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RWH/CL

§§1-5 -
C.2C:58-2.7 to
2C:58-2.11
§9 - Repealer
§10 - Note

P.L. 2019, CHAPTER 164, *approved July 16, 2019*
Senate, No. 101 (*First Reprint*)

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

3

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

6

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

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

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

17 (2) as public members appointed by the Governor:

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

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

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

26 (d) one member ¹**[who shall be an engineer]**¹ with substantial
27 experience in radio frequency identification or biometric reading
28 technology.

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

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 floor amendments adopted June 20, 2019.

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

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

10 f. During the first year following the establishment of the
11 commission, it shall meet monthly in order to comply with the
12 provisions of P.L. , c. (C.) (pending before the Legislature
13 as this bill); thereafter, the commission shall meet once every six
14 months or at the call of the chairman of the commission or the
15 majority of its members.

16

17 2. (New section) a. ¹As used in this act, “authorized user”
18 means the lawful owner of a personalized handgun or person to
19 whom the owner has given consent to use the personalized handgun.

20 b.¹ The Personalized Handgun Authorization Commission shall
21 maintain a roster of all personalized handguns approved ¹[for retail
22 sales to the public] by the commission as meeting the personalized
23 handgun performance standards and qualifying criteria established
24 pursuant to this section¹. The roster of approved personalized
25 handguns shall be published on a website maintained by the New
26 Jersey State Police and shall be updated ¹[every six months] as
27 necessary¹. A copy of the roster shall be made available every six
28 months to registered and licensed firearms dealers in this State.

29 ¹[b.] c.¹ Within one year of organizing, the commission shall
30 develop personalized handgun performance standards ¹and
31 qualifying criteria¹ which a personalized handgun shall meet in
32 order to be placed on the personalized handgun roster.

33 The personalized handgun performance standards ¹and
34 qualifying criteria¹ shall include, but not be limited to, the
35 following:

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

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

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

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

4 ¹**[c.] d.**¹ The commission shall recommend to the Attorney
5 General any rule, regulation, guideline or revision thereto, or
6 legislation which it deems necessary to establish a process by which
7 handgun manufactures may request that their handguns be added to
8 the roster established pursuant to this section.

9

10 3. (New section) a. ¹**[The commission shall identify and**
11 **approve a list of independent laboratories which shall be used to**
12 **determine]** A manufacturer or other entity seeking to include a
13 handgun on the approved personalized handgun roster established
14 pursuant to P.L. , c. (C.) (pending before the Legislature as
15 this bill) may apply to the commission for a determination of¹
16 whether ¹**[handguns comply with]** the make and model of a
17 handgun proposed by the applicant would meet¹ the personalized
18 handgun performance standards established pursuant to section 2 of
19 P.L. , c. (C.) (pending before the Legislature as this bill).
20 ¹**[At least one independent laboratory shall be identified and**
21 **included on the list of approved laboratories within one year of the**
22 **commission's organization. An approved]** The commission's
23 determination shall be based upon testing conducted by an
24 independent laboratory proposed by the applicant which has been
25 accredited for the testing of firearms by the National Voluntary
26 Laboratory Accreditation Program or other national certifying body
27 approved by the commission or, if the applicant does not propose an
28 independent laboratory or if one is not approved or available, by the
29 Division of State Police.

30 b. The commission shall approve an independent¹ laboratory
31 ¹**[shall not be]** proposed by an applicant to perform the
32 determination pursuant to subsection a. of this section if the
33 commission is clearly convinced that the laboratory is capable of
34 performing the determination and will be sufficiently objective
35 making the determination, provided that the laboratory shall not be¹
36 owned or operated by a handgun manufacturer or any other
37 organization that seeks to promote or restrict handgun ownership.

38 ¹**[b. An independent laboratory may apply to the commission**
39 **for inclusion on the list of approved laboratories.]¹ The application**
40 ¹**[for approval of an independent laboratory to perform the**
41 **determination pursuant to subsection a. of this section¹ shall be in a**
42 **form prescribed by the Attorney General, in consultation with the**
43 **commission, and shall provide information regarding the**
44 **laboratory's capabilities and objectivity. ¹**[Once approved]****

45 c. If the commission approves the application¹ , the laboratory
46 shall utilize testing methods formulated by the commission to

1 determine whether a handgun ¹**[is in compliance with]** meets the¹
2 personalized handgun performance standards ¹and qualifying
3 criteria¹
4 established pursuant to section 2 of P.L. , c. (C.) (pending
5 before the Legislature as this bill).

6 ¹**[c. An]** The¹ independent laboratory ¹or Division of State
7 Police, as the case may be,¹ shall test a handgun within a reasonable
8 amount of time following ¹**[a request made]** approval of the
9 application¹ by the commission. The test shall be conducted:

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

12 (2) at the expense of the manufacturer or other entity seeking to
13 include the handgun on the approved personalized handgun roster
14 established pursuant to P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 The independent laboratory ¹or Division of State Police, as the
17 case may be,¹ shall issue a final test report to the commission at the
18 conclusion of the test. The report shall state whether the handgun
19 meets the ¹performance standards and qualifying¹ criteria
20 established by the commission.

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

25 e. Upon making a final determination pursuant to subsection d.
26 of this section, the commission shall notify, in writing, the
27 ¹**[manufacturer]** applicant¹ as to whether the handgun has been
28 approved or denied for inclusion on the roster. A notification
29 informing the ¹**[manufacturer]** applicant¹ that a firearm has been
30 denied shall be provided along with a written description of the
31 reasons for which a handgun failed to ¹**[satisfy]** meet¹ the
32 ¹performance standards and qualifying¹ criteria established by the
33 commission as documented in the independent laboratory's report.
34 ¹**[Once notified that]** Any alteration to the design of¹ a make and
35 model of handgun ¹that¹ has been approved for addition on the
36 roster ¹**[,** a manufacturer, seller, or possessor shall not alter the
37 design of the handgun in a manner that it no longer meets ¹**]** shall
38 require a determination that the handgun continues to meet¹ the
39 performance ¹**[standard]** standards and qualifying criteria¹
40 established by the commission ¹in accordance with the requirements
41 of this section in order to include the altered design model of the
42 handgun on the roster¹.

43
44 4. (New section) a. Within 60 days of the first personalized
45 handgun being included on the roster established pursuant to section
46 2 of P.L. , c. (C.) (pending before the Legislature as this

1 bill), each licensed firearms retail dealer shall ¹have on the retail
2 premises¹:

3 (1) make available for purchase¹ at least one personalized
4 handgun approved by the commission and listed on the roster as
5 eligible for sale;

6 (2) ¹an original exemption certificate issued pursuant to section
7 5 of P.L. , c. (C.) (pending before the Legislature as this
8 bill); or

9 (3) a notarized copy of a pending application for an exemption
10 certificate¹ post in one or more locations in the dealer's place or
11 places of business in a conspicuous manner that makes them easily
12 visible and accessible to customers:

13 (a) copies of the personalized handgun roster; and

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

18 (3) accept and process orders to enable customers to purchase
19 through the licensed retail dealer any of the personalized handguns
20 included on the roster¹.

21 b. A personalized handgun offered for sale by a licensed retail
22 dealer ¹pursuant to paragraph (1) of subsection a. of this section¹
23 shall be displayed in a conspicuous manner that makes it easily
24 visible to customers and distinguishable from other traditional
25 handguns. A licensed retail dealer shall post a sign ¹pursuant to
26 subparagraph (b) of paragraph (2) of subsection a. of this section¹ in
27 close proximity to each personalized handgun ¹that includes a
28 clear and conspicuous statement disclosing the unique features of
29 the personalized handgun that are not offered by traditional
30 handguns¹.

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

35 (1) place an order for at least one personalized handgun within
36 21 days of the sale of the last personalized handgun;

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

40 (3) ¹maintain¹ post¹ a sign on the premises indicating that
41 personalized handguns are routinely sold on the retail dealer's
42 premises and will soon be available for purchase.

43 d. A licensed firearms retail dealer shall not make any claim
44 that a handgun has been approved by the commission as meeting the
45 performance standards ¹or qualifying criteria¹ for personalized
46 handguns if that handgun is not included on the roster established

1 pursuant to section 2 of P.L. , c. (C.) (pending before the
2 Legislature as this bill).

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

8
9 ¹5. (New section) a. Upon application by a licensed retail
10 dealer demonstrating that offering a personalized handgun for sale
11 State Police may issue a certificate exempting the licensed retail
12 dealer from the requirement to offer a personalized handgun for sale
13 established pursuant to P.L. , c. (C.) (pending before the
14 Legislature as this bill). In determining whether an exemption shall
15 be granted, the superintendent may consider factors including, but
16 not limited to, the retail dealer's inventory size and annual sales
17 revenue or income generated from customer purchases.

18 b. A firearm retail dealer who can demonstrate that its firearm
19 inventory consists solely of firearms other than handguns shall
20 automatically be granted an exemption pursuant to this section.

21 c. A firearm retail dealer shall maintain an original copy of the
22 exemption certificate issued pursuant to section 5 of P.L. ,
23 c. (C.) (pending before the Legislature as this bill) on the
24 retail premises at all times. ¹

25
26 ¹6. 5.¹ (New section) a. A licensed retail dealer who ¹has
27 not been issued an exemption certificate pursuant to section 5 of
28 P.L. , c. (C.) (pending before the Legislature as this bill)
29 and ¹violates section 4 of P.L. , c. (C.) (pending before
30 the Legislature as this bill) shall be subject to the following
31 penalties:

32 (1) for a first offense, a fine of up to \$500;
33 (2) for a second offense, a fine of up to \$1,000;
34 (3) for a third or subsequent offense, a six month license
35 suspension following notice to the licensed retail dealer and
36 opportunity to be heard.

37 b. Any person who ¹violates the provisions of P.L. ,
38 c. (C.) (pending before the Legislature as this bill) by
39 tampering or attempting ¹, without license or privilege to do so,
40 tampers or attempts¹ to tamper with a personalized handgun by
41 intentionally interfering with the user-authorized functionality of
42 the personalized technology shall be guilty of a disorderly persons
43 offense.

44
45 ¹7. N.J.S.2C:39-1 is amended to read as follows:

46 2C:39-1. Definitions. The following definitions apply to this
47 chapter and to chapter 58:

S101 [1R]

- 1 a. "Antique firearm" means any rifle or shotgun and "antique
2 cannon" means a destructive device defined in paragraph (3) of
3 subsection c. of this section, if the rifle, shotgun or destructive
4 device, as the case may be, is incapable of being fired or
5 discharged, or which does not fire fixed ammunition, regardless of
6 date of manufacture, or was manufactured before 1898 for which
7 cartridge ammunition is not commercially available, and is
8 possessed as a curiosity or ornament or for its historical
9 significance or value.
- 10 b. "Deface" means to remove, deface, cover, alter or destroy
11 the name of the maker, model designation, manufacturer's serial
12 number or any other distinguishing identification mark or number
13 on any firearm.
- 14 c. "Destructive device" means any device, instrument or object
15 designed to explode or produce uncontrolled combustion, including
16 (1) any explosive or incendiary bomb, mine or grenade; (2) any
17 rocket having a propellant charge of more than four ounces or any
18 missile having an explosive or incendiary charge of more than one-
19 quarter of an ounce; (3) any weapon capable of firing a projectile of
20 a caliber greater than 60 caliber, except a shotgun or shotgun
21 ammunition generally recognized as suitable for sporting purposes;
22 (4) any Molotov cocktail or other device consisting of a breakable
23 container containing flammable liquid and having a wick or similar
24 device capable of being ignited. The term does not include any
25 device manufactured for the purpose of illumination, distress
26 signaling, line-throwing, safety or similar purposes.
- 27 d. "Dispose of" means to give, give away, lease, loan, keep for
28 sale, offer, offer for sale, sell, transfer, or otherwise transfer
29 possession.
- 30 e. "Explosive" means any chemical compound or mixture that
31 is commonly used or is possessed for the purpose of producing an
32 explosion and which contains any oxidizing and combustible
33 materials or other ingredients in such proportions, quantities or
34 packing that an ignition by fire, by friction, by concussion or by
35 detonation of any part of the compound or mixture may cause such
36 a sudden generation of highly heated gases that the resultant
37 gaseous pressures are capable of producing destructive effects on
38 contiguous objects. The term shall not include small arms
39 ammunition, or explosives in the form prescribed by the official
40 United States Pharmacopoeia.
- 41 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
42 automatic or semi-automatic rifle, or any gun, device or instrument
43 in the nature of a weapon from which may be fired or ejected any
44 solid projectable ball, slug, pellet, missile or bullet, or any gas,
45 vapor or other noxious thing, by means of a cartridge or shell or by
46 the action of an explosive or the igniting of flammable or explosive
47 substances. It shall also include, without limitation, any firearm
48 which is in the nature of an air gun, spring gun or pistol or other

