

ASSEMBLY, No. 2215

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

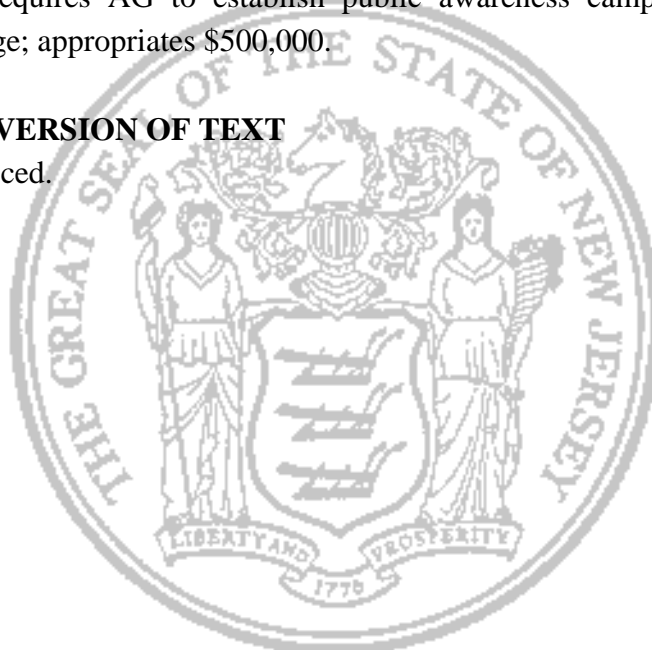
Assemblywomen Jaffer, Quijano, Reynolds-Jackson, Chaparro,
Assemblyman Spearman, Assemblywoman McKnight, Assemblymen
Wimberly, Sampson, Stanley and Assemblywoman Jimenez

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: 6/16/2022)

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. Except as otherwise provided in this section, a legal
34 owner of a firearm shall:

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

38 (2) store ammunition separately from the firearm.

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 by the owner,
43 any firearm, or from carrying the firearm, in the manner specified in
44 subsection g. of N.J.S.2C:39-6.

45 c. This section shall not apply to:

46 (1) an active law enforcement officer authorized to carry a
47 firearm pursuant to N.J.S.2C:39-6, provided that when a person

1 under the age of 18 years is on the premises under the control of the
2 active law enforcement officer, the firearm shall be:

- 3 (a) stored in a gun safe or securely locked box or container; or
4 (b) stored in a location which a reasonable person would believe
5 to be secure or inaccessible to a person under the age of 18 years;
6 (2) a temporary transfer of a firearm authorized pursuant to
7 section 1 of P.L.1992, c.74 (C.2C:58-3.1); or
8 (3) a lawful owner or a licensed retail dealer that displays the
9 firearm, unloaded, for the purposes of sale or exhibition, provided
10 that any firearm on the premises under the lawful owner's or
11 licensed retail dealer's control, and that is not on display for the
12 purposes of sale or exhibition, shall be stored in a manner as
13 defined by this section.

14 d. The failure of a legal owner of a firearm to store and secure
15 the firearm properly in violation of subsection a. of this section
16 shall give rise to a permissive inference that the legal owner acted
17 knowingly or recklessly in engaging in conduct which creates a
18 substantial risk of serious bodily injury or death to another person.
19

20 4. a. The Superintendent of State Police, in conjunction with
21 the Attorney General, shall adopt guidelines in accordance with the
22 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
23 seq.), to require each licensed retail firearms dealer in the State, or
24 the retail dealer's employee, to provide to any person who receives,
25 possesses, carries, or uses a firearm, a written warning printed on
26 eight and one-half inches by 11 inches in size paper in not less than
27 14 point bold point type letters which shall state:

28 **NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS**
29 **MUST BE STORED, UNLOADED, IN A SECURELY LOCKED**
30 **GUN SAFE OR LOCKED CONTAINER, AND ALL**
31 **AMMUNITION MUST BE STORED SEPARATELY FROM THE**
32 **FIREARM. FAILURE TO DO SO IS PUNISHABLE BY LAW**
33 **AND COULD RESULT IN FINES AND IMPRISONMENT.**

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

38 c. The superintendent shall provide each licensed retail
39 firearms dealer with a sign to be displayed prominently at a
40 conspicuous place on the dealer's business premises at each
41 purchase counter. The sign shall contain the statutory reference to
42 section 3 of P.L. , c. (C.) (pending before the Legislature as
43 this bill) and information concerning the Internet website that
44 contains the provisions of section 3 of P.L. , c. (C.) (pending
45 before the Legislature as this bill). The sign shall state substantially
46 the following in one inch block letters:

47 **NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS**
48 **MUST BE STORED, UNLOADED, IN A SECURELY LOCKED**

1 GUN SAFE OR LOCKED CONTAINER, AND ALL
2 AMMUNITION MUST BE STORED SEPARATELY FROM THE
3 FIREARM. FAILURE TO DO SO IS PUNISHABLE BY LAW
4 AND COULD RESULT IN FINES AND IMPRISONMENT.

