

ASSEMBLY, No. 5647

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblywoman Chaparro

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.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning safe storage of firearms, designated the “New
2 Jersey Safe Storage of Firearms Act,” supplementing various
3 parts of the statutory law, repealing sections 1 and 2 of P.L.1991,
4 c.397 and sections 2 and 3 of P.L.1999, c.255, and making an
5 appropriation.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. This act shall be known and may be cited as the “New Jersey
11 Safe Storage of Firearms Act.”

12
13 2. The Legislature finds and declares that:

14 a. Having unsecured personal firearms in the home puts both
15 adults and children at significantly increased risk of accidental
16 injury, accidental death, suicide by firearm, and increased lethality
17 in domestic violence;

18 b. Ownership of personal firearms in New Jersey has surged
19 dramatically since 2019, increasing by more than 300 percent in
20 2020;

21 c. In 2018, 458 people died from unintentional firearm injuries,
22 116 of whom were children and teens;

23 d. The American Medical Association, American Public Health
24 Association, and the New Jersey Public Health Association, among
25 others, have declared gun violence a public health crisis;

26 e. Ensuring that firearms are secured and safely stored reduces
27 the incidence and risk of theft or loss, thereby reducing trafficked
28 guns; and

29 f. Enacting legislation to mandate the secure safe storage of
30 firearms, along with public education, could save thousands of lives
31 from accidental injuries, accidental death, suicide, and homicide.

32
33 3. a. A legal owner of a firearm shall:

34 (1) store or secure a firearm that is not in use at a premises
35 under the owner’s control, unloaded, in a gun safe or securely
36 locked box or container; and

37 (2) store ammunition, separately, in a securely locked box or
38 container.

39 b. Nothing in this section shall be construed to prevent a legal
40 owner from being authorized, pursuant to subsection e. of
41 N.J.S.2C:39-6, to lawfully keep or carry about the owner’s place of
42 business, residence, premises, or other land owned or possessed by
43 the owner, any firearm, or from carrying the firearm, in the manner
44 specified in subsection g. of N.J.S.2C:39-6.

45 c. This section shall not apply to a temporary transfer of a
46 firearm authorized pursuant to section 1 of P.L.1992, c.74
47 (C.2C:58-3.1).

1 d. Except as provided in subsection e. of this section, if the legal
2 owner of a firearm fails to store and secure the firearm properly in
3 violation of subsection a. of this section, the legal owner:

4 (1) for a first offense, shall be sentenced to a period of
5 community service of not less than 10 hours nor more than 40 hours
6 with an entity with knowledge and experience in the prevention of
7 gun violence approved by the Attorney General in accordance with
8 subsection f. of this section; and

9 (2) for a second or subsequent offense, shall be guilty of a
10 disorderly persons offense.

11 e. If the firearm of a legal owner who fails to store or secure
12 the firearm properly in violation of this section is accessed by
13 another person, and the access results in serious bodily injury or
14 death, the legal owner shall be guilty of a crime of the fourth
15 degree.

16 f. The Attorney General shall establish a list of approved
17 entities with knowledge and experience in the prevention of gun
18 violence for which a person may perform a sentence of community
19 service ordered by the court pursuant to paragraph (1) of subsection
20 d. of this section.

21 g. An approved entity shall offer community service that:

22 (1) incorporates gun violence prevention education; and
23 (2) effectuates behavioral change to meet the goals of gun
24 violence prevention.

25 h. An approved entity may provide:

26 (1) online instruction related to gun violence prevention;
27 (2) gun violence prevention films; and
28 (3) gun violence prevention interventional activities as part of a
29 New Jersey hospital-based gun violence intervention program.

30 i. The Attorney General shall make the list of approved entities
31 publicly available on the Internet website of the Department of Law
32 and Public Safety.

33

34 4. a. The Superintendent of State Police, in conjunction with
35 the Attorney General, shall adopt guidelines in accordance with the
36 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
37 seq.), to require each licensed retail firearms dealer in the State, or
38 the retail dealer's employee, to provide to any person who receives,
39 possesses, carries, or uses a firearm, a written warning printed on
40 eight and one-half inches by 11 inches in size paper in not less than
41 14 point bold point type letters which shall state:

42 NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS
43 MUST BE STORED, UNLOADED, IN A SECURELY LOCKED
44 GUN SAFE OR LOCKED CONTAINER, AND ALL
45 AMMUNITION MUST BE STORED IN A SEPARATE,
46 SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER.
47 FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD
48 RESULT IN FINES AND IMPRISONMENT.

1 b. The written warning provided pursuant to subsection a. of
2 this section shall include the requirements and penalties imposed
3 pursuant to P.L. , c. (C.) (pending before the Legislature as
4 this bill).

