

2C:58-33 to 2C:58-36
LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

LAWS OF: 2022 **CHAPTER:** 56

NJSA: 2C:58-33 to 2C:58-36
(Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.)

BILL NO: A1765 (Substituted for S1893 (1R))

SPONSOR(S) John F. McKeon and others

DATE INTRODUCED: 1/11/2022

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/29/2022
SENATE: 6/29/2022

DATE OF APPROVAL: 7/5/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A1765

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1893 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Katie Sobko, NorthJersey.com | USA TODAY NETWORK – NEW JERSEY, 'NJ tightens gun laws after high court ruling - New bills follow weekend of nationwide gun violence', Burlington County Times (online), 6 Jul 2022 A1

By MIKE CATALINI, Associated Press, 'Murphy signs 7 new bills aimed at tightening NJ gun laws', Associated Press State Wire: New Jersey (online), 5 Jul 2022

end

P.L. 2022, CHAPTER 56, *approved July 5, 2022*
Assembly, No. 1765 (*First Reprint*)

1 AN ACT concerning public safety and supplementing Title 2C of the
2 New Jersey Statutes.

3

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

6

7 1. a. In cases involving the common law tort of public
8 nuisance, New Jersey courts have issued decisions which have
9 limited the ability of public officials to pursue civil actions for
10 abatement, damages, and other relief from the negligent, reckless
11 and, in some cases, illegal conduct of bad actors in the gun industry,
12 whose misconduct results in harm to the public and fuels the
13 epidemic of gun violence in New Jersey and across the nation.
14 Since the passage of Protection of Lawful Commerce in Arms Act
15 (PLCAA), federal law has created an additional barrier to this relief
16 and shielded ¹**【the firearm】** gun¹ industry ¹members¹ from being
17 held accountable for misconduct.

18 b. The practical result of those decisions is that the people of
19 New Jersey have been deprived in many cases of adequate
20 protection from and appropriate redress for injuries to public health
21 and safety resulting from gun violence.

22 c. With respect to gun violence, the unavailability of a robust
23 public nuisance statute has limited the State's ability to seek legal
24 redress in situations where firearms manufacturers and retail dealers
25 may have knowingly or recklessly taken actions that have
26 endangered the safety and health of New Jersey residents through
27 the sale, manufacture, distribution, and marketing of lethal, but
28 nonetheless legal, ¹**【firearms】** gun-related products¹. Even as
29 manufacturers have incorporated features and technology resulting
30 in more deadly and destructive firearms, some actors in the
31 ¹**【firearm】** gun¹ industry have implemented sales, distribution and
32 marketing practices that have contributed to the development of an
33 illegal secondary market for these increasingly dangerous
34 instrumentalities.

35 d. Therefore, it is necessary and proper to promote and protect
36 the health, safety, and welfare of the people of New Jersey by

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 23, 2022.

1 ¹requiring gun industry members to establish and implement
2 reasonable procedures, safeguards, and business practices for the
3 sale, manufacture, distribution, importing, and marketing of gun-
4 related products and¹ establishing a statutory cause of action for
5 public nuisance violations available to the Attorney General to
6 address injuries to public health and safety and to seek relief,
7 including but not limited to, abatement and other injunctive relief,
8 damages, and attorneys' fees and costs.

9
10 2. As used in this act:

11 “Gun industry member” means a person ¹**【**, firm, corporation,
12 company, partnership, society, joint stock company, or any other
13 entity or association¹**】** engaged in the sale, manufacturing,
14 distribution, importing or marketing of ¹**【**firearms, ammunition,
15 ammunition magazines, or firearm accessories**】** a gun-related
16 product, and any officer, agent, employee, or other person
17 authorized to act on behalf of that person or who acts in active
18 concert or participation with one or more such persons.

19 “Gun-related product” means any firearm, ammunition,
20 ammunition magazine, firearm component or part including, but not
21 limited to, a firearm frame and a firearm receiver, or firearm
22 accessory, which product was, or was intended to be, sold,
23 manufactured, distributed, imported, or marketed in this State, or
24 which product was possessed in this State and as to which it was
25 reasonably foreseeable that the product would be possessed or used
26 in this State.

27 “Person” means any natural person, firm, corporation, company,
28 partnership, society, joint stock company, or any other entity or
29 association¹.

30 “Public Nuisance” means any condition which injures,
31 endangers, or threatens to injure or endanger or contributes to the
32 injury or endangerment of the health, safety, peace, comfort, or
33 convenience of others ¹or which otherwise constitutes a public
34 nuisance under common law¹.

35 ¹**【**“Qualified product” shall have the same meaning as defined in
36 15 USC §7903(4)**】**

37 “Reasonable controls” means reasonable procedures, safeguards,
38 and business practices that are designed to:

39 (1) prevent the sale or distribution of a gun-related product to a
40 straw purchaser, a firearm trafficker, a person prohibited from
41 possessing a firearm under State or federal law, or a person who the
42 gun industry member has reasonable cause to believe is at
43 substantial risk of using a gun-related product to harm themselves
44 or unlawfully harm another or of unlawfully possessing or using a
45 gun-related product;

46 (2) prevent the loss of a gun-related product or theft of a gun-
47 related product from a gun industry member;

1 (3) ensure that a gun industry member complies with all
2 provisions of State and federal law and does not otherwise promote
3 the unlawful sale, manufacture, distribution, importing, marketing,
4 possession, or use of a gun-related product; and

5 (4) ensure that the gun industry member does not engage in an
6 act or practice in violation of any of the regulatory provisions
7 governing firearms set forth in chapters 39 and 58 of Title 2C of the
8 New Jersey Statutes or engage in conduct that constitutes a
9 violation of P.L.1960, c.39 (C.56:8-2) or any regulations
10 promulgated thereunder.

11 “Straw purchaser” means an individual who purchases, or
12 attempts or conspires to purchase, a gun-related product at the
13 request, order, or demand of another or for the purpose of selling or
14 transferring to another person, knowing or reasonably believing that
15 such other person is not authorized to either purchase or possess a
16 gun-related product, or both, by the laws of this State, the United
17 States, or of the state in which the other person resides by virtue of
18 having a conviction of a crime, or for any other reason¹.

19
20 3. a. ¹(1)¹ A gun industry member shall not, by conduct either
21 unlawful in itself or unreasonable under all the circumstances,
22 knowingly or recklessly create, maintain, or contribute to a public
23 nuisance in this State through the sale, manufacturing,
24 ¹distribution,¹ importing, or marketing of a ¹[qualified] gun-
25 related¹ product.

26 ¹(2) A gun industry member shall establish, implement, and
27 enforce reasonable controls regarding its manufacture, sale,
28 distribution, importing, and marketing of gun-related products.

29 (3) It shall be a public nuisance to engage in conduct that
30 violates paragraphs (1) or (2) of this subsection.¹

31 b. Whenever it appears to the Attorney General that a gun
32 industry member has engaged in or is engaging in conduct that
33 violates subsection a. of this section, the Attorney General may
34 commence an action to seek and obtain: an injunction prohibiting
35 the gun industry member from continuing that conduct or engaging
36 therein or doing any acts in furtherance thereof; an order providing
37 for abatement of the nuisance at the expense of the defendant;
38 restitution; damages; reasonable attorneys' fees, filing fees, and
39 reasonable costs of suit; and any other appropriate relief.

