

the practice of audiology or speech-language pathology in the preceding biennial renewal period.

(b) Licensees applying for their first biennial renewal are exempt from the continuing education requirements in (a) above.

(c) A licensee may obtain continuing education credit hours from the following sources:

1. Giving a new seminar, webinar, teleconference, lecture, or in-service workshop related to the practice of audiology or speech-language pathology: one credit hour per each hour of actual presentation of the seminar, lecture, or workshop, up to a maximum of 10 credit hours.

i. As used in (c)1 above, "new" means that the licensee has never presented the seminar, lecture, or in-service workshop before in any setting;

2. Teaching a new undergraduate course related to the practice of audiology or speech-language pathology at a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, or new graduate course in a college or university accredited by the American Speech-Language-Hearing Association: six credit hours for each new course up to a maximum of 12 credit hours.

i. As used in (c)2 above, "new" means that the licensee has never taught the course before in any educational setting

3.-9. (No change.)

(a)

DIVISION OF STATE POLICE

Firearms and Weapons

Readoption with Amendments: N.J.A.C. 13:54

Adopted New Rules: N.J.A.C. 13:54-1.16 and 3.21

Proposed: December 15, 2014, at 46 N.J.R. 2393(a).

Adopted: May 8, 2015, by Joseph R. Fuentes, Superintendent, Division of State Police, with the approval of John J. Hoffman, Acting Attorney General.

Filed: May 12, 2015, as R.2015 d.094, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **but with the proposed amendments to N.J.A.C. 13:54-1.2, 1.17, 3.2, and 3.16 not adopted but still pending.**

Authority: N.J.S.A. 2C:39-1 et seq. and 2C:58-1 et seq.; as to N.J.A.C. 13:54-1.15, N.J.S.A. 47:1A-2 and Executive Order No. 9 (Gov. Richard J. Hughes 1963).

Effective Dates: May 12, 2015, Readoption;
June 15, 2015, Amendments and New Rule.

Expiration Date: May 12, 2022.

Summary of Public Comments and Agency Responses:

In addition to publication of the rules proposed for readoption with amendments and new rule in the New Jersey Register (see above), the Division of State Police (Division) notified the press through the State House Press Room, and posted a notice that the notice of proposal had been proposed on the Division's website. As a result, the Superintendent and the Acting Attorney General received written comments from the following individuals or representatives of organizations:

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Subchapter 1. Firearms Purchaser Identification Card and Permit to Purchase a Handgun

N.J.A.C. 13:54-1.3

COMMENT: Commenters object to the proposed new language in this section, which changes the name of the “Permit to Purchase a Handgun” (Permit) to “Permit to Purchase a Handgun and Form of Register” (Form of Register). This proposed name change appears throughout the Administrative Code and the commenters maintain that the permit and the form of register are two separate, statutorily created forms. Commenters further hold that each form has different mandates as defined in N.J.S.A. 2C:58-3.h (Permit to Purchase) and 2C:58-2.c (Form of Register). Specifically, the form of register is required to be completed in triplicate and is to be furnished to the person(s) licensed to be engaged in the business of selling, leasing, or otherwise transferring firearms. The permit is to be completed in quadruplicate and is issued to the “applicant,” not the licensed dealer. The commenters generally oppose the Division’s apparent contradiction to statutory law by combining the two forms into one.

RESPONSE: The Division holds that the Permit to Purchase and Form of Register is a form that has been in use for over 10 years and is accepted by all police departments and county municipal courts. The form, S.P. 671, is produced in quadruplicate and encompasses all the requisite information for all statutory requirements. Specifically, N.J.S.A. 2C:58-2.c mandates a form of register be provided in triplicate. N.J.S.A. 2C:58-3.h mandates the permit to purchase be provided in quadruplicate. In addition, N.J.S.A. 2C:58-3.h states “the permit shall be in the form prescribed by the superintendent.” Lastly, there is no mandate in either statute that requires the two forms to be separate.

N.J.A.C. 13:54-1.5(a)8

COMMENT: Commenters express dissatisfaction with the re-adoption of the prohibition on persons who have had firearms seized pursuant to the New Jersey Domestic Violence Act and whose firearm has not been returned. They assert that this disqualifier has never been placed on any

New Jersey gun license application or form, including the Firearm Purchaser ID Card application, Certificate of Eligibility, Permit to Purchase a Handgun application, Permit to Carry a Handgun application, and Retail or Wholesale Dealer Application. This provision has been unasked by the State Police for over 10 years and therefore should not be readopted. On January 14, 2004, New Jersey's gun laws changed and a brand new category of persons was banned from purchasing and possessing guns. Anyone who has had firearms seized and not returned because of a domestic violence allegation, lost their gun rights. Although this law has been in effect for over 10 years, the New Jersey State Police have failed to ask about it on any New Jersey's gun application. The law was changed in two places: N.J.S.A. 2C:58-3.c(8) "No handgun purchase permit or firearms purchaser identification card shall be issued ... To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned ..." and N.J.S.A. 2C:39-7.b(3) "A person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned ... pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or controls a firearm is guilty of a crime of the third degree ..." N.J.A.C. 13:54-1.5(a)8 readopts the prohibition found in the above law. This provision has never been asked by the State Police in the New Jersey gun forms and applications for over 10 years. Therefore, it should not be readopted. In the alternative, the regulation should mandate that it be a question in every gun form and application.

RESPONSE: The Division holds that the provisions set forth in N.J.S.A. 2C:58-3.c(8) and 2C:39-7.b(3) are sufficient and a change to the form is not necessary. All applicants for a firearms identification card and/or permit to purchase a handgun are subject to a background check, which requires inquiry into the domestic violence registry. However, the Division recognizes the need to update the form and will make the change to the form to include a question regarding the seizure of firearms as a result of a domestic violence incident in which the weapons were not returned.

