

[Second Reprint]

**ASSEMBLY, No. 2374**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED FEBRUARY 4, 2016

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**SYNOPSIS**

Requires Attorney General to establish Statewide gun buyback program.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 5, 2018, with amendments.

(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT establishing a Statewide gun buyback program and  
2 supplementing various 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. a. To reduce gun violence by removing firearms and other  
8 weapons from circulation, the Attorney General shall establish a  
9 Statewide gun buyback program allowing citizens of this State to  
10 voluntarily surrender firearms and weapons in their possession.

11 b. A person who surrenders a firearm or other weapon in a gun  
12 buyback program shall remain anonymous.

13 c. A reward shall be granted in a form and in an amount to be  
14 determined by the Attorney General for each surrendered firearm or  
15 weapon.

16 d. The Attorney General shall conduct <sup>2</sup>~~nine~~ three<sup>2</sup> gun  
17 buyback programs each calendar year. <sup>2</sup>~~Three programs~~ One  
18 program<sup>2</sup> shall be held in the northern, <sup>2</sup>one shall be held in the<sup>2</sup>  
19 central, and <sup>2</sup>one shall be held in the<sup>2</sup> southern regions of the State <sup>2</sup>~~],~~  
20 respectively. At least one program in each region] , and of those  
21 three programs at least one<sup>2</sup> shall be held in an urban area with a high  
22 crime rate as determined by the most recent issue of the Uniform  
23 Crime Report published by the Department of Law and Public Safety.

24 e. The Statewide gun buyback program established in this section  
25 shall be funded by:

26 (1) forfeiture funds collected pursuant to N.J.S.2C:64-6, in an  
27 amount to be determined by the Attorney General;

28 (2) private donations collected pursuant to sections 2 and 3 of P.L.

29 c. (C. ) (pending before the Legislature as this bill); and

30 (3) any other monies that may be available to the Attorney  
31 General.

32 f. The Attorney General shall partner, to the greatest extent  
33 practicable, with local law enforcement agencies and community  
34 organizations in coordinating the Statewide gun buyback programs  
35 established pursuant to this section.

36

37 2. a. A taxpayer, upon the review and approval of the  
38 taxpayer's application therefor by the director and the Attorney  
39 General, shall be allowed a credit for the privilege period against  
40 the tax imposed pursuant to section 5 of P.L.1945, c.162  
41 (C.54:10A-5), in an amount equal to 25 percent of the fair market  
42 value of the taxpayer's qualified contribution to the gun buyback  
43 program during the privilege period.

**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:

<sup>1</sup>Assembly AJU committee amendments adopted March 7, 2016.

<sup>2</sup>Senate SBA committee amendments adopted January 5, 2018.

1       b. The order of priority of the application of the credit allowed  
2 pursuant to this section and any other credits allowed by law shall  
3 be as prescribed by the director. The amount of the credit applied  
4 under this section against the tax imposed pursuant to section 5 of  
5 P.L.1945, c.162 (C.54:10A-5) for a privilege period, together with  
6 any other credits allowed by law, shall not exceed 50 percent of the  
7 tax liability otherwise due and shall not reduce the tax liability to an  
8 amount less than the statutory minimum provided in subsection (e)  
9 of section 5 of P.L.1945, c.162 (C.54:10A-5). The amount of the  
10 qualified contribution that is claimed as a credit pursuant to this  
11 section shall not be allowed as an amount calculated or claimed  
12 pursuant to any other deduction or credit against the tax imposed  
13 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5).

14       c. The amount of tax credits approved by the director and the  
15 Attorney General pursuant to this section and section 3 of P.L.     ,  
16 c. (C.     ) (pending before the Legislature as this bill), shall not  
17 exceed a cumulative total of \$2,000,000 in any calendar year to  
18 apply against the tax imposed pursuant to section 5 of P.L.1945,  
19 c.162 (C.54:10A-5), and the tax imposed pursuant to the “New  
20 Jersey Gross Income Tax Act,” N.J.S.54A:1-1 et seq. If the  
21 cumulative amount of tax credits allowed to taxpayers in a calendar  
22 year exceeds the amount of credits available in that year, then  
23 taxpayers who have first applied for and have not been allowed a  
24 tax credit for that reason shall be allowed, in the order in which  
25 they have submitted an application for the allowance of a credit, the  
26 amount of tax credit on the first day of the next succeeding calendar  
27 year in which tax credits under this section and section 3 of P.L.     ,  
28 c. (C.     ) (pending before the Legislature as this bill) are not in  
29 excess of the amount of credits available.

30       d. As used in this section:

31       “Director” means the Director of the Division of Taxation in the  
32 Department of the Treasury.<sup>1</sup>

33       “Gun buyback program” means the Statewide gun buyback  
34 program established pursuant to section 1 of P.L.     , c. (C.     )  
35 (pending before the Legislature as this bill).

36       “Qualified contribution” means a nonrefundable contribution to  
37 the Attorney General of cash, merchandise, or other tangible or  
38 intangible assets that is capable of being valued, securely stored or  
39 maintained, and used, or converted into cash and used, as a reward  
40 to participants of the gun buyback program for the surrender of a  
41 firearm or other weapon.

