

[First Reprint]

SENATE, No. 2907

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 20, 2022

Sponsored by:

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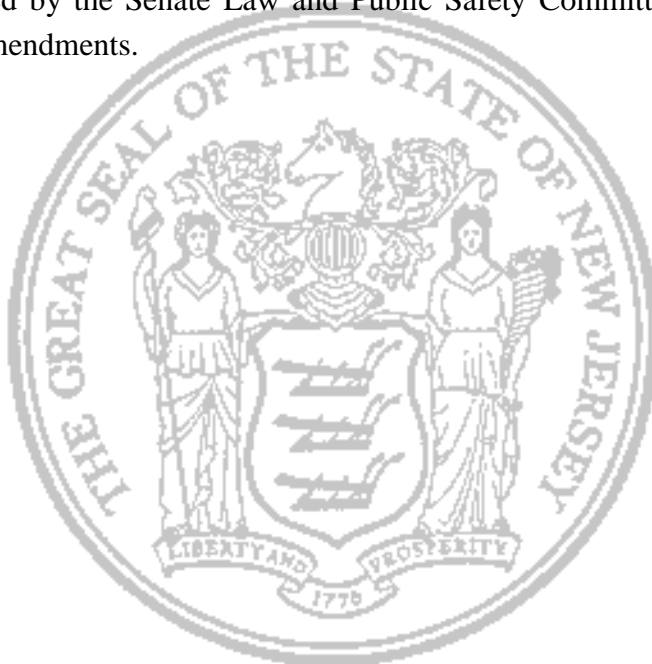
Senator Gill

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 23, 2022, with amendments.



(Sponsorship Updated As Of: 6/29/2022)

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted June 23, 2022.

1 submitted pursuant to subsection e. of this section in a manner
2 proscribed by the Attorney General and shall:

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

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

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

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

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

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

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

34 (a) copies of the microstamp roster; and

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

39 (3) accept and process orders to enable customers to purchase
40 through the licensed retail dealer any firearms included on the
41 microstamp roster;

42 (4) refrain from claiming that any firearm is a microstamping-
43 enabled firearm if that firearm is not included on the microstamp
44 roster; and

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

47 (a) place an order for at least one firearm on the microstamp
48 roster within 21 days of the sale of the last firearm on the
49 microstamp roster;

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

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

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

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

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

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

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

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

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

¹3. a. A person who purchases a microstamping-enabled firearm pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) from a licensed retail dealer shall be eligible for an instant rebate of 10 percent of the purchase price up to a maximum of \$30. The licensed retail dealer shall deduct the rebate amount from the price of the microstamping enabled firearm at the point of sale.

b. The Superintendent of State Police, in conjunction with the Attorney General, may adopt guidelines in accordance with the Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

In addition, the superintendent shall prepare and deliver to each licensed retail dealer in the State the forms necessary to record and report participation in the rebate program established in this section. The form shall be in duplicate and set forth: the name, address,

1 telephone number, State tax number, and State license number of
2 the licensed retail dealer; the name of the purchaser and the
3 purchaser's firearms purchaser identification card number or permit
4 to purchase a handgun number; the make and model number of the
5 microstamping-enabled firearm purchased; and the date of sale.
6 One copy shall be retained by the retail dealer for the retail dealer's
7 records. The other shall be submitted to the Attorney General for
8 reimbursement. The reimbursement copies shall be submitted
9 monthly at a time prescribed by the superintendent. The submitting
10 retail dealer shall be entitled to a reimbursement of 10 percent of
11 the purchase price of the microstamping-enabled firearm up to a
12 maximum of \$30 as part of the rebate program. To help defray any
13 administrative costs, each participating retail dealer shall receive, in
14 addition to the reimbursement, \$0.50 for each valid reimbursement
15 copy submitted.

16 The superintendent also shall provide each licensed retail dealer
17 with a sign to be prominently displayed at a conspicuous place on
18 the dealer's business premises where firearms are offered for sale.
19 The sign shall state substantially the following:

20
21 "MICROSTAMPING-ENABLED FIREARMS REBATE
22 PROGRAM. TO ENCOURAGE NEW JERSEY GUN OWNERS
23 TO PURCHASE MICROSTAMPING-ENABLED FIREARMS,
24 THE STATE IS OFFERING AN INSTANT REBATE WHEN
25 YOU PURCHASE A MICROSTAMPING-ENABLED FIREARM.
26 THE REBATE AMOUNT IS 10 PERCENT OF THE PURCHASE
27 PRICE UP TO A MAXIMUM OF \$30."¹

28
29 ¹**[3.] 4.**¹ a. There is created in the Department of the Treasury a
30 nonlapsing fund entitled the "Microstamp Fund." The fund shall be
31 the depository for any State appropriations or other monies
32 provided for the purchase of microstamping-enabled firearms by
33 law enforcement agencies. The fund shall be administered by the
34 State Treasurer.

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

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

46
47 ¹**[4.] 5.**¹ This act shall take effect immediately.