N.J.A.C. 13:54-1.7(a)

COMMENT: The Division proposed language invalidating the Firearms Purchase ID Card if non-prohibitory information is changed, such as current address, name, or change of sex. Commenters argue this contradicts the law and the Administrative Code itself, as proposed for re-adoption, which states that the card shall be valid until such time as the holder "becomes subject to any of the disabilities as set forth by law." Name, address, and sex are not disabilities set forth by law and should not invalidate a card. If one is subject to disabilities, the card is automatically void and must be returned to the Superintendent within five days. Making the card void after 30 days for changes in name, address, or sex is not only contrary to the law, but is also impractical because obtaining a new firearm purchaser ID card for change of address, name, or sex notoriously takes well over 30 days for processing. Under the proposed amendment, within 30 days of somebody changing their name, address, or sex, their firearms ID card would no longer be valid and they could not transport their firearms under that card. Simply because somebody gets married and changes his or her name, residence, or gender, they should not be discriminated against and have their firearms purchaser ID card made invalid, and then have to suffer the well-known extreme delays that occur in relicensing.

RESPONSE: The Division believes that this amendment is not overreaching in its authority to address the issue of an identification card accurately describing the card holder. As stated in N.J.S.A. 2C:58-3.e, application for initial issuance of a firearms identification card requires the applicant to utilize the "form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics." It is a logical extension to determine that a change of required identifying information would invalidate the card. Given the absence of specific guidance on this issue, it is within the Superintendent's authority, as provided in N.J.S.A. 2C:58-3 et seq. to require this change of information to continue to hold a valid firearms identification card. The agency will adopt the amendment as proposed.

N.J.A.C. 13:54-1.7(b)

COMMENT: This proposed amendment by the Superintendent mandates that 90-day extensions of a permit to purchase a handgun be completed within the original 90 days of issuance. This is a new requirement found nowhere in New Jersey law. No permit to purchase is valid for more than 180 days. It makes no difference if an extension is granted after the original 90 days, so long as the extension does not exceed 180 days in total. Since the extension, no matter when completed, cannot cause the permit's validity to exceed a total of 180 days in any event, prohibiting the completion of an extension after the original 90 days expires serves no valid law enforcement purpose.

RESPONSE: The agency agrees with the commenter's objection that the extension need not be made within the 90-day period because the permit to purchase cannot be valid for more than 180 days under any circumstances and, therefore, the proposed amendment is not necessary. The agency will not adopt the proposed amendment.

N.J.A.C. 13:54-1.16

COMMENT: Commenters oppose the State Police's failure to recognize and implement that portion of N.J.S.A. 2C:58-2.a(7)(b), which clearly states, "(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: ... (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;". As of this moment, the State Police have no means to acknowledge this obvious exception to the law.

RESPONSE: The Division proposed the new rule to address this exemption. As stated in N.J.A.C. 13:54-1.16(a), any person seeking to acquire more than one handgun within a 30-day period must apply for a Multiple Handgun Purchase Exemption. The rule further states that the applicant must check the appropriate box on the required form that corresponds with the exemption being sought. The form, S.P. 015, allows for a "collector" to be an exemption.

Subchapter 2. Handguns

N.J.A.C. 13:54-2.4(d)1

COMMENT: Commenters object to the re-adoption without change of the requirement to prove justifiable need to obtain a permit to carry a handgun. The general protestation focuses on the exclusion of "general self defense" as a valid reason for obtaining a permit to carry a handgun. Commenters further state this is a second amendment violation and is in direct contradiction with the "natural and unalienable rights" cited and protected by Article I of the 1844 New Jersey State Constitution. Furthermore, they argue that this rule should be repealed in its entirety based on its unconstitutionality.

RESPONSE: The Division did not propose any amendment to this rule and holds that it is consistent with N.J.S.A. 2C:58-4.b and .c. The statute states that the Superintendent has the authority to prescribe additional requirements to determine an applicant's eligibility for a permit to carry a handgun and cites that the applicant must demonstrate a justifiable need to carry a handgun.

Subchapter 3. Retail Dealers

N.J.A.C. 13:54-3.14(a)

COMMENT: Commenters object to the proposed amendment to N.J.A.C. 13:54-3.14(a) to require licensed dealers to record acquisitions of firearms on the same business day of their acquisition. Commenters generally feel it is unreasonably burdensome to not allow a dealer to at least have 24 hours to record the acquisition. Mandating same business day creates a useless hardship that serves no legitimate government function.

RESPONSE: The Division believes that this amendment is not overreaching in its authority to address the issue of maintaining accurate recordkeeping for inspection purposes. Pursuant to N.J.S.A. 2C:58-2.b, all persons "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 requisite information as prescribed

by the Superintendent. The statute further states: "The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer." The State of New Jersey is fully committed to firearms safety and holds that this proposed amendment integrates the provisions of Chapter 39 and 58 of the Code of Criminal Justice. Furthermore, the Division does not agree that this amendment is unreasonable as the regulatory requirement for inspections is in-house and not labor intensive.

N.J.A.C. 13:54-3.19

COMMENT: The Superintendent proposes to amend N.J.A.C. 13:54-3.19 to close the National Instant Criminal Background Check System (NICS) on all State holidays, further limiting the availability of NICS to retail dealers and causing a further loss of business to them, as sales cannot take place. The amendment should be changed to add the following, "If the State's NICS system is not available for any reason the Federal NICS line may be used." The New Jersey NICS system is not authorized by any State law. The State is enforcing a Federal law. It is wrong and costly that New Jersey citizens pay to enforce a Federal law and then have less service than what is provided for free by the Federal government.

RESPONSE: The State of New Jersey was designated a Point of Contact (POC) state for Federal NICS inquiries in 1997. Because of the POC designation, dealers located in the State are not permitted direct access to the Federal NICS line. The hours of operation are limited based on need and availability of personnel and funding. The Division does not believe the hours of operation are strictly limited and detrimental to business operations of retail dealers.

N.J.A.C. 13:54-3.21

COMMENT: Proposed new N.J.A.C. 13:54-3.21 states that all retail and gun smithing firearms be affixed with a tag or label that coincides with the records of acquisition ledgers. There is no need for this labeling, as each firearm has a serial number that can be traced to the acquisition and disposition ledger. This is more unnecessary work for retail dealers and gunsmiths. Such labels would also present a danger to gunsmiths who, in using tools to work on firearms, would have this label interfering with their work and possibly getting stuck in machinery and tools.

RESPONSE: The Firearms Investigation Unit of the Division of State Police is the designated entity for conducting inspections and audits of all retail firearms dealers in the State. As such, it is necessary to adjust the inspection process in order to maintain its integrity and expedience. The intent of the proposed new rule is to facilitate reconciliation with ledgers in order to minimize the interruption to regular business functions. Nothing in this rule prohibits the dealer or gun smith from affixing a removable tag or label for purposes of repairing or safely handling the weapon.

