

# SENATE, No. 3757

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2021

**District 11 (Monmouth)**  
**Senator JOSEPH P. CRYAN**  
**District 20 (Union)**

### **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 introduced.



(Sponsorship Updated As Of: 1/4/2022)

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

6  
7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:

9  
10 1. This act shall be known and may be cited as the “New Jersey  
11 Safe Storage of Firearms Act.”

12  
13 2. The Legislature finds and declares that:

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

18 b. Ownership of personal firearms in New Jersey has surged  
19 dramatically since 2019, increasing by more than 300 percent in  
20 2020;

21 c. In 2018, 458 people died from unintentional firearm injuries,  
22 116 of whom were children and teens;

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

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

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

32  
33 3. a. A legal owner of a firearm shall:

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

37 (2) store ammunition, separately, in a securely locked box or  
38 container.

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

45 c. This section shall not apply to a temporary transfer of a  
46 firearm authorized pursuant to section 1 of P.L.1992, c.74  
47 (C.2C:58-3.1).

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

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

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

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

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

20 g. An approved entity shall offer community service that:

21 (1) incorporates gun violence prevention education; and

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

24 h. An approved entity may provide:

25 (1) online instruction related to gun violence prevention;

26 (2) gun violence prevention films; and

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

29 i. The Attorney General shall make the list of approved entities  
30 publicly available on the Internet website of the Department of Law  
31 and Public Safety.

32

33 4. a. The Superintendent of State Police, in conjunction with  
34 the Attorney General, shall adopt guidelines in accordance with the  
35 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), to require each licensed retail firearms dealer in the State, or  
37 the retail dealer's employee, to provide to any person who receives,  
38 possesses, carries, or uses a firearm, a written warning printed on  
39 eight and one-half inches by 11 inches in size paper in not less than  
40 14 point bold point type letters which shall state:

41 NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS  
42 MUST BE STORED, UNLOADED, IN A SECURELY LOCKED  
43 GUN SAFE OR LOCKED CONTAINER, AND ALL  
44 AMMUNITION MUST BE STORED IN A SEPARATE,  
45 SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER.  
46 FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD  
47 RESULT IN FINES AND IMPRISONMENT.

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

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

14 NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS  
15 MUST BE STORED, UNLOADED, IN A SECURELY LOCKED  
16 GUN SAFE OR LOCKED CONTAINER, AND ALL  
17 AMMUNITION MUST BE STORED IN A SEPARATE,  
18 SECURELY LOCKED GUN SAFE OR LOCKED CONTAINER.  
19 FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD  
20 RESULT IN FINES AND IMPRISONMENT.

21  
22       5. When a defendant is found guilty of second a or subsequent  
23 offense involving the unlawful storage or access of a firearm  
24 pursuant to paragraph (2) of subsection d. of section 3 of P.L. , c.  
25 (C. ) (pending before the Legislature as this bill), or a crime or  
26 offense involving the unlawful storage or access of a firearm in  
27 violation of subsection e. of section 3 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill), the court shall inform  
29 the defendant that the defendant is prohibited from purchasing,  
30 owning, possessing, or controlling a firearm pursuant to section 6 of  
31 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a  
32 firearms purchaser identification card or permit to purchase a  
33 handgun pursuant to N.J.S.2C:58-3.

34       The court shall order the defendant to arrange for the immediate  
35 surrender to a law enforcement officer of any firearm that has not  
36 already been seized or surrendered and any firearms purchaser  
37 identification card or permit to purchase a handgun possessed by  
38 the defendant. No later than five business days after the order is  
39 entered, however, the defendant may arrange to sell any surrendered  
40 firearm to a licensed retail dealer of firearms who shall be  
41 authorized to take possession of that purchased firearm from the  
42 law enforcement agency to which it was surrendered no later than  
43 10 business days after the order is entered. Any card or permit  
44 issued to the defendant shall be deemed immediately revoked. The  
45 court shall establish a process for notifying the appropriate  
46 authorities of the conviction requiring the revocation of the card or  
47 permit.