40 c. To prevail in an action under this section, the Attorney
41 General shall not be required to demonstrate that the gun industry
42 member acted with the purpose to engage in any public nuisance or
43 otherwise cause harm to the public. The Attorney General shall not
44 be required to demonstrate any special injury to be granted the
45 relief authorized by this section.

46 d. When it appears to the Attorney General that a gun industry
47 member has engaged in, is engaging in, or is about to engage in

1 conduct that violates subsection a. of this section, or when the
2 Attorney General believes it is in the public interest that an
3 investigation should be made to ascertain whether a gun industry
4 member has in fact engaged in, is engaging in, or is about to engage
5 in conduct that violates subsection a. of this section, the Attorney
6 General may:

7 (1) require the gun industry member ¹or any other person¹ to file
8 a statement or report in writing under oath or otherwise, as to all the
9 facts and circumstances concerning conduct, and other data and
10 information as the Attorney General deems necessary;

11 (2) examine under oath any gun industry member ¹or any other
12 person¹ concerning the act or omission;

13 (3) examine any record, object, book, document, account, or
14 paper as the Attorney General deems necessary; and

15 (4) pursuant to an order of the Superior Court, impound and
16 retain in the Attorney General's possession any record, book,
17 document, account, object, or paper that is produced in accordance
18 with this act until the completion of all proceedings in connection
19 with impounded items.

20 e. ¹【The】 To the extent causation is applicable, the¹ conduct of a
21 gun industry member shall be deemed to constitute a proximate
22 cause of the public nuisance if the harm to the public was a
23 reasonably foreseeable effect of such conduct, notwithstanding any
24 intervening actions, including but not limited to criminal actions by
25 third parties.

26 f. ¹The Attorney General may establish or designate within the
27 Department of Law and Public Safety a unit, bureau, office or
28 division to exercise all functions, powers, and duties of the Attorney
29 General established under or deriving from P.L. _____, c. (C. _____)
30 (pending before the Legislature as this bill) and which may perform
31 such other functions, powers, and duties vested in the Department
32 of Law and Public Safety as the Attorney General may deem
33 appropriate.

34 g.¹ Nothing in P.L. _____, c. (C. _____) (pending before the
35 Legislature as this bill) shall be construed to deny, abrogate, or
36 impair any statutory or common law right, remedy, or prohibition
37 otherwise available to any party, including the Attorney General.

38
39 4. The provisions of P.L.1987, c.197 (C.2A:58C-1 et seq.) shall
40 not apply to any public nuisance action brought by the Attorney
41 General pursuant to section 3 of P.L. _____, c. (C. _____) (pending
42 before the Legislature as this bill).

43
44 5. This act shall take effect immediately and shall apply to all
45 actions instituted on or after the effective date of this act, and to all
46 proceedings taken subsequent to the effective date of this act in all
47 actions pending on the act's effective date, except that judgments

A1765 [1R]

5

1 entered or awards made pursuant to law from which no appeal is
2 pending on the act's effective date shall not be affected by the
3 provisions of this act.

4

5

6

7

8 _____
9 Allows Attorney General to bring cause of action for certain
10 public nuisance violations arising from sale or marketing of
firearms.

ASSEMBLY, No. 1765

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

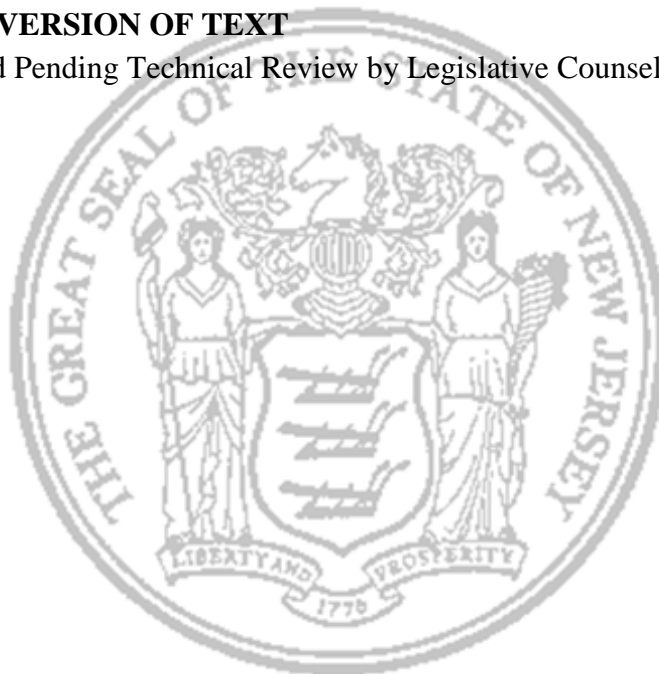
**Assemblywomen Reynolds-Jackson, Chaparro, Assemblymen Spearman,
Wimberly, Stanley, Moen, Moriarty and Assemblywoman Jimenez**

SYNOPSIS

Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning public safety and supplementing Title 2C of the
2 New Jersey Statutes.

3

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

6

7 1. a. In cases involving the common law tort of public
8 nuisance, New Jersey courts have issued decisions which have
9 limited the ability of public officials to pursue civil actions for
10 abatement, damages, and other relief from the negligent, reckless
11 and, in some cases, illegal conduct of bad actors in the gun industry,
12 whose misconduct results in harm to the public and fuels the
13 epidemic of gun violence in New Jersey and across the nation.
14 Since the passage of Protection of Lawful Commerce in Arms Act
15 (PLCAA), federal law has created an additional barrier to this relief
16 and shielded the firearm industry from being held accountable for
17 misconduct.

18 b. The practical result of those decisions is that the people of
19 New Jersey have been deprived in many cases of adequate
20 protection from and appropriate redress for injuries to public health
21 and safety resulting from gun violence.

22 c. With respect to gun violence, the unavailability of a robust
23 public nuisance statute has limited the State's ability to seek legal
24 redress in situations where firearms manufacturers and retail dealers
25 may have knowingly or recklessly taken actions that have
26 endangered the safety and health of New Jersey residents through
27 the sale, manufacture, distribution, and marketing of lethal, but
28 nonetheless legal, firearms. Even as manufacturers have
29 incorporated features and technology resulting in more deadly and
30 destructive firearms, some actors in the firearm industry have
31 implemented sales, distribution and marketing practices that have
32 contributed to the development of an illegal secondary market for
33 these increasingly dangerous instrumentalities.

34 d. Therefore, it is necessary and proper to promote and protect
35 the health, safety, and welfare of the people of New Jersey by
36 establishing a statutory cause of action for public nuisance
37 violations available to the Attorney General to address injuries to
38 public health and safety and to seek relief, including but not limited
39 to, abatement and other injunctive relief, damages, and attorneys'
40 fees and costs.

41

42 2. As used in this act:

43 "Gun industry member" means a person, firm, corporation,
44 company, partnership, society, joint stock company, or any other
45 entity or association engaged in the sale, manufacturing,
46 distribution, importing or marketing of firearms, ammunition,
47 ammunition magazines, or firearm accessories.

1 “Public Nuisance” means any condition which injures,
2 endangers, or threatens to injure or endanger or contributes to the
3 injury or endangerment of the health, safety, peace, comfort, or
4 convenience of others.