Subchapter 4. Wholesale Dealers, Manufacturers, and Wholesale Dealers' Agents and Employees

N.J.A.C. 13:54-4.12(b)

COMMENT: N.J.A.C. 13:54-4.12(b) requires recording of the disposition of a firearm on the same business day, not allowing 24 hours for recordkeeping by the licensed wholesale dealer. Commenters generally feel it is unreasonably burdensome to not allow a dealer to at least have 24 hours to record the acquisition. Mandating same business day creates a useless hardship that serves no legitimate government function.

RESPONSE: The Division believes that this amendment is not overreaching in its authority to address the issue of maintaining accurate recordkeeping for inspection purposes. The State of New Jersey is fully committed to firearms safety and holds that this proposed amendment integrates the provisions of Chapter 39 and 58 of the Code of Criminal Justice. Furthermore, the Division does not agree that this amendment is unreasonable as the regulatory requirement for inspections is in-house and not labor intensive.

General Comments

Federal Standards Statement

COMMENT: The Superintendent claims, in this statement, that a "Federal standards analysis" is not required because the rules proposed for readoption with amendments and new rules do not exceed Federal standards and that they are "not proposed under the authority of or in order to implement, comply with, or participate in any program established under Federal law ..." This is plainly incorrect as N.J.A.C. 13:54-3.19 specifically involves the NICS, establishing, among other things, the hours that the New Jersey State Police operate the "NICS Online" in which the State Police act as a POC for the Federal NICS system. Nowhere in the New Jersey statutes is there any laws authorizing, specifying, allowing, incorporating, or permitting the State Police to participate in the Federal NICS program. The State Police are enforcing a purely Federal law at a cost to the State of New Jersey without State statutory authorization. A "Federal standards Statement" is plainly mandated due to the implementation and compliance and participation of the Federal NICS law.

RESPONSE: A Federal standards analysis is not required because the rules proposed for readoption with amendments and new rules were 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 incorporate or refer to Federal law, Federal standards, or Federal requirements. Retail and wholesale firearms dealers may also be licensed under the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921-930 and, therefore, may be subject to Federal standards promulgated under that law. The rules proposed for readoption with amendments are promulgated pursuant to N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq. The proposed amendments incorporate by reference the requirements of 27 CFR 478.11, which requires Federally licensed firearms dealers to conduct an NICS background check on purchasers, and such is added in the notice of adoption Federal standards statement.

Jobs Impact

COMMENT: The Superintendent claims in this statement that the rules proposed for readoption with amendments and new rules will not result in loss of jobs in New Jersey. This is not the case, as these regulations create more burdens on licensed dealers who will be discouraged from continuing their business in New Jersey. It is self-evident that increased regulation causes hardship on business, thereby costing New Jersey jobs.

RESPONSE: The Division has proposed changes to this Administrative Code to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice. By adopting these changes, public safety is increased. The rules proposed for readoption with amendments governing firearms and weapons will not directly create or eliminate jobs in New Jersey. Individual licensed dealers may choose to go out-of-business on various economic factors.

N.J.S.A. 2C:39-6

COMMENT: Clarify the definition of "reasonably necessary" when legally transporting a firearm in a motor vehicle under N.J.S.A. 2C:39-6 so that reasonably necessary deviations shall include, but not be limited to, collecting and discharging passengers, purchasing gasoline, food, medicine, or other supplies; using a restroom; or contending with an emergency situation. The ambiguous nature of this clause does nothing but place lawful New Jersey gun owners in a precarious position. Under current law, each one of these actions makes each of the shooters and family members described above, instantly guilty of a crime of the third degree. The addition of the "Reasonably Necessary" clause does nothing but leave any of the above actions open to subjective interpretation.

RESPONSE: This statute is not part of the Administrative Code and, therefore, beyond the scope of this rulemaking.

COMMENT: Commenters objected to the proposed changes to the Administrative Code, generally arguing that the changes would not deter violent or gun crimes in this State. Instead, these proposed changes would only turn current law abiding citizens, sportsmen, and firearms dealers into criminals.

RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

COMMENT: Commenters objected to the proposed changes to the Administrative Code, generally arguing that the changes are in violation of their second amendment rights.

RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

COMMENT: Commenter requested to be provided the objectives that caused the proposed rule changes.

RESPONSE: The proposed changes are intended to incorporate and more clearly integrate the provisions of Chapter 39 and 58 of the Code of Criminal Justice.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments 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 incorporate or refer to Federal law, Federal standards or Federal requirements. Retail and wholesale firearms dealers may also be licensed under the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921-930 and therefore may be subject to Federal standards promulgated under that law. The rules proposed for readoption with amendments are promulgated pursuant to N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq. The proposed amendments incorporate by reference the requirements of 27 CFR 478.11, which requires Federally licensed firearms dealers to conduct a NICS background check on purchasers.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:54.

Full text of the adopted amendments and new rules follows (deletions from proposal indicated in brackets with asterisks *[thus]*):

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

13:54-1.3 State of New Jersey Firearms identification card or permit to purchase a handgun and form of register required

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase, or otherwise acquire a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign, or otherwise dispose of a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, to a person other than a licensed or registered retail or wholesale dealer, unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell, acquire, or possess a sawed-off shotgun.

(b) No person, other than a licensed or registered retail or wholesale dealer shall receive, purchase, or otherwise acquire a handgun, unless that person possesses and exhibits a permit to purchase a handgun. No person shall sell, give, transfer, or assign or otherwise dispose of a handgun to a person other than a licensed or registered retail or wholesale dealer unless the buyer or receiver possesses and exhibits a valid permit to purchase a handgun and form of register.

(c)-(d) (No change.)

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) Every person applying for a State of New Jersey firearms purchaser identification card or for a permit to purchase a handgun form of register shall furnish such information and particulars as are set forth in the application form designated S.T.S. 033. Forms can be obtained from municipal police departments, State Police stations, and licensed retail firearms dealers.

(b)-(c) (No change.)

(d) The application shall be signed by the applicant and the completed application, together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., a consent for mental health records search form designated S.P. 66, and a nonrefundable application fee of \$5.00 for a State of New Jersey firearms purchaser identification card and \$2.00 for a permit to purchase a handgun and form of register, shall be submitted to the chief of police of an organized full-time police department in the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the State Police station servicing the municipality in which the applicant resides, or to any State Police station in the case of a non-resident.