- 1 weapon of a similar nature in which the propelling force is a spring,
2 elastic band, carbon dioxide, compressed or other gas or vapor, air
3 or compressed air, or is ignited by compressed air, and ejecting a
4 bullet or missile smaller than three-eighths of an inch in diameter,
5 with sufficient force to injure a person.
- 6 g. "Firearm silencer" means any instrument, attachment,
7 weapon or appliance for causing the firing of any gun, revolver,
8 pistol or other firearm to be silent, or intended to lessen or muffle
9 the noise of the firing of any gun, revolver, pistol or other firearm.
- 10 h. "Gravity knife" means any knife which has a blade which is
11 released from the handle or sheath thereof by the force of gravity or
12 the application of centrifugal force.
- 13 i. "Machine gun" means any firearm, mechanism or instrument
14 not requiring that the trigger be pressed for each shot and having a
15 reservoir, belt or other means of storing and carrying ammunition
16 which can be loaded into the firearm, mechanism or instrument and
17 fired therefrom.
- 18 j. "Manufacturer" means any person who receives or obtains
19 raw materials or parts and processes them into firearms or finished
20 parts of firearms, except a person who exclusively processes grips,
21 stocks and other nonmetal parts of firearms. The term does not
22 include a person who repairs existing firearms or receives new and
23 used raw materials or parts solely for the repair of existing firearms.
- 24 k. "Handgun" means any pistol, revolver or other firearm
25 originally designed or manufactured to be fired by the use of a
26 single hand.
- 27 l. "Retail dealer" means any person including a gunsmith,
28 except a manufacturer or a wholesale dealer, who sells, transfers or
29 assigns for a fee or profit any firearm or parts of firearms or
30 ammunition which he has purchased or obtained with the intention,
31 or for the purpose, of reselling or reassigning to persons who are
32 reasonably understood to be the ultimate consumers, and includes
33 any person who is engaged in the business of repairing firearms or
34 who sells any firearm to satisfy a debt secured by the pledge of a
35 firearm.
- 36 m. "Rifle" means any firearm designed to be fired from the
37 shoulder and using the energy of the explosive in a fixed metallic
38 cartridge to fire a single projectile through a rifled bore for each
39 single pull of the trigger.
- 40 n. "Shotgun" means any firearm designed to be fired from the
41 shoulder and using the energy of the explosive in a fixed shotgun
42 shell to fire through a smooth bore either a number of ball shots or a
43 single projectile for each pull of the trigger, or any firearm designed
44 to be fired from the shoulder which does not fire fixed ammunition.
- 45 o. "Sawed-off shotgun" means any shotgun having a barrel or
46 barrels of less than 18 inches in length measured from the breech to
47 the muzzle, or a rifle having a barrel or barrels of less than 16
48 inches in length measured from the breech to the muzzle, or any

1 firearm made from a rifle or a shotgun, whether by alteration, or
2 otherwise, if such firearm as modified has an overall length of less
3 than 26 inches.

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

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

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

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

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

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

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

37 w. "Assault firearm" means:

38 (1) The following firearms:

39 Algimec AGM1 type

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

42 Armalite AR-180 type

43 Australian Automatic Arms SAR

44 Avtomat Kalashnikov type semi-automatic firearms

45 Beretta AR-70 and BM59 semi-automatic firearms

46 Bushmaster Assault Rifle

47 Calico M-900 Assault carbine and M-900

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- 1 Chartered Industries of Singapore SR-88 type
- 2 Colt AR-15 and CAR-15 series
- 3 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 4 Demro TAC-1 carbine type
- 5 Encom MP-9 and MP-45 carbine types
- 6 FAMAS MAS223 types
- 7 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 8 Franchi SPAS 12 and LAW 12 shotguns
- 9 G3SA type
- 10 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 11 Intratec TEC 9 and 22 semi-automatic firearms
- 12 M1 carbine type
- 13 M14S type
- 14 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 15 PJK M-68 carbine type
- 16 Plainfield Machine Company Carbine
- 17 Ruger K-Mini-14/5F and Mini-14/5RF
- 18 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 19 SKS with detachable magazine type
- 20 Spectre Auto carbine type
- 21 Springfield Armory BM59 and SAR-48 type
- 22 Sterling MK-6, MK-7 and SAR types
- 23 Steyr A.U.G. semi-automatic firearms
- 24 USAS 12 semi-automatic type shotgun
- 25 Uzi type semi-automatic firearms
- 26 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 27 Weaver Arm Nighthawk.
- 28 (2) Any firearm manufactured under any designation which is
- 29 substantially identical to any of the firearms listed above.
- 30 (3) A semi-automatic shotgun with either a magazine capacity
- 31 exceeding six rounds, a pistol grip, or a folding stock.
- 32 (4) A semi-automatic rifle with a fixed magazine capacity
- 33 exceeding 15 rounds.
- 34 (5) A part or combination of parts designed or intended to
- 35 convert a firearm into an assault firearm, or any combination of
- 36 parts from which an assault firearm may be readily assembled if
- 37 those parts are in the possession or under the control of the same
- 38 person.
- 39 x. "Semi-automatic" means a firearm which fires a single
- 40 projectile for each single pull of the trigger and is self-reloading or
- 41 automatically chambers a round, cartridge, or bullet.
- 42 y. "Large capacity ammunition magazine" means a box, drum,
- 43 tube or other container which is capable of holding more than 15
- 44 rounds of ammunition to be fed continuously and directly therefrom
- 45 into a semi-automatic firearm.
- 46 z. "Pistol grip" means a well-defined handle, similar to that
- 47 found on a handgun, that protrudes conspicuously beneath the

1 action of the weapon, and which permits the shotgun to be held and
2 fired with one hand.

3 aa. "Antique handgun" means a handgun manufactured before
4 1898, or a replica thereof, which is recognized as being historical in
5 nature or of historical significance and either (1) utilizes a match,
6 friction, flint, or percussion ignition, or which utilizes a pin-fire
7 cartridge in which the pin is part of the cartridge or (2) does not fire
8 fixed ammunition or for which cartridge ammunition is not
9 commercially available.

10 bb. "Trigger lock" means a commercially available device
11 approved by the Superintendent of State Police which is operated
12 with a key or combination lock that prevents a firearm from being
13 discharged while the device is attached to the firearm. It may
14 include, but need not be limited to, devices that obstruct the barrel
15 or cylinder of the firearm, as well as devices that immobilize the
16 trigger.

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

24 dd. "Personalized handgun" means a handgun which incorporates
25 within its design **【**, and as part of its original manufacture,
26 technology which automatically limits its operational use and which
27 cannot be readily deactivated, so that it may only be fired by an
28 authorized or recognized user. The technology limiting the
29 handgun's operational use may include, but not be limited to: radio
30 frequency tagging, touch memory, remote control, fingerprint,
31 magnetic encoding and other automatic user identification systems
32 utilizing biometric, mechanical or electronic systems **】** a permanent
33 programmable feature as part of its manufacture that cannot be
34 deactivated and renders the personalized handgun reasonably
35 resistant to being fired except when activated by the lawful owner
36 or other user authorized by the lawful owner. No make or model of
37 a handgun shall be deemed to be a "personalized handgun" unless
38 the **【Attorney General】** State Personalized Handgun Authorization
39 Commission has determined **【**, through testing or other reasonable
40 means, that the handgun meets any reliability standards that the
41 manufacturer may require for its commercially available handguns
42 that are not personalized or, if the manufacturer has no such
43 reliability standards, **】** the personalized handgun meets the
44 **【reliability】** standards **【**generally used in the industry for
45 commercially available handguns **】** established pursuant to section 3
46 of P.L. , c. (C.) (pending before the Legislature as this
47 bill).

1 ee. "Authorized user" means the owner of a personalized
2 handgun or a person to whom the owner has given consent to use
3 the personalized handgun.

4 (cf: P.L.2002, c.130, s.5)]¹

5
6 ¹6. N.J.S.2C:39-1 is amended to read as follows:

7 2C:39-1. Definitions. The following definitions apply to this
8 chapter and to chapter 58:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 n. "Shotgun" means any firearm designed to be fired from the
2 shoulder and using the energy of the explosive in a fixed shotgun
3 shell to fire through a smooth bore either a number of ball shots or a
4 single projectile for each pull of the trigger, or any firearm designed
5 to be fired from the shoulder which does not fire fixed ammunition.
- 6 o. "Sawed-off shotgun" means any shotgun having a barrel or
7 barrels of less than 18 inches in length measured from the breech to
8 the muzzle, or a rifle having a barrel or barrels of less than 16
9 inches in length measured from the breech to the muzzle, or any
10 firearm made from a rifle or a shotgun, whether by alteration, or
11 otherwise, if such firearm as modified has an overall length of less
12 than 26 inches.
- 13 p. "Switchblade knife" means any knife or similar device
14 which has a blade which opens automatically by hand pressure
15 applied to a button, spring or other device in the handle of the knife.
- 16 q. "Superintendent" means the Superintendent of the State
17 Police.
- 18 r. "Weapon" means anything readily capable of lethal use or of
19 inflicting serious bodily injury. The term includes, but is not
20 limited to, all (1) firearms, even though not loaded or lacking a clip
21 or other component to render them immediately operable; (2)
22 components which can be readily assembled into a weapon; (3)
23 gravity knives, switchblade knives, daggers, dirks, stiletos, or other
24 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
25 sandclubs, slingshots, cesti or similar leather bands studded with
26 metal filings or razor blades imbedded in wood; and (4) stun guns;
27 and any weapon or other device which projects, releases, or emits
28 tear gas or any other substance intended to produce temporary
29 physical discomfort or permanent injury through being vaporized or
30 otherwise dispensed in the air.
- 31 s. "Wholesale dealer" means any person, except a
32 manufacturer, who sells, transfers, or assigns firearms, or parts of
33 firearms, to persons who are reasonably understood not to be the
34 ultimate consumers, and includes persons who receive finished
35 parts of firearms and assemble them into completed or partially
36 completed firearms, in furtherance of such purpose, except that it
37 shall not include those persons dealing exclusively in grips, stocks
38 and other nonmetal parts of firearms.
- 39 t. "Stun gun" means any weapon or other device which emits
40 an electrical charge or current intended to temporarily or
41 permanently disable a person.
- 42 u. "Ballistic knife" means any weapon or other device capable
43 of lethal use and which can propel a knife blade.
- 44 v. "Imitation firearm" means an object or device reasonably
45 capable of being mistaken for a firearm.
- 46 w. "Assault firearm" means:
47 (1) The following firearms:
48 Algimec AGM1 type

S101 [1R]

15

- 1 Any shotgun with a revolving cylinder such as the "Street
2 Sweeper" or "Striker 12"
3 Armalite AR-180 type
4 Australian Automatic Arms SAR
5 Avtomat Kalashnikov type semi-automatic firearms
6 Beretta AR-70 and BM59 semi-automatic firearms
7 Bushmaster Assault Rifle
8 Calico M-900 Assault carbine and M-900
9 CETME G3
10 Chartered Industries of Singapore SR-88 type
11 Colt AR-15 and CAR-15 series
12 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
13 Demro TAC-1 carbine type
14 Encom MP-9 and MP-45 carbine types
15 FAMAS MAS223 types
16 FN-FAL, FN-LAR, or FN-FNC type semi-automatic
17 firearms
18 Franchi SPAS 12 and LAW 12 shotguns
19 G3SA type
20 Galil type Heckler and Koch HK91, HK93, HK94, MP5,
21 PSG-1
22 Intratec TEC 9 and 22 semi-automatic firearms
23 M1 carbine type
24 M14S type
25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
26 PJK M-68 carbine type
27 Plainfield Machine Company Carbine
28 Ruger K-Mini-14/5F and Mini-14/5RF
29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
30 SKS with detachable magazine type
31 Spectre Auto carbine type
32 Springfield Armory BM59 and SAR-48 type
33 Sterling MK-6, MK-7 and SAR types
34 Steyr A.U.G. semi-automatic firearms
35 USAS 12 semi-automatic type shotgun
36 Uzi type semi-automatic firearms
37 Valmet M62, M71S, M76, or M78 type semi-automatic
38 firearms
39 Weaver Arm Nighthawk.
40 (2) Any firearm manufactured under any designation which is
41 substantially identical to any of the firearms listed above.
42 (3) A semi-automatic shotgun with either a magazine capacity
43 exceeding six rounds, a pistol grip, or a folding stock.
44 (4) A semi-automatic rifle with a fixed magazine capacity
45 exceeding 10 rounds. "Assault firearm" shall not include a semi-
46 automatic rifle which has an attached tubular device and which is
47 capable of operating only with .22 caliber rimfire ammunition.

