

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5647

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5647 (1R).

This bill titled the “New Jersey Safe Storage of Firearms Act,” establishes penalties 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 makes an appropriation, and 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.

This bill requires a legal owner of a firearm to: (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 separately from the firearm. The provisions of the bill do not apply to active law enforcement officers authorized to carry a firearm pursuant to law, provided that when a person under the age of 18 is on premises under the control of the officer, the firearm must 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.

The bill also provides that its provisions do not apply to 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, must be stored in a manner as defined by the bill.

Under the bill, the failure of a firearm owner to properly store a firearm in accordance with the provisions of the bill will 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.

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 (PPH) or a firearms purchaser identification card (FPIC). 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, as well as any PPH or FPIC.

Within five days of the entry of an order, the defendant may arrange to sell a surrendered firearm to a licensed retail dealer. The dealer then has 10 days to take possession of the firearm. A law enforcement officer accepting a surrendered firearm is to provide the defendant with a receipt to be presented to the prosecutor as proof that the firearm was surrendered. If a firearm is surrendered to a law enforcement officer, but not sold to a licensed retail dealer, the officer is authorized to dispose of the firearm in accordance with the State's civil asset forfeiture laws.

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

The provisions of the bill also require the Attorney General to establish a public awareness campaign to inform and educate the public about the provisions of the bill, including the requirements and penalties imposed under the bill, and the dangers associated with the presence of a loaded, unsecured firearm in the home. The public awareness campaign is to 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. The bill appropriates \$500,000 to fund the public awareness campaign.

The bill also 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, considering the effectiveness of the bill. The Attorney General also is required to submit an annual report to the Legislature summarizing the analysis and study conducted pursuant to the bill, and make the report available to the public on the Internet website of the Department of Law and Public Safety. The report is to be submitted and published by November 1st of each year.

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

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.