(e) The chief of police of an organized full-time police department of the municipality where the applicant resides, or the Superintendent, when the applicant is a non-resident of this State or when the municipality does not have a full-time department, shall accept and investigate applications for State of New Jersey firearms purchaser identification cards and permits to purchase handguns and form of register.

(f) The fingerprints of any applicant shall be compared with any fingerprints maintained by the State Bureau of Identification and the Federal Bureau of Investigation for the purpose of ascertaining the existence of any criminal record. The fingerprints shall be obtained and submitted for such comparison by the chief of police or the State Police, as the case may be.

(g) An applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he or she was previously fingerprinted, and who provides an additional valid identification document of his or her identity, need not be fingerprinted again. In such cases, the chief of police or Superintendent shall otherwise fully investigate the applicant in accordance with this subchapter. The chief of police or Superintendent shall require the applicant to complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, via the State of New Jersey website, and pay the appropriate fee established by N.J.A.C. 13:59. Applicants unable to provide an additional valid identification document shall submit to fingerprinting.

(h)-(i) (No change.)

13:54-1.5 Prerequisites for a permit to purchase handgun and form of register or a State of New Jersey firearms purchaser identification card

(a) A permit to purchase a handgun and form of register, or a State of New Jersey firearms purchaser identification card, shall not be issued:

1.-3. (No change.)

4. To any person under the age of 18 years for a State of New Jersey firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun and form of register;

5.-6. (No change.)

7. To any person who as a juvenile was an adjudicated 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 section 2 of P.L. 1997, c. 117 (N.J.S.A. 2C:43-7.2);

8. To any person whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991, P.L. 1991, c. 261 (N.J.S.A. 2C:25-17 et seq.) and whose firearm has not been returned; or

9. To any person named in a consolidated Terrorist Watch List maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation.

13:54-1.7 Validity of a State of New Jersey firearms identification card and permit to purchase a handgun and form of register

(a) A State of New Jersey firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth by law and this subchapter pertaining to an applicant's eligibility. Upon becoming subject to any of the disabilities set forth in this subchapter, the card shall be void and shall be returned to the Superintendent within five days. A State of New Jersey firearms purchaser identification card shall not be valid for more than 30 days

after the information contained therein is no longer reflective of the issued person, that is, current address, name change, and/or sex change.

(b) A permit to purchase a handgun and form of register shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days *[provided the extension is completed within the original 90 days of the date of issuance]*. In no event shall a permit to purchase a handgun be valid for more than 180 days from the date the permit was originally issued.

13:54-1.8 Written certification; delivery of permit to purchase

(a) Any person receiving, purchasing, or otherwise acquiring a firearm by exhibiting a firearms purchaser identification card shall sign a written certification on a State of New Jersey Certificate of Eligibility designated as form S.P. 634, which shall indicate that he or she presently complies with all of the requirements for obtaining an identification card and does not suffer from any of the disabilities set forth in this subchapter. The certification shall contain his or her name, address, and State of New Jersey firearms purchaser identification number or dealer's license, and any other information deemed necessary by the Superintendent. If the seller is not a licensed dealer, the certification may be retained by the seller or it may be filed with the chief of police of the municipality in which he or she resides or, in all other cases, with the Superintendent. The seller shall retain the certification if he or she is a licensed dealer.

(b) A permit to purchase a handgun and form of register shall be issued to the applicant in quadruplicate. Prior to receiving a handgun from the seller, the purchaser must deliver all copies of the permit to the seller, who shall complete all of the information on the required form. Within five days of the transfer, the transferor shall forward the original copy to the Superintendent and the second copy to the chief of police of the municipality where the transferee resides; provided that in a municipality having no chief of police, the second copy shall be forwarded to the Superintendent. The third copy shall be returned to the transferee, and the fourth shall be kept by the transferor as a permanent record.

13:54-1.10 Revocation of a State of New Jersey firearms purchaser identification card

(a) A State of New Jersey firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after a hearing, and upon a finding that the holder no longer qualifies for the issuance of such a card.

(b)-(c) (No change.)

13:54-1.11 Duplicate State of New Jersey firearms purchaser identification card

(a) Persons shall apply for a duplicate State of New Jersey firearms purchaser identification card to replace a lost, stolen, or mutilated card, a change of residence, or change of sex by the holder, within 30 days of such loss, theft, mutilation, change of residence, or change of sex.

(b) The applicant shall complete an application for a duplicate State of New Jersey firearms purchaser identification card designated as form S.T.S. 033 and a consent for mental health records search designated as form S.P. 66 and present same to the chief of police in the municipality where the applicant resides or to the Superintendent in all other cases.

(c) (No change.)

13:54-1.12 Appeal

(a) Any person denied a State of New Jersey firearms purchaser identification card, a permit to purchase a handgun, or a duplicate firearms purchaser identification card may request a hearing in the Superior Court of the county in which he or she resides or in the Superior Court of the county in which his or her application for a firearms purchaser identification card was denied if he or she is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit, identification card, or duplicate identification card. The applicant shall serve a copy of his or her request for a hearing upon the chief of police of the municipality in which he or she resides, if he or she is a resident of New Jersey, and upon the Superintendent in all cases.

(b)-(c) (No change.)

13:54-1.16 State of New Jersey Application for Multiple Handgun Purchase Exemption form and State of New Jersey Application for Multiple Handgun Purchase Seller/Transferor Certification

(a) Any person seeking to acquire more than one handgun within any 30 calendar-day period must apply for a Multiple Handgun Purchase Exemption. The applicant shall complete form S.P. 015, including checking the appropriate box that corresponds to the exemption being sought, and submit the form to the investigating/issuing authority where the Handgun Purchaser Permit and Form of Register was applied for. The applicant shall further submit form S.P. 016, which shall also be completed by the seller/transferor. The S.P. 016 shall also be submitted to the investigating/issuing authority.

(b) The investigating/issuing authority shall review both forms for legibility and accuracy. Upon completion, the investigating authority shall submit both original forms to the New Jersey State Police, Firearms Investigation Unit for review and approval or denial.

(c) Upon approval by the Superintendent, both original forms will be returned to the investigating authority for issuance to the applicant.

