

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3085**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 27, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3085.

As amended and reported by the committee, this bill expands the culpability requirements for firearms trafficking offenses and violations of regulatory provisions relating to firearms.

Under current law, any person who knowingly violates a regulatory provision related to firearms is guilty of a crime of the fourth degree. Under the amended bill, any person who knowingly or recklessly violates a regulatory provision related to firearms is guilty of a crime of the fourth degree.

Further, current law also provides that a licensed dealer who sells a firearm to a person when the dealer knows that the person intends to sell, transfer, assign, or otherwise dispose of that firearm to a person who is disqualified from possessing a firearm under State or federal law is guilty of a crime of the second degree and permanently disqualified from holding a retail license.

Under the amended bill, a licensed dealer who sells a firearm to a person when the dealer knows or should have known that the person intends to sell, transfer, assign, or otherwise dispose of that firearm to a person who is disqualified from possessing a firearm under State or federal law is guilty of a crime of the second degree and permanently disqualified from holding a retail license.

Under N.J.S.2C:2-2, a person acts recklessly when he consciously disregards a substantial and unjustifiable risk which exists or will result from his conduct. The risk must be of such nature and degree that, considering the nature and purpose of the person's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would exercise in the same situation.

#### COMMITTEE AMENDMENTS:

The committee amendments are technical and clarifying in nature.