[First Reprint]

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:
Assemblywomen Chaparro, Jimenez and Vainieri Huttle

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 reported by the Assembly Judiciary Committee on December 13, 2021, with amendments.

(Sponsorship Updated As Of: 12/20/2021)

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

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

1. This act shall be known and may be cited as the "New Jersey Safe Storage of Firearms Act."

2. The Legislature finds and declares that:

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

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

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

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

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

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

3. a. [1]**[**A**]** Except as otherwise provided in this section, a[1] legal owner of a firearm shall:

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

(2) store ammunition [1]**[**,**]**[1] separately [1]**[**, in a securely locked box or container**]** from the firearm[1] .

b. Nothing in this section shall be construed to prevent a legal owner from being authorized, pursuant to subsection e. of N.J.S.2C:39-6, to lawfully keep or carry about the owner's place of business, residence, premises, or other land owned [1]**[**or possessed**]**[1] by the owner, any firearm, or from carrying the firearm, in the manner specified in subsection g. of N.J.S.2C:39-6.

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:
[1]Assembly AJU committee amendments adopted December 13, 2021.

c. This section shall not apply to [1] :

(1) an active law enforcement officer authorized to carry a firearm pursuant to N.J.S.2C:39-6, provided that when a person under the age of 18 years is on the premises under the control of the active law enforcement officer, the firearm shall be:

(a) stored in a gun safe or securely locked box or container; or

(b) stored in a location which a reasonable person would believe to be secure or inaccessible to a person under the age of 18 years;

(2)[1] a temporary transfer of a firearm authorized pursuant to section 1 of P.L.1992, c.74 (C.2C:58-3.1)[1]; or

(3) a lawful owner or a licensed retail dealer that displays the firearm, unloaded, for the purposes of sale or exhibition, provided that any firearm on the premises under the lawful owner's or licensed retail dealer's control, and that is not on display for the purposes of sale or exhibition, shall be stored in a manner as defined by this section[1] .

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

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

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

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

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

g. An approved entity shall offer community service that:

(1) incorporates gun violence prevention education; and

(2) effectuates behavioral change to meet the goals of gun violence prevention.

h. An approved entity may provide:

(1) online instruction related to gun violence prevention;

(2) gun violence prevention films; and

(3) gun violence prevention interventional activities as part of a New Jersey hospital-based gun violence intervention program.

i. The Attorney General shall make the list of approved entities publicly available on the Internet website of the Department of Law and Public Safety**]** shall give rise to a permissive inference that the legal owner acted knowingly or recklessly in engaging in conduct which creates a substantial risk of serious bodily injury or death to another person[1].

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

NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS MUST BE STORED, UNLOADED, IN A SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER, AND ALL AMMUNITION MUST BE STORED [1]**[**IN A SEPARATE, SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER**]** SEPARATELY FROM THE FIREARM[1]. FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD RESULT IN FINES AND IMPRISONMENT.

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

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

NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS MUST BE STORED, UNLOADED, IN A SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER, AND ALL AMMUNITION MUST BE STORED [1]**[**IN A SEPARATE, SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER**]** SEPARATELY FROM THE FIREARM[1]. FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD RESULT IN FINES AND IMPRISONMENT.

5. When a defendant is found guilty of [1]**[**second a or subsequent offense involving the unlawful storage of a firearm pursuant to paragraph (2) of subsection d. of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), or**]**[1] a crime or offense involving the unlawful storage [1]**[**or**]** and[1] access of a firearm in violation of subsection e. of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), the court shall inform the defendant that the defendant is prohibited from purchasing, owning, possessing, or controlling a firearm pursuant to section 6 of P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3.

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

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

A law enforcement officer who receives a firearm that is surrendered, but not purchased and taken possession of by a licensed retail dealer of firearms within 10 business days of when the order is entered pursuant to this subsection, may dispose of the

surrendered firearm in accordance with the provisions of N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from a defendant shall become part of the inventory of the dealer.

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

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

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

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

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

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

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

8. The following sections are repealed:

Section 1 of P.L.1991, c.397 (C.2C:58-15);

Section 2 of P.L.1991, c.397 (C.2C:58-16);

Section 2 of P.L.1999, c.255 (C.2C:58-17); and

Section 3 of P.L.1999, c.255 (C.2C:58-18).

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