(d) If the Application for Multiple Handgun Purchase Exemption is denied, a letter will be mailed to the applicant explaining the reason(s) for denial. The applicant may appeal the denial of the Superintendent within 30 days from the date of denial. The appeal shall be filed in the county Superior Court where the applicant resides.

SUBCHAPTER 2. HANDGUNS

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

(a) (No change.)

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns shall be evidenced by:

1. (No change.)

2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or

3. (No change.)

(c)-(d) (No change.)

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., four photographs (1½ x 1½ square), a consent for mental health records search form designated S.P. 66, and a permit fee of \$20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief police officer of the municipality in which the applicant resides, or the Superintendent:

1. If there is no chief police officer in the municipality where the applicant resides; or

2. (No change.)

13:54-2.7 Issuance of a permit to carry a handgun

(a) Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of P.L. 1979, c. 58, the judge shall issue a permit. The issuing Superior Court judge shall return the original permit to carry a handgun along with the application endorsed by the issuing Superior Court judge, to the jurisdiction of origin.

(b)-(c) (No change.)

SUBCHAPTER 3. RETAIL DEALERS

13:54-3.3 Application for license

(a)-(c) (No change.)

(d) No retail dealer shall permit any employee or other person to engage in the purchase, sale, or offering for sale of any firearms or ammunition or engage in gunsmithing, nor have access or be permitted to have access to any firearms or records of the acquisition or disposition of firearms, unless such employee or person has been licensed by the Superintendent. Every employee applying for such a license must submit

a completed application form designated S.P. 641, accompanied with two sets of fingerprints and a consent for mental health records search form S.P. 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted, provided that the number of the firearms purchaser identification card is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter. The retail dealer shall complete the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form for such employee and submit the required fee for processing such form. A nonrefundable fee of \$5.00 shall be paid by the retail dealer to the Superintendent for each employee in addition to the fingerprint fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

13:54-3.4 Standards and qualifications

(a)-(b) (No change.)

(c) Employees must be licensed for each individual location where they shall work. Should an employee be transferred from his or her licensed location to another location, by the same licensed employer, that employee shall apply for a new license by submitting application form S.P. 641, consent for mental health records search form S.P. 66 and shall immediately surrender his or her current employee license to the Superintendent.

(d)-(f) (No change.)

13:54-3.9 Conditions of issuance of license; revocation

(a) All licenses issued pursuant to this subchapter shall be subject to the following conditions, the breach of any of which may result in license revocation after notice and hearing by the issuing court, upon the application of the Superintendent or any law enforcement officer.

1.-3. (No change.)

4. No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person, other than a licensed or registered retail or wholesale dealer or manufacturer, or a law enforcement agency as provided in this chapter, unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes to the seller, on form S.P. 634, a certification signed by him or her setting forth his or her name, permanent address, firearms purchaser identification card number, and such other information as the Superintendent may 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.-9. (No change.)

(b) (No change.)

13:54-3.10 Renewal of retail dealers and employees licenses

(a)-(c) (No change.)

(d) The employee's license is valid, only so long as the employer's retail dealer license is valid, and therefore employees' licenses must be renewed simultaneously with the employer's license. To this end, all licensed employees who engage in the purchase or sale of firearms or ammunition or engage in gunsmithing, or have access and/or control of firearms or the firearms acquisition and disposition records, must also submit renewal applications to continue transacting business on behalf of the licensee, including completion of form S.P. 649 and submission of a consent for mental health records form S.P. 66. Such applications shall be accompanied by a nonrefundable fee of \$5.00 payable to the Superintendent and the fee established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq. The applicant shall also complete a request to the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form, and submit the required fee for processing such form established by N.J.A.C. 13:59.

(e) (No change.)

13:54-3.13 Requirements for sale of a handgun or receiver

(a) Every purchaser, other than a licensed or registered retail or wholesale dealer or manufacturer, or law enforcement agency as provided in this chapter, shall present a valid permit to purchase a handgun to the dealer, who shall confirm the identity of the purchaser. A permit is valid for the purchase of one handgun or receiver. The dealer shall adhere to the following procedures:

1.-6. (No change.)

13:54-3.14 Permanent record of receipt and disposition of firearms and ammunition

(a) Every retail dealer of firearms or gunsmith shall maintain a permanent record of each firearm acquisition and disposition, including firearm frames and receivers. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. The record of purchase or acquisition shall consist of invoices or other commercial records, which shall be filed in an orderly manner separate from other commercial records maintained. The purchase or other acquisition of a firearm by the licensed dealer must be recorded no later than at the close of the business day of the transfer of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the business day of the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm, the name and address of the person to whom the firearm was transferred, and the type, manufacturer, importer, caliber or gauge, model, and the serial number of the firearm. The information prescribed for the record required by this subchapter shall be in addition to the maintenance of the form of register S.P. 671 and the certificate of eligibility S.P. 634. The dealer shall, in the case of a transfer of a handgun to an individual, note that the handgun was 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.

(b)-(d) (No change.)

(e) Electronic Records. Licensees may seek approval from the Superintendent to use an electronic record of acquisition and disposition of firearms, in lieu of the bound book form. The Superintendent shall authorize an electronic record of acquisition and disposition upon proof by the licensee that the electronic record accurately and readily discloses all information required to be maintained in (a) above.

1. A retail firearms dealer shall request permission from the Superintendent in writing and receive written approval from the Superintendent before beginning any electronic format of the acquisition and disposition record. Approval of such an electronic method shall be granted if the Superintendent finds that good cause is shown for the use of the alternate method; the alternate electronic method is within the purpose of, and consistent with the bound book form; and the alternate electronic form will not be contrary to any provision of State or Federal law or hinder the effective administration of law.

2. The electronic form shall readily make available the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The date of acquisition and/or disposition shall be entered by the close of the business day of the transfer.

3. Any retail firearms dealer approved for the use of an electronic record of acquisition and disposition shall arrange for an electronic back-up system to safeguard all records against computer crashing, hacking, or being purged or lost through cyber space. The back-up system must be external, separate, and independent from any internal system to be utilized. Failure to institute an electronic back-up system shall result in the denial by the Superintendent for the request.

