

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3085

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Assembly Judiciary Committee reports favorably Senate Bill No. 3085 (1R).

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 bill, any person who knowingly or *recklessly* violates a regulatory provision related to firearms is guilty of a crime of the fourth degree. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

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 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. A second degree crime is punishable by 5-10 years imprisonment, a fine of up to \$150,000, or both.

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.

As reported by the committee, Senate Bill No. 3085 (1R) is identical to Assembly Bill No. 5895, which was also reported by the committee on this date.