ASSEMBLY, No. 4502

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 10, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Upgrades penalties for crimes committed with aid of firearms locator application.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning firearms locator applications and supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

1. a. A person who knowingly uses a firearms locator application to facilitate the commission of a criminal offense is guilty of a crime.

b. An offense under this section constitutes a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense under this section shall be classified one degree higher than the underlying offense.

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction under this section shall not merge with a conviction for the underlying offense. Nor shall a conviction for the underlying offense merge with a conviction under this section. Nothing contained in this act shall prohibit the court from imposing an extended term of imprisonment pursuant to N.J.S.2C:43-7; nor shall this be construed to preclude or limit a prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any offense.

d. For purposes of this section a "firearms locator application" means any software application designed to run on a computer or wireless device, including but not limited to smartphones, electronic books and tablets, mp3 players, motor vehicle electronics, or home entertainment systems, which provides information as to the physical location and ownership of firearms.

2. This act shall take effect immediately.

STATEMENT

This bill makes it a crime to knowingly use a firearms locator application to facilitate the commission of a criminal offense.

Recently, an application, or "app" was created and made available to smartphone users, via a free download, which allowed users to anonymously report the alleged location of firearms which were deemed to be unsafe by the user. The app, called the "Geo Gun Marker," operated by way of users anonymously marking locations on a map and then providing rationale for the marking, such as alleged improper storage or training on the part of the firearms owner. Other users could then open the map and have access to the location of all of the reported firearms. The app did not require any sort of verification of the information provided, nor did it provide a way for an alleged unsafe firearms owner to petition to be removed from the map. In addition to violating the privacy of

any person whose location was marked on the map, the app also created a security risk by allowing homes with firearms to be targeted by criminals.

This bill makes the use of such an application to facilitate a criminal offense a crime. For purposes of gradation, an offense under the bill constitutes a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense under the bill is classified one degree higher than the underlying offense.