ASSEMBLY, No. 2783

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblyman MICHAEL VENEZIA
District 34 (Essex)

Co-Sponsored by:
Assemblywomen Quijano, Reynolds-Jackson, Assemblymen Spearman, Wimberly, Sampson, Stanley and Rodriguez

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
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 4/4/2024)
AN ACT concerning safe storage of firearms, designated the “New Jersey Safe Storage of Firearms Act,” supplementing various parts of the statutory law, repealing sections 1 and 2 of P.L.1991, c.397 and sections 2 and 3 of P.L.1999, c.255, and making an appropriation.

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

1. This act shall be known and may be cited as the “New Jersey Safe Storage of Firearms Act.”

2. The Legislature finds and declares that:
   a. Having unsecured personal firearms in the home puts both adults and children at significantly increased risk of accidental injury, accidental death, suicide by firearm, and increased lethality in domestic violence;
   b. Ownership of personal firearms in New Jersey has surged dramatically since 2019, increasing by more than 300 percent in 2020;
   c. In 2018, 458 people died from unintentional firearm injuries, 116 of whom were children and teens;
   d. The American Medical Association, American Public Health Association, and the New Jersey Public Health Association, among others, have declared gun violence a public health crisis;
   e. Ensuring that firearms are secured and safely stored reduces the incidence and risk of theft or loss, thereby reducing trafficked guns; and
   f. Enacting legislation to mandate the secure safe storage of firearms, along with public education, could save thousands of lives from accidental injuries, accidental death, suicide, and homicide.

3. a. Except as otherwise provided in this section, a legal owner of a firearm shall:
   (1) store or secure a firearm that is not in use at a premises under the owner’s control, unloaded, in a gun safe or securely locked box or container; and
   (2) store ammunition separately from the firearm.
   b. Nothing in this section shall be construed to prevent a legal owner from being authorized, pursuant to subsection e. of N.J.S.2C:39-6, to lawfully keep or carry about the owner’s place of business, residence, premises, or other land owned by the owner, any firearm, or from carrying the firearm, in the manner specified in subsection g. of N.J.S.2C:39-6.
   c. This section shall not apply to:
      (1) an active law enforcement officer authorized to carry a firearm pursuant to N.J.S.2C:39-6, provided that when a person
under the age of 18 years is on the premises under the control of the
active law enforcement officer, the firearm shall be:
(a) stored in a gun safe or securely locked box or container; or
(b) stored in a location which a reasonable person would believe
to be secure or inaccessible to a person under the age of 18 years;
(2) a temporary transfer of a firearm authorized pursuant to
section 1 of P.L.1992, c.74 (C.2C:58-3.1); or
(3) a lawful owner or a licensed retail dealer that displays the
firearm, unloaded, for the purposes of sale or exhibition, provided
that any firearm on the premises under the lawful owner’s or
licensed retail dealer’s control, and that is not on display for the
purposes of sale or exhibition, shall be stored in a manner as
defined by this section.

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

4. a. The Superintendent of State Police, in conjunction with
the Attorney General, shall adopt guidelines in accordance with the
Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
seq.), to require each licensed retail firearms dealer in the State, or
the retail dealer’s employee, to provide to any person who receives,
possesses, carries, or uses a firearm, a written warning printed on
eight and one-half inches by 11 inches in size paper in not less than
14 point bold point type letters which shall state:
NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS
MUST BE STORED, UNLOADED, IN A SECURELY LOCKED
GUN SAFE OR LOCKED CONTAINER, AND ALL
AMMUNITION MUST BE STORED SEPARATELY FROM THE
FIREARM. FAILURE TO DO SO IS PUNISHABLE BY LAW
AND COULD RESULT IN FINES AND IMPRISONMENT.
b. The written warning provided pursuant to subsection a. of
this section shall include the requirements and penalties imposed
pursuant to P.L. , c. (C. ) (pending before the Legislature as
this bill).
c. The superintendent shall provide each licensed retail
firearms dealer with a sign to be displayed prominently at a
conspicuous place on the dealer's business premises at each
purchase counter. The sign shall contain the statutory reference to
section 3 of P.L. , c. (C. ) (pending before the Legislature as
this bill) and information concerning the Internet website that
contains the provisions of section 3 of P.L. , c. (C. ) (pending
before the Legislature as this bill). The sign shall state substantially
the following in one inch block letters:
NEW JERSEY STATE LAW REQUIRES THAT ALL FIREARMS
MUST BE STORED, UNLOADED, IN A SECURELY LOCKED
GUN SAFE OR LOCKED CONTAINER, AND ALL AMMUNITION MUST BE STORED SEPARATELY FROM THE FIREARM. FAILURE TO DO SO IS PUNISHABLE BY LAW AND COULD RESULT IN FINES AND IMPRISONMENT.

