

ASSEMBLY, No. 1426

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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District 37 (Bergen)

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SYNOPSIS

Requires firearm retailers to sell personalized handguns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/17/2016)

1 AN ACT concerning personalized handguns and amending and
2 repealing various sections of statutory law.

3

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

6

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

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

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

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

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

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

39 e. "Explosive" means any chemical compound or mixture that
40 is commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible
42 materials or other ingredients in such proportions, quantities or
43 packing that an ignition by fire, by friction, by concussion or by
44 detonation of any part of the compound or mixture may cause such

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 a sudden generation of highly heated gases that the resultant
2 gaseous pressures are capable of producing destructive effects on
3 contiguous objects. The term shall not include small arms
4 ammunition, or explosives in the form prescribed by the official
5 United States Pharmacopoeia.

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

19 g. "Firearm silencer" means any instrument, attachment,
20 weapon or appliance for causing the firing of any gun, revolver,
21 pistol or other firearm to be silent, or intended to lessen or muffle
22 the noise of the firing of any gun, revolver, pistol or other firearm.

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

26 i. "Machine gun" means any firearm, mechanism or instrument
27 not requiring that the trigger be pressed for each shot and having a
28 reservoir, belt or other means of storing and carrying ammunition
29 which can be loaded into the firearm, mechanism or instrument and
30 fired therefrom.

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

37 k. "Handgun" means any pistol, revolver, personalized
38 handgun, or other firearm originally designed or manufactured to be
39 fired by the use of a single hand.

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

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

- 1 v. "Imitation firearm" means an object or device reasonably
2 capable of being mistaken for a firearm.
- 3 w. "Assault firearm" means:
- 4 (1) The following firearms:
- 5 Algimec AGM1 type
- 6 Any shotgun with a revolving cylinder such as the "Street
7 Sweeper" or "Striker 12"
- 8 Armalite AR-180 type
- 9 Australian Automatic Arms SAR
- 10 Avtomat Kalashnikov type semi-automatic firearms
- 11 Beretta AR-70 and BM59 semi-automatic firearms
- 12 Bushmaster Assault Rifle
- 13 Calico M-900 Assault carbine and M-900
- 14 CETME G3
- 15 Chartered Industries of Singapore SR-88 type
- 16 Colt AR-15 and CAR-15 series
- 17 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 18 Demro TAC-1 carbine type
- 19 Encom MP-9 and MP-45 carbine types
- 20 FAMAS MAS223 types
- 21 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 22 Franchi SPAS 12 and LAW 12 shotguns
- 23 G3SA type
- 24 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 25 Intratec TEC 9 and 22 semi-automatic firearms
- 26 M1 carbine type
- 27 M14S type
- 28 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 29 PJK M-68 carbine type
- 30 Plainfield Machine Company Carbine
- 31 Ruger K-Mini-14/5F and Mini-14/5RF
- 32 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 33 SKS with detachable magazine type
- 34 Spectre Auto carbine type
- 35 Springfield Armory BM59 and SAR-48 type
- 36 Sterling MK-6, MK-7 and SAR types
- 37 Steyr A.U.G. semi-automatic firearms
- 38 USAS 12 semi-automatic type shotgun
- 39 Uzi type semi-automatic firearms
- 40 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 41 Weaver Arm Nighthawk.
- 42 (2) Any firearm manufactured under any designation which is
43 substantially identical to any of the firearms listed above.
- 44 (3) A semi-automatic shotgun with either a magazine capacity
45 exceeding six rounds, a pistol grip, or a folding stock.
- 46 (4) A semi-automatic rifle with a fixed magazine capacity
47 exceeding 15 rounds.

