

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 700

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 700.

Assembly Bill No. 700, as amended and released by the committee, regulates the future sale of handguns in New Jersey. The amended bill specifies that three years after it is determined that personalized handguns are available for retail purposes, it will be illegal for any registered or licensed firearms manufacturer or dealer to transport, sell, expose for sale, possess for sale, assign or transfer any handgun unless that handgun is a personalized handgun.

Retail dealers who violate the provisions of the amended bill would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of up to 18 months, or both.

Personalized handguns, which commonly are referred to as "childproof" handguns, are defined in the amended bill as handguns that incorporate within their design, and as part of their original manufacture, technology which limits their operational use so that they can only be fired by an authorized or recognized user. The technology may involve a variety of systems, such as biometric, mechanical or electronic systems, which restrict the operation of the handgun through radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding or other automatic user identification programs.

The committee amended the definition of a personalized handgun to specify that the handgun must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns. Committee amendments permit the Attorney General to consult with any "neutral and detached public or private entity" to provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

The Attorney General is to biannually report his findings to the Governor and the Legislature. The amended bill specifies that

personalized handguns are to be deemed statutorily "available for retail sales purposes" whenever one manufacturer delivers at least one "production model" of a personalized handgun to a wholesale or retail dealer in New Jersey or any other state. The amended bill defines a "production model" as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

Two years after it is determined that personalized handguns are available for retail sales purposes, the Attorney General is to direct the Superintendent of State Police to prepare a list of the personalized handguns that may be sold in New Jersey. The bill affords the superintendent six months in which to prepare the list and make it available to firearms dealers in the State. The amended bill requires the Attorney General to notify within 60 days the Governor and Legislature when a handgun is determined to meet the definition of a personalized handgun. The personalized handguns that may be sold are to be identified on the list by manufacturer, model and caliber. The amended bill authorizes the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

On the first day of the sixth month following the prepared list and its delivery to firearms dealers in the State, the sales restriction takes effect. Thereafter, only personalized handguns may be sold by registered and licensed firearms dealers in New Jersey.

The bill, as introduced, provided for a limited exemption for antique handguns and replicas of such handguns. The amendments expand the list of handguns that are exempted to include handguns used in duly sanctioned state, national and international shooting matches and handguns used in competitions sanctioned by the Civilian Marksmanship Program.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Permit the Attorney General to consult with any "neutral and detached public or private entity" to provide assistance in determining whether a handgun meets the statutory definition of a personalized handgun.

(2) Specify that in order to meet the "available for retail sales" criterion set forth in the bill, the personalized handgun must be a production model, not a prototype or unique specimen. "Production model" is defined as a handgun that is the product of a regular manufacturing process that produces multiple copies of the same handgun model.

(3) Authorize the Attorney General to require manufacturers who want their handguns included on the list of personalized handguns eligible for retail sale in the State to: (a) provide the necessary handgun or handguns for testing, (b) pay a reasonable application fee and (c) pay the costs incurred in, or associated with, the actual testing of the handgun.

(4) Provide a sales and possession exemption for handguns used in competitive shooting matches sanctioned by the Civilian Marksmanship Program, the International Olympic Committee or USA Shooting.

(5) Add a provision establishing a seven-member commission to determine whether personalized handguns qualify for use by State and local law enforcement officers.

(6) Specify that in order for a handgun to qualify as a personalized handgun it must meet the reliability standards that the manufacturer requires for its commercially available handguns that are not personalized. If the manufacturer does not have such reliability standards, the handgun must meet the reliability standards generally used in the industry for commercially available handguns.

(7) Provide immunity for the State and its public entities and employees for acts or omissions relating to the implementation of this bill.

(8) Delete certain language in the legislative findings and declarations section.