5 “Qualified product” shall have the same meaning as defined in
6 15 USC §7903(4).

7
8 3. a. A gun industry member shall not, by conduct either
9 unlawful in itself or unreasonable under all the circumstances,
10 knowingly or recklessly create, maintain, or contribute to a public
11 nuisance in this State through the sale, manufacturing, importing, or
12 marketing of a qualified product.

13 b. Whenever it appears to the Attorney General that a gun
14 industry member has engaged in or is engaging in conduct that
15 violates subsection a. of this section, the Attorney General may
16 commence an action to seek and obtain: an injunction prohibiting
17 the gun industry member from continuing that conduct or engaging
18 therein or doing any acts in furtherance thereof; an order providing
19 for abatement of the nuisance at the expense of the defendant;
20 restitution; damages; reasonable attorneys' fees, filing fees, and
21 reasonable costs of suit; and any other appropriate relief.

22 c. To prevail in an action under this section, the Attorney
23 General shall not be required to demonstrate that the gun industry
24 member acted with the purpose to engage in any public nuisance or
25 otherwise cause harm to the public. The Attorney General shall not
26 be required to demonstrate any special injury to be granted the
27 relief authorized by this section.

28 d. When it appears to the Attorney General that a gun industry
29 member has engaged in, is engaging in, or is about to engage in
30 conduct that violates subsection a. of this section, or when the
31 Attorney General believes it is in the public interest that an
32 investigation should be made to ascertain whether a gun industry
33 member has in fact engaged in, is engaging in, or is about to engage
34 in conduct that violates subsection a. of this section, the Attorney
35 General may:

36 (1) require the gun industry member to file a statement or report
37 in writing under oath or otherwise, as to all the facts and
38 circumstances concerning conduct, and other data and information
39 as the Attorney General deems necessary;

40 (2) examine under oath any gun industry member concerning the
41 act or omission;

42 (3) examine any record, object, book, document, account, or
43 paper as the Attorney General deems necessary; and

44 (4) pursuant to an order of the Superior Court, impound and
45 retain in the Attorney General's possession any record, book,
46 document, account, object, or paper that is produced in accordance
47 with this act until the completion of all proceedings in connection
48 with impounded items.

1 e. The conduct of a gun industry member shall be deemed to
2 constitute a proximate cause of the public nuisance if the harm to
3 the public was a reasonably foreseeable effect of such conduct,
4 notwithstanding any intervening actions, including but not limited
5 to criminal actions by third parties.

6 f. Nothing in P.L. , c. (C.) (pending before the
7 Legislature as this bill) shall be construed to deny, abrogate, or
8 impair any statutory or common law right, remedy, or prohibition
9 otherwise available to any party, including the Attorney General.

10
11 4. The provisions of P.L.1987, c.197 (C.2A:58C-1 et seq.) shall
12 not apply to any public nuisance action brought by the Attorney
13 General pursuant to section 3 of P.L. , c. (C.) (pending
14 before the Legislature as this bill).

15
16 5. This act shall take effect immediately and shall apply to all
17 actions instituted on or after the effective date of this act, and to all
18 proceedings taken subsequent to the effective date of this act in all
19 actions pending on the act's effective date, except that judgments
20 entered or awards made pursuant to law from which no appeal is
21 pending on the act's effective date shall not be affected by
22 the provisions of this act.

23
24
25 STATEMENT

26
27 This bill establishes a statutory cause of action for public nuisance
28 created or contributed to by the conduct of gun industry members that
29 allows the Attorney General to address injuries to public health and
30 safety and to seek relief, including but not limited to, abatement and
31 other injunctive relief, damages, and attorneys' fees and costs. Under
32 the bill, the Attorney General may seek appropriate remedies for
33 public nuisance violations committed by firearm manufacturers,
34 retailers and other gun industry members who knowingly or recklessly
35 endanger the public health and safety.

36 Specifically, the bill allows the Attorney General to obtain an
37 injunction prohibiting gun industry members from continuing a public
38 nuisance or engaging in or doing any acts in furtherance of a public
39 nuisance. The Attorney General also may seek and obtain an order
40 providing for abatement of the nuisance at the expense of a defendant;
41 restitution; damages; reasonable attorneys' fees, filing fees, and
42 reasonable costs of suit; and any other appropriate relief.

43 The Attorney General would not be required to demonstrate that
44 the gun industry member acted with the purpose to engage in any
45 public nuisance or otherwise cause harm to the public. In addition, the
46 Attorney General would not be required to demonstrate any special
47 injury in order to be granted the relief authorized by the bill.

1 The bill also allows the Attorney General to conduct an
2 investigation under certain circumstances. Under the bill, when a gun
3 industry member has engaged in, is engaging in, or is about to engage
4 in any conduct causing or contributing to a public nuisance, or when it
5 is in the public interest that an investigation should be made to
6 ascertain whether a person in fact has engaged in, is engaging in, or is
7 about to engage in, any such conduct, the Attorney General may:

8 (1) require the gun industry member to file a statement or report in
9 writing under oath or otherwise, as to all the facts and circumstances
10 concerning such act or omission, and other data and information as
11 the Attorney General deems necessary;

12 (2) examine under oath any person concerning the conduct;

13 (3) examine any record, object, book, document, account, or paper
14 as the Attorney General deems necessary; and

15 (4) impound and retain in the Attorney General's possession any
16 record, book, document, account, object, or paper that is produced in
17 accordance with the bill until the completion of all proceedings in
18 connection with impounded items.

19 The bill provides that a gun industry member's conduct is to be
20 deemed a proximate cause of the nuisance if, notwithstanding any
21 intervening actions including, but not limited to, criminal actions by
22 third parties, the endangerment was a reasonably foreseeable effect of
23 such conduct.

24 The bill allows the Attorney General to commence an action at any
25 time seeking an injunction prohibiting any gun industry member from
26 engaging in a public nuisance, or continuing those practices or
27 engaging therein or doing any acts in furtherance thereof, or an order
28 providing for abatement of the nuisance, regardless of the date on
29 which the cause of action accrued.

30 The provisions of the bill apply to all actions instituted on or after
31 the date of the bill's enactment and all proceedings taken subsequent
32 to the date of bill's enactment. Judgments entered or awards made
33 pursuant to law from which no appeal is pending on the date of the
34 bill's enactment would not be affected by the bill's provisions.

35 With respect to gun violence, the unavailability of a robust public
36 nuisance statute and limitations imposed by federal law have limited
37 the State's ability to seek legal redress in situations where firearms
38 manufacturers, retail dealers and other gun industry members may
39 have knowingly or recklessly taken actions that have endangered the
40 safety and health of New Jersey residents through the sale,
41 manufacture, distribution, and marketing of lethal, but nonetheless
42 legal, firearms. This bill would give the Attorney General greater
43 authority to address injuries to public health and safety caused by the
44 firearm industry.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1765

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1765.

As amended and reported by the committee, this bill establishes a statutory cause of action for public nuisance created or contributed to by the conduct of gun industry members that allows the Attorney General to address injuries to public health and safety and to seek relief including, but not limited to, abatement and other injunctive relief, damages, and attorneys' fees and costs.