- 1 (5) A part or combination of parts designed or intended to
2 convert a firearm into an assault firearm, or any combination of
3 parts from which an assault firearm may be readily assembled if
4 those parts are in the possession or under the control of the same
5 person.
- 6 (6) A firearm with a bump stock attached.
- 7 x. "Semi-automatic" means a firearm which fires a single
8 projectile for each single pull of the trigger and is self-reloading or
9 automatically chambers a round, cartridge, or bullet.
- 10 y. "Large capacity ammunition magazine" means a box, drum,
11 tube or other container which is capable of holding more than 10
12 rounds of ammunition to be fed continuously and directly therefrom
13 into a semi-automatic firearm. The term shall not include an
14 attached tubular device which is capable of holding only .22 caliber
15 rimfire ammunition.
- 16 z. "Pistol grip" means a well-defined handle, similar to that
17 found on a handgun, that protrudes conspicuously beneath the
18 action of the weapon, and which permits the shotgun to be held and
19 fired with one hand.
- 20 aa. "Antique handgun" means a handgun manufactured before
21 1898, or a replica thereof, which is recognized as being historical in
22 nature or of historical significance and either (1) utilizes a match,
23 friction, flint, or percussion ignition, or which utilizes a pin-fire
24 cartridge in which the pin is part of the cartridge or (2) does not fire
25 fixed ammunition or for which cartridge ammunition is not
26 commercially available.
- 27 bb. "Trigger lock" means a commercially available device
28 approved by the Superintendent of State Police which is operated
29 with a key or combination lock that prevents a firearm from being
30 discharged while the device is attached to the firearm. It may
31 include, but need not be limited to, devices that obstruct the barrel
32 or cylinder of the firearm, as well as devices that immobilize the
33 trigger.
- 34 cc. "Trigger locking device" means a device that, if installed on
35 a firearm and secured by means of a key or mechanically,
36 electronically or electromechanically operated combination lock,
37 prevents the firearm from being discharged without first
38 deactivating or removing the device by means of a key or
39 mechanically, electronically or electromechanically operated
40 combination lock.
- 41 dd. "Personalized handgun" means a handgun which
42 incorporates within its design **■**, and as part of its original
43 manufacture, technology which automatically limits its operational
44 use and which cannot be readily deactivated, so that it may only be
45 fired by an authorized or recognized user. The technology limiting
46 the handgun's operational use may include, but not be limited to:
47 radio frequency tagging, touch memory, remote control, fingerprint,
48 magnetic encoding and other automatic user identification systems

1 utilizing biometric, mechanical or electronic systems] a permanent
2 programmable feature as part of its manufacture that cannot be
3 deactivated and renders the personalized handgun reasonably
4 resistant to being fired except when activated by the lawful owner
5 or other authorized user. No make or model of a handgun shall be
6 deemed to be a "personalized handgun" unless the **【Attorney**
7 **General】** Personalized Handgun Authorization Commission
8 established pursuant to section 1 of P.L. , c. (C.) (pending
9 before the Legislature as this bill has determined **【,** through testing
10 or other reasonable means, that the handgun meets any reliability
11 standards that the manufacturer may require for its commercially
12 available handguns that are not personalized or, if the manufacturer
13 has no such reliability standards,**】** in accordance with section 2 of
14 P.L. , c. (C.) (pending before the Legislature as this bill),
15 that the personalized handgun meets the **【reliability】** performance
16 standards **【generally used in the industry for commercially**
17 available handguns**】** and qualifying criteria established pursuant to
18 section 2 of P.L. , c. (C.) (pending before the Legislature
19 as this bill).

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

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

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

46 hh. "Covert firearm" means any firearm that is constructed in a
47 shape or configuration such that it does not resemble a handgun,

1 rifle, shotgun, or machine gun including, but not limited to, a
2 firearm that resembles a key-chain, pen, cigarette lighter, cigarette
3 package, cellphone, smart phone, wallet, or cane.

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

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

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

21 ll. "Authorized user" means the lawful owner of a personalized
22 handgun or a person to whom the owner has given consent to use
23 the personalized handgun.¹
24 (cf: P.L.2018, c.138, s.1)
25

26 ¹[8.] 7. N.J.S.2C:58-2 is amended to read as follows:

27 2C:58-2. a. Licensing of retail dealers and their employees.
28 No retail dealer of firearms nor any employee of a retail dealer shall
29 sell or expose for sale, or possess with the intent of selling, any
30 firearm unless licensed to do so as hereinafter provided. The
31 superintendent shall prescribe standards and qualifications for retail
32 dealers of firearms and their employees for the protection of the
33 public safety, health and welfare.

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

46 In addition, every retail dealer shall pay a fee of \$5 for each
47 employee actively engaged in the sale or purchase of firearms. The
48 superintendent shall issue a license for each employee for whom

1 said fee has been paid, which license shall be valid for so long as
2 the employee remains in the employ of said retail dealer.

3 No license shall be granted to any retail dealer under the age of
4 21 years or to any employee of a retail dealer under the age of 18 or
5 to any person who could not qualify to obtain a permit to purchase a
6 handgun or a firearms purchaser identification card, or to any
7 corporation, partnership or other business organization in which the
8 actual or equitable controlling interest is held or possessed by such
9 an ineligible person.

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

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

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

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

23 (4) No rifle or shotgun, except antique rifles or shotguns, shall
24 be delivered to any person unless such person possesses and
25 exhibits a valid firearms purchaser identification card and furnishes
26 the seller, on the form prescribed by the superintendent, a
27 certification signed by him setting forth his name, permanent
28 address, firearms purchaser identification card number and such
29 other information as the superintendent may by rule or regulation
30 require. The certification shall be retained by the dealer and shall
31 be made available for inspection by any law enforcement officer at
32 any reasonable time.

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

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

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

39 (c) The handgun is unloaded and securely wrapped;

40 (d) **【Except as otherwise provided in subparagraph (e) of this**
41 **paragraph, the】** The handgun is accompanied by a trigger lock or a
42 locked case, gun box, container or other secure facility; provided,
43 however, this provision shall not apply to antique handguns or
44 personalized handguns included in the roster pursuant to section 2
45 of P.L. , c. (C.) (pending before the Legislature as this bill).
46 **【exemption】** exemptions afforded under this subparagraph for
47 antique handguns and personalized handguns shall be narrowly
48 construed, limited solely to the requirements set forth herein and

1 shall not be deemed to afford or authorize any other exemption
2 from the regulatory provisions governing firearms set forth in
3 chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;
4 and

5 (e) **【**On and after the first day of the sixth month following the
6 date on which the list of personalized handguns is prepared and
7 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
8 the handgun is identified as a personalized handgun and included
9 on that list or is an antique handgun. The provisions of
10 subparagraph (d) of this section shall not apply to the delivery of a
11 personalized handgun.**】** (Deleted by amendment, P.L. _____,
12 c. ____) (pending before the Legislature as this bill)

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

18 (7) A dealer shall not knowingly deliver more than one handgun
19 to any person within any 30-day period. This limitation shall not
20 apply to:

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

24 (b) a collector of handguns as curios or relics as defined in Title
25 18, United States Code, section 921 (a) (13) who has in his
26 possession a valid Collector of Curios and Relics License issued by
27 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

38 b. Records. Every person engaged in the retail business of
39 selling, leasing or otherwise transferring a handgun, as a retail
40 dealer or otherwise, shall keep a register in which shall be entered
41 the time of the sale, lease or other transfer, the date thereof, the
42 name, age, date of birth, complexion, occupation, residence and a
43 physical description including distinguishing physical
44 characteristics, if any, of the purchaser, lessee or transferee, the
45 name and permanent home address of the person making the sale,
46 lease or transfer, the place of the transaction, and the make, model,
47 manufacturer's number, caliber and other marks of identification on
48 such handgun and such other information as the superintendent

1 shall deem necessary for the proper enforcement of this chapter.
 2 The register shall be retained by the dealer and shall be made
 3 available at all reasonable hours for inspection by any law
 4 enforcement officer.

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

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

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

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

29 (cf: P.L.2009, c.186, s.1)

30
 31 ¹~~9.~~ 8.¹ Section 8 of P.L.2002, c.130 (C.59:2-11) is amended
 32 to read as follows:

33 8. ~~No~~ The action or inaction by a public entity or public
 34 employee ~~in implementing the provisions of P.L.2002,~~
 35 ~~c.130 (C.2C:58-2.2 et al.), including but not limited to the~~ when
 36 promulgating, amending or supplementing ~~of a~~ the ~~list~~ roster
 37 of personalized handguns that may be sold in this State ~~,~~ pursuant
 38 to P.L. , c. (C.) (pending before the Legislature as this bill
 39 shall not constitute a representation, warranty or guarantee by any
 40 public entity or employee with regard to the safety, use or any other
 41 aspect or attribute of a personalized handgun.

42 ~~No~~ An action to recover damages shall not arise or ~~shall~~ be
 43 brought against any public entity or public employee for any action
 44 or inaction related to or in connection with ~~the implementation of~~
 45 any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.) ~~the roster of~~
 46 personalized handguns established pursuant to section 2 of
 47 P.L. , c. (C.) (pending before the Legislature as this bill).

1 (cf: P.L.2002, c.130, s.8)

2

3 ¹**【10.】** 9.¹ The following sections are repealed:

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

6 Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

7

8 ¹**【11.】** 10.¹ This act shall take effect on the first day of the
9 seventh month following enactment, but the Attorney General and
10 Superintendent of State Police may take any anticipatory
11 administrative action in advance of that date as shall be necessary
12 for the implementation of this act.

13

14

15

16

17 Establishes commission to approve personalized handguns;
18 requires firearm retailers to sell personalized handguns.

SENATE, No. 101

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S101 WEINBERG, CODEY

2

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

3

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

6

7 1. (New section) a. There is established in the Department of
8 Law and Public Safety, a commission which shall be known as the
9 Personalized Handgun Authorization Commission. The
10 commission shall be responsible for establishing performance
11 standards for personalized handguns and maintaining a roster of
12 personalized handguns authorized for sale to the public pursuant to
13 this act.

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

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

18 (2) as public members appointed by the Governor:

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

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

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

27 (d) one member who shall be an engineer with substantial
28 experience in radio frequency identification or biometric reading
29 technology.

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

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

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

47 f. During the first year following the establishment of the
48 commission, it shall meet monthly in order to comply with the

S101 WEINBERG, CODEY

3

1 provisions of P.L. , c. (C.) (pending before the Legislature
2 as this bill); thereafter, the commission shall meet once every six
3 months or at the call of the chairman of the commission or the
4 majority of its members.

5
6 2. (New section) a. The Personalized Handgun Authorization
7 Commission shall maintain a roster of all personalized handguns
8 approved for retail sales to the public. The roster of approved
9 personalized handguns shall be published on a website maintained
10 by the New Jersey State Police and shall be updated every six
11 months. A copy of the roster shall be made available every six
12 months to registered and licensed firearms dealers in this State.

13 b. Within one year of organizing, the commission shall develop
14 personalized handgun performance standards which a personalized
15 handgun shall meet in order to be placed on the personalized
16 handgun roster.

17 The personalized handgun performance standards shall include,
18 but not be limited to, the following:

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

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

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

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

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

37
38 3. (New section) a. The commission shall identify and
39 approve a list of independent laboratories which shall be used to
40 determine whether handguns comply with the personalized handgun
41 performance standards established pursuant to section 2 of P.L. ,
42 c. (C.) (pending before the Legislature as this bill). At least
43 one independent laboratory shall be identified and included on the
44 list of approved laboratories within one year of the commission's
45 organization. An approved laboratory shall not be owned or
46 operated by a handgun manufacturer or any other organization that
47 seeks to promote or restrict handgun ownership.

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1 b. An independent laboratory may apply to the commission for
2 inclusion on the list of approved laboratories. The application shall
3 be in a form prescribed by the Attorney General, in consultation
4 with the commission, and shall provide information regarding the
5 laboratory's capabilities and objectivity. Once approved, the
6 laboratory shall utilize testing methods formulated by the
7 commission to determine whether a handgun is in compliance with
8 personalized handgun performance standards established pursuant
9 to section 2 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 c. An independent laboratory shall test a handgun within a
12 reasonable amount of time following a request made by the
13 commission. The test shall be conducted:

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

16 (2) at the expense of the manufacturer or other entity seeking to
17 include the handgun on the approved personalized handgun roster
18 established pursuant to P.L. , c. (C.) (pending before the
19 Legislature as this bill).

20 The independent laboratory shall issue a final test report to the
21 commission at the conclusion of the test. The report shall state
22 whether the handgun meets the criteria established by the
23 commission.

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

28 e. Upon making a final determination pursuant to subsection d.
29 of this section, the commission shall notify, in writing, the
30 manufacturer as to whether the handgun has been approved or
31 denied for inclusion on the roster. A notification informing the
32 manufacturer that a firearm has been denied shall be provided along
33 with a written description of the reasons for which a handgun failed
34 to satisfy the criteria established by the commission as documented
35 in the independent laboratory's report. Once notified that a make
36 and model of handgun has been approved for addition on the roster,
37 a manufacturer, seller, or possessor shall not alter the design of the
38 handgun in a manner that it no longer meets the performance
39 standard established by the commission.

40

41 4. (New section) a. Within 60 days of the first personalized
42 handgun being included on the roster established pursuant to section
43 2 of P.L. , c. (C.) (pending before the Legislature as this
44 bill), each licensed firearms retail dealer shall have on the retail
45 premises:

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

1 (2) an original exemption certificate issued pursuant to section 5
2 of P.L. , c. (C.) (pending before the Legislature as this
3 bill); or

4 (3) a notarized copy of a pending application for an exemption
5 certificate.

6 b. A personalized handgun offered for sale by a licensed retail
7 dealer shall be displayed in a conspicuous manner that makes it
8 easily visible to customers and distinguishable from other
9 traditional handguns. A licensed retail dealer shall post a sign in
10 close proximity to each personalized handgun that includes a clear
11 and conspicuous statement disclosing the unique features of the
12 personalized handgun that are not offered by traditional handguns.

