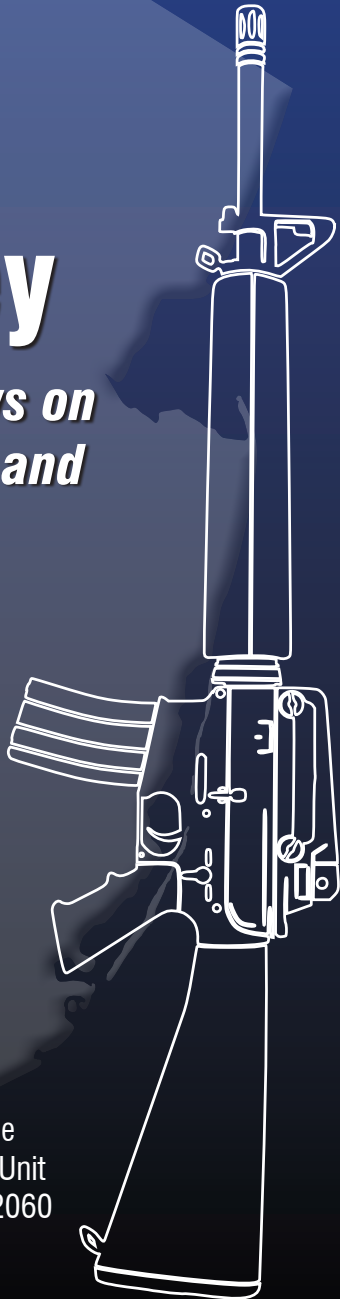
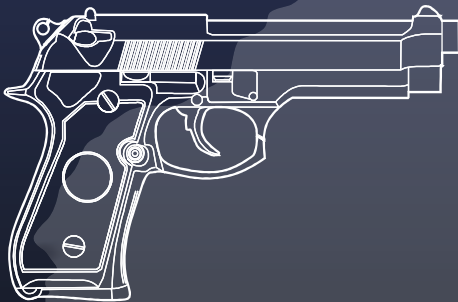


Firearms Laws in New Jersey

*A synopsis of state laws on
possession, purchase, and
carrying of firearms*



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New Jersey firearm laws and procedures may be derived from state and federal statutes, state and federal administrative codes, New Jersey Attorney General Guidelines and case law. Please note that information contained herein may not be exhaustive in addressing your issue. You may wish to consult with independent legal counsel or conduct your own research for concerns which are not addressed herein. The state criminal statutes sections that pertain to firearms can be found in New Jersey Title 2C, Chapter 39. Firearms, Other Dangerous Weapons and Instruments of Crime (N.J.S. 2C:39-1 et seq.) and Chapter 58. Licensing and Other Provisions Relating to Firearms (N.J.S. 2C:58-1 et seq.).

Exemptions N.J.S. 2C:39-6 For Possession of Handguns and/ or Rifles and Shotguns (Except Assault Firearms as defined in N.J.S. 2C:39-1w)

No Permit to Carry or a State of New Jersey Firearms Purchaser Identification card is required:

1. To keep or carry any firearm about a person's place of business, residence, premises, or other land owned or possessed by him; a place of business shall be deemed a fixed location.
2. All firearms being transported shall be carried "unloaded and contained in a closed and fastened case, gun box, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of the travel shall include only such deviations as are reasonably necessary under the circumstances" from any place of purchase to his residence or place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair.
3. To transport such firearms as necessary for target practice, in the manner described in paragraph 2 above, by a member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, provided the club has filed a copy of its charter with the Superintendent of State Police and annually submits a list of its members to the Superintendent.
4. To transport any firearm, in the manner described in paragraph 2 above, while traveling:
 - a. Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or
 - b. Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions; or

- c. Directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club or firearms collectors club for the purpose of displaying the firearms to the public or to members of such organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice shall be given to the Superintendent of State Police by the sponsoring organization or club and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate.
5. To carry a firearm in the woods or fields or upon the waters of this State for the purpose of hunting, target practice, or fishing, provided that the firearm is legal and appropriate for hunting or fishing purposes in this State and the person possesses a valid hunting license, or, with respect to fresh water fishing, a valid fishing license.
6. To transport firearms by a licensed dealer in firearms and his registered employees during the course of normal business, while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided the firearm(s) are transported in the manner described in paragraph 2 above.
7. For members of the Armed Forces of the United States or the National Guard while on duty or traveling between places of duty and carrying authorized weapons, in the manner prescribed by the appropriate military authorities.
8. For federal law enforcement officers and any other federal officers and employees required to carry firearms in the performance of their official duties.
9. For members of the State Police and, under conditions prescribed by the superintendent.
10. A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor's detective or investigator, deputy attorney general or State investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of the State Police, State Park Police Officer, or State Conservation Officer.
11. A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey.
12. For State Correctional Police, Juvenile Justice Commission and County Corrections officers at all times while in the State of NJ, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms.

