

SENATE, No. 816

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Requires firearm retailers to sell personalized handguns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning personalized handguns and amending and
2 repealing various sections of statutory law.

3

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

6

7 1. N.J.S.2C:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique
11 cannon" means a destructive device defined in paragraph (3) of
12 subsection c. of this section, if the rifle, shotgun or destructive
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy
20 the name of the maker, model designation, manufacturer's serial
21 number or any other distinguishing identification mark or number
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object
24 designed to explode or produce uncontrolled combustion, including
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any
26 rocket having a propellant charge of more than four ounces or any
27 missile having an explosive or incendiary charge of more than one-
28 quarter of an ounce; (3) any weapon capable of firing a projectile of
29 a caliber greater than 60 caliber, except a shotgun or shotgun
30 ammunition generally recognized as suitable for sporting purposes;
31 (4) any Molotov cocktail or other device consisting of a breakable
32 container containing flammable liquid and having a wick or similar
33 device capable of being ignited. The term does not include any
34 device manufactured for the purpose of illumination, distress
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that
40 is commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible
42 materials or other ingredients in such proportions, quantities or
43 packing that an ignition by fire, by friction, by concussion or by
44 detonation of any part of the compound or mixture may cause such
45 a sudden generation of highly heated gases that the resultant
46 gaseous pressures are capable of producing destructive effects on

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.

1 contiguous objects. The term shall not include small arms
2 ammunition, or explosives in the form prescribed by the official
3 United States Pharmacopoeia.

4 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
5 automatic or semi-automatic rifle, or any gun, device or instrument
6 in the nature of a weapon from which may be fired or ejected any
7 solid projectable ball, slug, pellet, missile or bullet, or any gas,
8 vapor or other noxious thing, by means of a cartridge or shell or by
9 the action of an explosive or the igniting of flammable or explosive
10 substances. It shall also include, without limitation, any firearm
11 which is in the nature of an air gun, spring gun or pistol or other
12 weapon of a similar nature in which the propelling force is a spring,
13 elastic band, carbon dioxide, compressed or other gas or vapor, air
14 or compressed air, or is ignited by compressed air, and ejecting a
15 bullet or missile smaller than three-eighths of an inch in diameter,
16 with sufficient force to injure a person.

17 g. "Firearm silencer" means any instrument, attachment,
18 weapon or appliance for causing the firing of any gun, revolver,
19 pistol or other firearm to be silent, or intended to lessen or muffle
20 the noise of the firing of any gun, revolver, pistol or other firearm.

21 h. "Gravity knife" means any knife which has a blade which is
22 released from the handle or sheath thereof by the force of gravity or
23 the application of centrifugal force.

24 i. "Machine gun" means any firearm, mechanism or instrument
25 not requiring that the trigger be pressed for each shot and having a
26 reservoir, belt or other means of storing and carrying ammunition
27 which can be loaded into the firearm, mechanism or instrument and
28 fired therefrom.

29 j. "Manufacturer" means any person who receives or obtains
30 raw materials or parts and processes them into firearms or finished
31 parts of firearms, except a person who exclusively processes grips,
32 stocks and other nonmetal parts of firearms. The term does not
33 include a person who repairs existing firearms or receives new and
34 used raw materials or parts solely for the repair of existing firearms.

35 k. "Handgun" means any pistol, revolver, personalized
36 handgun, or other firearm originally designed or manufactured to be
37 fired by the use of a single hand.

38 l. "Retail dealer" means any person including a gunsmith,
39 except a manufacturer or a wholesale dealer, who sells, transfers or
40 assigns for a fee or profit any firearm or parts of firearms or
41 ammunition which he has purchased or obtained with the intention,
42 or for the purpose, of reselling or reassigning to persons who are
43 reasonably understood to be the ultimate consumers, and includes
44 any person who is engaged in the business of repairing firearms or
45 who sells any firearm to satisfy a debt secured by the pledge of a
46 firearm.

