

## CHAPTER 164

AN ACT concerning personalized handguns and revising various parts of the statutory law.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

### C.2C:58-2.7 Personalized Handgun Authorization Commission.

1. a. There is established in the Department of Law and Public Safety, a commission which shall be known as the Personalized Handgun Authorization Commission. The commission shall be responsible for establishing performance standards for personalized handguns and maintaining a roster of personalized handguns authorized for sale to the public pursuant to this act.

b. The commission shall consist of seven members as follows:

(1) as ex-officio members, the Attorney General or a designee; the Superintendent of State Police or a designee; the Commissioner of Health or a designee;

(2) as public members appointed by the Governor:

(a) one member of the American Academy of Pediatrics;

(b) one member who shall be a resident of this State who is a licensed firearms wholesaler, manufacturer, or retail dealer as defined in N.J.S.2C:39-1, or a resident of this State who is a representative of a New Jersey chapter of an organization that advocates for Second Amendment rights;

(c) one member who shall be a representative of an organization that advocates against handgun violence; and

(d) one member with substantial experience in radio frequency identification or biometric reading technology.

c. All appointments to the commission shall be made within six months of the effective date of this act. The chair of the commission shall be selected from among its members by the Governor. Members of the commission shall serve a term of four years from the date of their appointment and until their successors are appointed. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

d. Members of the commission shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the commission, and within the limits of funds appropriated or otherwise made available to the commission for its purpose.

e. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

f. During the first year following the establishment of the commission, it shall meet monthly in order to comply with the provisions of P.L.2019, c.164 (C.2C:58-2.7 et al.); thereafter, the commission shall meet once every six months or at the call of the chairman of the commission or the majority of its members.

### C.2C:58-2.8 Definitions relative to personalized handguns; roster.

2. a. As used in this act, "authorized user" means the lawful owner of a personalized handgun or person to whom the owner has given consent to use the personalized handgun.

b. The Personalized Handgun Authorization Commission shall maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and qualifying criteria established pursuant to this section. The roster of approved personalized handguns shall be published on a website maintained by the New Jersey State Police and shall be updated as necessary. A copy of the roster shall be made available every six months to registered and licensed firearms dealers in this State.

c. Within one year of organizing, the commission shall develop personalized handgun performance standards and qualifying criteria which a personalized handgun shall meet in order to be placed on the personalized handgun roster.

The personalized handgun performance standards and qualifying criteria shall include, but not be limited to, the following:

(1) the handgun shall be reasonably resistant to being fired by anyone other than the handgun's authorized user as defined in N.J.S.2C:39-1;

(2) the personalized technology shall be incorporated into the design of the personalized handgun and shall be a permanent, irremovable part of the handgun and any device or object necessary for the authorized user to fire the handgun;

(3) the personalized handgun shall not be manufactured so as to permit the personalized characteristics of the handgun to be readily deactivated; and

(4) the personalized handgun shall meet any other reliability standards generally used in the industry for other commercially available handguns.

d. The commission shall recommend to the Attorney General any rule, regulation, guideline or revision thereto, or legislation which it deems necessary to establish a process by which handgun manufactures may request that their handguns be added to the roster established pursuant to this section.

C.2C:58-2.9 Application, testing, criteria for approval.

3. a. A manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster established pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.) may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the personalized handgun performance standards established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8). The commission's determination shall be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Laboratory Accreditation Program or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police.

b. The commission shall approve an independent laboratory proposed by an applicant to perform the determination pursuant to subsection a. of this section if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory shall not be owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership.

The application for approval of an independent laboratory to perform the determination pursuant to subsection a. of this section shall be in a form prescribed by the Attorney General, in consultation with the commission, and shall provide information regarding the laboratory's capabilities and objectivity.

c. If the commission approves the application, the laboratory shall utilize testing methods formulated by the commission to determine whether a handgun meets the personalized handgun performance standards and qualifying criteria established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

The independent laboratory or Division of State Police, as the case may be, shall test a handgun within a reasonable amount of time following approval of the application by the commission. The test shall be conducted:

(1) in accordance with the testing requirements formulated by the commission; and

(2) at the expense of the manufacturer or other entity seeking to include the handgun on the approved personalized handgun roster established pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.).

The independent laboratory or Division of State Police, as the case may be, shall issue a final test report to the commission at the conclusion of the test. The report shall state whether the handgun meets the performance standards and qualifying criteria established by the commission.

d. The commission shall review the final test report and based on the report's findings shall issue, within 45 days of receiving the report, a final decision by majority vote as to whether the handgun should be included on the roster.

e. Upon making a final determination pursuant to subsection d. of this section, the commission shall notify, in writing, the applicant as to whether the handgun has been approved or denied for inclusion on the roster. A notification informing the applicant that a firearm has been denied shall be provided along with a written description of the reasons for which a handgun failed to meet the performance standards and qualifying criteria established by the commission as documented in the independent laboratory's report. Any alteration to the design of a make and model of handgun that has been approved for addition on the roster shall require a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in accordance with the requirements of this section in order to include the altered design model of the handgun on the roster.

C.2C:58-2.10 Availability of personalized handguns for purchase; posting of roster; inspections.