13. For out-of-state law enforcement officers while actually engaged in official duties, provided that the Superintendent of State Police, or the police chief, or county prosecutor of the county where the out-of-state officer is engaged in official duties has been notified.

The State of New Jersey Firearms Purchaser Identification Card requirement for rifles and shotguns does not apply to “Antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or the Superintendent of State Police in all other cases.”

It is unlawful to knowingly possess any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution without the written authorization of the governing officer of the institution, irrespective of whether the person possesses a valid permit to carry the firearm or a valid firearms purchaser identification card. This prohibition does not apply to persons listed in paragraphs 7 to 13 above. (*For Further Exemptions see N.J.S. 2C:39-6*)

CERTAIN PERSONS NOT TO HAVE WEAPONS, N.J.S. 2C:39-7

No person may possess, control, own, or purchase any firearm if he has been convicted in this State or elsewhere of any of the following listed crimes or an attempt or conspiracy to commit the crime meets any of the conditions:

Aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S. 2C:16-1 or endangering the welfare of a child pursuant to N.J.S. 2C:24-4, stalking pursuant to N.J.S. 2C:12-10, or a crime involving domestic violence as defined in N.J.S. 2C:25-19, whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S. 2C:39-1 or any person convicted of a crime pursuant to N.J.S. 2C:39-3, N.J.S. 2C:39-4 or N.J.S. 2C:39-9, or N.J.S. 2C:35-3 through N.J.S. 2C:35-6, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possess a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes or handicaps him in the handling of a firearm, or any person who has been convicted of other than a disorderly persons offense, for possession of a controlled dangerous substance.

A person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the “Extreme Risk Protective Order Act of 2018”

A person having been convicted in this State or elsewhere of a disorderly persons offense involving domestic violence, whether or not armed with or having in possession a weapon enumerated in subsection r. of N.J.S. 2C:39-1.

Any person whose firearm(s) is seized pursuant to the “Prevention of Domestic Violence Act of 1991” and whose firearm has not been returned, or who is subject to a court order prohibiting the possession of firearms issued pursuant to the “Prevention of Domestic Violence Act of 1991”.

PURCHASE OF FIREARMS, N.J.S. 2C:58-3

Rifles and Shotguns

It is unlawful to sell, give, transfer, assign, or otherwise dispose of or receive, purchase, or otherwise acquire a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver, or holder is licensed as a dealer under New Jersey law or possesses a valid State of New Jersey Firearms Purchaser Identification Card, and first exhibits the firearms purchaser identification card to the seller, donor, transferor, or assignor, and the purchaser assignee, donee, receiver or holder signs a written certification on a form prescribed by the Superintendent of State Police, which identifies the purchaser, his address and firearms purchaser identification card or dealer’s number, and states he presently is not disqualified from any purchase. The certification shall be retained by the seller if he is a licensed dealer.

It is the responsibility of the seller of the rifles and/or shotguns, including bb, pellet, and black powder rifles to ascertain that the buyer has a valid Firearms Purchaser Identification Card plus one additional form of photo identification and completes a Certificate of Eligibility for each firearm. The information contained on the Firearms Purchaser Identification Card must match the identification of the transferor to be valid. A Certificate of Eligibility can be obtained at any licensed firearms dealer, or this website: <https://www.njsp.org/firearms/forms.shtml>. All firearms transactions must be completed at a State licensed retail firearms dealer with the exemption of transactions between a) members of an immediate family b) law enforcement officers c) collectors in possession of a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives. (See N.J.S.A. 2C:58-3 for further information)

A person shall not be restricted to the number of rifles or shotguns he may purchase, provided he has a valid firearms purchaser identification card and the certification form requirements are met. The firearms purchaser identification card is required for the transfer of all rifles and shotguns, including BB and pellet rifles for dealer transfers.

Handguns

It is unlawful to sell, give, transfer, assign, or otherwise dispose of, or receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver, or holder is licensed as a dealer under New Jersey law or has first secured a Permit to Purchase a Handgun & Form of Register.