4. The Superintendent authorizes licensed retail dealers to maintain their firearms acquisition and disposition records electronically, provided all of the following conditions are met:

i. The licensee records in the computer system all acquisition and disposition information required by (a) above, as applicable. Required information includes a record of both the manufacturer and the importer of foreign-made firearms (if any). Additional columns can be utilized to capture certain additional information (for example, inventory number, new/used, etc.), so long as the additional information is separate from the required information and the required information is readily apparent.

ii. The system must retain any correction of errors as an entirely new entry, without deleting or modifying the original entry (for example,

macro created to track changes). Alternatively, the system may allow for entries in a "notes" column to explain any correction and/or track changes (that is, what was changed, who made the change, why the change was needed). The NJSP Firearms Investigation Unit suggests that the recordkeeping system be capable of blocking fields from correction (for example, protect workbook function).

iii. The system cannot rely upon invoices or other paper/manual systems to provide any of the required information.

iv. The system must allow queries by serial number, acquisition date, name of the manufacturer or importer, name of the purchaser, and address of purchaser or other transferee.

v. The licensee must print or download all records from the system:

(1) Every quarter of the calendar year;

(2) Upon request of any law enforcement officer (must be provided within 24 hours);

(3) Prior to discontinuance of the database; and

(4) Prior to discontinuance of the licensee's firearms business.

vi. The printouts/downloads required under (e)4v above must include all firearms in inventory, as well as all firearms transferred during the period covered, sequentially by date of acquisition, and must be limited to display only the information required by the applicable rules. The printouts/downloads may contain additional columns capturing certain additional information, provided that the required information is readily apparent.

vii. The printouts must be retained until the next printout is prepared.

viii. Printouts may not include other merchandise.

ix. If a licensee downloads the records on a portable storage device (for example, Compact Disc (CD), Digital Versatile Disc (DVD), or Universal Serial Bus (USB) Flash Drive), the download must be retained on the portable storage device until the next download is prepared. Additionally, the licensee must be able to present the most current version of the requested records in a printed format at any law enforcement officer's request.

x. Electronic firearms acquisition and disposition records may be stored on a computer server owned and operated solely by the person holding the license, provided that the records are readily accessible through a computer device located at the licensed premises during regular business hours. The server must be located within the United States.

xi. The system must back-up the firearms acquisition and disposition records on a daily basis to protect the data from accidental deletion or system failure.

5. All laws, regulations, policies, and procedures applicable to the paper form of the firearms acquisition and disposition records also apply to electronic versions. Licensees are not required to use an electronic acquisition and disposition record, and may continue to use a paper record in the format prescribed by this chapter.

13:54-3.18 Appeal

(a) Any person making application for a retail dealer license, who is denied approval by a Superior Court judge of the county wherein the application was made, may file an appeal in accordance with law.

(b) Any person who has been denied an employee's license, may appeal to the Superintendent within 30 days from the date of denial. If the appeal is denied by the Superintendent, such person may appeal to the Appellate Division of the Superior Court.

13:54-3.19 Division of State Police NICS hours of operation

The National Instant Criminal Background Check System (NICS) is available electronically via a web-based system "New Jersey State Police NICS Online," weekdays from 9:00 A.M. to 8:00 P.M. and Saturday from 10:00 A.M. to 5:00 P.M. NICS will be closed on all State holidays. The Division of State Police may expand hours of electronic coverage based upon operational experience. Telephonic service will be available as a back-up if the electronic service is inaccessible. Only one transaction per electronic or telephonic message is permitted.

13:54-3.20 Consignment firearms placed at licensed retail firearms dealers

Consignment firearms are firearms that are transferred by the legal owner (consignor) of the firearm to a licensed retail firearms dealer (consignee) for the purpose of resale. Licensed retail firearms dealers that

receive firearms on consignment shall provide a receipt/invoice to the consigner with a full description of the firearms, including make, model, caliber, and serial number. The licensed retail firearms dealer shall also provide in writing on the same receipt/invoice a statement indicating that any consignor requesting the return of a firearm shall be required to comply with the regulatory provisions of N.J.S.A. 2C:58-3 for the transfer of handguns and rifles or shotguns. Consignment handguns, rifles, or shotguns shall not be returned to the consignor without the consigner first producing a valid permit to purchase a handgun, or in the case of a rifle or shotgun, a New Jersey firearms purchaser identification card and completing a State of New Jersey Certificate of Eligibility form (S.P. 634), which is used for eligibility verification and contains a list of disqualifications for the consignor.

13:54-3.21 Labeling of all firearms

All retail and gunsmithing firearms shall be affixed with a tag or label containing information that coincides with the records of the acquisition and disposition ledgers, both manual and/or electronic. Labels shall be clearly visible and facilitate reconciliation with ledgers for purposes of inspection by the Division of State Police.

SUBCHAPTER 4. WHOLESALE DEALERS, MANUFACTURERS, AND WHOLESALE DEALERS' AGENTS AND EMPLOYEES

13:54-4.3 Application for a certificate of registration

(a) Every person applying for a certificate of registration shall furnish such information and particulars required by the applications forms designated S.P. 280 and S.P. 280A. The forms may be obtained from the Firearms Investigation Unit, Division of State Police, Box 7068, West Trenton, New Jersey 08628, or the New Jersey State Police web site: www.njsp.org. All corporations, partnerships, and other business organizations applying for registration shall, in addition to the applications, submit a valid copy of the most recent certificate of incorporation, or such other documentation establishing the corporation, partnership, or other business organization as a legal entity. In addition, the corporation, partnership, or other business organization shall supply documentation that identifies all officers of such legal entity.

(b) Any person who possesses an actual or equitable controlling interest in the dealership shall complete the necessary application form and shall be fingerprinted (other than those exempted under N.J.A.C. 13:54-4.6).

(c) The completed application together with a receipt from the current State-authorized fingerprinting vendor indicating fingerprints were submitted (if the applicant resides in a state without access to the authorized vendor, then the applicant shall provide two sets of fingerprints), a consent for mental health records search form S.P. 66, and a nonrefundable fee of \$150.00 payable to the Superintendent, in addition to the fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., shall be submitted to the Superintendent.

13:54-4.4 Standards and qualifications

(a) (No change.)