4. a. Within 60 days of the first personalized handgun being included on the roster established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8), each licensed firearms retail dealer shall :

(1) make available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale;

(2) post in one or more locations in the dealer's place or places of business in a conspicuous manner that makes them easily visible and accessible to customers:

(a) copies of the personalized handgun roster; and

(b) a sign that includes a clear and conspicuous statement disclosing the features of personalized handguns that are not offered by traditional handguns and advising customers that such firearms may be purchased through the licensed retail dealer; and

(3) accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster.

b. A personalized handgun offered for sale by a licensed retail dealer pursuant to paragraph (1) of subsection a. of this section shall be displayed in a conspicuous manner that makes it easily visible to customers and distinguishable from other traditional handguns. A licensed retail dealer shall post a sign pursuant to subparagraph (b) of paragraph (2) of subsection a. of this section in close proximity to each personalized handgun.

c. In the event that a licensed retail dealer's inventory of personalized handguns is depleted and there are no personalized handguns available for purchase on the premises, the licensed retail dealer shall:

(1) place an order for at least one personalized handgun within 21 days of the sale of the last personalized handgun;

(2) maintain written records of the retail dealer's efforts to place an order and maintain those records on the premises and allow them to be open for inspection at all times; and

(3) post a sign on the premises indicating that personalized handguns are routinely sold on the retail dealer's premises and will soon be available for purchase.

d. A licensed firearms retail dealer shall not make any claim that a handgun has been approved by the commission as meeting the performance standards or qualifying criteria for personalized handguns if that handgun is not included on the roster established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

e. The Superintendent of State Police shall designate officers to inspect the personalized handgun inventory and records of all licensed firearms retailers. The inspections shall be conducted at least once every two years at any time during the normal business hours of the firearm retailer's business.

C.2C:58-2.11 Violations, penalties.

5. a. A licensed retail dealer who violates section 4 of P.L.2019, c.164 (C.2C:58-2.10) shall be subject to the following penalties:

(1) for a first offense, a fine of up to \$500;

(2) for a second offense, a fine of up to \$1,000;

(3) for a third or subsequent offense, a six-month license suspension following notice to the licensed retail dealer and opportunity to be heard.

b. Any person who, without license or privilege to do so, tampers or attempts to tamper with a personalized handgun by intentionally interfering with the user-authorized functionality of the personalized technology shall be guilty of a disorderly persons offense.

6. N.J.S.2C:39-1 is amended to read as follows:

Definitions.

2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms  
Franchi SPAS 12 and LAW 12 shotguns  
G3SA type  
Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1  
Intratec TEC 9 and 22 semi-automatic firearms  
M1 carbine type  
M14S type  
MAC 10, MAC 11, MAC 11-9mm carbine type firearms  
PJK M-68 carbine type  
Plainfield Machine Company Carbine  
Ruger K-Mini-14/5F and Mini-14/5RF  
SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types  
SKS with detachable magazine type  
Spectre Auto carbine type  
Springfield Armory BM59 and SAR-48 type  
Sterling MK-6, MK-7 and SAR types  
Steyr A.U.G. semi-automatic firearms  
USAS 12 semi-automatic type shotgun  
Uzi type semi-automatic firearms  
Valmet M62, M71S, M76, or M78 type semi-automatic firearms  
Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds. "Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

(6) A firearm with a bump stock attached.

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

aa. "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

bb. "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that

prevents a firearm from being discharged while the device is attached to the firearm. It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger.

cc. "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other authorized user. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Personalized Handgun Authorization Commission established pursuant to section 1 of P.L.2019, c.164 (C.2C:58-2.7) has determined in accordance with section 2 of P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets the performance standards and qualifying criteria established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

ee. "Bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

ff. "Trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion; provided, however, the term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

gg. "Armor piercing ammunition" means: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. "Armor piercing ammunition" shall not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

hh. "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not resemble a handgun, rifle, shotgun, or machine gun including, but not limited to, a firearm that resembles a key-chain, pen, cigarette lighter, cigarette package, cellphone, smart phone, wallet, or cane.

ii. "Undetectable firearm" means a firearm that: (1) after removal of all parts other than major components, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or (2) includes a major component which, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. "Undetectable firearm" shall not be construed to include a firearm subject to the provisions of paragraphs (3) through (6) of subsection (p) of 18 U.S.C. s.922.



jj. "Major component" means the slide or cylinder or the frame or receiver of a firearm and, in the case of a rifle or shotgun, also includes the barrel.

kk. "Security Exemplar" means the Security Exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. s.922.

ll. "Authorized user" means the lawful owner of a personalized handgun or a person to whom the owner has given consent to use the personalized handgun.

7. N.J.S.2C:58-2 is amended to read as follows:

Licensing of retail dealers and their employees.

2C:58-2. a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of \$50 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of three years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of \$5 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the employ of said retail dealer.

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read.

(3) No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

(4) No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The

certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

(5) No handgun shall be delivered to any person unless:

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least seven days have elapsed since the date of application for the permit;

(b) The person is personally known to the seller or presents evidence of his identity;

(c) The handgun is unloaded and securely wrapped;

(d) The handgun is 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 or personalized handguns included in the roster pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8). The exemptions afforded under this subparagraph for antique handguns and personalized handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and

(e) (Deleted by amendment, P.L.2019, c.164)

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section and the record shall note whether a trigger lock, locked case, gun box, container or other secure facility was delivered along with the handgun.

(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:

(a) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties;

(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;

(c) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;

(d) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or

(e) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

b. Records. Every person 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 time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures in register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within five days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within five days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

8. Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read as follows:

C.59:2-11 Actions of public entity; immunity.

8. The action or inaction by a public entity or public employee when promulgating, amending or supplementing the roster of personalized handguns that may be sold in this State pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.) shall not constitute a representation, warranty or guarantee by any public entity or employee with regard to the safety, use or any other aspect or attribute of a personalized handgun.

An action to recover damages shall not arise or be brought against any public entity or public employee for any action or inaction related to or in connection with the roster of personalized handguns established pursuant to section 2 P.L.2019, c.164 (C.2C:58-2.8).

Repealer.

9. The following sections are repealed:

Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through (C.2C:58-2.5); and  
Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

10. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General and Superintendent of State Police may take any anticipatory administrative action in advance of that date as shall be necessary for the implementation of this act.

Approved July 16, 2019.