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

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- 1 cartridge to fire a single projectile through a rifled bore for each
2 single pull of the trigger.
- 3 n. "Shotgun" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed shotgun
5 shell to fire through a smooth bore either a number of ball shots or a
6 single projectile for each pull of the trigger, or any firearm designed
7 to be fired from the shoulder which does not fire fixed ammunition.
- 8 o. "Sawed-off shotgun" means any shotgun having a barrel or
9 barrels of less than 18 inches in length measured from the breech to
10 the muzzle, or a rifle having a barrel or barrels of less than 16
11 inches in length measured from the breech to the muzzle, or any
12 firearm made from a rifle or a shotgun, whether by alteration, or
13 otherwise, if such firearm as modified has an overall length of less
14 than 26 inches.
- 15 p. "Switchblade knife" means any knife or similar device
16 which has a blade which opens automatically by hand pressure
17 applied to a button, spring or other device in the handle of the knife.
- 18 q. "Superintendent" means the Superintendent of the State
19 Police.
- 20 r. "Weapon" means anything readily capable of lethal use or of
21 inflicting serious bodily injury. The term includes, but is not
22 limited to, all (1) firearms, even though not loaded or lacking a clip
23 or other component to render them immediately operable; (2)
24 components which can be readily assembled into a weapon; (3)
25 gravity knives, switchblade knives, daggers, dirks, stiletos, or other
26 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
27 sandclubs, slingshots, cesti or similar leather bands studded with
28 metal filings or razor blades imbedded in wood; and (4) stun guns;
29 and any weapon or other device which projects, releases, or emits
30 tear gas or any other substance intended to produce temporary
31 physical discomfort or permanent injury through being vaporized or
32 otherwise dispensed in the air.
- 33 s. "Wholesale dealer" means any person, except a
34 manufacturer, who sells, transfers, or assigns firearms, or parts of
35 firearms, to persons who are reasonably understood not to be the
36 ultimate consumers, and includes persons who receive finished
37 parts of firearms and assemble them into completed or partially
38 completed firearms, in furtherance of such purpose, except that it
39 shall not include those persons dealing exclusively in grips, stocks
40 and other nonmetal parts of firearms.
- 41 t. "Stun gun" means any weapon or other device which emits
42 an electrical charge or current intended to temporarily or
43 permanently disable a person.
- 44 u. "Ballistic knife" means any weapon or other device capable
45 of lethal use and which can propel a knife blade.
- 46 v. "Imitation firearm" means an object or device reasonably
47 capable of being mistaken for a firearm.
- 48 w. "Assault firearm" means:

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- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding 15 rounds.
- 45 (5) A part or combination of parts designed or intended to
- 46 convert a firearm into an assault firearm, or any combination of
- 47 parts from which an assault firearm may be readily assembled if

