

## Frequently asked Questions

**The Hamburg Borough Police is not authorized to provide legal advice to private parties. The following is for informational purposes only.**

*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 this information and these references may not be exhaustive in addressing your issue.*

*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.).*

*The state administrative codes sections that pertain to firearms can be found in New Jersey Administrative Code Title 13, Chapter 54. Firearms and Weapons (N.J.A.C. 13:54-1 et seq.).*

*On August 19, 1996, the New Jersey State Attorney General issued guidelines regarding the "Substantially Identical" provision in the State's assault firearms laws, N.J.S. 2C:39-1w(2). These guidelines define, in addition to the firearms specifically enumerated as assault firearms in N.J.S. 2C:39-1w(1), those firearms which are manufactured under any designation which are also classified as assault firearms.*

*Because the Hamburg Bourough Police is not authorized to provide legal advice to private parties, you may wish to consult with independent legal counsel or conduct your own research.*

*Again, please note that this information and these references may not be exhaustive in addressing your issue. As a courtesy, the Hamburg Borough Police has provided to you with links to the New Jersey legislature website to Chapters 39 and 58 of New Jersey Title 2C. Additionally, copies of the New Jersey Administrative Code Title 13, Chapter 54 , and the New Jersey State Attorney General guidelines regarding the "Substantially Identical" provision in the State's assault firearms laws are being provided to you.*

### **1) What forms are required to apply for an Initial NJ Firearms ID card or Initial Firearms ID card and Handgun Permit(s):**

Go to: <https://www.njportal.com/njsp/FARS> follow instruction and complete the application, Hamburg Borough residents only will need to enter the following ORI # (NJ0190900) to complete the application.

All first-time applicants for a Firearms ID Card MUST be fingerprinted. The fingerprint process will be completed by Idento (MorphoTrust). The required form needed to get fingerprinted is available after completing your application Online at <https://www.njportal.com/njsp/FARS>.

Once you are fingerprinted and have submitted your application online, you will be contacted by email when the application process is complete. You may be contacted by the Hamburg Borough Police if there is a question or concern with your application which requires more information. **Please ensure you provide the best phone number to reach you to help expedite this process.**

2) What forms are required for a Duplicate NJ Firearms ID card and/or Handgun permit(s):

Go to: <https://www.njportal.com/njsp/FARS> follow instruction and complete form, Hamburg Borough Residents only will need to enter the following ORI # (NJ0190900) to complete the form.

If you have already been issued a Firearms ID card or permit to purchase a handgun in New Jersey, you will need to enter you SBI# which is found on the front of your firearms ID card. If you do not have your SBI# you must contact the Hamburg Bourough Police or the NJ State Police Firearms unit to receive your SBI# to complete your application.

Once you have submitted your application online, you will be contacted by the Readington Township Police upon the completion of your application. You may be contacted by the Hamburg Borough Police if there is a question or concern with your application which requires more information. **Please ensure you provide the best phone number to reach you to help expedite this process.**

3) How long does the process usually take once all forms are submitted?

Approximately 45 business days (excluding holiday)

4) Is there a limit on the number of handgun permits I can apply for?

NO, If you are applying for a Handgun Purchase Permit, there is no limit on the quantity of permits you may apply for. However, you may only purchase one handgun every 30 days, unless you qualify for an exemption, under 2C:58-3. ALL TRANSFER OF FIREARMS MUST BE DONE THROUGH A FEDERAL FIREARMS LICENSE HOLDER. (exceptions found in N.J.S.A 2C:58-3). Applications for multiple handgun purchases are to be submitted to the NJSP Firearms unit through FARS at the time you apply for your handgun permits.

5) Is there a limit to the number of Rifles or Shotguns that I can purchase at one time?

NO, there is currently no limit to the number of rifles or shotguns you can transfer at one time but a Certificate of Eligibility needs to be complete for each transfer and ALL TRANSFER OF FIREARMS MUST BE DONE THROUGH A FEDERAL FIREARMS LICENSE HOLDER. (exceptions found in N.J.S.A 2C:58-3)

6) How do you buy handguns, including bb, pellet, and black powder handguns?  
A Permit to Purchase a Handgun must be completed on each handgun transferred in the State of New Jersey. Apply for a permit to purchase a handgun online. ALL TRANSFERS OF FIREARMS MUST BE DONE THROUGH A FEDERAL FIREARMS LICENSE HOLDER. (exceptions found in N.J.S.A 2C:58-3)

7) How do you buy rifles and/or shotguns, including bb, pellet, and black powder rifles?

A Firearms Purchaser Identification Card, plus one additional form of photo identification, and a Certificate of Eligibility is needed to purchase rifles and/or shotguns, including bb, pellet, and black powder rifles. ALL TRANSFER OF FIREARMS MUST BE DONE THROUGH A FEDERAL FIREARMS LICENSE HOLDER. (exceptions found in N.J.S.A 2C:58-3)

8) What are the fees due to the police department?

- FID Card - \$50 payable to Hamburg Borough
- Permit to Purchase Handgun - \$25 per permit, payable to Hamburg Borough
- Permit to Carry
  - \$75 payable to Hamburg Borough
  - \$50 payable to VCCO (Victims of Crime Compensation Office)

9) Will I be contacted when my ID card/permit is ready?

Yes – The New Jersey State Police will send you an email when your Firearms ID card and/or permit has been approved .

10) How do you transport firearms?

All firearms transported into the State of New Jersey:

- Shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel, shall include only such deviations as are reasonably necessary under the circumstances.
- The firearm should not be directly accessible from the passenger compartment of the vehicle. If the vehicle does not have a compartment separate from the passenger compartment, the firearm and ammunition must be in a locked container other than the vehicle's glove compartment or console.

