

SENATE, No. 2907

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex and Morris)

SYNOPSIS

Requires firearm retailers to sell microstamping-enabled firearms upon determination of availability by AG.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning microstamping-enabled firearms, and
2 supplementing Title 2C of the New Jersey Statutes and Title 52
3 of the Revised Statutes.

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

7
8 1. a. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Microstamp” means a unique alphanumeric or geometric code
11 that identifies the make, model, and serial number of a firearm.

12 “Microstamp roster” means the roster of firearms that have been
13 designated as microstamping-enabled firearms, pursuant to section
14 2 of P.L. , c. (C.) (pending before the Legislature as this
15 bill).

16 “Microstamping component” means a component of a firearm
17 that will produce a microstamp on at least one location of the
18 expended cartridge case each time the firearm is fired.

19 “Microstamping-enabled firearm” means a firearm that contains
20 a microstamping component.

21 b. (1) Within 180 days of the date of enactment of
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 the Attorney General or a designee shall: establish performance
24 standards and qualifying criteria for determining whether a firearm
25 constitutes a microstamping-enabled firearm; establish a process by
26 which to determine whether a firearm constitutes a microstamping-
27 enabled firearm; and complete the investigation required pursuant
28 to paragraph (2) of this subsection.

29 (2) Based on the standards, criteria, and process established
30 pursuant to paragraph (1) of this subsection, the Attorney General
31 shall complete an investigation concerning the technological
32 viability of microstamping-enabled firearms. The investigation shall
33 include, but need not be limited to, live-fire testing evidence. At the
34 conclusion of the investigation, the Attorney General shall certify
35 whether viable microstamping-enabled technology exists. If the
36 Attorney General certifies that the technology does not exist, the
37 microstamping examiner designated pursuant to subsection c. of
38 this section shall examine firearms submitted pursuant to subsection
39 e. of this section and make technological viability certification
40 recommendations to the Attorney General until such time as the
41 Attorney General certifies that microstamping-enabled firearms are
42 technologically viable.

43 c. The Attorney General or a designee shall designate a
44 microstamping examiner. The examiner shall examine firearms
45 submitted pursuant to subsection e. of this section in a manner
46 proscribed by the Attorney General and shall:

47 (1) make microstamping-enabled technology viability
48 recommendations, pursuant to subsection b. of this section;

1 (2) following certification by the Attorney General that
2 microstamping-enabled firearms are technologically viable,
3 determine whether a firearm meets the performance standards and
4 qualifying criteria established by the Attorney General to be
5 designated as a microstamping-enabled firearm.

6 d. Upon designation of the first microstamping-enabled
7 firearm, the examiner shall create a microstamp roster, which shall
8 include each firearm so designated. The roster shall be updated as
9 necessary and shall be published on a website maintained by the
10 New Jersey State Police. A copy of the roster shall be made
11 available every six months to licensed retail firearms dealers in this
12 State.

13 e. Any person seeking to include a firearm on the
14 microstamping roster may apply to the microstamping examiner for
15 a determination of whether the make and model of firearm proposed
16 by the applicant may be designated as a microstamping-enabled
17 firearm.

18 f. If one or more firearms are included on the microstamp
19 roster, the Attorney General shall determine the commercial
20 availability of microstamping-enabled firearms. Upon certification
21 that microstamping-enabled firearms are commercially available,
22 each licensed retail dealer of firearms shall:

23 (1) make available for purchase at least one firearm included on
24 the roster and display the firearm in a conspicuous manner that
25 makes it easily visible to customers and distinguishable from
26 traditional firearms;

27 (2) post in one or more locations in the licensed retail dealer's
28 place or places of business in a conspicuous manner that makes
29 them easily visible and accessible to customers:

30 (a) copies of the microstamp roster; and

31 (b) a sign that includes a clear and conspicuous statement
32 disclosing the features of microstamping-enabled firearms that are
33 not offered by traditional firearms and advising customers that such
34 firearms may be purchased through the licensed retail dealer;

35 (3) accept and process orders to enable customers to purchase
36 through the licensed retail dealer any firearms included on the
37 microstamp roster;

38 (4) refrain from claiming that any firearm is a microstamping-
39 enabled firearm if that firearm is not included on the microstamp
40 roster; and

41 (5) in the event that the licensed retail dealer's inventory of
42 firearms included on the microstamp roster is depleted:

43 (a) place an order for at least one firearm on the microstamp
44 roster within 21 days of the sale of the last firearm on the
45 microstamp roster;

46 (b) maintain written records of the licensed retail dealer's efforts
47 to place an order and maintain those records on the premises and
48 allow them to be open for inspection at all times; and

1 (c) post a sign on the premises indicating that microstamping-
2 enabled firearms are sold routinely on the licensed retail dealer's
3 premises and will soon be available for purchase.

4 g. If at least one firearm is listed on the microstamp roster, the
5 Superintendent of State Police shall designate officers to inspect the
6 microstamping-enabled firearm inventory and records of all
7 licensed retail dealers of firearms to determine whether a licensed
8 retail dealer is in compliance with the provisions of subsection f. of
9 this section. The inspections shall be conducted at least once every
10 two years at any time during the normal business hours of the
11 licensed retail dealer's place of business.