5
6 5. When a defendant is found guilty of a crime or offense
7 involving the unlawful storage and access of a firearm in violation
8 of subsection e. of section 3 of P.L. , c. (C.) (pending
9 before the Legislature as this bill), the court shall inform the
10 defendant that the defendant is prohibited from purchasing, owning,
11 possessing, or controlling a firearm pursuant to section 6 of
12 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
13 firearms purchaser identification card or permit to purchase a
14 handgun pursuant to N.J.S.2C:58-3.

15 The court shall order the defendant to arrange for the immediate
16 surrender to a law enforcement officer of any firearm that has not
17 already been seized or surrendered and any firearms purchaser
18 identification card or permit to purchase a handgun possessed by
19 the defendant. No later than five business days after the order is
20 entered, however, the defendant may arrange to sell any surrendered
21 firearm to a licensed retail dealer of firearms who shall be
22 authorized to take possession of that purchased firearm from the
23 law enforcement agency to which it was surrendered no later than
24 10 business days after the order is entered. Any card or permit
25 issued to the defendant shall be deemed immediately revoked. The
26 court shall establish a process for notifying the appropriate
27 authorities of the conviction requiring the revocation of the card or
28 permit.

29 A law enforcement officer accepting a surrendered firearm shall
30 provide the defendant with a receipt listing the date of surrender,
31 the name of the defendant, and any item that has been surrendered,
32 including the serial number, manufacturer, and model of the
33 surrendered firearm. The defendant shall provide a copy of this
34 receipt to the prosecutor within 48 hours of service of the order, and
35 shall attest under penalty that any firearms owned or possessed at
36 the time of the order have been transferred in accordance with this
37 section and that the defendant currently does not possess any
38 firearms. The defendant alternatively may attest under penalty that
39 the defendant did not own or possess a firearm at the time of the
40 order and currently does not possess a firearm. If the court, upon
41 motion of the prosecutor, finds probable cause that the defendant
42 has failed to surrender any firearm, card, or permit, the court may
43 order a search for and removal of these items at any location where
44 the judge finds probable cause to believe these items are located.
45 The judge shall state with specificity the reasons for and the scope
46 of the search and seizure authorized by the order.

47 A law enforcement officer who receives a firearm that is
48 surrendered, but not purchased and taken possession of by a

1 licensed retail dealer of firearms within 10 business days of when
2 the order is entered pursuant to this subsection, may dispose of the
3 surrendered firearm in accordance with the provisions of
4 N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from
5 a defendant shall become part of the inventory of the dealer.

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

9 a. the provisions of section 3 of P.L. , c. (C.) (pending
10 before the Legislature as this bill); the dangers associated with the
11 presence of a loaded, unsecured firearm in the home; and the
12 requirements and penalties imposed pursuant to
13 P.L. , c. (C.) (pending before the Legislature as this bill).

14 b. The public awareness campaign shall be implemented in
15 media outlets which include, but are not limited to: Statewide
16 newspapers, radio, public service announcements, social media,
17 television ads, and other media outlets deemed appropriate by the
18 Attorney General.

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

22
23 7. a. The Attorney General shall collect and analyze data
24 related to implementation of P.L. , c. (C.) (pending before
25 the Legislature as this bill) including the number of violations that
26 have occurred and the disposition of each violation.

27 b. The Attorney General shall conduct a study to determine the
28 overall impact of P.L. , c. (C.) (pending before the
29 Legislature as this bill). The study shall consider the effectiveness
30 of the bill on public safety.

31 c. The Attorney General shall submit annually a report
32 summarizing the analysis and study conducted pursuant to this
33 section to the Legislature pursuant to section 2 of P.L.1991, c.164
34 (C.52:14-19.1) and shall make the summary report available to the
35 public on the Internet website of the Department of Law and Public
36 Safety. The Attorney General shall submit and publish the report
37 by November 1st of each year.

