

SENATE, No. 819

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Pou and Gopal

SYNOPSIS

Prohibits leaving loaded firearm within easy access of minor under age of 18; requires law enforcement officers who observe unsecured firearms to conduct follow-up.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning a minor's access to firearms and amending
2 P.L.1991, c.397.

3

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

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7 1. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to read
8 as follows:

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

13 (1) Stores the firearm in a securely locked box or container;

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

16 (3) Secures the firearm with a trigger lock.

17 b. This section shall not apply:

18 (1) To activities authorized by section 14 of P.L.1979, c.179 **[,]**
19 (C.2C:58-6.1) **[,]** concerning the lawful use of a firearm by a minor;
20 or

21 (2) Under circumstances where a minor obtained a firearm as a
22 result of an unlawful entry by any person.

23 c. As used in this act, "minor" means a person under the age of
24 **[16]** 18.

25 d. A law enforcement officer who observes that a person has not
26 complied with the provisions of this section shall return at a later date
27 to the premises under the person's control to ensure that the person
28 has stored or secured the firearm pursuant to subsection a. of this
29 section.

30 (cf: P.L.1991, c.397, s.1)

31

32 2. This act shall take effect immediately.

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35 STATEMENT

36

37 Under section 1 of P.L.1991, c.397 (C.2C:58-15), a firearm owner is
38 prohibited from leaving a loaded firearm within easy access of a minor
39 under the age of 16. This bill increases the age of a minor to under
40 the age of 18.

41 The bill also requires a law enforcement officer who observes that
42 a firearm owner has not properly stored or secured his or her firearm
43 to return to the firearm owner's premises to ensure that the firearms
44 are properly secured.

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.

1 Under section 1 of P.L.1991, c.397 (C.2C:58-15), unless a firearm
2 owner takes certain precautions, the owner is guilty of a disorderly
3 persons offense if he or she knows, or reasonably should know, that
4 a minor is likely to gain access to a loaded firearm at a premises under
5 the owner’s control and the minor gains access to the firearm. The
6 precautions required under the law include storing the firearm in a
7 securely locked box, secure location, or with a trigger lock. A
8 disorderly person’s offense is punishable by up to six months
9 imprisonment, a fine of up to \$1,000, or both.