12
13 2. a. A licensed retail dealer who violates section 1 of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 shall be subject to the following penalties:

16 (1) for a first offense, a fine of up to \$500;

17 (2) for a second offense, a fine of up to \$1,000; or

18 (3) for a third or subsequent offense, a six-month license
19 suspension following notice to the licensed retail dealer and
20 opportunity to be heard.

21 b. Any person who, without license or privilege to do so,
22 willfully removes, damages, alters, or otherwise tampers with a
23 microstamping enabled firearm to prevent or alter the production of
24 a microstamp shall be guilty of a third degree crime.

25 For the purposes of this subsection, tampering with a
26 microstamping component shall not include: replacing a firing pin
27 when the pin is damaged or otherwise in need of replacement for
28 the safe use of the firearm; or replacing a firing pin for a legitimate
29 sporting purpose, provided that the firearm remains a
30 microstamping-enabled firearm.

31
32 3. a. There is created in the Department of the Treasury a
33 nonlapsing fund entitled the "Microstamp Fund." The fund shall be
34 the depository for any State appropriations or other monies
35 provided for the purchase of microstamping-enabled firearms by
36 law enforcement agencies. The fund shall be administered by the
37 State Treasurer.

38 b. Funds within the Microstamp Fund may be used to purchase
39 firearms on the microstamp roster for the New Jersey State Police
40 or any municipal police department or force.

41 c. Any municipality which has a police department or force
42 may apply to the Attorney General or a designee for a grant to
43 purchase firearms on the microstamp roster. Application shall be
44 made in a manner prescribed by the Attorney General and shall
45 include information on the intended use and estimated cost of the
46 firearms request. The Attorney General or a designee shall select
47 grant recipients. Any funds awarded shall be used within one year
48 of receipt or the funds shall be returned.

1 4. This act shall take effect immediately.

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STATEMENT

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6 This bill requires licensed retail dealers of firearms to sell
7 microstamping-enabled firearms when the Attorney General
8 determines they are commercially available.

9 Under the bill, the Attorney General is required to:

10 (1) establish performance standards and qualifying criteria for
11 determining whether a firearm constitutes a microstamping-enabled
12 firearm;

13 (2) establish a process by which to determine whether a firearm
14 constitutes a microstamping-enabled firearm; and

15 (3) complete an investigation as to whether microstamping-
16 enabled firearms technology currently is viable.

17 The bill requires the Attorney General to designate a
18 microstamping examiner, whose duties include examining firearms
19 submitted by applicants to determine whether a firearm meets the
20 performance standards and qualifying criteria established by the
21 Attorney General to be designated as a microstamping-enabled
22 firearm. Additionally, if the Attorney General determines after the
23 initial investigation that microstamping technology is not yet viable,
24 the examiner would be required to examine submitted firearms and
25 make recommendations to the Attorney General as to technological
26 viability until the Attorney General certifies that the technology is
27 viable. Upon designation of the first microstamping-enabled
28 firearm, the examiner would be required to create a microstamp
29 roster.

30 The bill provides that the roster would be published on a website
31 maintained by the New Jersey State Police and updated as
32 necessary. A copy of the roster would be made available every six
33 months to licensed retail dealers of firearms in this State.

34 Upon the inclusion of one or more firearms on the roster, the bill
35 requires the Attorney General to determine the commercial
36 availability of microstamping-enabled firearms. When it is
37 determined that microstamping-enabled firearms are commercially
38 available, each licensed retail dealer of firearms in the State would
39 be required to:

40 (1) make available for purchase at least one firearm included on
41 the roster and display the firearm in a conspicuous manner;

42 (2) post copies of the roster and signage concerning features of
43 microstamping-enabled firearms;

44 (3) accept and process orders to enable customers to purchase
45 any firearms included on the roster;

46 (4) refrain from claiming that any firearm is a microstamping-
47 enabled firearm if that firearm is not included on the roster; and

1 (5) in the event that the licensed retail dealer's inventory of
2 microstamping-enabled firearms is depleted, order new stock,
3 maintain order records, and notify customers of the typical
4 availability of microstamping-enabled firearms. The records would
5 be subject to inspection by State Police investigators.

6 Under the bill, a licensed retail dealer who violates the bill's
7 provisions would be subject to the following penalties:

8 (1) for a first offense, a fine of up to \$500;

9 (2) for a second offense, a fine of up to \$1,000;

10 (3) for a third or subsequent offense, a six-month license
11 suspension following notice to the licensed retail dealer and
12 opportunity to be heard.

13 The bill additionally provides that any person who, without
14 license or privilege to do so, tampers or attempts to tamper with a
15 microstamping enabled firearm by intentionally interfering with the
16 microstamping component technology would be guilty of a third
17 degree crime.

18 The bill defines "microstamp" as a unique alphanumeric or
19 geometric code that identifies the make, model, and serial number
20 of a firearm. "Microstamping component" is defined as a
21 component part of a firearm that will produce a microstamp on at
22 least one location of the expended cartridge case each time the
23 firearm is fired. "Microstamping-enabled firearm" is defined as a
24 firearm that contains a microstamping component.