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

17 (1) place an order for at least one personalized handgun within
18 21 days of the sale of the last personalized handgun;

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

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

25 d. A licensed firearms retail dealer shall not make any claim
26 that a handgun has been approved by the commission as meeting the
27 performance standards for personalized handguns if that handgun is
28 not included on the roster established pursuant to section 2 of
29 P.L. , c. (C.) (pending before the Legislature as this bill).

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

35
36 5. (New section) a. Upon application by a licensed retail
37 dealer demonstrating that offering a personalized handgun for sale
38 would impose an undue financial hardship, the Superintendent of
39 State Police may issue a certificate exempting the licensed retail
40 dealer from the requirement to offer a personalized handgun for sale
41 established pursuant to P.L. , c. (C.) (pending before the
42 Legislature as this bill). In determining whether an exemption shall
43 be granted, the superintendent may consider factors including, but
44 not limited to, the retail dealer's inventory size and annual sales
45 revenue or income generated from customer purchases.

46 b. A firearm retail dealer who can demonstrate that its firearm
47 inventory consists solely of firearms other than handguns shall
48 automatically be granted an exemption pursuant to this section.

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1 c. A firearm retail dealer shall maintain an original copy of the
2 exemption certificate issued pursuant to section 5 of P.L. ,
3 c. (C.) (pending before the Legislature as this bill) on the
4 retail premises at all times.

5
6 6. (New section) a. A licensed retail dealer who has not been
7 issued an exemption certificate pursuant to section 5 of P.L. ,
8 c. (C.) (pending before the Legislature as this bill) and
9 violates section 4 of P.L. , c. (C.) (pending before the
10 Legislature as this bill) shall be subject to the following penalties:

11 (1) for a first offense, a fine of up to \$500;
12 (2) for a second offense, a fine of up to \$1,000;
13 (3) for a third or subsequent offense, a six month license
14 suspension following notice to the licensed retail dealer and
15 opportunity to be heard.

16 b. Any person who violates the provisions of P.L. ,
17 c. (C.) (pending before the Legislature as this bill) by
18 tampering or attempting to tamper with a personalized handgun by
19 intentionally interfering with the user-authorized functionality of
20 the personalized technology shall be guilty of a disorderly persons
21 offense.

22
23 7. N.J.S.2C:39-1 is amended to read as follows:

24 2C:39-1. Definitions. The following definitions apply to this
25 chapter and to chapter 58:

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

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

39 c. "Destructive device" means any device, instrument or object
40 designed to explode or produce uncontrolled combustion, including
41 (1) any explosive or incendiary bomb, mine or grenade; (2) any
42 rocket having a propellant charge of more than four ounces or any
43 missile having an explosive or incendiary charge of more than one-
44 quarter of an ounce; (3) any weapon capable of firing a projectile of
45 a caliber greater than 60 caliber, except a shotgun or shotgun
46 ammunition generally recognized as suitable for sporting purposes;
47 (4) any Molotov cocktail or other device consisting of a breakable
48 container containing flammable liquid and having a wick or similar

- 1 device capable of being ignited. The term does not include any
2 device manufactured for the purpose of illumination, distress
3 signaling, line-throwing, safety or similar purposes.
- 4 d. "Dispose of" means to give, give away, lease, loan, keep for
5 sale, offer, offer for sale, sell, transfer, or otherwise transfer
6 possession.
- 7 e. "Explosive" means any chemical compound or mixture that
8 is commonly used or is possessed for the purpose of producing an
9 explosion and which contains any oxidizing and combustible
10 materials or other ingredients in such proportions, quantities or
11 packing that an ignition by fire, by friction, by concussion or by
12 detonation of any part of the compound or mixture may cause such
13 a sudden generation of highly heated gases that the resultant
14 gaseous pressures are capable of producing destructive effects on
15 contiguous objects. The term shall not include small arms
16 ammunition, or explosives in the form prescribed by the official
17 United States Pharmacopoeia.
- 18 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
19 automatic or semi-automatic rifle, or any gun, device or instrument
20 in the nature of a weapon from which may be fired or ejected any
21 solid projectable ball, slug, pellet, missile or bullet, or any gas,
22 vapor or other noxious thing, by means of a cartridge or shell or by
23 the action of an explosive or the igniting of flammable or explosive
24 substances. It shall also include, without limitation, any firearm
25 which is in the nature of an air gun, spring gun or pistol or other
26 weapon of a similar nature in which the propelling force is a spring,
27 elastic band, carbon dioxide, compressed or other gas or vapor, air
28 or compressed air, or is ignited by compressed air, and ejecting a
29 bullet or missile smaller than three-eighths of an inch in diameter,
30 with sufficient force to injure a person.
- 31 g. "Firearm silencer" means any instrument, attachment,
32 weapon or appliance for causing the firing of any gun, revolver,
33 pistol or other firearm to be silent, or intended to lessen or muffle
34 the noise of the firing of any gun, revolver, pistol or other firearm.
- 35 h. "Gravity knife" means any knife which has a blade which is
36 released from the handle or sheath thereof by the force of gravity or
37 the application of centrifugal force.
- 38 i. "Machine gun" means any firearm, mechanism or instrument
39 not requiring that the trigger be pressed for each shot and having a
40 reservoir, belt or other means of storing and carrying ammunition
41 which can be loaded into the firearm, mechanism or instrument and
42 fired therefrom.
- 43 j. "Manufacturer" means any person who receives or obtains
44 raw materials or parts and processes them into firearms or finished
45 parts of firearms, except a person who exclusively processes grips,
46 stocks and other nonmetal parts of firearms. The term does not
47 include a person who repairs existing firearms or receives new and
48 used raw materials or parts solely for the repair of existing firearms.

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- 1 k. "Handgun" means any pistol, revolver or other firearm
2 originally designed or manufactured to be fired by the use of a
3 single hand.
- 4 l. "Retail dealer" means any person including a gunsmith,
5 except a manufacturer or a wholesale dealer, who sells, transfers or
6 assigns for a fee or profit any firearm or parts of firearms or
7 ammunition which he has purchased or obtained with the intention,
8 or for the purpose, of reselling or reassigning to persons who are
9 reasonably understood to be the ultimate consumers, and includes
10 any person who is engaged in the business of repairing firearms or
11 who sells any firearm to satisfy a debt secured by the pledge of a
12 firearm.
- 13 m. "Rifle" means any firearm designed to be fired from the
14 shoulder and using the energy of the explosive in a fixed metallic
15 cartridge to fire a single projectile through a rifled bore for each
16 single pull of the trigger.
- 17 n. "Shotgun" means any firearm designed to be fired from the
18 shoulder and using the energy of the explosive in a fixed shotgun
19 shell to fire through a smooth bore either a number of ball shots or a
20 single projectile for each pull of the trigger, or any firearm designed
21 to be fired from the shoulder which does not fire fixed ammunition.
- 22 o. "Sawed-off shotgun" means any shotgun having a barrel or
23 barrels of less than 18 inches in length measured from the breech to
24 the muzzle, or a rifle having a barrel or barrels of less than 16
25 inches in length measured from the breech to the muzzle, or any
26 firearm made from a rifle or a shotgun, whether by alteration, or
27 otherwise, if such firearm as modified has an overall length of less
28 than 26 inches.
- 29 p. "Switchblade knife" means any knife or similar device
30 which has a blade which opens automatically by hand pressure
31 applied to a button, spring or other device in the handle of the knife.
- 32 q. "Superintendent" means the Superintendent of the State
33 Police.
- 34 r. "Weapon" means anything readily capable of lethal use or of
35 inflicting serious bodily injury. The term includes, but is not
36 limited to, all (1) firearms, even though not loaded or lacking a clip
37 or other component to render them immediately operable; (2)
38 components which can be readily assembled into a weapon; (3)
39 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
40 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
41 sandclubs, slingshots, cesti or similar leather bands studded with
42 metal filings or razor blades imbedded in wood; and (4) stun guns;
43 and any weapon or other device which projects, releases, or emits
44 tear gas or any other substance intended to produce temporary
45 physical discomfort or permanent injury through being vaporized or
46 otherwise dispensed in the air.
- 47 s. "Wholesale dealer" means any person, except a
48 manufacturer, who sells, transfers, or assigns firearms, or parts of

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1 firearms, to persons who are reasonably understood not to be the
2 ultimate consumers, and includes persons who receive finished
3 parts of firearms and assemble them into completed or partially
4 completed firearms, in furtherance of such purpose, except that it
5 shall not include those persons dealing exclusively in grips, stocks
6 and other nonmetal parts of firearms.

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

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

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

14 w. "Assault firearm" means:

15 (1) The following firearms:

16 Algimec AGM1 type

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

19 Armalite AR-180 type

20 Australian Automatic Arms SAR

21 Avtomat Kalashnikov type semi-automatic firearms

22 Beretta AR-70 and BM59 semi-automatic firearms

23 Bushmaster Assault Rifle

24 Calico M-900 Assault carbine and M-900

25 CETME G3

26 Chartered Industries of Singapore SR-88 type

27 Colt AR-15 and CAR-15 series

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

29 Demro TAC-1 carbine type

30 Encom MP-9 and MP-45 carbine types

31 FAMAS MAS223 types

32 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

33 Franchi SPAS 12 and LAW 12 shotguns

34 G3SA type

35 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

36 Intratec TEC 9 and 22 semi-automatic firearms

37 M1 carbine type

38 M14S type

39 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

40 PJK M-68 carbine type

41 Plainfield Machine Company Carbine

42 Ruger K-Mini-14/5F and Mini-14/5RF

43 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

44 SKS with detachable magazine type

45 Spectre Auto carbine type

46 Springfield Armory BM59 and SAR-48 type

47 Sterling MK-6, MK-7 and SAR types

48 Steyr A.U.G. semi-automatic firearms

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- 1 USAS 12 semi-automatic type shotgun
2 Uzi type semi-automatic firearms
3 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
4 Weaver Arm Nighthawk.
- 5 (2) Any firearm manufactured under any designation which is
6 substantially identical to any of the firearms listed above.
- 7 (3) A semi-automatic shotgun with either a magazine capacity
8 exceeding six rounds, a pistol grip, or a folding stock.
- 9 (4) A semi-automatic rifle with a fixed magazine capacity
10 exceeding 15 rounds.
- 11 (5) A part or combination of parts designed or intended to
12 convert a firearm into an assault firearm, or any combination of
13 parts from which an assault firearm may be readily assembled if
14 those parts are in the possession or under the control of the same
15 person.
- 16 x. "Semi-automatic" means a firearm which fires a single
17 projectile for each single pull of the trigger and is self-reloading or
18 automatically chambers a round, cartridge, or bullet.
- 19 y. "Large capacity ammunition magazine" means a box, drum,
20 tube or other container which is capable of holding more than 15
21 rounds of ammunition to be fed continuously and directly therefrom
22 into a semi-automatic firearm.
- 23 z. "Pistol grip" means a well-defined handle, similar to that
24 found on a handgun, that protrudes conspicuously beneath the
25 action of the weapon, and which permits the shotgun to be held and
26 fired with one hand.
- 27 aa. "Antique handgun" means a handgun manufactured before
28 1898, or a replica thereof, which is recognized as being historical in
29 nature or of historical significance and either (1) utilizes a match,
30 friction, flint, or percussion ignition, or which utilizes a pin-fire
31 cartridge in which the pin is part of the cartridge or (2) does not fire
32 fixed ammunition or for which cartridge ammunition is not
33 commercially available.
- 34 bb. "Trigger lock" means a commercially available device
35 approved by the Superintendent of State Police which is operated
36 with a key or combination lock that prevents a firearm from being
37 discharged while the device is attached to the firearm. It may
38 include, but need not be limited to, devices that obstruct the barrel
39 or cylinder of the firearm, as well as devices that immobilize the
40 trigger.
- 41 cc. "Trigger locking device" means a device that, if installed on
42 a firearm and secured by means of a key or mechanically,
43 electronically or electromechanically operated combination lock,
44 prevents the firearm from being discharged without first
45 deactivating or removing the device by means of a key or
46 mechanically, electronically or electromechanically operated
47 combination lock.

1 dd. "Personalized handgun" means a handgun which incorporates
2 within its design **],** and as part of its original manufacture,
3 technology which automatically limits its operational use and which
4 cannot be readily deactivated, so that it may only be fired by an
5 authorized or recognized user. The technology limiting the
6 handgun's operational use may include, but not be limited to: radio
7 frequency tagging, touch memory, remote control, fingerprint,
8 magnetic encoding and other automatic user identification systems
9 utilizing biometric, mechanical or electronic systems **]** a permanent
10 programmable feature as part of its manufacture that cannot be
11 deactivated and renders the personalized handgun reasonably
12 resistant to being fired except when activated by the lawful owner
13 or other user authorized by the lawful owner. No make or model of
14 a handgun shall be deemed to be a "personalized handgun" unless
15 the **[Attorney General]** State Personalized Handgun Authorization
16 Commission has determined **],** through testing or other reasonable
17 means, that the handgun meets any reliability standards that the
18 manufacturer may require for its commercially available handguns
19 that are not personalized or, if the manufacturer has no such
20 reliability standards, **]** the personalized handgun meets the
21 **[reliability]** standards **[generally used in the industry for**
22 **commercially available handguns]** established pursuant to section 3
23 of P.L. , c. (C.) (pending before the Legislature as this
24 bill).