- 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 x. "Semi-automatic" means a firearm which fires a single
7 projectile for each single pull of the trigger and is self-reloading or
8 automatically chambers a round, cartridge, or bullet.
- 9 y. "Large capacity ammunition magazine" means a box, drum,
10 tube or other container which is capable of holding more than 15
11 rounds of ammunition to be fed continuously and directly therefrom
12 into a semi-automatic firearm.
- 13 z. "Pistol grip" means a well-defined handle, similar to that
14 found on a handgun, that protrudes conspicuously beneath the
15 action of the weapon, and which permits the shotgun to be held and
16 fired with one hand.
- 17 aa. "Antique handgun" means a handgun manufactured before
18 1898, or a replica thereof, which is recognized as being historical in
19 nature or of historical significance and either (1) utilizes a match,
20 friction, flint, or percussion ignition, or which utilizes a pin-fire
21 cartridge in which the pin is part of the cartridge or (2) does not fire
22 fixed ammunition or for which cartridge ammunition is not
23 commercially available.
- 24 bb. "Trigger lock" means a commercially available device
25 approved by the Superintendent of State Police which is operated
26 with a key or combination lock that prevents a firearm from being
27 discharged while the device is attached to the firearm. It may
28 include, but need not be limited to, devices that obstruct the barrel
29 or cylinder of the firearm, as well as devices that immobilize the
30 trigger.
- 31 cc. "Trigger locking device" means a device that, if installed on
32 a firearm and secured by means of a key or mechanically,
33 electronically or electromechanically operated combination lock,
34 prevents the firearm from being discharged without first
35 deactivating or removing the device by means of a key or
36 mechanically, electronically or electromechanically operated
37 combination lock.
- 38 dd. "Personalized handgun" means a handgun which incorporates
39 within its design, and as part of its original manufacture, technology
40 which automatically limits its operational use and which cannot be
41 readily deactivated, so that it may only be fired by an authorized or
42 recognized user. The technology limiting the handgun's operational
43 use may include, but not be limited to: radio frequency tagging,
44 touch memory, remote control, fingerprint, magnetic encoding and
45 other automatic user identification systems utilizing biometric,
46 mechanical or electronic systems. No make or model of a handgun
47 shall be deemed to be a "personalized handgun" unless the Attorney
48 General has determined, through testing or other reasonable means,

1 that the handgun meets any reliability standards that the
2 manufacturer may require for its commercially available handguns
3 that are not personalized or, if the manufacturer has no such
4 reliability standards, the handgun meets the reliability standards
5 generally used in the industry for commercially available handguns.
6 (cf: P.L.2002, c.130, s.5)

7

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

9 2C:58-2. a. Licensing of retail dealers and their employees. No
10 retail dealer of firearms nor any employee of a retail dealer shall
11 sell or expose for sale, or possess with the intent of selling, any
12 firearm unless licensed to do so as hereinafter provided. The
13 superintendent shall prescribe standards and qualifications for retail
14 dealers of firearms and their employees for the protection of the
15 public safety, health and welfare.

16 Applications shall be made in the form prescribed by the
17 superintendent, accompanied by a fee of \$50 payable to the
18 superintendent, and shall be made to a judge of the Superior Court
19 in the county where the applicant maintains his place of business.
20 The judge shall grant a license to an applicant if he finds that the
21 applicant meets the standards and qualifications established by the
22 superintendent and that the applicant can be permitted to engage in
23 business as a retail dealer of firearms or employee thereof without
24 any danger to the public safety, health and welfare. Each license
25 shall be valid for a period of three years from the date of issuance,
26 and shall authorize the holder to sell firearms at retail in a specified
27 municipality.

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

33 No license shall be granted to any retail dealer under the age of
34 21 years or to any employee of a retail dealer under the age of 18 or
35 to any person who could not qualify to obtain a permit to purchase a
36 handgun or a firearms purchaser identification card, or to any
37 corporation, partnership or other business organization in which the
38 actual or equitable controlling interest is held or possessed by such
39 an ineligible person.