(b) No wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any wholesale dealer's agents, employees, or other persons to engage in the purchase or sale or offering for sale of firearms or parts of firearms, unless such agents, employees, or persons are over the age 18 and are licensed by the Superintendent. Such persons must submit to the Superintendent completed application form S.P. 641, a receipt from the current State-authorized fingerprinting vendor indicating fingerprints were submitted (if the applicant resides in a state without access to the authorized vendor, then the applicant shall provide two sets of fingerprints) and consent for mental health records search form S.P. 66. An employee who possesses a firearms purchaser identification card need not be fingerprinted again, provided that the New Jersey State Police, State Bureau of Identification (SBI) "Request For Criminal History Record Information For Non Criminal Justice Purpose" form and the applicable fee is paid, the number of the firearms purchaser identification card (S.B.I. #) is included in the space provided on the application, and provided that the employee continues to be eligible to retain such card in accordance with the provisions of this chapter. The

Superintendent shall issue licenses to such persons if they qualify to obtain a permit to purchase a handgun or to possess a firearms purchaser identification card as provided in this chapter, and would not pose a danger to the public health, safety, or welfare. A nonrefundable fee of \$5.00 shall be paid by the employer to the Superintendent for each agent, employee, or person in addition to the fees established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq.

(c) (No change.)

(d) Should an employee be transferred from his or her licensed location to another location, by the same registered employer, that employee shall apply for a transfer of his or her employee license by submitting application form S.P. 649, consent for mental health records search form S.P. 66, and shall surrender his or her current employee license to the Superintendent once this transfer takes place.

(e)-(g) (No change.)

13:54-4.6 Exceptions for corporations

(a) A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form S.P. 280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors, or stockholders directly engage in the sale or purchase of firearms for the corporation or such officers, directors, or stockholders hold or possess the actual or equitable controlling interest in such corporation.

(b) A certification shall be filed by the member or members holding an actual or equitable controlling interest in each corporation or partnership certifying that such member(s) shall take the appropriate action to inform all employees directly engaged in the sale, purchase, or manufacture of firearms of the pertinent laws and regulations governing the sale, purchase, and manufacture of such firearms.

13:54-4.7 Certification; security required

(a) The Superintendent of State Police shall cause the applicant for registration to be investigated and either approve or deny the application. The application shall be approved if the Superintendent is satisfied that the applicant can be permitted to engage in business as a wholesale dealer of firearms without any danger to the public safety, health, or welfare, and if the applicant would qualify for the issuance of a permit to purchase a handgun or a firearms purchaser identification card. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

(b) (No change.)

13:54-4.11 Appeals

Any person who has been refused registration as a manufacturer or wholesale dealer or any person whose name has been removed from registration by the Superintendent or any person who has been denied an employee's license, may appeal to the Superintendent within 30 days from the date of denial. If the appeal is denied by the Superintendent, such person may appeal to the Appellate Division of the Superior Court.

13:54-4.12 Permanent record of receipt and disposition of firearms

(a) (No change.)

(b) A record of sale or other disposition of a firearm, frame, or receiver must be recorded no later than the close of the business day of the transfer of such sale or disposition. The record shall indicate the date of the sale or disposition of each firearm, frame, or receiver, the type, model, caliber, or gauge, and serial number of each firearm, and the name and address of the dealer to whom the firearm, frame, or receiver was transferred.

(c) (No change.)

(d) Electronic Records. Licensees may seek approval from the Superintendent to use an electronic record of acquisition and disposition of firearms, in lieu of the bound book form. The Superintendent shall authorize an electronic record of acquisition and disposition upon proof by the licensee that the electronic record accurately and readily discloses all information required to be maintained in (a) above.

1. A retail firearms dealer shall request permission from the Superintendent in writing and receive written approval from the Superintendent before beginning any electronic format of the acquisition

and disposition record. Approval of such an electronic method shall be granted if the Superintendent finds that good cause is shown for the use of the alternate method; the alternate electronic method is within the purpose of, and consistent with the bound book form; and the alternate electronic form will not be contrary to any provision of State or Federal law or hinder the effective administration of law.

2. The electronic form shall readily make available the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer, caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The date of acquisition and/or disposition shall be entered by the close of the business day of the transfer.

3. Any retail firearms dealer approved for the use of an electronic record of acquisition and disposition shall arrange for an electronic back-up system to safeguard all records against computer crashing, hacking, or being purged or lost through cyber space. The back-up system must be external, separate, and independent from any internal system to be utilized. Failure to institute an electronic back-up system shall result in the denial by the Superintendent for the request.

4. The Superintendent authorizes licensed retail dealers to maintain their firearms acquisition and disposition records electronically, provided all of the following conditions are met:

i. The licensee records in the computer system all acquisition and disposition information required by N.J.A.C. 13:54-3.14(a), as applicable. Required information includes a record of both the manufacturer and the importer of foreign-made firearms (if any). Additional columns can be utilized to capture certain additional information (for example, inventory number, new/used, etc.), so long as the additional information is separate from the required information and the required information is readily apparent.

ii. The system must retain any correction of errors as an entirely new entry, without deleting or modifying the original entry (for example, macro created to track changes). Alternatively, the system may allow for entries in a "notes" column to explain any correction and/or track changes (that is, what was changed, who made the change, why the change was needed). The NJSP Firearms Investigation Unit suggests that the recordkeeping system be capable of blocking fields from correction (for example, protect workbook function).

iii. The system cannot rely upon invoices or other paper/manual systems to provide any of the required information.

iv. The system must allow queries by serial number, acquisition date, name of the manufacturer or importer, name of the purchaser, and address of purchaser or other transferee.

v. The licensee must print or download all records from the system:

(1) Every quarter of the calendar year;

(2) Upon request of any law enforcement officer (must be provided within 24 hours);

(3) Prior to discontinuance of the database; and

(4) Prior to discontinuance of the licensee's firearms business.

vi. The printouts/downloads required under (d)4v above must include all firearms in inventory, as well as all firearms transferred during the period covered, sequentially by date of acquisition, and must be limited to display only the information required by the applicable rules. The printouts/downloads may contain additional columns capturing certain additional information, provided that the required information is readily apparent.

vii. The printout must be retained until the next printout is prepared.

viii. Printouts may not include other merchandise.

ix. If a licensee downloads the records on a portable storage device (for example, Compact Disc (CD), Digital Versatile Disc (DVD), or Universal Serial Bus (USB) Flash Drive), the download must be retained on the portable storage device until the next download is prepared. Additionally, the licensee must be able to present the most current version of the requested records in a printed format at any law enforcement officer's request.

x. Electronic firearms acquisition and disposition records may be stored on a computer server owned and operated solely by the person holding the license, provided that the records are readily accessible through a computer device located at the licensed premises during regular business hours. The server must be located within the United States.

xi. The system must back-up the firearms acquisition and disposition records on a daily basis to protect the data from accidental deletion or system failure.