25 ee. "Authorized user" means the owner of a personalized
26 handgun or a person to whom the owner has given consent to use
27 the personalized handgun.

28 (cf: P.L.2002, c.130, s.5)

29

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

31 2C:58-2. a. Licensing of retail dealers and their employees.
32 No retail dealer of firearms nor any employee of a retail dealer shall
33 sell or expose for sale, or possess with the intent of selling, any
34 firearm unless licensed to do so as hereinafter provided. The
35 superintendent shall prescribe standards and qualifications for retail
36 dealers of firearms and their employees for the protection of the
37 public safety, health and welfare.

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

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1 and shall authorize the holder to sell firearms at retail in a specified
2 municipality.

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

8 No license shall be granted to any retail dealer under the age of
9 21 years or to any employee of a retail dealer under the age of 18 or
10 to any person who could not qualify to obtain a permit to purchase a
11 handgun or a firearms purchaser identification card, or to any
12 corporation, partnership or other business organization in which the
13 actual or equitable controlling interest is held or possessed by such
14 an ineligible person.

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

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

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

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

28 (4) No rifle or shotgun, except antique rifles or shotguns, shall
29 be delivered to any person unless such person possesses and
30 exhibits a valid firearms purchaser identification card and furnishes
31 the seller, on the form prescribed by the superintendent, a
32 certification signed by him setting forth his name, permanent
33 address, firearms purchaser identification card number and such
34 other information as the superintendent may by rule or regulation
35 require. The certification shall be retained by the dealer and shall
36 be made available for inspection by any law enforcement officer at
37 any reasonable time.

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

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

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

44 (c) The handgun is unloaded and securely wrapped;

45 (d) **【Except as otherwise provided in subparagraph (e) of this**
46 **paragraph, the】** The handgun is accompanied by a trigger lock or a
47 locked case, gun box, container or other secure facility; provided,
48 however, this provision shall not apply to antique handguns or

- 1 personalized handguns included in the roster pursuant to section 2
2 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill).
3 The **【exemption】** exemptions afforded under this subparagraph for
4 antique handguns and personalized handguns shall be narrowly
5 construed, limited solely to the requirements set forth herein and
6 shall not be deemed to afford or authorize any other exemption
7 from the regulatory provisions governing firearms set forth in
8 chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;
9 and
- 10 (e) **【On and after the first day of the sixth month following the**
11 **date on which the list of personalized handguns is prepared and**
12 **delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),**
13 **the handgun is identified as a personalized handgun and included**
14 **on that list or is an antique handgun. The provisions of**
15 **subparagraph (d) of this section shall not apply to the delivery of a**
16 **personalized handgun.】** (Deleted by amendment, P.L. _____,
17 c. _____) (pending before the Legislature as this bill)
- 18 (6) The dealer shall keep a true record of every handgun sold,
19 given or otherwise delivered or disposed of, in accordance with the
20 provisions of subsections b. through e. of this section and the record
21 shall note whether a trigger lock, locked case, gun box, container or
22 other secure facility was delivered along with the handgun.
- 23 (7) A dealer shall not knowingly deliver more than one handgun
24 to any person within any 30-day period. This limitation shall not
25 apply to:
- 26 (a) a federal, State, or local law enforcement officer or agency
27 purchasing handguns for use by officers in the actual performance
28 of their law enforcement duties;
- 29 (b) a collector of handguns as curios or relics as defined in Title
30 18, United States Code, section 921 (a) (13) who has in his
31 possession a valid Collector of Curios and Relics License issued by
32 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 33 (c) transfers of handguns among licensed retail dealers,
34 registered wholesale dealers and registered manufacturers;
- 35 (d) any transaction where the person has purchased a handgun
36 from a licensed retail dealer and has returned that handgun to the
37 dealer in exchange for another handgun within 30 days of the
38 original transaction, provided the retail dealer reports the exchange
39 transaction to the superintendent; or
- 40 (e) any transaction where the superintendent issues an
41 exemption from the prohibition in this subsection pursuant to the
42 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 43 b. Records. Every person engaged in the retail business of
44 selling, leasing or otherwise transferring a handgun, as a retail
45 dealer or otherwise, shall keep a register in which shall be entered
46 the time of the sale, lease or other transfer, the date thereof, the
47 name, age, date of birth, complexion, occupation, residence and a
48 physical description including distinguishing physical

1 characteristics, if any, of the purchaser, lessee or transferee, the
2 name and permanent home address of the person making the sale,
3 lease or transfer, the place of the transaction, and the make, model,
4 manufacturer's number, caliber and other marks of identification on
5 such handgun and such other information as the superintendent
6 shall deem necessary for the proper enforcement of this chapter.
7 The register shall be retained by the dealer and shall be made
8 available at all reasonable hours for inspection by any law
9 enforcement officer.

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

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

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

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

34 (cf: P.L.2009, c.186, s.1)

35

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

38 8. **[No]** The action or inaction by a public entity or public
39 employee **[in implementing the provisions of P.L.2002,**
40 **c.130 (C.2C:58-2.2 et al.), including but not limited to the]** when
41 promulgating, amending or supplementing [of a] the [list] roster
42 of personalized handguns that may be sold in this State [.] pursuant
43 to P.L. , c. (C.) (pending before the Legislature as this bill
44 shall not constitute a representation, warranty or guarantee by any
45 public entity or employee with regard to the safety, use or any other
46 aspect or attribute of a personalized handgun.

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16

1 The bill requires the commission's appointments to be made within
2 six months of the bill's effective date. The commission members are
3 to serve a term of four years from the date of their appointment and
4 until their successors are appointed. The commission is to meet
5 monthly during the first year following its establishment; thereafter,
6 the commission is to meet once every six months or at the call of the
7 chairman or a majority of the commission members. The bill requires
8 the commission to maintain a roster of all personalized handguns
9 approved for retail sales to the public. The roster of approved
10 personalized handguns is to be published on a website maintained by
11 the New Jersey State Police and updated every six months. A copy of
12 the roster is to be made available every six months to licensed firearms
13 retail dealers in this State.

14 The bill requires the commission, within one year of organizing, to
15 establish personalized handgun performance standards to serve as
16 criteria for placement on the personalized handgun roster. The
17 commission also would be required to identify and approve a list of
18 independent laboratories to be used to determine whether handguns
19 comply with the performance standards. At least one independent
20 laboratory is to be identified and added to the list of approved
21 laboratories within one year of the commission's organization. The
22 bill prohibits an approved laboratory from being owned or operated by
23 a handgun manufacturer or any organization that seeks to promote or
24 restrict handgun ownership.

25 Independent laboratories would be permitted to apply to the
26 commission for inclusion on the list. Once approved, a laboratory
27 would utilize testing methods established by the commission to
28 determine whether a handgun is compliant with the performance
29 standards. The tests are to be conducted at the expense of the
30 manufacturer or other entity seeking to include the handgun on the
31 approved roster. At the conclusion of the tests, the laboratory is to
32 issue to the commission a final test report stating whether the handgun
33 met the commission's criteria.

34 The bill requires the commission to review the final test report and,
35 within 45 days, make a final determination by majority vote as to
36 whether the handgun should be included on the roster. The
37 commission is to notify the handgun manufacturer, in writing, as to
38 whether the handgun has been approved or denied for inclusion on the
39 roster. A denial notification is required to provide a detailed
40 description of the reasons for which the handgun failed to satisfy the
41 commission's performance standards. Following an approval notice, a
42 manufacturer, seller, or possessor of the handgun would be prohibited
43 from altering the handgun design so that it no longer meets the
44 commission's performance standards.

45 The bill also requires the Superintendent of State Police to issue an
46 exemption certificate to any firearms retail dealer who demonstrates
47 undue hardship. In determining whether to issue a certificate, the
48 superintendent may consider the retail dealer's inventory size and

1 annual sales revenue or income generated from customer purchases. A
2 firearm retail dealer who demonstrates that the business's inventory
3 consists entirely of firearms other than handguns is automatically
4 entitled to an exemption certification. A retail dealer is required to
5 maintain an original copy of the exemption certificate on premises at
6 all times. In addition, a retail dealer in the process of applying for an
7 exemption certification may display a notarized copy of the
8 application.

9 Within 60 days of the first personalized handgun being included on
10 the roster, each firearms retail dealer would be required to have at least
11 one personalized handgun approved by the commission for sale on the
12 business's premises. In addition, the bill requires retail dealers to
13 display personalized handguns in a conspicuous manner and in close
14 proximity to a sign that displays a statement disclosing the unique
15 features of personalized handguns.

16 The bill also requires a retail dealer to place an order for at least
17 one personalized handgun within 21 days after its personalized
18 handgun inventory is depleted. The retail dealer would be required to
19 maintain the written records of the business's efforts to place an order
20 for additional personalized handguns. The retail dealer also would be
21 required to maintain a sign on the premises indicating that
22 personalized handguns are routinely sold on the retail dealer's
23 premises and will soon be available for purchase.

24 The bill requires the superintendent to designate law enforcement
25 officers to inspect the personalized handgun inventory and records of
26 licensed firearms retailers. The inspections are to be conducted at least
27 once every two years at any time during the normal business hours of
28 the firearm retailer's business.

29 Finally, the bill imposes penalties for retail dealers who fail to
30 maintain a personalized handgun or an exemption certificate on the
31 retail premises. Under the bill, a retail dealer is subject to a \$500 fine
32 for a first offense and a \$1,000 fine for a second offense. For a third or
33 subsequent offense, the retail dealer would be subject to a six month
34 license suspension following notice and an opportunity to be heard.
35 The bill also makes it a disorderly persons offense for tampering or
36 attempting to tamper with a personalized handgun by intentionally
37 interfering with the user-authorized functionality of the personalized
38 technology. A disorderly persons offense is punishable by a term of
39 imprisonment of up to six months, a fine of up to \$1,000, or both.

STATEMENT TO
SENATE, No. 101

with Assembly Floor Amendments
(Proposed by Assemblyman JOHNSON)

ADOPTED: JUNE 20, 2019

Senate Bill No. 101 establishes a Personalized Handgun Authorization Commission which would be responsible for establishing performance standards for personalized handguns, also known as “smart guns” and “child-proof guns.” The commission also would be responsible for maintaining a roster of personalized handguns approved by the commission as meeting the personalized handgun performance standards and qualifying criteria.

In addition, this bill repeals certain sections of the current law. Under P.L.2002, c.130 (C.2C:58-2.2 et al.), three years after personalized handguns are available for retail purposes, it will be illegal for a firearms manufacturer or dealer to sell or transfer a handgun unless that handgun is a personalized handgun. This bill repeals certain sections of P.L.2002, c.130 (C.2C:58-2.2 et al.) and requires firearm retailers to have available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale.

These Assembly amendments:

(1) provide that the member of the Personalized Handgun Authorization Commission with substantial experience in radio frequency identification or biometric reading technology is not required to be an engineer;

(2) define the term “authorized user” as the lawful owner of a personalized handgun or person to whom the owner has given consent to use the personalized handgun;

(3) provide that the Personalized Handgun Authorization Commission shall maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and the established qualifying criteria;

(4) provide that the roster of approved personalized handguns would be published on a website maintained by the New Jersey State Police and updated as necessary, instead of every six months;

(5) provide that that a manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the personalized handgun performance standards, instead of the commission identifying and approving a list of independent laboratories which would be used to determine whether handguns comply with the personalized handgun performance standards;

(6) remove the requirement that at least one independent laboratory would be identified and included on the list of approved laboratories within one year of the commission's organization;

(7) provide that the commission's determination would be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Laboratory Accreditation Program or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police;

(8) provide that the commission would approve an independent laboratory proposed by an applicant to perform the determination if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory is not owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership;

(9) remove the provision that an independent laboratory may apply to the commission for inclusion on the list of approved laboratories;

(10) provide that the independent laboratory or Division of State Police, as the case may be, would test a handgun within a reasonable amount of time following approval of the application by the commission and would issue a final test report to the commission at the conclusion of the test;

(11) provide that any alteration to the design of a make and model of a handgun that has been approved for addition on the roster requires a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in order to include the altered design model of the handgun on the roster;

(12) provide that within 60 days of the first personalized handgun being included on the roster, each licensed firearms retail dealer is required to make available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale; post in at least one location in the dealer's place or places of business in a conspicuous manner: copies of the personalized handgun roster and a sign that includes a clear and conspicuous statement disclosing the features of the personalized handguns that are not offered by traditional handguns and advises customers that such firearms may be purchased through the licensed retail dealer; and accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster;

(13) remove section 5 of the bill, which requires the Superintendent of State Police to issue an exemption certificate to any firearms retail dealer who demonstrates undue hardship; and

(14) make several clarifications to language in the bill.