40 All licenses shall be granted subject to the following conditions,
41 for breach of any of which the license shall be subject to revocation
42 on the application of any law enforcement officer and after notice
43 and hearing by the issuing court:

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

- 1 (2) The license or a copy certified by the issuing authority shall
2 be displayed at all times in a conspicuous place on the business
3 premises where it can be easily read.
- 4 (3) No firearm or imitation thereof shall be placed in any
5 window or in any other part of the premises where it can be readily
6 seen from the outside.
- 7 (4) No rifle or shotgun, except antique rifles or shotguns, shall
8 be delivered to any person unless such person possesses and
9 exhibits a valid firearms purchaser identification card and furnishes
10 the seller, on the form prescribed by the superintendent, a
11 certification signed by him setting forth his name, permanent
12 address, firearms purchaser identification card number and such
13 other information as the superintendent may by rule or regulation
14 require. The certification shall be retained by the dealer and shall
15 be made available for inspection by any law enforcement officer at
16 any reasonable time.
- 17 (5) No handgun shall be delivered to any person unless:
- 18 (a) Such person possesses and exhibits a valid permit to
19 purchase a firearm and at least seven days have elapsed since the
20 date of application for the permit;
- 21 (b) The person is personally known to the seller or presents
22 evidence of his identity;
- 23 (c) The handgun is unloaded and securely wrapped;
- 24 (d) Except as otherwise provided in subparagraph (e) of this
25 paragraph, the handgun is accompanied by a trigger lock or a locked
26 case, gun box, container or other secure facility; provided, however,
27 this provision shall not apply to antique handguns or personalized
28 handguns included in this list pursuant to section 3 of P.L.2002,
29 c.130 (C.2C:58-2.4). The **【exemption】** exemptions afforded under
30 this subparagraph for antique handguns and personalized handguns
31 shall be narrowly construed, limited solely to the requirements set
32 forth herein and shall not be deemed to afford or authorize any
33 other exemption from the regulatory provisions governing firearms
34 set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
35 Statutes; and
- 36 (e) **【On and after the first day of the sixth month following the**
37 **date on which the list of personalized handguns is prepared and**
38 **delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),**
39 **the handgun is identified as a personalized handgun and included**
40 **on that list or is an antique handgun. The provisions of**
41 **subparagraph (d) of this section shall not apply to the delivery of a**
42 **personalized handgun.】** (Deleted by amendment, P.L. _____, c. _____)
43 (pending before the Legislature as this bill)
- 44 (6) The dealer shall keep a true record of every handgun sold,
45 given or otherwise delivered or disposed of, in accordance with the
46 provisions of subsections b. through e. of this section and the record
47 shall note whether a trigger lock, locked case, gun box, container or
48 other secure facility was delivered along with the handgun.

- 1 (7) A dealer shall not knowingly deliver more than one handgun
2 to any person within any 30-day period. This limitation shall not
3 apply to:
- 4 (a) a federal, State, or local law enforcement officer or agency
5 purchasing handguns for use by officers in the actual performance
6 of their law enforcement duties;
 - 7 (b) a collector of handguns as curios or relics as defined in Title
8 18, United States Code, section 921 (a) (13) who has in his
9 possession a valid Collector of Curios and Relics License issued by
10 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
 - 11 (c) transfers of handguns among licensed retail dealers,
12 registered wholesale dealers and registered manufacturers;
 - 13 (d) any transaction where the person has purchased a handgun
14 from a licensed retail dealer and has returned that handgun to the
15 dealer in exchange for another handgun within 30 days of the
16 original transaction, provided the retail dealer reports the exchange
17 transaction to the superintendent; or
 - 18 (e) any transaction where the superintendent issues an
19 exemption from the prohibition in this subsection pursuant to the
20 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 21 b. Records. Every person engaged in the retail business of
22 selling, leasing or otherwise transferring a handgun, as a retail
23 dealer or otherwise, shall keep a register in which shall be entered
24 the time of the sale, lease or other transfer, the date thereof, the
25 name, age, date of birth, complexion, occupation, residence and a
26 physical description including distinguishing physical
27 characteristics, if any, of the purchaser, lessee or transferee, the
28 name and permanent home address of the person making the sale,
29 lease or transfer, the place of the transaction, and the make, model,
30 manufacturer's number, caliber and other marks of identification on
31 such handgun and such other information as the superintendent
32 shall deem necessary for the proper enforcement of this chapter.
33 The register shall be retained by the dealer and shall be made
34 available at all reasonable hours for inspection by any law
35 enforcement officer.
- 36 c. Forms of register. The superintendent shall prepare the form
37 of the register as described in subsection b. of this section and
38 furnish the same in triplicate to each person licensed to be engaged
39 in the business of selling, leasing or otherwise transferring firearms.
- 40 d. Signatures in register. The purchaser, lessee or transferee of
41 any handgun shall sign, and the dealer shall require him to sign his
42 name to the register, in triplicate, and the person making the sale,
43 lease or transfer shall affix his name, in triplicate, as a witness to
44 the signature. The signatures shall constitute a representation of the
45 accuracy of the information contained in the register.
- 46 e. Copies of register entries; delivery to chief of police or
47 county clerk. Within five days of the date of the sale, assignment or
48 transfer, the dealer shall deliver or mail by certified mail, return

