

SENATE, No. 4291

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 20, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Establishes private cause of action against firearm industry members who unlawfully sell, manufacture, or distribute assault firearms and undetectable firearms.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning public safety and supplementing Title 2C of the
2 New Jersey Statutes.

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

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7 1. a. "Gun industry member" means a person, firm,
8 corporation, company, partnership, society, joint stock company, or
9 any other entity or association engaged in the sale, manufacturing,
10 distribution, importing or marketing of firearms, ammunition,
11 ammunition magazines, or firearm accessories.

12 b. A private person, who is not an officer or employee of a
13 State or local government entity in this State, may bring a civil
14 action against a gun industry member for the unlawful manufacture,
15 transport, shipment, sale, or disposal of an assault firearm as defined
16 in subsection w. of N.J.S.2C:39-1 or undetectable firearm as
17 defined in subsection ii. of N.J.S.2C:39-1 within this State.

18 c. If, after a hearing, the court determines that a gun industry
19 member unlawfully manufactured, transported, shipped, sold, or
20 disposed of an assault firearm or undetectable firearm, the court
21 may enter a permanent order enjoining the defendant and any other
22 person from further violating the law. In addition to any criminal
23 penalty imposed, a civil penalty may be imposed upon the person
24 who violates a permanent injunction issued pursuant to the
25 provisions of this section.

26 d. The court shall award to a claimant who prevails under this
27 section:

28 (1) injunctive relief sufficient to prevent the defendant from
29 violating an order issued pursuant to this section or Title 2C of the
30 New Jersey Statutes;

31 (2) statutory damages in an amount of not less than \$10,000 for
32 each assault firearm or undetectable firearm unlawfully
33 manufactured, transported, shipped, sold, or disposed of in this State;
34 and

35 (3) restitution; damages; reasonable attorneys' fees, filing fees,
36 and reasonable costs of suit; and any other appropriate relief related
37 to the litigation.

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill establishes a private cause of action against firearm
45 industry members who unlawfully sell, manufacture, or distribute
46 assault firearms and undetectable firearms. Under the bill, a private
47 person would be entitled to bring a civil action against a gun
48 industry member for the unlawful manufacture, sale, or distribution

1 of an assault firearm or undetectable firearm. The bill defines “gun
2 industry member” as a person, firm, corporation, company,
3 partnership, society, joint stock company, or any other entity or
4 association engaged in the sale, manufacturing, distribution,
5 importing or marketing of firearms, ammunition, ammunition
6 magazines, or firearm accessories.

7 Under current law, it is a crime of the third degree to
8 manufacture, cause to be manufactured, transport, ship, sell, or
9 dispose of an assault firearm or undetectable firearm. Undetectable
10 firearms, also commonly referred to as “ghost guns,” are defined as
11 a firearm constructed entirely of non-metal substances, or a firearm
12 that does not include at least one major component, such as the
13 barrel, slide, cylinder, frame or receiver of the firearm, that is made
14 entirely of metal such that, if the firearm were subjected to
15 inspection by the types of detection devices commonly used at
16 airports for security screening, it would not generate an image that
17 accurately depicts the shape of the component. A crime of the third
18 degree is punishable by a term of imprisonment of three to five
19 years, a fine of up to \$15,000 or both.

20 This bill allows a private person, who is not an officer or
21 employee of a State or local government entity in this State, to
22 bring a civil action against a gun industry member for the unlawful
23 manufacture, transport, shipment, sale, or disposal of an assault
24 firearm or undetectable firearm. A claimant who prevails under the
25 bill’s provisions would be entitled to:

26 (1) injunctive relief sufficient to prevent the defendant from
27 violating an order issued by the court or Title 2C of the New Jersey
28 Statutes;

29 (2) statutory damages in an amount of not less than \$10,000 for
30 each assault firearm or undetectable firearm unlawfully
31 manufactured, transported, shipped, sold, or disposed of in this State;
32 and

33 (3) restitution; damages; reasonable attorneys’ fees, filing fees,
34 and reasonable costs of suit; and any other appropriate relief related
35 to the litigation.