**For additional exemptions refer to Title 2C, Chapter 39, namely 2C:39-6g.**

11) If I inherit a firearm what must I do?

Pursuant to N.J.S.A. 2C:58-3j, a firearm purchaser identification card and/or a handgun purchase permit shall not be required for the passing of a firearm upon the death of an owner thereof to his/her heir or legatee, whether the same by testamentary bequest or

by the laws of intestacy. The firearm must be legal to possess in New Jersey and the person receiving the firearm shall not be prohibited by N.J.S.A. 2C:58-3c before receiving the firearm. If the heir or legatee does not qualify to acquire and possess the firearm, then ownership may be retained for a period not to exceed 180 days provided the firearm is transferred to the chief law enforcement officer of the municipality or the superintendent during such period.

12) I have moved to New Jersey from another state. May I continue to possess my firearm(s)?

Firearms which have been legally acquired in another state and are legal to possess in New Jersey may be brought to New Jersey by the owner when residency is established. The owner may VOLUNTARILY register the firearm(s) by completing a Voluntary Form of Firearms Registration, however the owner is not obligated to do so.

13) How do I apply for a permit to carry a firearm?

- a. If you reside in Hamburg Borough, you must apply with the Hamburg Borough Police Department.
- b. Out of state residents must apply to the New Jersey State Police station nearest to their geographic location.
- c. Armored car employees must apply with the New Jersey State Police, regardless of where they reside.
- d. Retired Law Enforcement Officers must apply with the New Jersey State Police Firearms Unit, regardless of where they reside.

14) I live in another State but also maintain a house in New Jersey, can I apply for a pistol permit or firearms purchaser card?

Yes - You can be considered a dual resident if you can show proof of residency here in New Jersey. Proof of residency can be established with a valid government issued identification showing your New Jersey residence or a government issued tax record or government issued utility bill (i.e. water bill from the town). The issuing police department will utilize your New Jersey address on your documents so you must retain your proof of residency to purchase a firearm.

15) Are Tasers legal? Can I carry one?

Yes - an October 20, 2017 Memorandum from the State of New Jersey Office of Attorney General reviewed the findings of a Supreme Court decision and a Consent Order signed into effect by the State of New Jersey states that Stun Guns in New Jersey are legal for sale and possession with only two restrictions. You must be 18 years of age or older to purchase or possess and you must not be a certain persons prohibited against purchasing or possessing one as per N.J.S.A. 2C:39-7(a).

16) Are airsofts firearms?

No - They are considered to be toys in New Jersey. The plastic pellet ammunition utilized for an airsoft contain a hollow cavity which do not conform to a solid projectile.

17) What type of firearms are considered assault weapons in New Jersey?

A complete list of banned firearms can be found in N.J.S. 2C:39-1.w as well as N.J.A.C. 13:54-1.2. If a firearm is not specifically listed by name then it may be considered to be substantially identical if it has the following qualities;

A semi-automatic rifle that has the ability to accept a detachable magazine and has at least two of the following:

- (1) A folding or telescoping stock;
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;
- (3) A bayonet mount;
- (4) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
- (5) A grenade launcher;

A semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of the following:

- (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/or
- (5) A semi-automatic version of an automatic firearm; and

A semi-automatic shotgun that has one of the following:

- (1) A folding or telescoping stock;
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;
- (3) A fixed magazine capacity in excess of six rounds;

A semiautomatic rifle with a fixed magazine capacity exceeding 10 rounds.

A firearm that meets the above criteria is considered to be "assault firearm" and may only be possessed by a licensed firearms dealer, active duty law enforcement officers and active duty military personnel.

"Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition. A complete list of banned firearms can be found in N.J.S. 2C:39-1.w as well as N.J.A.C. 13:54-1.2. If a firearm is not specifically listed by name then it may be considered to be substantially identical if it has the following qualities;

A semi-automatic rifle that has the ability to accept a detachable magazine and has at least two of the following:

- (1) A folding or telescoping stock;
- (2) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(3) A bayonet mount;

(4) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

(5) A grenade launcher;

A semi-automatic pistol that has an ability to accept a detachable magazine and has at least two of the following:

(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/or

(5) A semi-automatic version of an automatic firearm; and

A semi-automatic shotgun that has one of the following:

(1) A folding or telescoping stock;

(2) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(3) A fixed magazine capacity in excess of six rounds;

A semiautomatic rifle with a fixed magazine capacity exceeding 10 rounds.

A firearm that meets the above criteria is considered to be “assault firearm” and may only be possessed by a licensed firearms dealer, active duty law enforcement officers and active duty military personnel.

“Assault firearm” shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition.

18) What is a “Large capacity ammunition magazine”?

A box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition. Qualified retired law enforcement officers that have registered a handgun(s) with the New Jersey State Police as part of the Retired Police Officers permit to carry program may possess a magazine with a capacity of up to 15 rounds of ammunition for that specific registered handgun(s).

Active duty law enforcement officers may possess magazines with a capacity of up to 17 rounds for personal firearms and over 17 rounds for any department issued firearm.

19) I’m not a police officer, are hollow points legal for me to possess?

Yes - They are legal for purchase and possess in your home or on land owned by you. They are legal to possess and use at a gun range. They are also legal to possess while traveling to and from such places. Ammunition lacking a hollow cavity at the tip, such as those with a polymer filling, are not considered to be hollow point ammunition. An example of this can be seen with the Hornady Critical Defense / Critical Duty, Cor-Bon PowRball / Glaser Safety Slug and Nosler Inc. Defense ammunition.