38
39 8. The following sections are repealed:

40 Section 1 of P.L.1991, c.397 (C.2C:58-15);

41 Section 2 of P.L.1991, c.397 (C.2C:58-16);

42 Section 2 of P.L.1999, c.255 (C.2C:58-17); and

43 Section 3 of P.L.1999, c.255 (C.2C:58-18).

44
45 9. This act shall take effect on the first day of the fourth month
46 next following the date of enactment.

STATEMENT

1
2
3 This bill, titled the “New Jersey Safe Storage of Firearms Act,”
4 establishes penalties for improper storage of a firearm; requires a
5 warning to be issued to firearms purchasers; and requires the Attorney
6 General to establish a public awareness campaign regarding the risks
7 associated with improper storage. The bill also makes an
8 appropriation, and repeals the provisions of current law establishing
9 penalties for only a minor’s access of an improperly stored firearm.

10 Under current law, there are storage requirements and penalties
11 imposed if a minor accesses a loaded firearm that is not in use.
12 However, there currently are no general requirements for storing a
13 firearm when not in use.

14 This bill requires a legal owner of a firearm to: (1) store or secure a
15 firearm that is not in use at a premises under the owner’s control
16 unloaded, in a gun safe or securely locked box or container; and (2)
17 store ammunition separately from the firearm. The provisions of the
18 bill do not apply to active law enforcement officers authorized to carry
19 a firearm pursuant to law, provided that when a person under the age
20 of 18 is on premises under the control of the officer, the firearm must
21 be:

- 22 (a) stored in a gun safe or securely locked box or container; or
23 (b) stored in a location which a reasonable person would believe
24 to be secure or inaccessible to a person under the age of 18.

25 The bill also provides that its provisions do not apply to a lawful
26 owner or a licensed retail dealer that displays the firearm, unloaded,
27 for the purposes of sale or exhibition, provided that any firearm on the
28 premises under the lawful owner’s or licensed retail dealer’s control,
29 and that is not on display for the purposes of sale or exhibition, must
30 be stored in a manner as defined by the bill.

31 Under the bill, the failure of a firearm owner to properly store a
32 firearm in accordance with the provisions of the bill will give rise to a
33 permissive inference that the legal owner acted knowingly or
34 recklessly in engaging in conduct which creates a substantial risk of
35 serious bodily injury or death to another person.

36 The bill requires the court to notify a person convicted of a crime
37 or offense involving an improperly stored firearm that he or she is
38 prohibited from purchasing, owning, possessing, or controlling a
39 firearm, and from receiving or retaining a permit to purchase a
40 handgun (PPH) or a firearms purchaser identification card (FPIC).
41 The court also is required to order a defendant to arrange for the
42 immediate surrender to a law enforcement officer of any firearm that
43 has not already been seized or surrendered, as well as any PPH or
44 FPIC.

45 Within five days of the entry of an order, the defendant may
46 arrange to sell a surrendered firearm to a licensed retail dealer. The
47 dealer then has 10 days to take possession of the firearm. A law
48 enforcement officer accepting a surrendered firearm is to provide the

1 defendant with a receipt to be presented to the prosecutor as proof that
2 the firearm was surrendered. If a firearm is surrendered to a law
3 enforcement officer, but not sold to a licensed retail dealer, the officer
4 is authorized to dispose of the firearm in accordance with the State's
5 civil asset forfeiture laws.

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

11 The provisions of the bill also require the Attorney General to
12 establish a public awareness campaign to inform and educate the
13 public about the provisions of the bill, including the requirements and
14 penalties imposed under the bill, and the dangers associated with the
15 presence of a loaded, unsecured firearm in the home. The public
16 awareness campaign is to be implemented in media outlets which
17 include, but are not limited to: Statewide newspapers, radio, public
18 service announcements, social media, television ads, and other media
19 outlets deemed appropriate by the Attorney General. The bill
20 appropriates \$500,000 to fund the public awareness campaign.

21 The bill also requires the Attorney General to collect and analyze
22 data related to implementation of the bill, including the number of
23 violations that have occurred and the disposition of each violation.
24 The Attorney General is required to study the overall impact of the
25 bill, considering the effectiveness of the bill. The Attorney General
26 also is required to submit an annual report to the Legislature
27 summarizing the analysis and study conducted pursuant to the bill, and
28 make the report available to the public on the Internet website of the
29 Department of Law and Public Safety. The report is to be submitted
30 and published by November 1st of each year.

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