These committee amendments require gun industry members to establish and implement reasonable controls for the sale, manufacture, distribution, importing, and marketing of gun-related products. The amended bill defines "reasonable controls" as reasonable procedures, safeguards, and business practices that are designed to:

(1) prevent the sale or distribution of a gun-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under State or federal law, or a person who the gun industry member has reasonable cause to believe is at substantial risk of using a gun-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a gun-related product;

(2) prevent the loss of a gun-related product or theft of a gun-related product from a gun industry member;

(3) ensure that the gun industry member complies with all provisions of State and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, marketing, possession, or use of a gun-related product; and

(4) ensure that the gun industry member does not engage in an act or practice in violation of any of the regulatory provisions governing firearms set forth in chapters 39 and 58 of Title 2C of the New Jersey Criminal Code or engage in conduct that constitutes consumer fraud in violation of P.L.1960, c.39 (C.56:8-2) or any regulations promulgated thereunder.

The amendments also clarify that the Attorney General has the authority to require any person to file a statement or report under oath or be examined under oath when the Attorney General has reason to believe that a gun industry member has violated the law. As

introduced, the bill only required gun industry members to file a statement, report, or be examined under oath.

Finally, the amendments allow the Attorney General to establish or designate within the Department of Law and Public Safety (DLPS) a unit, bureau, office, or division to exercise all functions, powers, and duties of the Attorney General established under the bill's provisions and which may perform such other functions, powers, and duties vested in the DLPS as the Attorney General deems appropriate.

As amended, this bill is identical to Senate No. 1893 (1R).

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

(1) Require gun industry members to establish and implement reasonable controls for the sale, manufacture, distribution, importing, and marketing of gun-related products. The bill defines "reasonable controls" as reasonable procedures, safeguards, and business practices designed to:

(a) prevent the sale or distribution of a gun-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under State or federal law, or a person who the gun industry member has reasonable cause to believe is at substantial risk of using a gun-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a gun-related product;

(b) prevent the loss of a gun-related product or theft of a gun-related product from a gun industry member;

(c) ensure that the gun industry member complies with all provisions of State and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, marketing, possession, or use of a gun-related product; and

(d) ensure that the gun industry member does not engage in an act or practice in violation of any of the regulatory provisions governing firearms set forth in the New Jersey Criminal Code or engage in conduct that constitutes consumer fraud.

(2) Clarify that the Attorney General has the authority to require any person to file a statement or report under oath or be examined under oath when the Attorney General has reason to believe that a gun industry member has violated the law.

(3) Change the bill's definition of "gun industry member." The bill as introduced had defined the term as a person, corporation, or other entity or association engaged in the sale, manufacturing, distribution, importing or marketing of firearms, ammunition, ammunition magazines, or firearm accessories. Under the committee amendments, "gun industry member" is defined as a person engaged in the sale, manufacturing, distribution, importing or marketing of a gun-related

product, and any officer, agent, employee, or other person authorized to act on behalf of that person or who acts in active concert or participation with one or more such persons.

(4) Add new definitions of “gun-related product” and “person.”

Under the amendments, “gun-related product” means any firearm, ammunition, ammunition magazine, firearm component or part including, but not limited to, a firearm frame and a firearm receiver, or firearm accessory, which product was, or was intended to be, sold, manufactured, distributed, imported, or marketed in this State, or which product was possessed in this State and as to which it was reasonably foreseeable that the product would be possessed or used in this State.

The amendments define “person” as any natural person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association.

SENATE, No. 1893

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Gill

SYNOPSIS

Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2022)

1 AN ACT concerning public safety and supplementing Title 2C of the
2 New Jersey Statutes.

3

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

6

7 1. a. In cases involving the common law tort of public
8 nuisance, New Jersey courts have issued decisions which have
9 limited the ability of public officials to pursue civil actions for
10 abatement, damages, and other relief from the negligent, reckless
11 and, in some cases, illegal conduct of bad actors in the gun industry,
12 whose misconduct results in harm to the public and fuels the
13 epidemic of gun violence in New Jersey and across the nation.
14 Since the passage of Protection of Lawful Commerce in Arms Act
15 (PLCAA), federal law has created an additional barrier to this relief
16 and shielded the firearm industry from being held accountable for
17 misconduct.

18 b. The practical result of those decisions is that the people of
19 New Jersey have been deprived in many cases of adequate
20 protection from and appropriate redress for injuries to public health
21 and safety resulting from gun violence.

22 c. With respect to gun violence, the unavailability of a robust
23 public nuisance statute has limited the State's ability to seek legal
24 redress in situations where firearms manufacturers and retail dealers
25 may have knowingly or recklessly taken actions that have
26 endangered the safety and health of New Jersey residents through
27 the sale, manufacture, distribution, and marketing of lethal, but
28 nonetheless legal, firearms. Even as manufacturers have
29 incorporated features and technology resulting in more deadly and
30 destructive firearms, some actors in the firearm industry have
31 implemented sales, distribution and marketing practices that have
32 contributed to the development of an illegal secondary market for
33 these increasingly dangerous instrumentalities.

34 d. Therefore, it is necessary and proper to promote and protect
35 the health, safety, and welfare of the people of New Jersey by
36 establishing a statutory cause of action for public nuisance
37 violations available to the Attorney General to address injuries to
38 public health and safety and to seek relief, including but not limited
39 to, abatement and other injunctive relief, damages, and attorneys'
40 fees and costs.

41

42 2. As used in this act:

43 "Gun industry member" means a person, firm, corporation,
44 company, partnership, society, joint stock company, or any other
45 entity or association engaged in the sale, manufacturing,
46 distribution, importing or marketing of firearms, ammunition,
47 ammunition magazines, or firearm accessories.

1 “Public Nuisance” means any condition which injures,
2 endangers, or threatens to injure or endanger or contributes to the
3 injury or endangerment of the health, safety, peace, comfort, or
4 convenience of others.

5 “Qualified product” shall have the same meaning as defined in
6 15 USC §7903(4).

7
8 3. a. A gun industry member shall not, by conduct either
9 unlawful in itself or unreasonable under all the circumstances,
10 knowingly or recklessly create, maintain, or contribute to a public
11 nuisance in this State through the sale, manufacturing, importing, or
12 marketing of a qualified product.

13 b. Whenever it appears to the Attorney General that a gun
14 industry member has engaged in or is engaging in conduct that
15 violates subsection a. of this section, the Attorney General may
16 commence an action to seek and obtain: an injunction prohibiting
17 the gun industry member from continuing that conduct or engaging
18 therein or doing any acts in furtherance thereof; an order providing
19 for abatement of the nuisance at the expense of the defendant;
20 restitution; damages; reasonable attorneys' fees, filing fees, and
21 reasonable costs of suit; and any other appropriate relief.

22 c. To prevail in an action under this section, the Attorney
23 General shall not be required to demonstrate that the gun industry
24 member acted with the purpose to engage in any public nuisance or
25 otherwise cause harm to the public. The Attorney General shall not
26 be required to demonstrate any special injury to be granted the
27 relief authorized by this section.

