



NEW JERSEY REGISTER  
Copyright © 2016 by the New Jersey Office of Administrative Law

VOLUME 48, ISSUE 4

ISSUE DATE: FEBRUARY 16, 2016

**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY  
DIVISION OF STATE POLICE**

*48 N.J.R. 281(a)*

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

**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: September 8, 2015, at *47 N.J.R. 2243(a)*.

Adopted: November 16, 2015, by Colonel Joseph R. Fuentes, Superintendent, Division of State Police with the approval of John J. Hoffman, Acting Attorney General.

Filed: January 21, 2016, as R.2016 d.015, **without change**.

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

Effective Date: February 16, 2016.

Expiration Date: May 12, 2022.

**Summary** of Public Comment and Agency Response:

The comment period closed on November 7, 2015. The Superintendent received one comment from Howard Moskowitz, Esq. on behalf of Ceasefire NJ. The comment was received by electronic mail on November 12.

COMMENT: The commenter opposes the notice of proposal, asserting that empirical research demonstrates that the proposed rule would further endanger women in domestic violence situations, and states that it should be

withdrawn.

RESPONSE: The Superintendent appreciates the concerns of the commenter, but will adopt the amendments as proposed. The intent of the notice of proposal is to provide for the expeditious review of applications for permits to purchase a handgun and permits to carry a handgun in certain situations. The proposed amendments do not change the standard of review. Each application is reviewed and a determination made according to the requirements of the law and rules.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments do not exceed Federal standards, and are not adopted 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.

**Full text** of the adoption follows:

#### **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;

[page=282] 2. An applicant who meets the criteria in (f)1i 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.