5 c. The superintendent shall provide each licensed retail
6 firearms dealer with a sign to be displayed prominently at a
7 conspicuous place on the dealer's business premises at each
8 purchase counter. The sign shall contain the statutory reference to
9 section 3 of P.L. , c. (C.) (pending before the Legislature as
10 this bill) and information concerning the Internet website that
11 contains the provisions of section 3 of P.L. , c. (C.) (pending
12 before the Legislature as this bill). The sign shall state substantially
13 the following in one inch block letters:

14 NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS
15 MUST BE STORED, UNLOADED, IN A SECURELY LOCKED
16 GUN SAFE OR LOCKED CONTAINER, AND ALL
17 AMMUNITION MUST BE STORED IN A SEPARATE,
18 SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER.
19 FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD
20 RESULT IN FINES AND IMPRISONMENT.

21

22 5. When a defendant is found guilty of second a or subsequent
23 offense involving the unlawful storage or access of a firearm
24 pursuant to paragraph (2) of subsection d. of section 3 of P.L. , c.
25 (C.) (pending before the Legislature as this bill), or a crime or
26 offense involving the unlawful storage or access of a firearm in
27 violation of subsection e. of section 3 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), the court shall inform
29 the defendant that the defendant is prohibited from purchasing,
30 owning, possessing, or controlling a firearm pursuant to section 6 of
31 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
32 firearms purchaser identification card or permit to purchase a
33 handgun pursuant to N.J.S.2C:58-3.

34 The court shall order the defendant to arrange for the immediate
35 surrender to a law enforcement officer of any firearm that has not
36 already been seized or surrendered and any firearms purchaser
37 identification card or permit to purchase a handgun possessed by
38 the defendant. No later than five business days after the order is
39 entered, however, the defendant may arrange to sell any surrendered
40 firearm to a licensed retail dealer of firearms who shall be
41 authorized to take possession of that purchased firearm from the
42 law enforcement agency to which it was surrendered no later than
43 10 business days after the order is entered. Any card or permit
44 issued to the defendant shall be deemed immediately revoked. The
45 court shall establish a process for notifying the appropriate
46 authorities of the conviction requiring the revocation of the card or
47 permit.

1 A law enforcement officer accepting a surrendered firearm shall
2 provide the defendant with a receipt listing the date of surrender,
3 the name of the defendant, and any item that has been surrendered,
4 including the serial number, manufacturer, and model of the
5 surrendered firearm. The defendant shall provide a copy of this
6 receipt to the prosecutor within 48 hours of service of the order, and
7 shall attest under penalty that any firearms owned or possessed at
8 the time of the order have been transferred in accordance with this
9 section and that the defendant currently does not possess any
10 firearms. The defendant alternatively may attest under penalty that
11 the defendant did not own or possess a firearm at the time of the
12 order and currently does not possess a firearm. If the court, upon
13 motion of the prosecutor, finds probable cause that the defendant
14 has failed to surrender any firearm, card, or permit, the court may
15 order a search for and removal of these items at any location where
16 the judge has reasonable cause to believe these items are located.
17 The judge shall state with specificity the reasons for and the scope
18 of the search and seizure authorized by the order.

19 A law enforcement officer who receives a firearm that is
20 surrendered, but not purchased and taken possession of by a
21 licensed retail dealer of firearms within 10 business days of when
22 the order is entered pursuant to this subsection, may dispose of the
23 surrendered firearm in accordance with the provisions of
24 N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from
25 a defendant shall become part of the inventory of the dealer.

26

27 6. The Attorney General shall establish a public awareness
28 campaign to inform and educate the public concerning :

29 a. the provisions of section 3 of P.L. , c. (C.) (pending
30 before the Legislature as this bill); the dangers associated with the
31 presence of a loaded, unsecured firearm in the home; and the
32 requirements and penalties imposed pursuant to
33 P.L. , c. (C.) (pending before the Legislature as this bill).

34 b. The public awareness campaign shall be implemented in
35 media outlets which include, but are not limited to: Statewide
36 newspapers, radio, public service announcements, social media,
37 television ads, and other media outlets deemed appropriate by the
38 Attorney General.

39 c. There is appropriated from the General Fund \$500,000 to the
40 Department of Law and Public Safety to develop and implement the
41 public awareness campaign.

42

43 7. a. The Attorney General shall collect and analyze data
44 related to implementation of P.L. , c. (C.) (pending before
45 the Legislature as this bill) including the number of violations that
46 have occurred and the disposition of each violation.

1 b. The Attorney General shall conduct a study to determine the
2 overall impact of P.L. , c. (C.) (pending before the
3 Legislature as this bill). The study shall consider the effectiveness
4 of the bill on public safety and the effectiveness of the community
5 service requirements established under P.L. , c. (C.)
6 (pending before the Legislature as this bill).

7 c. The Attorney General shall submit annually a report
8 summarizing the analysis and study conducted pursuant to this
9 section to the Legislature pursuant to section 2 of P.L.1991, c.164
10 (C.52:14-19.1) and shall make the summary report available to the
11 public on the Internet website of the Department of Law and Public
12 Safety. The Attorney General shall submit and publish the report
13 by November 1st of each year.

