

SENATE, No. 120

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Senators Cunningham, Ruiz and O'Scanlon

SYNOPSIS

Increases criminal penalties if leaving loaded firearm within easy access of minor results in injury or death.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/24/2020)

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8 1. a. A person who knows or reasonably should know that a
9 minor is likely to gain access to a loaded firearm at a premises
10 under the person's control commits a disorderly persons offense if a
11 minor gains access to the firearm, unless the person:

13 (2) Stores the firearm in a location which a reasonable person
14 would believe to be secure; or

16 b. This section shall not apply:

19 **[or]**

22 (3) Under circumstances where a minor obtained a firearm for
23 the purpose of self-protection pursuant to the provisions of
24 N.J.S.2C:3-4.

d. A person who violates this section is guilty of a crime of the fourth degree if a minor's access to a loaded firearm causes the bodily injury of any person. A person who violates this section is guilty of a crime of the third degree if a minor's access to a loaded firearm causes the death or serious bodily injury of any person. For the purposes of this section, "bodily injury" or "serious bodily injury" shall have the same meaning set forth in N.J.S.2C:11-1.

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44 Under current law, a person who knows or reasonably should
45 know that a minor is likely to gain access to a loaded firearm at a

Matter underlined thus is new matter.

1 premises under the person's control is required to store the firearm in a
2 securely locked box or container or in a location which a reasonable
3 person would believe to be secure, or to secure the firearm with a
4 trigger lock. A person who fails to follow these precautions is guilty
5 of a disorderly person's offense if a minor gains access to the loaded
6 firearm.

7 This bill upgrades this offense to a crime of the fourth degree if a
8 violation of the current law results in bodily injury, and a crime of the
9 third degree if a violation results in serious bodily injury or death. A
10 disorderly person's offense is punishable by up to six months
11 imprisonment, a fine of up to \$1,000, or both. A crime of the fourth
12 degree is punishable by up to 18 months imprisonment, a fine of up to
13 \$10,000, or both; a crime of the third degree is punishable by three to
14 five years imprisonment, a fine of up to \$15,000, or both.

15 Current law defines "bodily injury" as physical pain, illness or any
16 impairment of physical condition. "Serious bodily injury" is defined as
17 bodily injury which creates a substantial risk of death or which causes
18 serious, permanent disfigurement, or protracted loss or impairment of
19 the function of any bodily member or organ.

20 In addition, under current law, a person is not guilty of the offense
21 of allowing a minor to obtain a loaded firearm under circumstances
22 where: 1) a minor uses a firearm for activities authorized by current
23 law; or 2) a minor obtained a firearm as a result of an unlawful entry
24 by any person. This bill clarifies that a person also is not guilty of the
25 offense of allowing a minor to obtain a loaded firearm under
26 circumstances where a minor obtained the firearm for the purpose of
27 self-protection, as permitted under current law.