and shall submit this documentation to the Board upon request.]

(a)

DIVISION OF STATE POLICE

Firearms and Weapons

Applications for a State of New Jersey Firearms Purchaser Identification Card and for a Permit to Purchase a Handgun and Form of Register; Application for a Permit to Carry a Handgun

Proposed Amendments: N.J.A.C. 13:54-1.4 and 2.4

Authorized By: Colonel Joseph Fuentes, Superintendent, Division of State Police, with the approval of John J. Hoffman, Acting Attorney General.

Authority: N.J.S.A. 2C:39-1 et seq. and 2C:58-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-110.

Submit comments by November 7, 2015, to:

Colonel Joseph R. Fuentes, Superintendent
Attn: Firearms Investigation Unit
New Jersey State Police
PO Box 7068
West Trenton, New Jersey 08638
Or electronically to: LPPNJSPFIU@gw.njsp.org

The agency proposal follows:

Summary

The Division of State Police (Division) is proposing amendments to N.J.A.C. 13:54. This chapter became effective on October 5, 1986. It was last readopted effective on May 12, 2015, with amendments effective on June 15, 2015. See 46 N.J.R. 2393(a); 47 N.J.R. 1328(a). The Superintendent of the Division proposes to amend certain rules within N.J.A.C. 13:54 to address delays in processing permit applications for a firearms purchaser identification card and/or a permit to carry a handgun in certain circumstances. The proposed amendments to N.J.A.C. 13:54 are intended to incorporate the proclamations established in Executive Order No. 180 (2015).

The Division proposes an amendment to N.J.A.C. 13:54-1.4. Proposed new N.J.A.C. 13:54-1.4(j), will allow an applicant to request expedited processing for applications for firearms purchaser identification cards and permits to purchase a handgun when certain conditions are met. N.J.A.C. 13:54-1.4(j)1i allows for the victim of an act of violence resulting in serious bodily injury or credible specific threats of violence to submit a request in a form promulgated by the Superintendent for approval or disapproval for an expedited application process. N.J.A.C. 13:54-1.4(j)1ii allows for a request for expedited firearms application by a person protected by a court order where there is a substantial likelihood the applicant will be subjected to a future act of violence from another. Proposed new N.J.A.C. 13:54-1.4(j)2 specifies the form adopted by the Superintendent, as well as allows for the approval or disapproval by the chief of police or the Superintendent. Proposed new N.J.A.C. 13:54-1.4(j)3 requires that the request for expedited processing be submitted concurrently with the State of New Jersey Application for Firearms Purchaser Identification Card and/or Application for Permit to Purchase a Handgun. Lastly, proposed new N.J.A.C. 13:54-1.4(j)4 asserts that approval of a request for expedited processing does not automatically denote approval for the Firearms Purchaser Identification Card or Permit to Purchase a Handgun.

The proposed amendment to N.J.A.C. 13:54-2.4 will add the prioritization of an application for a permit to carry a handgun when certain conditions are met. Proposed new N.J.A.C. 13:54-2.4(f)1i allows for victims of an act of violence, which resulted in serious bodily harm or the credible threat of serious bodily harm, to apply for an expedited application process. In addition, proposed new subparagraph (f)1ii allows

for an expedited permit to carry a handgun investigation if the applicant is protected by a court order where there is a substantial likelihood the applicant will be subjected to a future act of violence from another. Proposed new N.J.A.C. 13:54-2.4(f)2 requires that the request for expedited processing be submitted concurrently with the State of New Jersey Application for Permit to Carry a Handgun. Proposed new N.J.A.C. 13:54-2.4(f)3 states that an applicant who meets the listed conditions in proposed new subparagraphs (f)1i or ii shall be deemed to have demonstrated justifiable need.

This notice of proposal is excepted from the rulemaking calendar requirement because the Division is providing a 60-day comment period on the notice pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will help to expeditiously process permit applications by clarifying the course of conduct that such persons who meet certain conditions must follow in order to comply with existing law and rules. The public at large will benefit from the adoption of amendments to this chapter through the continued regulation by the Superintendent of those persons seeking to acquire and/or carry firearms. In addition, victims of violent crimes will benefit by being able to more expeditiously receive consideration of an application to obtain or carry a firearm when circumstances may exist demonstrating a special danger justifying such a need.