A Permit to Purchase a Handgun must be completed for each handgun transferred in this state. It is the responsibility of the seller of the handgun to ascertain that the buyer has a valid Permit to Purchase a Handgun and one additional form of identification. The information on the Handgun Purchase Permit must match the identification of the transferor. (*i.e., name, address, DOB, sex, etc.*) The permit must be completed by the seller and buyer. It is the responsibility of the seller to forward the copies to the appropriate authority. Instructions are printed on the permit. *All firearms transactions must be completed at a State licensed retail firearms dealer with the exemption of transactions between a) members of an immediate family b) law enforcement officers c) collectors in possession of a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives. (See N.J.S.A. 2C:58-3 for further information)

No handgun shall be delivered to any person unless accompanied by a trigger lock or a locked case, gun box, container, or other security device. This shall not apply to antique handguns. The term “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.

The Handgun Purchase Permit & Form of Register shall be in the form prescribed by the Superintendent of State Police and shall be issued to the applicant in quadruplicate. The holder of the permit prior to the time he receives the handgun from the seller shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of the date of sale, the seller shall forward the original copy to the Superintendent and the second copy to the police chief of the municipality in which the purchaser resides, if the municipality has no police chief, the copy shall be forwarded to the Superintendent. The third copy shall then be returned to the purchaser and the fourth copy shall be kept by the seller as a permanent record.

Only one handgun shall be purchased or delivered on each permit. A Handgun Purchase Permit & Form of Register is required for all dealer transfers.

Requirements for Obtaining a Permit to Purchase a Handgun & Form of Register or a State of New Jersey Firearms Purchaser Identification Card

The police chief of the municipality where the applicant resides or the Superintendent of State Police, in all other cases, shall upon application issue to any qualified applicant a Permit to Purchase a Handgun & Form of Register or a State of New Jersey Firearms Purchaser Identification Card.

The fee for a Permit to Purchase a Handgun is \$2. The fee is payable by check or money order and is submitted with the application. The Permit to Purchase shall

be valid for 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days, but cannot exceed 180 days from original date of issuance. The firearms purchaser identification card fee is \$5. This fee is also payable by check or money order and is submitted with the application. The firearms purchaser identification card is valid so long as the holder is eligible to obtain the firearms purchaser identification card. An additional fingerprint fee must also be paid. This fee must be payable by a money order only.

Applications for a Permit to Purchase a Handgun or Firearms Purchaser Identification Card shall be in the form prescribed by the Superintendent of State Police and shall set forth the name, residence, age, date of birth, occupation, sex, and physical description of the applicant, and shall state whether the applicant is a citizen, whether an alcoholic, habitual drunkard, drug dependent person, whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim, or permanent basis, whether he has been attended, treated, or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, whether he has ever been convicted of a crime or disorderly persons offense, and as such other information as the Superintendent shall deem necessary for the proper enforcement of (the firearms laws). First time applicants must be fingerprinted.

The applicant shall waive all rights of confidentiality relating to institutional confinement and shall supply all necessary information on any mental or psychiatric treatment. The application shall contain as references two reputable citizens personally acquainted with the applicant.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a Permit to Purchase a Handgun or Firearms Purchaser Identification Card, other than those that are specifically set forth in the statute.

Who May Obtain

“No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities as set forth in the N.J.S. 2C:58-3, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth.”

No Permit to Purchase a Handgun or Firearms Purchaser Identification Card shall be issued:

1. To any person who has been convicted of any crime in this State of the 1st through the 4th degree, or equivalent thereof in any other state, that has not been expunged or sealed, or a disorderly persons offense involving an act of domestic violence.

2. To any person who has been a drug dependent person or to any person who is confined for a mental disorder to a hospital, mental institution, or sanitarium, or to any person who is presently an habitual drunkard.
3. To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing person produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchaser permit or firearms purchaser identification card.
4. To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun (*except active law enforcement officers for purchase of a duty weapon*).
5. To any person where the issuance would not be in the interest of the public health, safety or welfare.
6. To any person who is subject to a restraining order issued pursuant to “Prevention of Domestic Violence Act of 1991,” prohibiting the person from possessing any firearm.
7. To any person who as a juvenile was adjudicated a delinquent for an offense which, 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 N.J.S. 2C:43-7.2.
8. To any person whose firearm is seized pursuant to the “Prevention of Domestic Violence Act of 1991”, and whose firearm has not been returned.
9. To any person named on the consolidated Terrorist Watch list maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation or
10. To any person who is subject to a court order prohibiting the custody, control, ownership, purchase possession, or receipt of a firearm or ammunition issued pursuant to the “Extreme Risk Protective Order Act of 2018.”