1 receipt requested, legible copies of the register forms to the office
2 of the chief of police of the municipality in which the purchaser
3 resides, or to the office of the captain of the precinct of the
4 municipality in which the purchaser resides, and to the
5 superintendent. If hand delivered a receipt shall be given to the
6 dealer therefor.

7 Where a sale, assignment or transfer is made to a purchaser who
8 resides in a municipality having no chief of police, the dealer shall,
9 within five days of the transaction, mail a duplicate copy of the
10 register sheet to the clerk of the county within which the purchaser
11 resides.

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

13

14 3. Section 2 of P.L.2002, c.130 (C.2C:58-2.3) is amended to
15 read as follows:

16 2. a. On the first day of the sixth month following the effective
17 date of **【P.L.2002, c.130 (C.2C:58-2.2 et al.)】** P.L. , c. (pending
18 before the Legislature as this bill), the Attorney General shall report
19 to the Governor and the Legislature as to the availability of
20 personalized handguns for retail sales purposes. If the Attorney
21 General determines that personalized handguns are not available for
22 retail sales purposes, the Attorney General, every six months
23 thereafter, shall report to the Governor and the Legislature as to the
24 availability of personalized handguns for retail sales purposes until
25 such time as the Attorney General shall deem that personalized
26 handguns are available for retail sales purposes and so report to the
27 Governor and the Legislature. In making this determination, the
28 Attorney General may consult with any other neutral and detached
29 public or private entity that may have useful information and
30 expertise to assist in determining whether, through performance and
31 other relevant indicators, a handgun meets the statutory definition
32 of a personalized handgun set forth in N.J.S.2C:39-1.

33 b. For the purposes of this section, personalized handguns shall
34 be deemed to be available for retail sales purposes if at least one
35 manufacturer has delivered at least one production model of a
36 personalized handgun to a registered or licensed wholesale or retail
37 dealer in New Jersey or any other state. As used in this subsection,
38 the term "production model" shall mean a handgun which is the
39 product of a regular manufacturing process that produces multiple
40 copies of the same handgun model, and shall not include a
41 prototype or other unique specimen that is offered for sale.

42 (cf: P.L.2002, c.130, s.2)

43

44 4. Section 3 of P.L.2002, c.130 (C.2C:58-2.4) is amended to
45 read as follows:

46 3. a. On the first day of the 24th month following the effective
47 date on which the Attorney General reports that personalized
48 handguns are available for retail sales purposes pursuant to section

1 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General shall
2 direct the Superintendent of State Police to promulgate a list of
3 personalized handguns that may be sold in the State. This list shall
4 identify those handguns by manufacturer, model and caliber.

