

SEPTEMBER 20, 1956

COL. JOSEPH D. RUTTER, *Superintendent*
Division of State Police
State Police Headquarters
West Trenton, New Jersey

FORMAL OPINION, 1956—No. 17

DEAR COLONEL RUTTER:

You have asked for our opinion whether a bona fide member of an organized police department is required to secure a permit to purchase a pistol or revolver.

N.J.S. 2A:151-32 provides as follows:

"No person shall sell a pistol or revolver to another unless the purchaser has first secured a permit to purchase or carry a pistol or revolver."

The foregoing prohibits the sale of a pistol or revolver "to another" (emphasis supplied) unless such person has secured a permit to purchase or carry such pistol or revolver and no exception is made in the case of a sale to a bona fide member of an organized police department.

There is no exemption of a bona fide member of an organized police department from the requirement in N.J.S. 2A:151-32 et seq. of a permit to purchase a pistol or revolver, although a bona fide member of an organized police department is exempted from the provisions of N.J.S. 2A:151-41 (concerning concealed weapons), for which reason he is not required to secure a permit to carry a concealed weapon.

N.J.S. 2A:151-38 provides as follows:

"The permit shall be in the form prescribed by the superintendent of state police and shall be issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, caliber and serial number of the pistol or revolver sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, 1 copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within 3 days to the superintendent of state police."

A person selling a pistol or revolver to a police officer who did not have a permit to purchase it subjects himself to criminal prosecution as provided in N.J.S. 2A:151-40 as follows:

"Any person who violates any provision of this article is guilty of a misdemeanor."

It is our opinion that a bona fide member of an organized police department is required to secure a permit to purchase a pistol or revolver.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: SAUL N. SCHECHTER
Deputy Attorney General