HANDGUN AMMUNITION DEFINED N.J.S. 2C:58-3.3

- a. As used in this act, “handgun ammunition” means ammunition specifically designed to be used only in a handgun. “Handgun ammunition” shall not include blank ammunition, air gun pellets, flare gun ammunition, nail gun ammunition, paint ball ammunition, or any non-fixed ammunition.
- b. No person shall sell, give, transfer, assign or otherwise dispose of, or receive, purchase, or otherwise acquire handgun ammunition unless the purchaser,

assignee, donee, receiver or holder is licensed as a manufacturer, wholesaler, or dealer under this chapter or is the holder of and possesses a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun, or a valid permit to carry a handgun and first exhibits such card or permit to the seller, donor, transferor or assignor.

- c. No person shall sell, give, transfer, assign or otherwise dispose of handgun ammunition to a person who is under 21 years of age.

ANTIQUÉ FIREARMS, N.J.S. 2C:39-1a, and ANTIQUÉ HANDGUNS, N.J.S. 2C:39-1aa

“Antique Firearm” is defined as any rifle or shotgun and “antique cannon”... 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.”

“Antique handgun” is defined as 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.”

CARRYING A FIREARM

It is unlawful to knowingly possess and carry a:

1. Handgun, including any antique handgun, without first obtaining a Permit to Carry. A Permit to Carry is required, and no differentiation is made between carrying openly or concealed.
2. Rifle or shotgun without first obtaining a firearms purchaser identification card. A game law requires rifles and shotguns to be unloaded in a vehicle.

Exceptions: See “Exemptions” under N.J.S. 2C: 39-6.

Application for Permit to Carry a Handgun

Applicants must be 21 years of age or older. An application is made to the police chief where the applicant resides or to the Superintendent of State Police if the community does not have a police chief or if the applicant is a nonresident. If the application is approved by the local authority, the application and permit are then forwarded to a judge of the Superior Court who grants or denies the permit. The judge may also place restrictions on the permit. The permit is valid for two years and costs \$20.

If the application is disapproved by the local authority, the applicant is granted a period of 30 days to appeal the denial to a judge of the Superior Court, who then either affirms the denial or grants the permit.

The applicant must meet the requirements of the Permit to Purchase a Handgun and Firearms Purchaser Identification Card, be fingerprinted, prove his familiarity with the use of handguns, and have a justifiable need to carry a handgun.

A description, including serial number, of every handgun which the applicant intends to carry must be provided. Only one permit need be obtained for all such handguns.

All employees of an armored car company seeking a permit to carry a handgun shall make application with the Superintendent of State Police.

MACHINE GUN LICENSES/ASSAULT FIREARM LICENSES, N.J.S. 2C:58-5

Possession, carrying, purchase, or sale of a machine gun or an assault firearm without a license is prohibited. A license can be obtained by applying to a judge of the Superior Court where the applicant resides or, if a nonresident, where he conducts his business.

The judge will refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report shall be sent to the Superintendent of State Police and local police chief.

No license shall be issued unless the applicant would qualify for a Permit to Carry a Handgun under section N.J.S. 2C:58-4 and the court finds "that the public safety and welfare so require" the issuance of the license. The license is valid for one year, unless otherwise provided by the court. The court may also attach such conditions and limitations to the license as it deems to be in the public interest.

Machine Gun

A machine gun is defined as "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."

Assault Firearm

An assault firearm means:

- 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 SR88 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 MAS 223 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

The legislation also prohibits any firearms which are manufactured under any designation to the above listed firearms or similarly identical. Similarly identical is defined by the Attorney General's Guidelines as follows:

A semi-automatic rifle which can accept a detachable magazine **and has two or more** of the following listed features:

1. A flash suppressor or threaded barrel designed to accommodate a flash suppressor;
2. A bayonet mount;
3. A pistol grip that protrudes conspicuously beneath the action of the weapon;

4. A folding or telescoping stock; and
5. A grenade launcher

or,

A semi-automatic pistol that has an ability to accept a detachable magazine **and has two or more** of the following listed features:

1. An ammunition magazine that attaches to the pistol outside of the pistol grip;
2. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
3. A shroud that is attached to, or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
4. Manufactured weight of 50 ounces or more when the pistol is unloaded; and
5. A semi-automatic version of an automatic firearm.

Any semi-automatic shotgun with either a magazine capacity exceeding six rounds, a conspicuous pistol grip, or a folding stock;

A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds.

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 is also forbidden.

Any "Assault firearm" not registered, licensed, or rendered inoperable pursuant to a State Police certificate by May 1, 1991, is considered contraband.

The New Jersey State Police is not authorized to provide legal advice to private parties. Information contained in this pamphlet is a brief overview of the firearms laws of the State of New Jersey and is distributed for informational purposes only. It is not to be construed as legal advice.