- 1 those parts are in the possession or under the control of the same
2 person.
- 3 x. "Semi-automatic" means a firearm which fires a single
4 projectile for each single pull of the trigger and is self-reloading or
5 automatically chambers a round, cartridge, or bullet.
- 6 y. "Large capacity ammunition magazine" means a box, drum,
7 tube or other container which is capable of holding more than 15
8 rounds of ammunition to be fed continuously and directly therefrom
9 into a semi-automatic firearm.
- 10 z. "Pistol grip" means a well-defined handle, similar to that
11 found on a handgun, that protrudes conspicuously beneath the
12 action of the weapon, and which permits the shotgun to be held and
13 fired with one hand.
- 14 aa. "Antique handgun" means a handgun manufactured before
15 1898, or a replica thereof, which is recognized as being historical in
16 nature or of historical significance and either (1) utilizes a match,
17 friction, flint, or percussion ignition, or which utilizes a pin-fire
18 cartridge in which the pin is part of the cartridge or (2) does not fire
19 fixed ammunition or for which cartridge ammunition is not
20 commercially available.
- 21 bb. "Trigger lock" means a commercially available device
22 approved by the Superintendent of State Police which is operated
23 with a key or combination lock that prevents a firearm from being
24 discharged while the device is attached to the firearm. It may
25 include, but need not be limited to, devices that obstruct the barrel
26 or cylinder of the firearm, as well as devices that immobilize the
27 trigger.
- 28 cc. "Trigger locking device" means a device that, if installed on
29 a firearm and secured by means of a key or mechanically,
30 electronically or electromechanically operated combination lock,
31 prevents the firearm from being discharged without first
32 deactivating or removing the device by means of a key or
33 mechanically, electronically or electromechanically operated
34 combination lock.
- 35 dd. "Personalized handgun" means a handgun which
36 incorporates within its design, and as part of its original
37 manufacture, technology which automatically limits its operational
38 use and which cannot be readily deactivated, so that it may only be
39 fired by an authorized or recognized user. The technology limiting
40 the handgun's operational use may include, but not be limited to:
41 radio frequency tagging, touch memory, remote control, fingerprint,
42 magnetic encoding and other automatic user identification systems
43 utilizing biometric, mechanical or electronic systems. No make or
44 model of a handgun shall be deemed to be a "personalized handgun"
45 unless the Attorney General has determined, through testing or
46 other reasonable means, that the handgun meets any reliability
47 standards that the manufacturer may require for its commercially
48 available handguns that are not personalized or, if the manufacturer

1 has no such reliability standards, the handgun meets the reliability
2 standards generally used in the industry for commercially available
3 handguns.

4 (cf: P.L.2002, c.130, s.5)

5

6 2. N.J.S.2C:58-2 is amended to read as follows:

7 2C:58-2. a. Licensing of retail dealers and their employees.
8 No retail dealer of firearms nor any employee of a retail dealer shall
9 sell or expose for sale, or possess with the intent of selling, any
10 firearm unless licensed to do so as hereinafter provided. The
11 superintendent shall prescribe standards and qualifications for retail
12 dealers of firearms and their employees for the protection of the
13 public safety, health and welfare.

14 Applications shall be made in the form prescribed by the
15 superintendent, accompanied by a fee of \$50 payable to the
16 superintendent, and shall be made to a judge of the Superior Court
17 in the county where the applicant maintains his place of business.
18 The judge shall grant a license to an applicant if he finds that the
19 applicant meets the standards and qualifications established by the
20 superintendent and that the applicant can be permitted to engage in
21 business as a retail dealer of firearms or employee thereof without
22 any danger to the public safety, health and welfare. Each license
23 shall be valid for a period of three years from the date of issuance,
24 and shall authorize the holder to sell firearms at retail in a specified
25 municipality.

26 In addition, every retail dealer shall pay a fee of \$5 for each
27 employee actively engaged in the sale or purchase of firearms. The
28 superintendent shall issue a license for each employee for whom
29 said fee has been paid, which license shall be valid for so long as
30 the employee remains in the employ of said retail dealer.

31 No license shall be granted to any retail dealer under the age of
32 21 years or to any employee of a retail dealer under the age of 18 or
33 to any person who could not qualify to obtain a permit to purchase a
34 handgun or a firearms purchaser identification card, or to any
35 corporation, partnership or other business organization in which the
36 actual or equitable controlling interest is held or possessed by such
37 an ineligible person.

38 All licenses shall be granted subject to the following conditions,
39 for breach of any of which the license shall be subject to revocation
40 on the application of any law enforcement officer and after notice
41 and hearing by the issuing court:

42 (1) The business shall be carried on only in the building or
43 buildings designated in the license, provided that repairs may be
44 made by the dealer or his employees outside of such premises.

45 (2) The license or a copy certified by the issuing authority shall
46 be displayed at all times in a conspicuous place on the business
47 premises where it can be easily read.