Economic Impact

The proposed amendments will not have an economic impact on the general public. No additional fees are charged for expedited investigation of applications for a firearms purchaser identification card or a permit to carry a handgun. Applicants must still pay all current fees.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments do not exceed Federal standards, and 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 incorporates or refers to Federal law, Federal standards, or Federal requirements.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The proposed amendments will not have any impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose any reporting, recordkeeping or other compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because the rules pertain to applications to purchase and carry a firearm by individuals.

Housing Affordability Impact Analysis

The proposed amendments will not have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern the regulation of firearms.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact upon smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules concern the regulation of firearms.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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

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)-(i) (No change.)

(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 an applicant who has not been issued a current firearm purchaser identification card and does not currently possess a handgun identifies specific threats or previous attacks that 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/or a permit to purchase a handgun.

1. The specific conditions cited by the applicant may include, but need not be 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 N.J.S.A. 2C:11-1.c against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form (S.P. 398) 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 State of New Jersey Request for Expedited Firearms Application form (S.P. 398) 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 N.J.S.A. 2C:11-1.c against the applicant.

2. Applicants who are seeking the expedited application process shall furnish such information set forth in the Request for Expedited Firearms Application form designated S.P. 398. Forms can be obtained from municipal police departments and State Police stations and shall be approved or disapproved by the chief of police or the Superintendent.

3. The required form (S.P. 398) must be accompanied by the initial State of New Jersey Application for Firearms Purchaser Identification Card and/or initial Permit to Purchase a Handgun and Form of Register.

4. Approval of an expedited firearms application request does not automatically denote approval for the firearms purchaser identification card and/or permit to purchase a handgun and form of register. All applicants are subject to the provisions set forth in this chapter for final approval and issuance of cards and permits.

SUBCHAPTER 2. HANDGUNS

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

(a)-(e) (No change.)

(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 N.J.S.A. 2C:11-1.c against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form (S.P. 398), 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 State of New Jersey Request for Expedited Firearms Application form 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 N.J.S.A. 2C:11-1.c against the applicant;

2. An applicant who meets the criteria in (f)i or ii above shall be deemed to have demonstrated justifiable need (as set forth in N.J.A.C. 13:54-2.3(a)3); and

3. Approval of an expedited firearms application request does not automatically denote approval for a permit to carry a handgun. All applicants are subject to the provisions set forth in this chapter for final approval and issuance of cards and permits.

(a)

DIVISION OF CONSUMER AFFAIRS

Notice of Extension of Comment Periods for Division of Consumer Affairs' Notices of Proposal Appearing in the April 20, 2015, through July 6, 2015, Issues of the New Jersey Register

Take notice that the New Jersey Division of Consumer Affairs ("the Division") recently determined that its website, which permits members of the public to submit electronic comments on proposed rulemakings, has experienced technical issues that may have resulted in some commenters being unable to submit electronic comments on rule proposals. Therefore, in order to ensure that adequate notice of, and opportunity to comment on, the Division's intended rulemaking actions has been provided, consistent with the requirements of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., the Division is extending the comment period for proposed rulemakings that appeared in the New Jersey Register from April 20, 2015, through July 6, 2015. The affected notices of proposal are as follows:

State Board of Mortuary Science of New Jersey: Statement of Funeral Goods and Services Selected; general price list, 47 N.J.R. 764(a) (Published April 20, 2015);

State Board of Physical Therapy Examiners; regulation of licensed physical therapists and physical therapy assistants, 47 N.J.R. 768(a) (Published April 20, 2015);

State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors: education and testing standards for the provision of propane services, 47 N.J.R. 882(a) (Published May 4, 2015);

State Board of Examiners of Master Plumbers: experience requirements; 47 N.J.R. 1239(a) (Published June 1, 2015);

State Board of Polysomnography: unlicensed practice; exemptions; 47 N.J.R. 1240(a) (Published June 1, 2015);