ASSEMBLY, No. 1016

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblyman Giblin, Assemblywomen Pintor Marin, Tucker, Murphy,
Assemblyman Greenwald and Assemblywoman Downey**

SYNOPSIS

Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/27/2018)

A1016 JOHNSON, VAINIERI HUTTLE

2

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

3

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

6

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

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

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

17 (2) as public members appointed by the Governor:

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

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

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

26 (d) one member who shall be an engineer with substantial
27 experience in radio frequency identification or biometric reading
28 technology.

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

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

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

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.

1 f. During the first year following the establishment of the
2 commission, it shall meet monthly in order to comply with the
3 provisions of P.L. , c. (C.) (pending before the Legislature
4 as this bill); thereafter, the commission shall meet once every six
5 months or at the call of the chairman of the commission or the
6 majority of its members.

7
8 2. (New section) a. The Personalized Handgun Authorization
9 Commission shall maintain a roster of all personalized handguns
10 approved for retail sales to the public. The roster of approved
11 personalized handguns shall be published on a website maintained
12 by the New Jersey State Police and shall be updated every six
13 months. A copy of the roster shall be made available every six
14 months to registered and licensed firearms dealers in this State.

15 b. Within one year of organizing, the commission shall develop
16 personalized handgun performance standards which a personalized
17 handgun shall meet in order to be placed on the personalized
18 handgun roster.

19 The personalized handgun performance standards shall include,
20 but not be limited to, the following:

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

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

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

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

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

39
40 3. (New section) a. The commission shall identify and
41 approve a list of independent laboratories which shall be used to
42 determine whether handguns comply with the personalized handgun
43 performance standards established pursuant to section 2 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill). At least
45 one independent laboratory shall be identified and included on the
46 list of approved laboratories within one year of the commission's
47 organization. An approved laboratory shall not be owned or

1 operated by a handgun manufacturer or any other organization that
2 seeks to promote or restrict handgun ownership.

3 b. An independent laboratory may apply to the commission for
4 inclusion on the list of approved laboratories. The application shall
5 be in a form prescribed by the Attorney General, in consultation
6 with the commission, and shall provide information regarding the
7 laboratory's capabilities and objectivity. Once approved, the
8 laboratory shall utilize testing methods formulated by the
9 commission to determine whether a handgun is in compliance with
10 personalized handgun performance standards established pursuant
11 to section 2 of P.L. , c. (C.) (pending before the Legislature
12 as this bill).

13 c. An independent laboratory shall test a handgun within a
14 reasonable amount of time following a request made by the
15 commission. The test shall be conducted:

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

18 (2) at the expense of the manufacturer or other entity seeking to
19 include the handgun on the approved personalized handgun roster
20 established pursuant to P.L. , c. (C.) (pending before the
21 Legislature as this bill).

22 The independent laboratory shall issue a final test report to the
23 commission at the conclusion of the test. The report shall state
24 whether the handgun meets the criteria established by the
25 commission.

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

30 e. Upon making a final determination pursuant to subsection d.
31 of this section, the commission shall notify, in writing, the
32 manufacturer as to whether the handgun has been approved or
33 denied for inclusion on the roster. A notification informing the
34 manufacturer that a firearm has been denied shall be provided along
35 with a written description of the reasons for which a handgun failed
36 to satisfy the criteria established by the commission as documented
37 in the independent laboratory's report. Once notified that a make and
38 model of handgun has been approved for addition on the roster, a
39 manufacturer, seller, or possessor shall not alter the design of the
40 handgun in a manner that it no longer meets the performance standard
41 established by the commission.

42

43 4. (New section) a. Within 60 days of the first personalized
44 handgun being included on the roster established pursuant to section
45 2 of P.L. , c. (C.) (pending before the Legislature as this
46 bill), each licensed firearms retail dealer shall have on the retail
47 premises:

- 1 (1) at least one personalized handgun approved by the
2 commission and listed on the roster as eligible for sale;
- 3 (2) an original exemption certificate issued pursuant to section 5
4 of P.L. , c. (C.) (pending before the Legislature as this
5 bill); or
- 6 (3) a notarized copy of a pending application for an exemption
7 certificate.
- 8 b. A personalized handgun offered for sale by a licensed retail
9 dealer shall be displayed in a conspicuous manner that makes it
10 easily visible to customers and distinguishable from other
11 traditional handguns. A licensed retail dealer shall post a sign in
12 close proximity to each personalized handgun that includes a clear
13 and conspicuous statement disclosing the unique features of the
14 personalized handgun that are not offered by traditional handguns.
- 15 c. In the event that a licensed retail dealer's inventory of
16 personalized handguns is depleted and there are no personalized
17 handguns available for purchase on the premises, the licensed retail
18 dealer shall:
- 19 (1) place an order for at least one personalized handgun within
20 21 days of the sale of the last personalized handgun;
- 21 (2) maintain written records of the retail dealer's efforts to place
22 an order and maintain those records on the premises and allow them
23 to be open for inspection at all times; and
- 24 (3) maintain a sign on the premises indicating that personalized
25 handguns are routinely sold on the retail dealer's premises and will
26 soon be available for purchase.
- 27 d. A licensed firearms retail dealer shall not make any claim
28 that a handgun has been approved by the commission as meeting the
29 performance standards for personalized handguns if that handgun is
30 not included on the roster established pursuant to section 2 of
31 P.L. , c. (C.) (pending before the Legislature as this bill).
- 32 e. The Superintendent of State Police shall designate officers to
33 inspect the personalized handgun inventory and records of all
34 licensed firearms retailers. The inspections shall be conducted at
35 least once every two years at any time during the normal business
36 hours of the firearm retailer's business.
- 37
- 38 5. (New section) a. Upon application by a licensed retail
39 dealer demonstrating that offering a personalized handgun for sale
40 would impose an undue financial hardship, the Superintendent of
41 State Police may issue a certificate exempting the licensed retail
42 dealer from the requirement to offer a personalized handgun for sale
43 established pursuant to P.L. , c. (C.) (pending before the
44 Legislature as this bill). In determining whether an exemption shall
45 be granted, the superintendent may consider factors including, but
46 not limited to, the retail dealer's inventory size and annual sales
47 revenue or income generated from customer purchases.

1 b. A firearm retail dealer who can demonstrate that its firearm
2 inventory consists solely of firearms other than handguns shall
3 automatically be granted an exemption pursuant to this section.

4 c. A firearm retail dealer shall maintain an original copy of the
5 exemption certificate issued pursuant to section 5 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill) on the
7 retail premises at all times.

8
9 6. (New section) a. A licensed retail dealer who has not been
10 issued an exemption certificate pursuant to section 5 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill) and
12 violates section 4 of P.L. , c. (C.) (pending before the
13 Legislature as this bill) shall be subject to the following penalties:

- 14 (1) for a first offense, a fine of up to \$500;
15 (2) for a second offense, a fine of up to \$1,000;
16 (3) for a third or subsequent offense, a six month license
17 suspension following notice to the licensed retail dealer and
18 opportunity to be heard.

19 b. Any person who violates the provisions of P.L. ,
20 c. (C.) (pending before the Legislature as this bill) by
21 tampering or attempting to tamper with a personalized handgun by
22 intentionally interfering with the user-authorized functionality of
23 the personalized technology shall be guilty of a disorderly persons
24 offense.

25
26 7. N.J.S.2C:39-1 is amended to read as follows:
27 2C:39-1. Definitions. The following definitions apply to this
28 chapter and to chapter 58:

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

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

42 c. "Destructive device" means any device, instrument or object
43 designed to explode or produce uncontrolled combustion, including
44 (1) any explosive or incendiary bomb, mine or grenade; (2) any
45 rocket having a propellant charge of more than four ounces or any
46 missile having an explosive or incendiary charge of more than one-
47 quarter of an ounce; (3) any weapon capable of firing a projectile of
48 a caliber greater than 60 caliber, except a shotgun or shotgun

1 ammunition generally recognized as suitable for sporting purposes;
2 (4) any Molotov cocktail or other device consisting of a breakable
3 container containing flammable liquid and having a wick or similar
4 device capable of being ignited. The term does not include any
5 device manufactured for the purpose of illumination, distress
6 signaling, line-throwing, safety or similar purposes.

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

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

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

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

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

41 i. "Machine gun" means any firearm, mechanism or instrument
42 not requiring that the trigger be pressed for each shot and having a
43 reservoir, belt or other means of storing and carrying ammunition
44 which can be loaded into the firearm, mechanism or instrument and
45 fired therefrom.

46 j. "Manufacturer" means any person who receives or obtains
47 raw materials or parts and processes them into firearms or finished
48 parts of firearms, except a person who exclusively processes grips,

1 stocks and other nonmetal parts of firearms. The term does not
2 include a person who repairs existing firearms or receives new and
3 used raw materials or parts solely for the repair of existing firearms.

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

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

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

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

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

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

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

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

1 discomfort or permanent injury through being vaporized or
2 otherwise dispensed in the air.

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

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

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

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

18 w. "Assault firearm" means:

19 (1) The following firearms:

20 Algimec AGM1 type

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

23 Armalite AR-180 type

24 Australian Automatic Arms SAR

25 Avtomat Kalashnikov type semi-automatic firearms

26 Beretta AR-70 and BM59 semi-automatic firearms

27 Bushmaster Assault Rifle

28 Calico M-900 Assault carbine and M-900

29 CETME G3

30 Chartered Industries of Singapore SR-88 type

31 Colt AR-15 and CAR-15 series

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

33 Demro TAC-1 carbine type

34 Encom MP-9 and MP-45 carbine types

35 FAMAS MAS223 types

36 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

37 Franchi SPAS 12 and LAW 12 shotguns

38 G3SA type

39 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

40 Intratec TEC 9 and 22 semi-automatic firearms

41 M1 carbine type

42 M14S type

43 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

44 PJK M-68 carbine type

45 Plainfield Machine Company Carbine

46 Ruger K-Mini-14/5F and Mini-14/5RF

47 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

48 SKS with detachable magazine type

- 1 Spectre Auto carbine type
- 2 Springfield Armory BM59 and SAR-48 type
- 3 Sterling MK-6, MK-7 and SAR types
- 4 Steyr A.U.G. semi-automatic firearms
- 5 USAS 12 semi-automatic type shotgun
- 6 Uzi type semi-automatic firearms
- 7 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 8 Weaver Arm Nighthawk.
- 9 (2) Any firearm manufactured under any designation which is
- 10 substantially identical to any of the firearms listed above.
- 11 (3) A semi-automatic shotgun with either a magazine capacity
- 12 exceeding six rounds, a pistol grip, or a folding stock.
- 13 (4) A semi-automatic rifle with a fixed magazine capacity
- 14 exceeding 15 rounds.
- 15 (5) A part or combination of parts designed or intended to
- 16 convert a firearm into an assault firearm, or any combination of
- 17 parts from which an assault firearm may be readily assembled if
- 18 those parts are in the possession or under the control of the same
- 19 person.
- 20 x. "Semi-automatic" means a firearm which fires a single
- 21 projectile for each single pull of the trigger and is self-reloading or
- 22 automatically chambers a round, cartridge, or bullet.
- 23 y. "Large capacity ammunition magazine" means a box, drum,
- 24 tube or other container which is capable of holding more than 15
- 25 rounds of ammunition to be fed continuously and directly therefrom
- 26 into a semi-automatic firearm.
- 27 z. "Pistol grip" means a well-defined handle, similar to that
- 28 found on a handgun, that protrudes conspicuously beneath the
- 29 action of the weapon, and which permits the shotgun to be held and
- 30 fired with one hand.
- 31 aa. "Antique handgun" means a handgun manufactured before
- 32 1898, or a replica thereof, which is recognized as being historical in
- 33 nature or of historical significance and either (1) utilizes a match,
- 34 friction, flint, or percussion ignition, or which utilizes a pin-fire
- 35 cartridge in which the pin is part of the cartridge or (2) does not fire
- 36 fixed ammunition or for which cartridge ammunition is not
- 37 commercially available.
- 38 bb. "Trigger lock" means a commercially available device
- 39 approved by the Superintendent of State Police which is operated
- 40 with a key or combination lock that prevents a firearm from being
- 41 discharged while the device is attached to the firearm. It may
- 42 include, but need not be limited to, devices that obstruct the barrel
- 43 or cylinder of the firearm, as well as devices that immobilize the
- 44 trigger.
- 45 cc. "Trigger locking device" means a device that, if installed on
- 46 a firearm and secured by means of a key or mechanically,
- 47 electronically or electromechanically operated combination lock,
- 48 prevents the firearm from being discharged without first

1 deactivating or removing the device by means of a key or
2 mechanically, electronically or electromechanically operated
3 combination lock.

4 dd. "Personalized handgun" means a handgun which
5 incorporates within its design **】, and as part of its original**
6 manufacture, technology which automatically limits its operational
7 use and which cannot be readily deactivated, so that it may only be
8 fired by an authorized or recognized user. The technology limiting
9 the handgun's operational use may include, but not be limited to:
10 radio frequency tagging, touch memory, remote control, fingerprint,
11 magnetic encoding and other automatic user identification systems
12 utilizing biometric, mechanical or electronic systems **】 a permanent**
13 programmable feature as part of its manufacture that cannot be
14 deactivated and renders the personalized handgun reasonably
15 resistant to being fired except when activated by the lawful owner
16 or other user authorized by the lawful owner. No make or model of
17 a handgun shall be deemed to be a "personalized handgun" unless
18 the **【Attorney General】 State Personalized Handgun Authorization**
19 Commission has determined **】, through testing or other reasonable**
20 means, that the handgun meets any reliability standards that the
21 manufacturer may require for its commercially available handguns
22 that are not personalized or, if the manufacturer has no such
23 reliability standards, **】 the personalized handgun meets the**
24 **【reliability】 standards 【generally used in the industry for**
25 **commercially available handguns】 established pursuant to section 3**
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill).