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

19 A law enforcement officer who receives a firearm that is  
20 surrendered, but not purchased and taken possession of by a  
21 licensed retail dealer of firearms within 10 business days of when  
22 the order is entered pursuant to this subsection, may dispose of the  
23 surrendered firearm in accordance with the provisions of  
24 N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from  
25 a defendant shall become part of the inventory of the dealer.

26

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

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

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

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

42

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



1 offense. If an improperly stored firearm is accessed by another  
2 person, and the access results in serious bodily injury to or the death  
3 of the person who accesses the firearm or another person, the owner  
4 is guilty of a crime of the fourth degree. A disorderly persons  
5 offense is punishable by up to six months' imprisonment, a fine of  
6 up to \$1,000, or both. A crime of the fourth degree is punishable by  
7 up to 18 months' imprisonment, a fine of up to \$10,000, or both.

8 The Attorney General is required under the bill to establish a list  
9 of approved entities with knowledge and experience in the  
10 prevention of gun violence for which a person may perform a  
11 sentence of court-ordered community service. An approved entity  
12 is required to offer community service that incorporates gun  
13 violence prevention education and effectuates behavioral change to  
14 meet the goals of gun violence prevention. An approved entity also  
15 may provide online instruction related to gun violence prevention,  
16 gun violence prevention films; and gun violence prevention  
17 interventional activities to be conducted as part of a New Jersey  
18 hospital-based gun violence intervention program.

19 The bill requires the court to notify a person who is convicted of  
20 a second or subsequent crime or offense involving the access of an  
21 improperly stored firearm or access that results in serious bodily  
22 injury or death that he or she is prohibited from purchasing,  
23 owning, possessing, or controlling a firearm, and from receiving or  
24 retaining a permit to purchase a handgun (PPH) or a firearms  
25 purchaser identification card (FPIC).

26 The court also is to order a defendant to arrange for the  
27 immediate surrender to a law enforcement officer of any firearm  
28 that has not already been seized or surrendered, as well as any PPH  
29 or FPIC. Within five days of the entry of an order, the defendant  
30 may arrange to sell the surrendered firearm to a licensed retail  
31 dealer. The dealer then has 10 days to take possession of the  
32 firearm. A law enforcement officer accepting a surrendered firearm  
33 is to provide the defendant with a receipt, which the defendant is to  
34 present to the prosecutor as proof that the firearm was surrendered.  
35 If a firearm is surrendered to a law enforcement officer, but not sold  
36 to a licensed retail dealer, the law enforcement officer is authorized  
37 to dispose of the firearm in accordance with the State's civil asset  
38 forfeiture laws.

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

44 The provisions of the bill also require the Attorney General to  
45 establish a public awareness campaign to inform and educate the  
46 public concerning the provisions of the bill, including the  
47 requirements and penalties imposed under the bill, and the dangers  
48 associated with the presence of a loaded, unsecured firearm in the

1 home. The public awareness campaign is to be implemented in  
2 media outlets which include, but are not limited to: Statewide  
3 newspapers, radio, public service announcements, social media,  
4 television ads, and other media outlets deemed appropriate by the  
5 Attorney General. The bill appropriates \$500,000 to fund the  
6 development and implementation of the public awareness  
7 campaign.

8 The bill also requires the Attorney General to collect and analyze  
9 data related to implementation of the bill, including the number of  
10 violations that have occurred and the disposition of each violation.  
11 The Attorney General also is required to study the overall impact of  
12 bill, considering the effectiveness of the bill on public safety and  
13 the effectiveness of the community service requirements established  
14 under bill. The Attorney General is required to submit annually a  
15 report to the Legislature summarizing the analysis and study  
16 conducted pursuant to the bill, and make the report available to the  
17 public on the Internet website of the Department of Law and Public  
18 Safety. The report is to be submitted and published by November  
19 1st of each year.

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