- 1 (3) No firearm or imitation thereof shall be placed in any
2 window or in any other part of the premises where it can be readily
3 seen from the outside.
- 4 (4) No rifle or shotgun, except antique rifles or shotguns, shall
5 be delivered to any person unless such person possesses and
6 exhibits a valid firearms purchaser identification card and furnishes
7 the seller, on the form prescribed by the superintendent, a
8 certification signed by him setting forth his name, permanent
9 address, firearms purchaser identification card number and such
10 other information as the superintendent may by rule or regulation
11 require. The certification shall be retained by the dealer and shall
12 be made available for inspection by any law enforcement officer at
13 any reasonable time.
- 14 (5) No handgun shall be delivered to any person unless:
- 15 (a) Such person possesses and exhibits a valid permit to
16 purchase a firearm and at least seven days have elapsed since the
17 date of application for the permit;
- 18 (b) The person is personally known to the seller or presents
19 evidence of his identity;
- 20 (c) The handgun is unloaded and securely wrapped;
- 21 (d) Except as otherwise provided in subparagraph (e) of this
22 paragraph, the handgun is accompanied by a trigger lock or a locked
23 case, gun box, container or other secure facility; provided, however,
24 this provision shall not apply to antique handguns or personalized
25 handguns included in this list pursuant to section 3 of P.L.2002,
26 c.130 (C.2C:58-2.4). The **【exemption】** exemptions afforded under
27 this subparagraph for antique handguns and personalized handguns
28 shall be narrowly construed, limited solely to the requirements set
29 forth herein and shall not be deemed to afford or authorize any
30 other exemption from the regulatory provisions governing firearms
31 set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
32 Statutes; and
- 33 (e) **【On and after the first day of the sixth month following the**
34 **date on which the list of personalized handguns is prepared and**
35 **delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),**
36 **the handgun is identified as a personalized handgun and included**
37 **on that list or is an antique handgun. The provisions of**
38 **subparagraph (d) of this section shall not apply to the delivery of a**
39 **personalized handgun.】** (Deleted by amendment, P.L. _____,
40 c. _____) (pending before the Legislature as this bill)
- 41 (6) The dealer shall keep a true record of every handgun sold,
42 given or otherwise delivered or disposed of, in accordance with the
43 provisions of subsections b. through e. of this section and the record
44 shall note whether a trigger lock, locked case, gun box, container or
45 other secure facility was delivered along with the handgun.
- 46 (7) A dealer shall not knowingly deliver more than one handgun
47 to any person within any 30-day period. This limitation shall not
48 apply to:

- 1 (a) a federal, State, or local law enforcement officer or agency
2 purchasing handguns for use by officers in the actual performance
3 of their law enforcement duties;
- 4 (b) a collector of handguns as curios or relics as defined in Title
5 18, United States Code, section 921 (a) (13) who has in his
6 possession a valid Collector of Curios and Relics License issued by
7 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 8 (c) transfers of handguns among licensed retail dealers,
9 registered wholesale dealers and registered manufacturers;
- 10 (d) any transaction where the person has purchased a handgun
11 from a licensed retail dealer and has returned that handgun to the
12 dealer in exchange for another handgun within 30 days of the
13 original transaction, provided the retail dealer reports the exchange
14 transaction to the superintendent; or
- 15 (e) any transaction where the superintendent issues an
16 exemption from the prohibition in this subsection pursuant to the
17 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).
- 18 b. Records. Every person engaged in the retail business of
19 selling, leasing or otherwise transferring a handgun, as a retail
20 dealer or otherwise, shall keep a register in which shall be entered
21 the time of the sale, lease or other transfer, the date thereof, the
22 name, age, date of birth, complexion, occupation, residence and a
23 physical description including distinguishing physical
24 characteristics, if any, of the purchaser, lessee or transferee, the
25 name and permanent home address of the person making the sale,
26 lease or transfer, the place of the transaction, and the make, model,
27 manufacturer's number, caliber and other marks of identification on
28 such handgun and such other information as the superintendent
29 shall deem necessary for the proper enforcement of this chapter.
30 The register shall be retained by the dealer and shall be made
31 available at all reasonable hours for inspection by any law
32 enforcement officer.
- 33 c. Forms of register. The superintendent shall prepare the form
34 of the register as described in subsection b. of this section and
35 furnish the same in triplicate to each person licensed to be engaged
36 in the business of selling, leasing or otherwise transferring firearms.
- 37 d. Signatures in register. The purchaser, lessee or transferee of
38 any handgun shall sign, and the dealer shall require him to sign his
39 name to the register, in triplicate, and the person making the sale,
40 lease or transfer shall affix his name, in triplicate, as a witness to
41 the signature. The signatures shall constitute a representation of the
42 accuracy of the information contained in the register.
- 43 e. Copies of register entries; delivery to chief of police or
44 county clerk. Within five days of the date of the sale, assignment or
45 transfer, the dealer shall deliver or mail by certified mail, return
46 receipt requested, legible copies of the register forms to the office
47 of the chief of police of the municipality in which the purchaser
48 resides, or to the office of the captain of the precinct of the