28 d. When it appears to the Attorney General that a gun industry
29 member has engaged in, is engaging in, or is about to engage in
30 conduct that violates subsection a. of this section, or when the
31 Attorney General believes it is in the public interest that an
32 investigation should be made to ascertain whether a gun industry
33 member has in fact engaged in, is engaging in, or is about to engage
34 in conduct that violates subsection a. of this section, the Attorney
35 General may:

36 (1) require the gun industry member to file a statement or report
37 in writing under oath or otherwise, as to all the facts and
38 circumstances concerning conduct, and other data and information
39 as the Attorney General deems necessary;

40 (2) examine under oath any gun industry member concerning the
41 act or omission;

42 (3) examine any record, object, book, document, account, or
43 paper as the Attorney General deems necessary; and

44 (4) pursuant to an order of the Superior Court, impound and
45 retain in the Attorney General's possession any record, book,
46 document, account, object, or paper that is produced in accordance
47 with this act until the completion of all proceedings in connection
48 with impounded items.

1 e. The conduct of a gun industry member shall be deemed to
2 constitute a proximate cause of the public nuisance if the harm to
3 the public was a reasonably foreseeable effect of such conduct,
4 notwithstanding any intervening actions, including but not limited
5 to criminal actions by third parties.

6 f. Nothing in P.L. , c. (C.) (pending before the
7 Legislature as this bill) shall be construed to deny, abrogate, or
8 impair any statutory or common law right, remedy, or prohibition
9 otherwise available to any party, including the Attorney General.

10
11 4. The provisions of P.L.1987, c.197 (C.2A:58C-1 et seq.) shall
12 not apply to any public nuisance action brought by the Attorney
13 General pursuant to section 3 of P.L. , c. (C.) (pending
14 before the Legislature as this bill).

15
16 5. This act shall take effect immediately and shall apply to all
17 actions instituted on or after the effective date of this act, and to all
18 proceedings taken subsequent to the effective date of this act in all
19 actions pending on the act's effective date, except that judgments
20 entered or awards made pursuant to law from which no appeal is
21 pending on the act's effective date shall not be affected by
22 the provisions of this act.

23
24

25 STATEMENT

26
27 This bill establishes a statutory cause of action for public nuisance
28 created or contributed to by the conduct of gun industry members that
29 allows the Attorney General to address injuries to public health and
30 safety and to seek relief, including but not limited to, abatement and
31 other injunctive relief, damages, and attorneys' fees and costs. Under
32 the bill, the Attorney General may seek appropriate remedies for
33 public nuisance violations committed by firearm manufacturers,
34 retailers and other gun industry members who knowingly or recklessly
35 endanger the public health and safety.

36 Specifically, the bill allows the Attorney General to obtain an
37 injunction prohibiting gun industry members from continuing a public
38 nuisance or engaging in or doing any acts in furtherance of a public
39 nuisance. The Attorney General also may seek and obtain an order
40 providing for abatement of the nuisance at the expense of a defendant;
41 restitution; damages; reasonable attorneys' fees, filing fees, and
42 reasonable costs of suit; and any other appropriate relief.

43 The Attorney General would not be required to demonstrate that
44 the gun industry member acted with the purpose to engage in any
45 public nuisance or otherwise cause harm to the public. In addition, the
46 Attorney General would not be required to demonstrate any special
47 injury in order to be granted the relief authorized by the bill.

1 The bill also allows the Attorney General to conduct an
2 investigation under certain circumstances. Under the bill, when a gun
3 industry member has engaged in, is engaging in, or is about to engage
4 in any conduct causing or contributing to a public nuisance, or when it
5 is in the public interest that an investigation should be made to
6 ascertain whether a person in fact has engaged in, is engaging in, or is
7 about to engage in, any such conduct, the Attorney General may:

8 (1) require the gun industry member to file a statement or report in
9 writing under oath or otherwise, as to all the facts and circumstances
10 concerning such act or omission, and other data and information as
11 the Attorney General deems necessary;

12 (2) examine under oath any person concerning the conduct;

13 (3) examine any record, object, book, document, account, or paper
14 as the Attorney General deems necessary; and

15 (4) impound and retain in the Attorney General's possession any
16 record, book, document, account, object, or paper that is produced in
17 accordance with the bill until the completion of all proceedings in
18 connection with impounded items.

19 The bill provides that a gun industry member's conduct is to be
20 deemed a proximate cause of the nuisance if, notwithstanding any
21 intervening actions including, but not limited to, criminal actions by
22 third parties, the endangerment was a reasonably foreseeable effect of
23 such conduct.

24 The bill allows the Attorney General to commence an action at any
25 time seeking an injunction prohibiting any gun industry member from
26 engaging in a public nuisance, or continuing those practices or
27 engaging therein or doing any acts in furtherance thereof, or an order
28 providing for abatement of the nuisance, regardless of the date on
29 which the cause of action accrued.

30 The provisions of the bill apply to all actions instituted on or after
31 the date of the bill's enactment and all proceedings taken subsequent
32 to the date of bill's enactment. Judgments entered or awards made
33 pursuant to law from which no appeal is pending on the date of the
34 bill's enactment would not be affected by the bill's provisions.

35 With respect to gun violence, the unavailability of a robust public
36 nuisance statute and limitations imposed by federal law have limited
37 the State's ability to seek legal redress in situations where firearms
38 manufacturers, retail dealers and other gun industry members may
39 have knowingly or recklessly taken actions that have endangered the
40 safety and health of New Jersey residents through the sale,
41 manufacture, distribution, and marketing of lethal, but nonetheless
42 legal, firearms. This bill would give the Attorney General greater
43 authority to address injuries to public health and safety caused by the
44 firearm industry.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1893

STATE OF NEW JERSEY

DATED: JUNE 13, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 1893.

This bill would establish a statutory cause of action for a public nuisance created, maintained, or contributed to by the conduct of gun industry members, allowing the Attorney General to address injuries to public health and safety by seeking relief against such persons, entities, or associations. The bill defines a public nuisance as “any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others.”

Under the bill, the Attorney General could seek appropriate remedies for public nuisance violations knowingly or recklessly committed by any person, entity, or association “engaged in the sale, manufacturing, distribution, importing or marketing of firearms, ammunition, ammunition magazines, or firearms accessories.” The bill also provides that a gun industry member’s conduct would be deemed a proximate cause of a nuisance if the harm to the public was a reasonably foreseeable effect of such conduct, notwithstanding any intervening actions, including, but not limited to, criminal actions by third parties. The Attorney General would not be required to demonstrate that the gun industry member acted with the purpose to engage in any public nuisance or otherwise cause harm to the public. In addition, the Attorney General would not be required to demonstrate any special injury in order to be granted any relief authorized by the bill.

The bill would allow the Attorney General to obtain an injunction prohibiting gun industry members from continuing a public nuisance or engaging in or doing any acts in furtherance of a public nuisance. The Attorney General could also seek and obtain an order providing for abatement of the nuisance at the expense of a defendant, restitution, damages, reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief.

The bill also allows the Attorney General to conduct an investigation of a gun industry member under certain circumstances. Under the bill, when a gun industry member has engaged in, is engaging in, or is about to engage in any conduct causing or contributing to a public nuisance, or when it is in the public interest that an investigation should be made to ascertain whether a gun

industry member in fact has engaged in, is engaging in, or is about to engage in, any such conduct, the Attorney General could:

(1) require the gun industry member to file a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning such act or omission, and other data and information as the Attorney General deems necessary;

(2) examine under oath any gun industry member concerning the conduct;

(3) examine any record, object, book, document, account, or paper as the Attorney General deems necessary; and

(4) pursuant to a court order, impound and retain in the Attorney General's possession any record, book, document, account, object, or paper that is produced in accordance with the bill until the completion of all proceedings in connection with impounded items.