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

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

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

A law enforcement officer who receives a firearm that is surrendered, but not purchased and taken possession of by a
licensed retail dealer of firearms within 10 business days of when
the order is entered pursuant to this subsection, may dispose of the
surrendered firearm in accordance with the provisions of
N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from
a defendant shall become part of the inventory of the dealer.

6. The Attorney General shall establish a public awareness
campaign to inform and educate the public concerning:
   a. the provisions of section 3 of P.L. , c. (C. ) (pending
      before the Legislature as this bill); the dangers associated with the
      presence of a loaded, unsecured firearm in the home; and the
      requirements and penalties imposed pursuant to
      P.L. , c. (C. ) (pending before the Legislature as this bill).
   b. The public awareness campaign shall be implemented in
      media outlets which include, but are not limited to: Statewide
      newspapers, radio, public service announcements, social media,
      television ads, and other media outlets deemed appropriate by the
      Attorney General.
   c. There is appropriated from the General Fund $500,000 to the
      Department of Law and Public Safety to develop and implement the
      public awareness campaign.

7. a. The Attorney General shall collect and analyze data
    related to implementation of P.L. , c. (C. ) (pending before
    the Legislature as this bill) including the number of violations that
    have occurred and the disposition of each violation.
    b. The Attorney General shall conduct a study to determine the
       overall impact of P.L. , c. (C. ) (pending before the
       Legislature as this bill). The study shall consider the effectiveness
       of the bill on public safety.
    c. The Attorney General shall submit annually a report
       summarizing the analysis and study conducted pursuant to this
       section to the Legislature pursuant to section 2 of P.L.1991, c.164
       (C.52:14-19.1) and shall make the summary report available to the
       public on the Internet website of the Department of Law and Public
       Safety. The Attorney General shall submit and publish the report
       by November 1st of each year.

8. The following sections are repealed:
   Section 1 of P.L.1991, c.397 (C.2C:58-15);
   Section 2 of P.L.1991, c.397 (C.2C:58-16);
   Section 2 of P.L.1999, c.255 (C.2C:58-17); and

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

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

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

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

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

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

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

The bill requires the court to notify a person convicted of a crime or offense involving an improperly stored firearm that he or she is prohibited from purchasing, owning, possessing, or controlling a firearm, and from receiving or retaining a permit to purchase a handgun (PPH) or a firearms purchaser identification card (FPIC).

The court also is required to order a defendant to arrange for the immediate surrender to a law enforcement officer of any firearm that has not already been seized or surrendered, as well as any PPH or FPIC.

Within five days of the entry of an order, the defendant may arrange to sell a surrendered firearm to a licensed retail dealer. The dealer then has 10 days to take possession of the firearm. A law enforcement officer accepting a surrendered firearm is to provide the
defendant with a receipt to be presented to the prosecutor as proof that
the firearm was surrendered. If a firearm is surrendered to a law
enforcement officer, but not sold to a licensed retail dealer, the officer
is authorized to dispose of the firearm in accordance with the State’s
civil asset forfeiture laws.

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

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

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

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