14

15 8. The following sections are repealed:
16 Section 1 of P.L.1991, c.397 (C.2C:58-15);
17 Section 2 of P.L.1991, c.397 (C.2C:58-16);
18 Section 2 of P.L.1999, c.255 (C.2C:58-17); and
19 Section 3 of P.L.1999, c.255 (C.2C:58-18).

20

21 9. This act shall take effect on the first day of the fourth month
22 next following the date of enactment.

23

24

25

STATEMENT

26

27 This bill, titled the "New Jersey Safe Storage of Firearms Act,"
28 establishes penalties for improper storage of a firearm that results in
29 access of the firearm; requires a warning to be issued to firearms
30 purchasers; and requires the Attorney General to establish a public
31 awareness campaign regarding the risk associated with improper
32 storage of a firearm. The bill also repeals the provisions of current
33 law that establish penalties only for a minor's access of an
34 improperly stored firearm, and makes an appropriation.

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

39 This bill requires a legal owner of a firearm to: (1) store or
40 secure a firearm that is not in use at a premises under the owner's
41 control unloaded, in a gun safe or securely locked box or container;
42 and (2) store ammunition, separately, in a securely locked box or
43 container.

44 Under the bill, if the owner of a firearm fails to store the firearm
45 properly as required under the bill, the owner will, for a first
46 offense, be sentenced to period of community service of not less
47 than 10 hours and not more than 40 hours. For a second or
48 subsequent offense, the owner is guilty of a disorderly persons

1 offense. If an improperly stored firearm is accessed by another
2 person, and the access results in serious bodily injury to or the death
3 of the person who accesses the firearm or another person, the owner
4 is guilty of a crime of the fourth degree. A disorderly persons
5 offense is punishable by up to six months' imprisonment, a fine of
6 up to \$1,000, or both. A crime of the fourth degree is punishable by
7 up to 18 months' imprisonment, a fine of up to \$10,000, or both.

8 The Attorney General is required under the bill to establish a list
9 of approved entities with knowledge and experience in the
10 prevention of gun violence for which a person may perform a
11 sentence of court-ordered community service. An approved entity
12 is required to offer community service that incorporates gun
13 violence prevention education and effectuates behavioral change to
14 meet the goals of gun violence prevention. An approved entity also
15 may provide online instruction related to gun violence prevention,
16 gun violence prevention films; and gun violence prevention
17 interventional activities to be conducted as part of a New Jersey
18 hospital-based gun violence intervention program.

19 The bill requires the court to notify a person who is convicted of
20 a second or subsequent crime or offense involving the access of an
21 improperly stored firearm or access that results in serious bodily
22 injury or death that he or she is prohibited from purchasing,
23 owning, possessing, or controlling a firearm, and from receiving or
24 retaining a permit to purchase a handgun (PPH) or a firearms
25 purchaser identification card (FPIC).

26 The court also is to order a defendant to arrange for the
27 immediate surrender to a law enforcement officer of any firearm
28 that has not already been seized or surrendered, as well as any PPH
29 or FPIC. Within five days of the entry of an order, the defendant
30 may arrange to sell the surrendered firearm to a licensed retail
31 dealer. The dealer then has 10 days to take possession of the
32 firearm. A law enforcement officer accepting a surrendered firearm
33 is to provide the defendant with a receipt, which the defendant is to
34 present to the prosecutor as proof that the firearm was surrendered.
35 If a firearm is surrendered to a law enforcement officer, but not sold
36 to a licensed retail dealer, the law enforcement officer is authorized
37 to dispose of the firearm in accordance with the State's civil asset
38 forfeiture laws.

39 In addition, the bill requires a retail dealer or employee to notify
40 a firearms purchaser, and post signage, explaining the New Jersey
41 Safe Storage of Firearms Act and warning of the dangers associated
42 with having a firearm in the home and the penalties imposed for
43 unlawful access of an improperly stored firearm.

44 The provisions of the bill also require the Attorney General to
45 establish a public awareness campaign to inform and educate the
46 public concerning the provisions of the bill, including the
47 requirements and penalties imposed under the bill, and the dangers
48 associated with the presence of a loaded, unsecured firearm in the

1 home. The public awareness campaign is to be implemented in
2 media outlets which include, but are not limited to: Statewide
3 newspapers, radio, public service announcements, social media,
4 television ads, and other media outlets deemed appropriate by the
5 Attorney General. The bill appropriates \$500,000 to fund the
6 development and implementation of the public awareness
7 campaign.

8 The bill also requires the Attorney General to collect and analyze
9 data related to implementation of the bill, including the number of
10 violations that have occurred and the disposition of each violation.
11 The Attorney General also is required to study the overall impact of
12 bill, considering the effectiveness of the bill on public safety and
13 the effectiveness of the community service requirements established
14 under bill. The Attorney General is required to submit annually a
15 report to the Legislature summarizing the analysis and study
16 conducted pursuant to the bill, and make the report available to the
17 public on the Internet website of the Department of Law and Public
18 Safety. The report is to be submitted and published by November
19 1st of each year.

20 Finally, the bill repeals current law governing a minor's access
21 to a firearm, to be replaced with the requirements and penalties
22 established under the bill.