The provisions of the bill would apply to all actions instituted on or after the date of the bill's enactment and all actions still pending as of that date (the bill would take effect immediately). However, judgments entered or awards made pursuant to law from which no appeal is pending on the date of the bill's enactment would not be affected by the bill's provisions.

STATEMENT TO
SENATE, No. 1893

with Senate Floor Amendments
(Proposed by Senator Ruiz)

ADOPTED: JUNE 16, 2022

Senate Bill No. 1893 establishes a statutory cause of action for public nuisance created or contributed to by the conduct of gun industry members that allows the Attorney General to address injuries to public health and safety and to seek relief, including but not limited to, abatement and other injunctive relief, damages, and attorneys' fees and costs.

These Senate amendments require gun industry members to establish and implement reasonable controls for the sale, manufacture, distribution, importing, and marketing of gun-related products. The bill defines "reasonable controls" as reasonable procedures, safeguards, and business practices that are designed to:

(1) prevent the sale or distribution of a gun-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under State or federal law, or a person who the gun industry member has reasonable cause to believe is at substantial risk of using a gun-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a gun-related product;

(2) prevent the loss of a gun-related product or theft of a gun-related product from a gun industry member;

(3) ensure that the gun industry member complies with all provisions of State and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, marketing, possession, or use of a gun-related product; and

(4) ensure that the gun industry member does not engage in an act or practice in violation of any of the regulatory provisions governing firearms set forth in chapters 39 and 58 of Title 2C of the New Jersey Criminal Code or engage in conduct that constitutes consumer fraud in violation of P.L.1960, c.39 (C.56:8-2) or any regulations promulgated thereunder.

The Senate amendments also clarify that the Attorney General has the authority to require any person to file a statement or report under oath or be examined under oath when the Attorney General has reason to believe that a gun industry member has violated the law. As introduced, the bill only required gun industry members to file a statement, report, or be examined under oath.

Finally, the Senate amendments allow the Attorney General to establish or designate within the Department of Law and Public Safety (DLPS) a unit, bureau, office, or division to exercise all functions, powers, and duties of the Attorney General established under the bill's

provisions and which may perform such other functions, powers, and duties vested in the DLPS as the Attorney General deems appropriate.

Governor Murphy Signs Sweeping Gun Safety Package 3.0 to Continue the Fight Against Gun Violence

07/5/2022

Comprehensive Reforms Further Solidify New Jersey as National Leader in Gun Safety

METUCHEN – Governor Phil Murphy today signed a sweeping series of gun safety reforms to continue the fight against gun violence in New Jersey. Since taking office in 2018, Governor Murphy has been a champion of bold, commonsense gun reform, and signed significant gun safety packages in June 2018 and July 2019. Today, the Governor reaffirmed his commitment to reduce the epidemic of gun violence in New Jersey and signed seven comprehensive gun safety bills, six of which were part of his Gun Safety 3.0 package that he introduced to the Legislature in April 2021 and has repeatedly championed over the last year. These gun safety reforms further solidify New Jersey as a national leader in gun safety and deliver on the promise to make communities safer.

"In the wake of horrific mass shootings in Highland Park, Illinois, Uvalde Texas, and Buffalo, New York, it is necessary that we take action in order to protect our communities. I am proud to sign these bills today and thank my legislative partners for sending them to my desk," **said Governor Murphy**. "As I have said before, this is a huge step forward for commonsense gun safety and for safer communities. But it cannot be our only or last step. I look forward to continuing to work with the Legislature and take action to make this state safer for all."

"In New Jersey we understand what it takes to actually stop the vicious cycle of mass shootings and everyday gun violence in New Jersey. We do it by passing common sense gun safety laws that work," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. "We cannot continue repeating the sentiment that there is nothing that can be done to end this scourge of gun violence. There is and we owe it to the next generation to sign common sense gun safety laws that cut the problem off at the source."

The seven gun safety reform bills include:

1. **A1765/S1893 (McKeon, Atkins, Jasey/Ruiz, Pou)** - Allows Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms.
2. **A1179/S1204 (Jasey, Swain, Jaffer/Cryan, Zwicker)** - Requires firearm owners who become New Jersey residents to obtain firearm purchaser identification card and register handguns acquired out-of-State.
3. **A4367/S2846 (McKeon, Greenwald/Scutari, Cryan)** - Upgrades certain crimes related to manufacturing firearms from third degree to second degree.
4. **A4366/S2905 (Atkins, Quijano/Scutari)** – Revises definition of destructive device to include certain .50 caliber rifles.
5. **A1302/S2903 (Greenwald, Reynolds-Jackson, Atkins/Cryan)** - Regulates sale of handgun ammunition and develops system of electronic reporting of handgun ammunition sales.*
6. **A4370/S2906 (Reynolds-Jackson, Greenwald/Codey)** - Requires training for issuance of firearms purchaser identification card and permit to purchase handgun under certain circumstances; provides that firearms purchaser identification card include photograph and thumb print and remain valid for ten years.*
7. **A4368/S2907 (Greenwald, McKeon/Codey)** - Requires firearm retailers to sell microstamping-enabled firearms upon determination of availability by AG.

"The legislation signed into law today provides New Jersey with robust tools to combat gun violence and hold accountable irresponsible gun dealers and manufacturers who profit from this bloodshed," **said Acting Attorney General Platkin**. "I thank Governor Murphy for his continued efforts to protect New Jersey residents from mass shootings and gun violence, even as the U.S. Supreme Court is doing its best to undermine those efforts. These new commonsense gun laws send a clear message that New Jersey will continue to serve as a model for states seeking to address the epidemic of gun violence."

"As criminals attempt to find new ways to circumvent the laws, we must adjust our tactics to keep illegal guns away from those individuals who have no regard for human life once the trigger is pulled," **said Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police**. "Our efforts to limit gun violence must be comprehensive as we strive to protect the citizens of New Jersey. We will continue to work with the Governor's Office and the Office of Attorney General to keep our state safe."

"The threat of gun violence is a real and growing menace in our communities. These bills might not stop every gun crime, but they represent a thoughtful, common sense approach that will target areas of gun control in both the legal and illegal gun markets," **said Senate President Nicholas Scutari**. "They provide an opportunity to prevent gun violence and provide a safe overall environment for the public."

"New Jersey continues to lead the nation on fair and robust common-sense gun safety thanks to the Governor and Legislature's partnership that has made public safety a priority," **said Assembly Speaker Craig Coughlin**. "With the signing of these decisive, common-sense measures designed to stop gun violence in its tracks, we are advancing our commitment to ensure people in every New Jersey community can feel more safe."

"Far too many families have been torn apart by gun violence. We cannot stand by and accept the fact that firearms are the leading cause of death for children in the United States. While we desperately need federal legislation, I am thankful that the Governor is signing these key measures into law today," **said Senate Majority Leader M. Teresa Ruiz**. "We must do everything we can to stop this, and by allowing the Attorney General to take action and seek damages for shootings here in New Jersey, we can start holding individuals accountable for their actions."

