

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2907

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2907, with committee amendments.

As amended and reported by the committee, this bill requires licensed retail dealers of firearms to sell microstamping-enabled firearms when the Attorney General determines they are commercially available.

Under the bill, the Attorney General is required to:

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

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

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

The bill requires the Attorney General to designate a microstamping examiner, whose duties include examining firearms submitted by applicants to determine whether a firearm meets the performance standards and qualifying criteria established by the Attorney General to be designated as a microstamping-enabled firearm. Additionally, if the Attorney General determines after the initial investigation that microstamping technology is not yet viable, the examiner is required to examine submitted firearms and make recommendations to the Attorney General as to technological viability until the Attorney General certifies that the technology is viable. When the first microstamping-enabled firearm is designated, the examiner is required to create a microstamp roster.

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

When a firearm is included on the roster, the bill requires the Attorney General to determine the commercial availability of microstamping-enabled firearms. When it is determined that microstamping-enabled firearms are commercially available, each licensed retail dealer of firearms in the State would be required to:

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

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

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

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

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

Under the bill, a licensed retail dealer who violates the bill's provisions would 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;

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

The amended bill also establishes an instant rebate program for purchases of microstamping-enabled firearms from licensed retail dealers. Under the bill, a purchaser would be entitled to an instant rebate at the point of sale of 10 percent of the purchase price up to a maximum of \$30. The licensed retail dealer would be reimbursed by the State for each rebate provided under the program.

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

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

COMMITTEE AMENDMENTS

The committee amendments establish an instant rebate program for purchases of microstamping-enabled firearms from licensed retail dealers. Under the amendments, a purchaser would be entitled to an instant rebate at the point of sale of 10 percent of the purchase price up to a maximum of \$30. The licensed retail dealer would be reimbursed by the State for each rebate provided under the program.