28 ee. "Authorized user" means the owner of a personalized
29 handgun or a person to whom the owner has given consent to use
30 the personalized handgun.

31 (cf: P.L.2002, c.130, s.5)

32

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

34 2C:58-2. a. Licensing of retail dealers and their employees.
35 No retail dealer of firearms nor any employee of a retail dealer shall
36 sell or expose for sale, or possess with the intent of selling, any
37 firearm unless licensed to do so as hereinafter provided. The
38 superintendent shall prescribe standards and qualifications for retail
39 dealers of firearms and their employees for the protection of the
40 public safety, health and welfare.

41 Applications shall be made in the form prescribed by the
42 superintendent, accompanied by a fee of \$50 payable to the
43 superintendent, and shall be made to a judge of the Superior Court
44 in the county where the applicant maintains his place of business.
45 The judge shall grant a license to an applicant if he finds that the
46 applicant meets the standards and qualifications established by the
47 superintendent and that the applicant can be permitted to engage in

1 business as a retail dealer of firearms or employee thereof without
2 any danger to the public safety, health and welfare. Each license
3 shall be valid for a period of three years from the date of issuance,
4 and shall authorize the holder to sell firearms at retail in a specified
5 municipality.

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

11 No license shall be granted to any retail dealer under the age of
12 21 years or to any employee of a retail dealer under the age of 18 or
13 to any person who could not qualify to obtain a permit to purchase a
14 handgun or a firearms purchaser identification card, or to any
15 corporation, partnership or other business organization in which the
16 actual or equitable controlling interest is held or possessed by such
17 an ineligible person.

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

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

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

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

31 (4) No rifle or shotgun, except antique rifles or shotguns, shall
32 be delivered to any person unless such person possesses and
33 exhibits a valid firearms purchaser identification card and furnishes
34 the seller, on the form prescribed by the superintendent, a
35 certification signed by him setting forth his name, permanent
36 address, firearms purchaser identification card number and such
37 other information as the superintendent may by rule or regulation
38 require. The certification shall be retained by the dealer and shall be
39 made available for inspection by any law enforcement officer at any
40 reasonable time.

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

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

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

47 (c) The handgun is unloaded and securely wrapped;

1 (d) **【**Except as otherwise provided in subparagraph (e) of this
2 paragraph, **the】** The handgun is accompanied by a trigger lock or a
3 locked case, gun box, container or other secure facility; provided,
4 however, this provision shall not apply to antique handguns or
5 personalized handguns included in the roster pursuant to section 2
6 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
7 bill). The **【**exemption**】** exemptions afforded under this
8 subparagraph for antique handguns and personalized handguns shall
9 be narrowly construed, limited solely to the requirements set forth
10 herein and shall not be deemed to afford or authorize any other
11 exemption from the regulatory provisions governing firearms set
12 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
13 Statutes; and

14 (e) **【**On and after the first day of the sixth month following the
15 date on which the list of personalized handguns is prepared and
16 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
17 the handgun is identified as a personalized handgun and included
18 on that list or is an antique handgun. The provisions of
19 subparagraph (d) of this section shall not apply to the delivery of a
20 personalized handgun.**】** (Deleted by amendment, P.L. _____, c. _____)
21 (pending before the Legislature as this bill)

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

27 (7) A dealer shall not knowingly deliver more than one handgun
28 to any person within any 30-day period. This limitation shall not
29 apply to:

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

33 (b) a collector of handguns as curios or relics as defined in Title
34 18, United States Code, section 921 (a) (13) who has in his
35 possession a valid Collector of Curios and Relics License issued by
36 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

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

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

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

1 b. Records. Every person engaged in the retail business of
2 selling, leasing or otherwise transferring a handgun, as a retail
3 dealer or otherwise, shall keep a register in which shall be entered
4 the time of the sale, lease or other transfer, the date thereof, the
5 name, age, date of birth, complexion, occupation, residence and a
6 physical description including distinguishing physical
7 characteristics, if any, of the purchaser, lessee or transferee, the
8 name and permanent home address of the person making the sale,
9 lease or transfer, the place of the transaction, and the make, model,
10 manufacturer's number, caliber and other marks of identification on
11 such handgun and such other information as the superintendent
12 shall deem necessary for the proper enforcement of this chapter.
13 The register shall be retained by the dealer and shall be made
14 available at all reasonable hours for inspection by any law
15 enforcement officer.

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

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

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

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

40 (cf: P.L.2009, c.186, s.1)

41

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

44 8. **[No]** The action or inaction by a public entity or public
45 employee **[in implementing the provisions of P.L.2002, c.130**
46 **(C.2C:58-2.2 et al.), including but not limited to the]** when
47 promulgating, amending or supplementing [of a list] the roster of
48 personalized handguns that may be sold in this State [.] pursuant to

1 P.L. , c. (C.) (pending before the Legislature as this bill
2 shall not constitute a representation, warranty or guarantee by any
3 public entity or employee with regard to the safety, use or any other
4 aspect or attribute of a personalized handgun.

5 **【No】** An action to recover damages shall not arise or **【shall】**
6 be brought against any public entity or public employee for any
7 action or inaction related to or in connection with **【the**
8 implementation of any aspect of P.L.2002, c.130 (C.2C:58-2.2 et
9 al.)】 the roster of personalized handguns established pursuant to
10 section 2 of P.L. , c. (C.) (pending before the Legislature
11 as this bill).

12 (cf: P.L.2002, c.130, s.8)

13

14 10. The following sections are repealed:

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

17 Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

18

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

24

25

26

STATEMENT

27

28 This bill establishes a Personalized Handgun Authorization
29 Commission which would be responsible for establishing
30 performance standards for personalized handguns, also known as
31 “smart guns” and “child-proof guns.” The commission also would
32 be responsible for approving and maintaining a roster of
33 personalized handguns authorized for sale to the public.

34 In addition, this bill repeals certain sections of the current law.
35 Under P.L.2002, c.130 (C.2C:58-2.2 et al.), three years after
36 personalized handguns are available for retail purposes, it will be
37 illegal for a firearms manufacturer or dealer to sell or transfer a
38 handgun unless that handgun is a personalized handgun. This bill
39 repeals certain sections of P.L.2002, c.130 (C.2C:58-2.2 et al.) and
40 requires firearm retailers to have at least one personalized handgun
41 approved by the commission for sale on the retail premises.

42 The Personalized Handgun Authorization Commission is to
43 consist of seven members, including the Attorney General,
44 Superintendent of State Police, the Commissioner of Health, or their
45 respective designees all serving ex-officio. The remaining four
46 members are to be appointed by the Governor as follows: (1) one
47 member of the American Academy of Pediatrics; (2) one licensed
48 firearms wholesaler, manufacturer, or retail dealer, or a

1 representative of a New Jersey chapter of an organization that
2 advocates for Second Amendment rights; (3) one representative of
3 an organization that advocates against handgun violence; and (4)
4 one engineer with substantial experience in radio frequency
5 identification or biometric reading technology.

6 The bill requires the commission's appointments to be made
7 within six months of the bill's effective date. The commission
8 members are to serve a term of four years from the date of their
9 appointment and until their successors are appointed. The
10 commission is to meet monthly during the first year following its
11 establishment; thereafter, the commission is to meet once every six
12 months or at the call of the chairman or a majority of the
13 commission members. The bill requires the commission to
14 maintain a roster of all personalized handguns approved for retail
15 sales to the public. The roster of approved personalized handguns
16 is to be published on a website maintained by the New Jersey State
17 Police and updated every six months. A copy of the roster is to be
18 made available every six months to licensed firearms retail dealers
19 in this State.

20 The bill requires the commission, within one year of organizing,
21 to establish personalized handgun performance standards to serve as
22 criteria for placement on the personalized handgun roster. The
23 commission also would be required to identify and approve a list of
24 independent laboratories to be used to determine whether handguns
25 comply with the performance standards. At least one independent
26 laboratory is to be identified and added to the list of approved
27 laboratories within one year of the commission's organization. The
28 bill prohibits an approved laboratory from being owned or operated
29 by a handgun manufacturer or any organization that seeks to
30 promote or restrict handgun ownership.

31 Independent laboratories would be permitted to apply to the
32 commission for inclusion on the list. Once approved, a laboratory
33 would utilize testing methods established by the commission to
34 determine whether a handgun is compliant with the performance
35 standards. The tests are to be conducted at the expense of the
36 manufacturer or other entity seeking to include the handgun on the
37 approved roster. At the conclusion of the tests, the laboratory is to
38 issue to the commission a final test report stating whether the
39 handgun met the commission's criteria.

40 The bill requires the commission to review the final test report
41 and, within 45 days, make a final determination by majority vote as
42 to whether the handgun should be included on the roster. The
43 commission is to notify the handgun manufacturer, in writing, as to
44 whether the handgun has been approved or denied for inclusion on
45 the roster. A denial notification is required to provide a detailed
46 description of the reasons for which the handgun failed to satisfy
47 the commission's performance standards. Following an approval
48 notice, a manufacturer, seller, or possessor of the handgun would be

1 prohibited from altering the handgun design so that it no longer
2 meets the commission's performance standards.

3 The bill also requires the Superintendent of State Police to issue
4 an exemption certificate to any firearms retail dealer who
5 demonstrates undue hardship. In determining whether to issue a
6 certificate, the superintendent may consider the retail dealer's
7 inventory size and annual sales revenue or income generated from
8 customer purchases. A firearm retail dealer who demonstrates that
9 the business's inventory consists entirely of firearms other than
10 handguns is automatically entitled to an exemption certification. A
11 retail dealer is required to maintain an original copy of the
12 exemption certificate on premises at all times. In addition, a retail
13 dealer in the process of applying for an exemption certification may
14 display a notarized copy of the application.

15 Within 60 days of the first personalized handgun being included
16 on the roster, each firearms retail dealer would be required to have
17 at least one personalized handgun approved by the commission for
18 sale on the business's premises. In addition, the bill requires retail
19 dealers to display personalized handguns in a conspicuous manner
20 and in close proximity to a sign that displays a statement disclosing
21 the unique features of personalized handguns.

22 The bill also requires a retail dealer to place an order for at least
23 one personalized handgun within 21 days after its personalized
24 handgun inventory is depleted. The retail dealer would be required
25 to maintain the written records of the business's efforts to place an
26 order for additional personalized handguns. The retail dealer also
27 would be required to maintain a sign on the premises indicating that
28 personalized handguns are routinely sold on the retail dealer's
29 premises and will soon be available for purchase.

30 The bill requires the superintendent to designate law enforcement
31 officers to inspect the personalized handgun inventory and records
32 of licensed firearms retailers. The inspections are to be conducted
33 at least once every two years at any time during the normal business
34 hours of the firearm retailer's business.

35 Finally, the bill imposes penalties for retail dealers who fail to
36 maintain a personalized handgun or an exemption certificate on the
37 retail premises. Under the bill, a retail dealer is subject to a \$500
38 fine for a first offense and a \$1,000 fine for a second offense. For a
39 third or subsequent offense, the retail dealer would be subject to a
40 six month license suspension following notice and an opportunity to
41 be heard. The bill also makes it a disorderly persons offense for
42 tampering or attempting to tamper with a personalized handgun by
43 intentionally interfering with the user-authorized functionality of
44 the personalized technology. A disorderly persons offense is
45 punishable by a term of imprisonment of up to six months, a fine of
46 up to \$1,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1016

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2019

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1016.

This bill establishes a Personalized Handgun Authorization Commission which would be responsible for establishing performance standards for personalized handguns, also known as “smart guns” and “child-proof guns.” As amended by the committee, the commission also would be responsible for maintaining a roster of personalized handguns approved by the commission as meeting the personalized handgun performance standards and qualifying criteria.

In addition, this bill repeals certain sections of the current law. Under P.L.2002, c.130 (C.2C:58-2.2 et al.), three years after personalized handguns are available for retail purposes, it will be illegal for a firearms manufacturer or dealer to sell or transfer a handgun unless that handgun is a personalized handgun. This bill repeals certain sections of P.L.2002, c.130 (C.2C:58-2.2 et al.) and, as amended, requires firearm retailers to have available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale.

The Personalized Handgun Authorization Commission is to consist of seven members, including the Attorney General, Superintendent of State Police, the Commissioner of Health, or their respective designees all serving ex-officio. As amended, the remaining four members are to be appointed by the Governor as follows: (1) one member of the American Academy of Pediatrics; (2) one licensed firearms wholesaler, manufacturer, or retail dealer, or a representative of a New Jersey chapter of an organization that advocates for Second Amendment rights; (3) one representative of an organization that advocates against handgun violence; and (4) one member with substantial experience in radio frequency identification or biometric reading technology.

