

**ASSEMBLY CONCURRENT
RESOLUTION No. 209**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 1, 2021

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Urges Congress and President of US to enact legislation addressing interstate transportation of firearms or ammunition.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** urging Congress and the President of
2 the United States to enact legislation addressing the interstate
3 transportation of firearms or ammunition.
4
5 **WHEREAS**, The Second Amendment to the United States Constitution
6 affirms the right of the people to keep and bear arms and establishes
7 the bedrock of federal law concerning the possession of firearms;
8 and
9 **WHEREAS**, Despite this constitutional assurance, strict state laws have
10 exposed law-abiding gun owners to criminal penalties when
11 exercising their right to transport licensed firearms across state
12 lines; and
13 **WHEREAS**, This criminalization of law-abiding gun owners constitutes
14 an injustice requiring remedial federal action; and
15 **WHEREAS**, Under the “Firearm Owners’ Protection Act of 1986”
16 (FOPA), a person is entitled to transport a firearm to and from a
17 state where it may be lawfully possessed, regardless of that
18 firearm’s legality in any intermediary state, provided that the
19 firearm is neither loaded or readily accessible during the period of
20 transport; and
21 **WHEREAS**, Notwithstanding this federal protection, individuals
22 regularly confront legal issues when transporting licensed firearms
23 through states with strict gun laws; and
24 **WHEREAS**, New Jersey’s onerous gun laws contribute to the
25 criminalization of law-abiding citizens who have chosen to exercise
26 their right to transport a legal firearm through the State; and
27 **WHEREAS**, For example, while flying through the Newark
28 International Airport on a trip to Allentown, Pennsylvania in 2005,
29 Utah-native Greg Revell was detained for 10 days in a New Jersey
30 jail after attempting to transport his legally-owned firearm; and
31 **WHEREAS**, After a delay caused Revell to miss a connecting flight in
32 Newark, he was forced to stay overnight in New Jersey before
33 continuing to his destination; and
34 **WHEREAS**, Despite compliance with federal guidelines requiring him
35 to store his unloaded firearm in a locked container and inform
36 airline personnel that his checked luggage contained a firearm, Port
37 Authority police officers arrested Revell for illegally possessing a
38 firearm and ammunition in New Jersey as he attempted to board his
39 departing flight; and
40 **WHEREAS**, While FOPA intended to protect individuals in this
41 situation, authorities contended that Revell’s firearm was “readily
42 accessible” during his overnight stay, and therefore his actions were
43 not protected under federal law; and
44 **WHEREAS**, Although criminal charges were withdrawn months later,
45 Revell faced the possibility of imprisonment, despite his every
46 attempt to comply with federal law; and

ACR209 SPACE, WIRTHS

3

1 **WHEREAS**, That unpredictable travel events which require overnight
2 stays, such as a missed flight, can expose otherwise law-abiding
3 gun owners to the possibility of imprisonment constitutes a serious
4 injustice that should be rectified; and

5 **WHEREAS**, In response, Rep. Morgan Griffith has introduced H.R.225,
6 which increases protections for a person who transports a licensed
7 firearm to and from a state where it may be legally possessed; and

8 **WHEREAS**, By amending FOPA, this bill's provisions protect licensed
9 gun owners who have stored their unloaded firearm in a locked
10 container during travel and intend to use that firearm for lawful
11 purposes; and

12 **WHEREAS**, Most importantly, this bill expands the legal protections
13 afforded to these individuals by broadening the definition of
14 "transport" to include while "staying in temporary lodging
15 overnight, stopping for food, fuel, vehicle maintenance, an
16 emergency, medical treatment, or any other activity incidental to
17 the transport"; and

18 **WHEREAS**, This provision ensures that a law-abiding gun owner, like
19 Greg Revell, will be protected from the possibility of
20 imprisonment, even if an unpredictable event were to alter his
21 itinerary and require overnight lodging; and

22 **WHEREAS**, Enactment of H.R.225 would therefore remedy a loophole
23 in federal law that contributes to the unjust criminalization of law-
24 abiding citizens; now, therefore,

25

26 **BE IT RESOLVED** *by the General Assembly of the State of New*
27 *Jersey (the Senate concurring):*

28

29 1. The Legislature of this State respectfully urges Congress and
30 the President of the United States to enact H.R.225, which
31 addresses the interstate transportation of firearms or ammunition.

32

33 2. Copies of this resolution, as filed with the Secretary of State,
34 shall be transmitted by the Clerk of the General Assembly or the
35 Secretary of the Senate to the President of the United States, the
36 Majority and Minority Leaders of the United States Senate, the
37 Speaker and Minority Leader of the United States House of
38 Representatives, and each member of Congress elected from this
39 State.

40

41

42

STATEMENT

43

44 This concurrent resolution urges Congress and the President of
45 the United States to enact H.R.225, which addresses interstate
46 transportation of firearms or ammunition. In amending the
47 "Firearm Owners' Protection Act of 1986," this bill provides
48 increased legal protection for a person who transports a licensed

1 firearm to and from a state where it may be legally possessed,
2 provided that the firearm remains unloaded and stored in a locked
3 container. In particular, the bill broadens the definition of
4 “transport” to offer legal protection for traveling gun owners during
5 overnight stays; medical emergencies; food, fuel, and vehicle
6 maintenance stops; as well as any activity incidental to transport.
7 Under current law, a law-abiding gun owner may face
8 imprisonment for choosing to exercise their constitutional right to
9 transport legal firearms through a state with strict gun laws. For
10 example, despite his every attempt to comply with federal
11 guidelines, Greg Revell was jailed for 10 days in New Jersey after
12 attempting to travel through the State in 2005 with his licensed
13 firearm. Moreover, the chances of unnecessary legal complications
14 are increased when unpredictable events, such as delayed or missed
15 flights, disrupt a traveler’s itinerary, as was the case with Mr.
16 Revell. This criminalization of law-abiding citizens is an injustice
17 that requires remedial federal action in the form of H.R.225.”