"The surge in gun violence has been horribly tragic, with lives lost, victims wounded and loved ones suffering heartbreak," **said Senator Joe Cryan, former Union County Sheriff**. "As public servants, we must continue to do all we can to keep deadly firearms out of the hands of those who pose a danger, off the streets, away from schools and out of our communities."

"By having Governor Murphy sign these sensible gun safety bills into law, we are taking responsible actions to help keep our communities safe," **said Senator Andrew Zwicker**. "Making sure that owners of firearms follow the laws and procedures for gun safety is important. We have some of the strongest gun laws in the country – we want every resident to follow them."

"This senseless gun violence has gone on long enough, and I am glad to see Governor Murphy moving quickly by signing these bills to make our streets, schools and neighborhoods safer. We cannot continue down the path we are now on," **said Senator Nellie Pou**. "If gun manufacturers or retailers act in ways that constitute a 'public nuisance' in the eyes of the Attorney General they should be held liable for appropriate penalties."

"As we have all seen recently, gun violence is a real and scary risk in our country and we have to act now to stop it," **said Senator Richard Codey**. "We must ensure that gun owners are aware of how to safely handle and store a firearm to better protect our residents from unnecessary harm. Additionally, by incorporating microstamping technology, law enforcement would have a critical aid that would assist them in tracking down weapons used in crimes. We have to do all that we can on God's green Earth to stop these shootings from occurring. Everyone needs to be held accountable, and if you misuse a firearm, you shouldn't be able to get away with it."

"Just as residents are required to register their vehicles with New Jersey's Motor Vehicle Commission when they first move here, gun owners will now be held to the same standards," **said Assemblywoman Mila Jasey**. "This commonsense law will ensure that every legally-obtained gun is registered in our state to promote greater safety in our communities. We are proud of the work we have accomplished in New Jersey to strengthen gun safety laws."

"Firearm registration not only promotes responsible gun ownership, but helps protect first responders by alerting them to the possible presence of a firearm before they arrive at the scene of an emergency," **said Assemblywoman Lisa Swain**. "These benefits cannot be fully realized unless every legal gun owner participates in our registration system, which is why this new law is so critical to ensuring the safety of residents throughout our state."

"Closing the loophole that allows new residents to own a gun without going through the process of registration will help keep our communities safe," **said Assemblywoman Sadaf Jaffer**. "This new law encourages responsible gun ownership by requiring new residents to register their guns."

"In New Jersey, almost 80 percent of guns used in crimes are originally purchased outside of the state. The gun industry has made little effort to help stem the flow of guns to the illegal market through gun shows, flea markets, straw purchasers, and theft," **said Assemblyman John McKeon**. "The industry, essentially, has not taken responsibility for its part in the increasing gun violence and its influence through product marketing. Gun violence is a public health threat. New Jersey must have the ability to seek appropriate remedies against members of the gun industry who knowingly or recklessly endanger the public health and safety. No one should get a pass when lives are on the line."

"Too many families in New Jersey have seen the impact of gun violence in their communities. While our law enforcement officers work tirelessly to hold perpetrators of violent crimes accountable for their actions, those responsible for manufacturing and selling firearms often go unpunished for their role in creating significant threats to public health and safety," **said Assemblyman Reginald**

Atkins. "Members of the gun industry who have knowingly and recklessly put the public in danger deserve to see consequences for their actions."

"In New Jersey, we continue to implement common-sense measures to reach our goal of ending gun violence once and for all," **said Assemblyman Louis D. Greenwald.** "Today, with these new laws, we take another calculated step toward stemming gun trafficking by ensuring accountability and proper record-keeping at the point of sale for ammunition, encouraging responsible gun ownership, and increasing penalties for the manufacturing of illegal firearms."

"We are looking at a steep rise in violent crimes in communities across the state. We see this right here in the City of Trenton," **said Assemblywoman Verlina Reynolds-Jackson.** "We must all work together in creating safer communities for the families and children who live there. These new laws will help us reach that goal."

"New technology and the make-it-at-home kits are making it way too easy for guns to get into the wrong hands," **said Assemblywoman Annette Quijano.** "The new law sends the appropriate message: New Jersey will not stand for it. If a person manufactures or possesses a ghost gun, or 3-D printed weapon or even buys the parts to make them, there will be additional penalties if convicted."

"Gun violence is a public health crisis that has taken its toll on many cities across the United States, including in New Jersey," **said Assemblyman Gary Schaer.** "With these new laws, we take one more step toward ending senseless violence in our communities."

"Almost daily in New Jersey, communities witness family members, neighbors, and friends lose their lives to senseless gun violence," **said Assemblyman Benjie Wimberly.** "We must provide law enforcement and prosecutors with the tools necessary to deter violent gun crimes on our streets. Today signifies the next step in this process and moves toward safer communities for New Jersey families."

"The Gun Safety Package 3.0 is ground breaking change. It includes legislation that fills loopholes not only in NJ, but federally, by enabling the attorney general to hold gun manufacturers accountable for misconduct that causes harm in New Jersey. This is a huge step towards safer communities across the state and much needed accountability that has been denied for years due to PLCAA," **said Raisa Rubin-Stankiewicz, NJ State Policy Associate with March For Our Lives.** "At the same time, we know this is not the end of our work. We will continue working with the governor to make sure that more life-saving measures are passed, including establishing a standard for safe gun storage."

"In the face of political gridlock at the federal level, New Jersey proves that states will lead the way in fighting gun violence," **said David Hogg, co-founder of March For Our Lives.** "This comprehensive package of bills shows us that bold action on gun safety is possible and further solidifies New Jersey as a proving ground for commonsense legislation. More needs to be done, but states across the country should look to New Jersey as a model of gun safety. March For Our Lives is happy to have been a part of this work over the last year and we're deeply grateful to the legislature and to Governor Phil Murphy for their consistent and admirable leadership."

"New Jersey's leaders understand our fight to end gun violence is not over," **said Nico Bocour, Government Affairs Director of Giffords.** "The legislation signed today is the most comprehensive package championed in the country this year and will make the Garden State's gun laws even stronger. Senate President Nicholas Scutari, Senate Majority Leader Teresa Ruiz, Speaker Craig Coughlin, and Assembly Majority Leader Lou Greenwald have taken meaningful steps to further protect families and communities from the ongoing gun violence crisis. We thank New Jersey Governor Phil Murphy for demonstrating what it means to have the courage to act to prevent gun violence."

"New Jersey is once again leading where most of our nation has failed: taking aggressive steps to protect our families against gun violence," **said Bill Castner, Senior Advisor to the Governor on Firearms for the state of New Jersey.** "I am proud of Governor Murphy for signing these critical bills into law, especially for doing so in the backyard of key gun safety proponent Assembly Speaker Coughlin. We desperately need Washington to follow suit."

"This moment in our gun violence crisis calls for decisive action from our leaders to put the safety of our communities first," **said Jenifer Berrier Gonzalez, a volunteer with the New Jersey chapter of Moms Demand Action.** "These are wide-ranging, effective, and innovative reforms to help ensure that all New Jerseyans are kept safe. While there is still more work to be done, we appreciate Governor Murphy for continuing to fight for meaningful action to end gun violence and for signing this bill package into law — reaffirming New Jersey's status as a leader in the gun violence prevention movement."