The bill requires the commission’s appointments to be made within six months of the bill’s effective date. The commission members are to serve a term of four years from the date of their appointment and until their successors are appointed. The commission is to meet monthly during the first year following its establishment; thereafter, the commission is to meet once every six months or at the call of the

chairman or a majority of the commission members. As amended, the bill requires the commission to maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and the established qualifying criteria. The roster of approved personalized handguns is to be published on a website maintained by the New Jersey State Police and updated as necessary. A copy of the roster is to be made available every six months to licensed firearms retail dealers in this State.

As amended, the bill requires the commission, within one year of organizing, to establish personalized handgun performance standards and qualifying criteria for placement on the personalized handgun roster. A manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the bill's personalized handgun performance standards. As amended, the bill provides that the commission's determination would be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Accreditation or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police.

As amended, the bill provides that the commission would approve an independent laboratory proposed by an applicant to perform the determination if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory is not owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership. If approved, a laboratory would utilize testing methods established by the commission to determine whether a handgun meets the performance standards and qualifying criteria. The tests are to be conducted at the expense of the manufacturer or other entity seeking to include the handgun on the approved roster. As amended, the bill provides that at the conclusion of the tests, the laboratory or Division of State Police, as the case may be, is to issue to the commission a final test report stating whether the handgun met the performance standards and qualifying criteria.

The bill requires the commission to review the final test report and, within 45 days, make a final determination by majority vote as to whether the handgun should be included on the roster. As amended, the bill provides that the commission is to notify the handgun applicant, in writing, as to whether the handgun has been approved or denied for inclusion on the roster. A denial notification is required to provide a written description of the reasons for which the handgun failed to meet the commission's performance standards and qualifying

criteria. As amended, the bill provides that any alteration to the design of a make and model of a handgun that has been approved for addition on the roster requires a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in order to include the altered design model of the handgun on the roster.

As amended, the bill provides that within 60 days of the first personalized handgun being included on the roster, each firearms retail dealer would be required to have available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale. In addition, the amended bill requires retail dealers to display in a conspicuous manner copies of the personalized handgun roster and a sign that includes a clear and conspicuous statement disclosing the features of personalized handguns that are not officered by traditional handguns and advises customers that such firearms may be purchased through the licensed retail dealer. In addition, the amended bill would require each licensed firearms retail dealer to accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster.

The bill as amended also requires a retail dealer to place an order for at least one personalized handgun within 21 days after its personalized handgun inventory is depleted. The retail dealer would be required to maintain the written records of the business's efforts to place an order for additional personalized handguns. The retail dealer also would be required to post a sign on the premises indicating that personalized handguns are routinely sold on the retail dealer's premises and will soon be available for purchase.

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

Finally, as amended, the bill imposes penalties for retail dealers who fail to maintain a personalized handgun. Under the bill, a retail dealer is subject to a \$500 fine for a first offense and a \$1,000 fine for a second offense. For a third or subsequent offense, the retail dealer would be subject to a six month license suspension following notice and an opportunity to be heard. The amended bill also makes it a disorderly persons offense for a person, without license or privilege to do so, tampers or attempts to tamper with a personalized handgun by intentionally interfering with the user-authorized functionality of the personalized technology. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The amendments are to the current version of the statute. The text has been updated to reflect the enactment of P.L.2017, c.323, P.L.2018, c.38, P.L.2018, c.39, and P.L.2018, c.138.

COMMITTEE AMENDMENTS:

(1) Provide that the member of the Personalized Handgun Authorization Commission with substantial experience in radio frequency identification or biometric reading technology is not required to be an engineer.

(2) Define the term “authorized user” to mean the lawful owner of a personalized handgun or person to whom the owner has given consent to use the personalized handgun.

(3) Provide that the Personalized Handgun Authorization Commission shall maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and the established qualifying criteria.

(4) Provide that the roster of approved personalized handguns would be published on a website maintained by the New Jersey State Police and shall be updated as necessary, instead of every six months.

(5) Provide that that a manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the personalized handgun performance standards, instead of the commission identifying and approving a list of independent laboratories which would be used to determine whether handguns comply with the personalized handgun performance standards.

(6) Remove the requirement that at least one independent laboratory would be identified and included on the list of approved laboratories within one year of the commission’s organization.

(7) Provide that the commission’s determination would be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Accreditation or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police.

(8) Provide that the commission would approve an independent laboratory proposed by an applicant to perform the determination if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory is not owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership.

(9) Remove the provision that an independent laboratory may apply to the commission for inclusion on the list of approved laboratories.

(10) Provide that the independent laboratory or Division of State Police, as the case may be, would test a handgun within a reasonable amount of time following approval of the application by the commission and would issue a final test report to the commission at the conclusion of the test.

(11) Provide that any alteration to the design of a make and model of a handgun that has been approved for addition on the roster requires a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in order to include the altered design model of the handgun on the roster.

(12) Provide that within 60 days of the first personalized handgun being included on the roster, each licensed firearms retail dealer is required to make available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale; post in at least one location in the dealer's place or places of business in a conspicuous manner: copies of the personalized handgun roster and a sign that includes a clear and conspicuous statement disclosing the features of the personalized handguns that are not officered by traditional handguns and advises customers that such firearms may be purchased through the licensed retail dealer; and accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster.

(13) Remove section 5 of the bill, which requires the Superintendent of State Police to issue an exemption certificate to any firearms retail dealer who demonstrates undue hardship

(14) Make several clarifications to language in the bill.

Governor Murphy Strengthens New Jersey's Gun Laws by Signing Safety Measures to Protect Residents

07/16/2019

BERKELEY HEIGHTS – Governor Phil Murphy today signed a package of commonsense gun safety bills that reaffirm New Jersey's commitment to institute the strongest gun laws in the nation. The bills, which are part of Gun Safety Package 2.0, follow a series of comprehensive gun safety laws signed by Governor Murphy in 2018. The four bills signed today will promote smart gun technology, expand the list of crimes that disqualify a person from gun ownership, strengthen anti-gun trafficking laws, and support suicide prevention efforts.

Governor Murphy also highlighted the importance of comprehensive ammunition reform and reinforced his support for a bill requiring identification to buy ammunition and registering sales with the State Police. The bill, which has already passed the Assembly, has yet to be advanced for a vote in the Senate.

"The scourge of gun violence is a pervasive problem that affects our entire nation," **said Governor Murphy**. "I am proud to work with our legislators to implement some of the toughest gun laws in the country to protect our residents and make our communities safer for all. We see the results of our work by having among the lowest rates of gun-related deaths nationwide. With every step, New Jersey is proving that commonsense gun safety laws work."

"The bills that Governor Murphy signed into law today give our law enforcement officers new tools to keep firearms out of the hands of criminals and to combat illegal firearms trafficking," **said Attorney General Gurbir Grewal**. "As New Jersey's chief law enforcement officer, I am committed to using these laws to protect the public and law enforcement from the continuing epidemic of gun violence. Our message to gun traffickers, distributors, and even manufacturers has been clear from day one: we will hold you accountable when you violate our laws."

The Governor signed the following four bills into law:

- **S101 (Weinberg, Codey/Johnson, Vainieri Huttle, Wimberly)** - Establishes commission to approve personalized handguns; requires firearm retailers to sell personalized handguns.
- **S3897 (Weinberg, Greenstein/Greenwald, Reynolds-Jackson)** - Criminalizes purchase, transfer, or possession of certain weapons and ammunition by persons convicted of certain crimes; establishes crime of transferring or possessing firearm without serial number.
- **A4449 (Tully, Swain/Singleton, O'Scanlon)** - Establishes crime of soliciting transfer of firearm by disqualified person.
- **A3896 (Downey, Houghtaling, Schaer/Cryan)** - Requires AG and Commissioner of Health to establish suicide prevention training course and informational materials for firearm retail dealers.

"I am glad to have joined Governor Murphy and Assembly Majority Leader Lou Greenwald in combatting the gun violence crisis in our state and in our country," **said Senate Majority Leader Loretta Weinberg**. "We can't wait around for national action, we have to do what we can now to make our communities safer. This is why we created this responsible gun safety legislation and why we will continue to fight for even greater measures in the future."

"We know that access to lethal means of suicide – especially firearms – result in higher rates of death, especially among young people," **said Senator Joe Cryan**. "Almost 60 percent of all violent deaths are by suicide and the most common method is by self-inflicted gunshot. This tragic loss of life can and must be addressed with actions that focus on prevention. This new law will develop suicide prevention materials that will be put into the hands of gun dealers and those who operate shooting ranges and used to create training courses that promote safety. This is a proactive way to save lives."

"If someone has been banned from owning a firearm, it is for a legitimate reason – they could be a danger to themselves or others if they were to be armed," **said Senator Troy Singleton**. "This new law will further discourage dangerous individuals from attempting to obtain a firearm unlawfully."

"New Jersey has done a lot to address the national epidemic of gun violence," **said Senator Richard Codey**. "Technology will now allow us to sell personalized handguns that will only shoot if they are in the hands of the owner. This is a major achievement that will enable us to do more to curb gun violence in New Jersey. We should use

this technology to help keep citizens safe from the dangers of handguns in the hands of those who are a threat to themselves or others. I applaud the governor for signing this into law.”

“We must do everything we can to crack down on the illegal gun market and the possession of unmarked guns,” **said Senator Linda Greenstein**. “This legislation will ensure we are not only punishing the individuals manufacturing unmarked guns but also those facilitating their distribution or purchasing them.”

“Balancing gun rights and reasonable, effective restrictions is a goal we must strive to attain,” **said Senator Declan O'Scanlon**. “This new law will serve as a deterrent that will prevent people who are disqualified from owning or purchasing a firearm in New Jersey from trying to circumvent our state's stringent permitting and background check processes.”

“We've seen far too many senseless deaths because of handguns accidentally getting in the hands of children. The technology exists to curb this possibility,” **said Assemblyman Gordon Johnson**. “Current law is intended to encourage the development of smart gun technology, but the prohibition on other handguns has, in effect, restricted consumer access to personalized handguns. This legislation will help our state to create a reasonable approach to improving gun safety, especially for children.”

“Smart gun technology was created to increase the safety of our children and others when someone's firearm falls into the wrong hands,” **said Assemblywoman Valerie Vainieri Huttle**. “This legislation gets New Jersey ready for the increased development and availability of childproof handguns. It ensures handgun owners have access to personalized firearm options that would be available in other states.”

“Personalized handguns mean improved gun safety for owners and their families,” **said Assemblyman Benjie Wimberly**. “We can reduce unnecessary gun violence involving children with smart steps such as preparing for this new technology.”

“Since the tragedy in Sandy Hook, we have revised our laws in New Jersey, restricting large capacity weapons and ghost guns from getting into the wrong hands, to reduce the scourge of gun violence plaguing our cities,” **said Assembly Majority Leader Lou Greenwald**. “To address the mental health aspect of gun violence, we engaged our community and hospital partners to help victims and their families work through their trauma and break the cycle of violence. These new bills will ensure that law enforcement, state entities, and gun store owners will work together to reduce gun crimes and gun trafficking in our communities.”

“More than a thousand New Jersey residents are shot every year,” **said Assemblywoman Verlina Reynolds-Jackson**. “By requiring gun owners to have firearm IDs, we will be able to find out how these guns are getting into the hands of criminals by tracking each gun and all ammo to the point of sale.”

“Guns move far too easily between states through gun trafficking and unlawful straw purchases,” **said Assemblyman Chris Tully**. “No one should purchase a firearm to sell to an individual who is unqualified for a gun license.”

“Gun violence in our communities has claimed too many lives,” **said Assemblywoman Lisa Swain**. “Stronger regulations on straw purchasing in New Jersey can help keep firearms out of the wrong hands. This bill along with the other gun violence prevention measures which cleared the Assembly will work together to end this practice.”

“In 2016, over one third of all gun deaths in New Jersey were suicides,” **said Assemblywoman Joann Downey**. “That's an incredibly alarming number, and it's time for us to take action. Educating firearm dealers on suicide prevention and distributing informational materials at gun ranges and firearm retail stores will hopefully raise awareness and prevent future crises.”

“As we work to combat suicide in our state, it's important that we encourage firearm retailers to recognize the signs of someone in trouble,” **said Assemblyman Eric Houghtaling**. “It may be enough to save someone's life, and help them get the assistance they need.”

“Providing suicide prevention training to firearm retailers creates the opportunity for intervention before these preventable tragedies occur,” **said Assemblyman Gary Schaer**. “In 2016, almost 200 people used a firearm to take their own lives in New Jersey. If this training is able to help just one person, it will be an unqualified success for the people of New Jersey.”

“Under Governor Murphy, New Jersey once again is strengthening our gun violence prevention laws and, unlike Washington, is committed to advancing real reforms to confront this crisis,” **said Bill Castner, Senior Advisor to the Governor on Gun Safety**.

New Jersey has long been a leader in gun violence prevention, and today is no different,” **said Brett Sabo, volunteer with the New Jersey chapter of Moms Demand Action for Gun Sense in America**. “We applaud Governor Murphy and the legislature for their ongoing commitment to reduce gun violence in all its complex forms.”