42       e. Notwithstanding any provision of the “Administrative  
43 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
44 contrary, the director, in consultation with the Attorney General,  
45 may adopt immediately upon filing with the Office of  
46 Administrative Law such rules and regulations as the director or the  
47 Attorney General determine to be necessary to implement the  
48 provisions of this section, which rules and regulations shall be

1 effective for a period not to exceed 360 days following the effective  
2 date of P.L. , c. (C. ) (pending before the Legislature as this  
3 bill) and may thereafter be amended, adopted, or readopted by the  
4 director in accordance with the requirements of P.L.1968, c.410.

5  
6 3. a. A taxpayer, upon the review and approval of the  
7 taxpayer's application therefor by the director and the Attorney  
8 General, shall be allowed a credit for the taxable year against the  
9 tax otherwise due for the taxable year pursuant to the "New Jersey  
10 Gross Income Tax Act," N.J.S.54A:1-1 et seq., in an amount equal  
11 to 25 percent of the fair market value of the taxpayer's qualified  
12 contribution to the gun buyback program during the taxable year.

13 b. The order of priority of the application of the credit allowed  
14 pursuant to this section and any other credits allowed by law shall  
15 be as prescribed by the director. The amount of the credit applied  
16 under this section against the tax imposed pursuant to the "New  
17 Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., for a taxable  
18 year, together with any other credits allowed by law, shall not  
19 exceed 50 percent of the tax liability otherwise due. The amount of  
20 the qualified contribution that is claimed as a credit pursuant to this  
21 section shall not be allowed as an amount calculated or claimed  
22 pursuant to any other deduction or credit against the tax imposed  
23 pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1  
24 et seq.

25 c. (1) A business entity that is classified as a partnership for  
26 federal income tax purposes shall not be allowed a credit directly  
27 under the gross income tax, but the amount of credit of a taxpayer  
28 in respect of a distributive share of partnership income shall be  
29 determined by allocating to the taxpayer that proportion of the  
30 credit acquired by the partnership that is equal to the taxpayer's  
31 share, whether or not distributed, of the total distributive income or  
32 gain of the partnership for its taxable year ending within or with the  
33 taxpayer's taxable year.

34 (2) A New Jersey S corporation shall not be allowed a credit  
35 directly under the gross income tax, but the amount of credit of a  
36 taxpayer in respect of a pro rata share of S Corporation income shall  
37 be determined by allocating to the taxpayer that proportion of the  
38 credit acquired by the New Jersey S Corporation that is equal to the  
39 taxpayer's share, whether or not distributed, of the total pro rata  
40 share of S Corporation income of the New Jersey S Corporation for  
41 its privilege period ending within or with the taxpayer's taxable  
42 year.

43 d. The amount of tax credits approved by the director and the  
44 Attorney General pursuant to this section and section 2 of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill), shall not  
46 exceed a cumulative total of \$2,000,000 in any calendar year to  
47 apply against the tax imposed pursuant to the "New Jersey Gross  
48 Income Tax Act," N.J.S.54A:1-1 et seq., and the tax imposed

1 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5). If the  
2 cumulative amount of tax credits allowed to taxpayers in a calendar  
3 year exceeds the amount of credits available in that year, then  
4 taxpayers who have first applied for and have not been allowed a  
5 credit for that reason shall be allowed, in the order in which they  
6 have submitted an application for the allowance of a credit, the  
7 amount of tax credit on the first day of the next succeeding calendar  
8 year in which tax credits under this section and section 2 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill) are not in  
10 excess of the amount of credits available.

11 e. As used in this section:

12 <sup>1</sup>"Director" means the Director of the Division of Taxation in the  
13 Department of the Treasury.<sup>1</sup>

14 "Gun buyback program" means the Statewide gun buyback  
15 program established pursuant to section 1 of P.L. , c. (C. )  
16 (pending before the Legislature as this bill).

17 "Qualified contribution" means a nonrefundable contribution to  
18 the Attorney General of cash, merchandise, or other tangible or  
19 intangible assets that is capable of being valued, securely stored or  
20 maintained, and used, or converted into cash and used, as a reward  
21 to participants of the gun buyback program for the surrender of a  
22 firearm or other weapon.

23 f. Notwithstanding any provision of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the director, in consultation with the Attorney General,  
26 may adopt immediately upon filing with the Office of  
27 Administrative Law such rules and regulations as the director or the  
28 Attorney General determine to be necessary to implement the  
29 provisions of this section, which rules and regulations shall be  
30 effective for a period not to exceed 360 days following the effective  
31 date of P.L. , c. (C. ) (pending before the Legislature as this  
32 bill) and may thereafter be amended, adopted, or readopted by the  
33 director in accordance with the requirements of P.L.1968, c.410.  
34

35 4. The Attorney General <sup>1</sup>, in consultation with the Director of  
36 the Division of Taxation in the Department of the Treasury,<sup>1</sup> is  
37 authorized to promulgate guidelines or directives, as appropriate, to  
38 implement and enforce the provisions of P.L. , c. (C. )  
39 (pending before the Legislature as this bill).  
40

41 5. This act shall take effect immediately; provided, however, that  
42 section 1 shall remain inoperative until the first day of the seventh  
43 month next following the date of enactment and sections 2 and 3 shall  
44 apply to privilege periods and taxable years beginning on or after  
45 January 1 <sup>1</sup>**[, 2014]** next following the date of enactment<sup>1</sup>.