

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5647

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 23, 2021

SUMMARY

- Synopsis:** “New Jersey Safe Storage of Firearms Act”; establishes certain requirements and penalties regarding firearm storage; repeals law governing minor’s access to firearm; requires AG to establish public awareness campaign regarding firearm storage; appropriates \$500,000.
- Type of Impact:** Annual State and Local Government Expenditure and Revenue Increases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Department of Corrections, Office of the Public Defender; State Parole Board; local governments.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds this bill could result in annual State and local cost and revenue increases. Under the bill, the failure of a legal gun owner to properly store and secure a firearm would give rise to a permissive inference that the owner acted knowingly or recklessly in engaging in conduct which created a substantial risk of bodily injury or death to another person, and the person could be tried for a crime or offense.
- The following State agencies could incur caseload and expenditure increases if a person is charged with a crime of any degree under this bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

- Municipalities could incur indeterminate caseload and expenditure increases for any disorderly persons cases that are adjudicated in municipal courts. Annual county expenditures could also increase, as defendants could be sent to county jails for a disorderly persons offense.
- The State and local governments may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of crimes and offenses under this bill; however, the ability of the State and local governments to collect criminal fines and penalties has historically been limited.
- The bill requires the Attorney General to establish and publish firearm storage best practices, establish and provide a warning to be issued to firearms purchasers, and establish a public awareness campaign regarding the risk associated with improper storage of a firearm. These provisions will increase the workload of the Department of Law and Public Safety. The bill includes an appropriation of \$500,000 to the Attorney General to establish the public awareness campaign.

BILL DESCRIPTION

This bill establishes a permissive inference of culpability for improper storage of a firearm; requires a warning to be issued to firearms purchasers; and requires the Attorney General to establish a public awareness campaign regarding the risks associated with improper storage. The bill also repeals the provisions of current law establishing penalties for only a minor's access of an improperly stored firearm.

Under current law, there are storage requirements and penalties imposed if a minor accesses a loaded firearm that is not in use. However, there currently are no general requirements for storing a firearm when not in use.

The bill requires the court to notify a person convicted of a crime or offense involving an improperly stored firearm that he or she is prohibited from purchasing, owning, possessing, or controlling a firearm, and from receiving or retaining a permit to purchase a handgun or a firearms purchaser identification card. The court also is required to order a defendant to arrange for the immediate surrender to a law enforcement officer of any firearm that has not already been seized or surrendered.

The bill requires the Attorney General to establish a public awareness campaign to inform and educate the public about the provisions of the bill. The public awareness campaign is to be implemented in media outlets, which include Statewide newspapers, radio, public service announcements, social media, television ads, and other media outlets. The bill appropriates \$500,000 to fund the public awareness campaign.

The bill requires the Attorney General to collect and analyze data related to implementation of the bill, including the number of violations that have occurred and the disposition of each violation. The Attorney General is required to study the overall impact of the bill and consider the effectiveness of the bill. The Attorney General also is required to submit an annual report to the Legislature summarizing the analysis and study.

Finally, the bill repeals current law governing a minor's access to a firearm, to be replaced with the requirements and permissive inference of culpability established under the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds this bill could result in annual State and local cost and revenue increases. Under the bill, the failure of a legal gun owner to properly store and secure a firearm would give rise to a permissive inference that the owner acted knowingly or recklessly in engaging in conduct which created a substantial risk of bodily injury or death to another person, and the person could be tried for a crime or offense.

Expenditure Increases: The following State agencies could incur caseload and expenditure increases if a person is charged with a crime of any degree under this bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

Municipalities could incur indeterminate caseload and expenditure increases for any disorderly persons cases that are adjudicated in municipal courts. Annual county expenditures could also increase, as defendants could be sent to county jails for a disorderly persons offense. The OLS notes that there is a presumption of non-incarceration for first time offenders of crimes of the third and fourth degree as well as disorderly persons offenses.

The bill also requires the Attorney General to establish and publish firearm storage best practices, establish and provide a warning to be issued to firearms purchasers, and establish a public awareness campaign regarding the risk associated with improper storage of a firearm. These provisions will increase the workload of the Department of the Department of Law and Public Safety. The bill includes an appropriation of \$500,000 to establish the public awareness campaign.

Finally, this bill requires the courts to provide certain notifications and order a defendant to arrange for the immediate surrender to a law enforcement officer of firearms as required by this bill. These provisions will increase the workload of the Judiciary and municipal courts as well as State, county, and municipal law enforcement.

Revenue Increases: The State and local governments may also receive indeterminate annual revenue from additional fines and penalties imposed on individuals convicted of crimes and offenses under this bill; however, the ability of the State and local governments to collect criminal fines and penalties has historically been limited.

Section: Law and Public Safety
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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).