5 b. The list required under subsection a. of this section shall be
6 prepared within six months of the Attorney General's directive to
7 the superintendent and a copy thereof made available to registered
8 and licensed firearms dealers in this State. Whenever a handgun is
9 determined to meet the statutory definition of a personalized
10 handgun as set forth in **【N.J.S.2C:39-1】** N.J.S.2C:39-1, the
11 Attorney General shall report that determination in writing to the
12 Governor and the Legislature within 60 days. The superintendent
13 shall promptly amend and supplement the list to include handguns
14 which meet the statutory definition of a personalized handgun as set
15 forth in N.J.S.2C:39-1 or to remove previously listed handguns, if
16 appropriate. Registered and licensed retail firearms dealers in this
17 State shall be notified **【forthwith】** of any **【such】** changes in the list.
18 The notice shall be given in a manner prescribed by rule and
19 regulation. The Attorney General shall promulgate rules and
20 regulations establishing a process for handgun manufacturers to
21 demonstrate that their handguns meet the statutory definition of a
22 personalized handgun set forth in N.J.S.2C:39-1 and request that
23 their handgun be added to this list. These rules and regulations may
24 require that the handgun manufacturer:

25 (1) deliver a handgun or handguns to the Attorney General or
26 his designee for testing;

27 (2) pay a reasonable application fee; and

28 (3) pay any reasonable costs incurred in, or associated with, the
29 testing and independent scientific analysis of the handgun,
30 including any analysis of the technology the manufacturer has
31 incorporated within the handgun's design to limit its operational
32 use, that is conducted to determine whether the handgun meets the
33 statutory definition of a personalized handgun set forth in
34 N.J.S.2C:39-1.

35 c. Following the preparation and delivery of the list pursuant to
36 subsection a. of this section, each firearms wholesale or retail dealer
37 operating in this State shall maintain an inventory of one or more
38 types of approved personalized handguns on the dealer's premises.
39 The personalized handguns shall be displayed in the dealer's
40 salesroom and offered for sale to the general public.

41 (cf: P.L.2002, c.130, s.3)

42

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

45 8. **【No】** The action or inaction by a public entity or public
46 employee **【in implementing the provisions of P.L.2002, c.130**
47 **(C.2C:58-2.2 et al.), including but not limited to the】** when
48 promulgating, amending or supplementing **【of a】** the list of

1 personalized handguns that may be sold in this State **【,】** pursuant to
2 section 3 of P.L.2002, c.130 (C.2C:58-2.4) shall not constitute a
3 representation, warranty or guarantee by any public entity or
4 employee with regard to the safety, use or any other aspect or
5 attribute of a personalized handgun.

6 **【No】** An action to recover damages shall not arise or **【shall】** be
7 brought against any public entity or public employee for any action
8 or inaction related to or in connection with **【the implementation of**
9 **any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.)】** the list of
10 personalized handguns established pursuant to section 3 of
11 P.L.2002, c.130 (C.2C:58-2.4).

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

13
14 6. The following sections are repealed:
15 Section 1 of P.L.2002, c.130 (C.2C:58-2.2);and
16 Section 4 of P.L.2002, c.130 (C.2C:58-2.5).

17
18 7. This act shall take effect immediately.

20 STATEMENT

21
22 This bill requires retailers to sell personalized handguns, also
23 known as “smart guns,” in the same manner as other handguns. A
24 personalized handgun is designed so that it may only be fired by an
25 authorized or recognized user.

26 Under current law, three years after personalized handguns are
27 available for retail purposes, it will be illegal for a firearms
28 manufacturer or dealer to sell or transfer a handgun unless that
29 handgun is a personalized handgun. Personalized handguns are
30 deemed available for retail purposes within 30 months of the date
31 when at least one manufacturer has commercially delivered at least
32 one personalized handgun production model to a wholesale or retail
33 dealer in New Jersey or any other state. The law was intended to
34 encourage the development of smart gun technology, but the
35 prohibition on other handguns has, in effect, restricted consumer
36 access to personalized handguns.

37 This bill repeals sections of law prohibiting the sale of all
38 handguns after personalized handguns are available for retail
39 purposes. However, the bill preserves the provision requiring the
40 Attorney General to report to the Governor and Legislature on the
41 availability of personalized handguns and direct the Superintendent
42 of State Police to establish and update a list of personalized
43 handguns that may be sold. Upon issuance of the list, the bill
44 requires each firearms wholesale or retail dealer to maintain an
45 inventory of one or more types of personalized handguns to be
46 displayed in the dealer’s salesroom and offered for sale to the
47 general public.