5. All laws, regulations, policies, and procedures applicable to the paper form of the firearms acquisition and disposition records also apply to electronic versions. Licensees are not required to use an electronic acquisition and disposition record, and may continue to use a paper record in the format prescribed by regulation.

13:54-4.13 Records and firearms available to Division of State Police

(a) Records are to be retained by wholesale dealers and/or manufacturers and shall, for administrative and law enforcement purposes, be made available for inspection during reasonable hours to any member of the Division of State Police.

(b) All firearms acquired by the licensee shall at all times be maintained at the licensee's licensed premises unless expressly permitted by any other New Jersey law or rule allowing the firearms to be temporarily removed for a lawful or permitted purpose.

SUBCHAPTER 6. SECURITY SYSTEMS FOR DEALERS

13:54-6.2 Approval of plans by Superintendent

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

(f) If at any time the system is found to be defective, the dealer shall make the necessary repairs or adjustments to correct the defect within seven days and immediately notify the State Police, Firearms Investigation Unit and local police department. If the system cannot be repaired within 24 hours, the dealer may make arrangements to secure all firearms and ammunition at another State and Federally licensed retail dealer or provide adequate security approved by the Superintendent.

(g) (No change.)

13:54-6.5 Internal security of firearms and ammunition

(a)-(d) (No change.)

(e) No firearms and/or ammunition shall be stored at any location other than the licensed premises without the written consent of the Superintendent, with the exception of authorized temporary storage locations.

13:54-6.6 Report concerning theft of firearms

(a) Dealers are required to complete form S.P. 515 and such other forms as shall be required by the Superintendent, reporting the loss of firearm(s) and/or ammunition, as a result of a burglary, robbery, or any other cause, from the business premise. The dealer shall forward the completed form to the Superintendent within 24 hours of the loss or theft of firearm(s) and/or ammunition. The police department where the business is located shall be notified by the dealer of the theft or loss of firearm(s) and/or ammunition as soon as such loss or theft is discovered.

(b)-(c) (No change.)

13:54-6.7 Regulations during a civil disturbance or declared emergency period

(a)-(b) (No change.)

(c) All dealers located in the area affected by such disturbance or emergency shall be required to comply with one of the following:

1. Arrange with the chief police officer of the municipality for appropriate security of firearms and ammunition; or

2. (No change.)

(d) (No change.)

SUBCHAPTER 7. RETIRED LAW ENFORCEMENT OFFICER'S IDENTIFICATION CARD TO PERMIT CARRYING A HANDGUN

13:54-7.1 Forms and fees for retired law enforcement officer's identification card

(a) A person who is a retired law-enforcement officer within the meaning of P.L. 1997, c. 67, § 1(1) (N.J.S.A. 2C:39-6.1) and who, pursuant to this statute, applies for an initial identification card or for an annual renewal of a current or an expired identification card permitting the retired law-enforcement officer to carry a handgun shall complete the appropriate forms prescribed by the Superintendent and shall submit the

forms to the Division of State Police. The forms shall inquire as to the identity of the officer and the law-enforcement agency from which the officer retired, and as to matters that might disqualify the officer, including judgments or convictions for crimes or offenses that would render the officer's possession of a handgun illegal under State or Federal law. The initial forms shall be accompanied by two passport-type photos appropriate for inclusion on the identification card, and by evidence that the officer has timely qualified in the use of the handgun he or she is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to N.J.S.A. 2C:39-6.j. The forms shall also be accompanied by a non-refundable application fee of \$50.00 and if the retired law-enforcement officer is applying for an initial identification card, rather than a renewal, the forms shall be accompanied by the forms and fees set forth in (b) and (c) below, if applicable.

(b) No retired law-enforcement officer shall be approved to obtain an initial identification card unless the retired officer's fingerprints have been submitted to the State Bureau of Identification of the Division of State Police, so as to allow the State Bureau of Identification to assign an identification number (hereinafter, the "SBI number") to the firearms applicant file for that retired officer. The retired officer shall submit the officer's SBI number on the application form, if the retired officer's fingerprints are listed in the firearms applicant file. If the retired officer does not have an SBI number listed in the firearms applicant file, then the officer must contact the Firearms Investigation Unit for instructions on how to apply and obtain an SBI number.

(c) An application for an initial retired law enforcement officer's identification card shall also be accompanied by a fee of \$10.00 to be collected by the State Bureau of Identification. This \$10.00 fee will offset costs associated with "flagging" the retired officer's SBI number, so as to alert the Firearms Investigation Unit of any pending or subsequently lodged criminal charges against the officer that might afford grounds for revoking the officer's privilege to carry a handgun, and also costs associated with that Unit's investigation of such charges.

(d) All initial and renewal applications shall require the submission of a Consent for Mental Health Records Search Form, S.P. 66. The applicant shall waive any statutory or other right of confidentiality relating to institutional confinement.

(e) Following the issuance of an initial Retired Law Enforcement Officer Permit to Carry a Handgun, a renewal application will require the submission of two new photographs every three years and will be passport-type.

(f) A firearms instructor who seeks registration with the New Jersey State Police Firearms Investigation Unit, RPO Program to be eligible to qualify any retired law enforcement officer must submit an endorsed letter to the Superintendent requesting permission to qualify retired law enforcement officers. The letter of request shall contain the instructor's full name, home address, contact phone number, date of birth, and SBI number (if applicable) accompanied by a copy of any and all certificates proving their certification as a law enforcement certified firearms instructor.

1. The instructor must possess training equivalent to the Police Training Commission-approved firearms instructor course. Equivalent training includes successful completion of a firearms instructor training program, such as those offered by the Federal Bureau of Investigation, United States Secret Service, Federal Law Enforcement Training Center at Glynco, Georgia, New Jersey State Police, Smith and Wesson Academy, the National Rifle Association Police Firearms Instructor Program, or any other law enforcement firearms instructor training course satisfactorily completed as determined by the Superintendent.