"With the passing of these 7 gun safety bills, NJ shows its on-going commitment to the safety of its residents. Brady NJ, along with the other gun safety advocacy groups, is proud to have been part of this effort to work with the Governor and the legislators

to move these bills though to their signing today," said **Karen Kanter of Brady NJ**. "In response to the SCOTUS decision, we support the Governor's serious efforts to diminish its impact. Along with those efforts we hope that the safe storage bill and the age increase for long guns bill will also receive the same support from the legislature."

Governor Murphy Delivers Remarks on Gun Safety Package 3.0

07/5/2022

Remarks as Prepared for Delivery

Good morning, everyone.

Thank you, Mayor Jonathan Busch, for welcoming us to Metuchen and kicking things off for us. With me are Acting Attorney General Matt Platkin ...

State Police Superintendent Colonel Pat Callahan ...

Assembly Speaker Craig Coughlin, Senate Majority Leader Teresa Ruiz, Senator and former Governor Richard Codey, Senators Joe Cryan and Andrew Zwicker, Assemblyman John McKeon, Assemblywomen Annette Quijano, Verlina Reynolds Jackson, and Sadaf Jaffer ...

... And so many more tremendous advocates and voices for gun safety than I can mention without us all roasting under the sun.

Fourteen months ago, on April 15, 2021, we came together to unveil what we called our Gun Safety 3.0 package of legislation.

We did so because while we had made great progress in becoming one of the nation's top states for gun safety, we knew there was more to do. Every life lost to gun violence is one life too many.

On that same day, April 15, 2021, there were four mass-shootings in America, including an incident at a FedEx facility in Indianapolis, Indiana, in which eight people were senselessly murdered by a former coworker.

In the time since, there have been more than 870 mass shootings in America – Oxford, Michigan ... San Jose, California ... Buffalo, New York ... Uvalde, Texas ... and just yesterday, Highland Park, Illinois ... among hundreds and hundreds more – roughly two mass shootings every single day since we put forward our plan to help stop gun violence.

And, in New Jersey since April 15, 2021, there have been 1,271 total shootings in New Jersey – shootings which have claimed 291 lives and left 1,313 others injured.

There are those who think this is all just the price of living in the United States ...

There are those who take seriously the words of the satirical website, The Onion, “No Way To Prevent This,’ Says Only Nation Where This Regularly Happens” ...

... And, sadly, it appears six of these mistaken people sit on the United States Supreme Court.

We believe different. We believe – no, we know – that we can take on the epidemic of gun violence and win. We know we can put in place strong and smart gun safety laws that are consistent with the 2nd Amendment and still protect our communities.

And, surely, there were those who said we would never get the gun safety bills we supported through the Legislature. There were those who said that we were too ambitious, that the gun lobby was too strong, and that our political system would not have the will to take on and win this fight.

But, again, we believed different. And guess what? Today, we are making Gun Safety Package 3.0 the law.

First, and perhaps most important, we are enacting a public nuisance law that will allow our Attorney General to hold gun manufacturers and distributors responsible for the damage caused by the reckless unchecked marketing and sale of firearms.

We're also saying, in no uncertain terms, that if you want to buy a gun you need to first complete a certified safety course – no different than if you want to drive a car you have to get a license showing you know how to safely use it ...

The loophole that allowed gunowners moving into New Jersey to skirt the procedures that established New Jersey residents follow in order to qualify to purchase or obtain firearms is hereby closed ...

We are requiring that when microstamping technology is commercially viable, gun retailers must offer firearms equipped with this technology, with a financial incentive for customers to choose it. Microstamping leaves a one-of-a-kind imprint on every round of ammunition fired, so law enforcement can trace a specific round to a specific gun and identify perpetrators of gun violence ...

And we're finally requiring electronic record-keeping of all ammunition sold in New Jersey to help law enforcement monitor suspicious purchases and identify bad-apple dealers and straw purchasers ...

We're increasing the penalties on those who break our existing law prohibiting the manufacturing or transporting of ghost guns – because if you're creating or transferring these untraceable guns, you're not a "responsible gun owner," you're a criminal.

And, once and for all, we are banning the sale of .50 caliber weapons. I have often asked, who can seriously argue that a weapon that can take down a helicopter belongs on our streets? Sadly, one person who answered "yes" to that question was my predecessor, who vetoed this bill in 2013. Today, we reverse that terrible mistake.

These are now the laws of our land. They are commonsense. They are smart. They live up to our Jersey values. A poll released last week proved the overwhelming popularity of these laws among the people of New Jersey.

That same poll also showed that too many residents – especially parents with school-aged kids – live fearful of being the victim of gun violence.

So, these are not going to be our last words on gun safety. We cannot walk away from here today – none of us – thinking our job is done. Because it is not.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

Not even two weeks ago, the right-wing majority that controls the United States Supreme Court erased our ability to decide for ourselves who can, and who can't, get a permit to carry a concealed weapon.

This past Thursday, they signaled their desire to revisit our ban on high-capacity magazines, telling the lower courts to look at it again. And they also told the lower courts to look anew at Maryland's prohibition of dozens of models of assault rifles, some of which are also banned here in New Jersey.

But we're not going to just lay down and let our streets, our houses of worship, our supermarkets and shopping malls, our sports arenas, our bars, or anywhere else be overrun with hidden guns capable of unleashing a hail of bullets.

I look forward to working with the Legislature to address this awful decision with strong and smart laws expanding the number of places where firearms cannot be carried and saying, without any doubt, that you can't bring your gun onto private property without explicit permission to do so.

In the face of the Supreme Court's tragic and wrong-headed ruling, we need those laws – and all of these laws – more than ever.

And, now more than ever, we cannot let up in the fight to keep our communities safe.

I have mentioned it before – New Jersey has one of the nation's lowest rates of gun violence and gun deaths because we are among the leaders in gun safety. I am not going to give up on always looking for new ways to save lives, protect communities, and ensure that every resident can live without fear.

And I know that none of you are going to give up, either.

I must extend a special thank you to Speaker Craig Coughlin, who stood with me in this very location last December and committed to getting these bills done. We would not be here today without your leadership and the work of your team, including Dan Harris and Mark Iaconelli, who worked closely with my team to get these bills over the finish line.

And I also want to thank Senate President Nick Scutari, who after taking the reins of the Senate in January, joined us in this journey and ensured that we would not respond to the horrors of Buffalo and Uvalde by doing nothing.

So, to the two leaders, and to every legislator with us today who voted on the right side of history, thank you. To all the members of law enforcement who stand with us for safer communities, thank you.

And, to all the folks from Everytown and Moms Demand Action, Giffords, Brady, March for Our Lives, Sandy Hook Promise, Ceasefire NJ, and the Rutgers Gun Violence Research Center ... from the Newark Street Team, Paterson Healing Collective, and Jersey City Together, on down to every community-based organization doing the hard work at street-level, thank you most of all!

Today is a day to celebrate. But it is not a day to rest on any laurels. Let's keep at it.

I cannot wait to sign these bills into law, but before I do, I want us to hear from some of the gun safety champions with us, starting with the Speaker of the General Assembly, Craig Coughlin.