1 municipality in which the purchaser resides, and to the
2 superintendent. If hand delivered a receipt shall be given to the
3 dealer therefor.

4 Where a sale, assignment or transfer is made to a purchaser who
5 resides in a municipality having no chief of police, the dealer shall,
6 within five days of the transaction, mail a duplicate copy of the
7 register sheet to the clerk of the county within which the purchaser
8 resides.

9 (cf: P.L.2009, c.186, s.1)

10

11 3. Section 2 of P.L.2002, c.130 (C.2C:58-2.3) is amended to
12 read as follows:

13 2. a. On the first day of the sixth month following the effective
14 date of **【P.L.2002, c.130 (C.2C:58-2.2 et al.)】** P.L._____,
15 c. (pending before the Legislature as this bill), the Attorney
16 General shall report to the Governor and the Legislature as to the
17 availability of personalized handguns for retail sales purposes. If
18 the Attorney General determines that personalized handguns are not
19 available for retail sales purposes, the Attorney General, every six
20 months thereafter, shall report to the Governor and the Legislature
21 as to the availability of personalized handguns for retail sales
22 purposes until such time as the Attorney General shall deem that
23 personalized handguns are available for retail sales purposes and so
24 report to the Governor and the Legislature. In making this
25 determination, the Attorney General may consult with any other
26 neutral and detached public or private entity that may have useful
27 information and expertise to assist in determining whether, through
28 performance and other relevant indicators, a handgun meets the
29 statutory definition of a personalized handgun set forth in
30 N.J.S.2C:39-1.

31 b. For the purposes of this section, personalized handguns shall
32 be deemed to be available for retail sales purposes if at least one
33 manufacturer has delivered at least one production model of a
34 personalized handgun to a registered or licensed wholesale or retail
35 dealer in New Jersey or any other state. As used in this subsection,
36 the term "production model" shall mean a handgun which is the
37 product of a regular manufacturing process that produces multiple
38 copies of the same handgun model, and shall not include a
39 prototype or other unique specimen that is offered for sale.

40 (cf: P.L.2002, c.130, s.2)

41

42 4. Section 3 of P.L.2002, c.130 (C.2C:58-2.4) is amended to
43 read as follows:

44 3. a. On the first day of the 24th month following the effective
45 date on which the Attorney General reports that personalized
46 handguns are available for retail sales purposes pursuant to section
47 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General shall
48 direct the Superintendent of State Police to promulgate a list of

1 personalized handguns that may be sold in the State. This list shall
2 identify those handguns by manufacturer, model and caliber.

3 b. The list required under subsection a. of this section shall be
4 prepared within six months of the Attorney General's directive to
5 the superintendent and a copy thereof made available to registered
6 and licensed firearms dealers in this State. Whenever a handgun is
7 determined to meet the statutory definition of a personalized
8 handgun as set forth in **[N.J.S.2C:39-1]** N.J.S.2C:39-1, the
9 Attorney General shall report that determination in writing to the
10 Governor and the Legislature within 60 days. The superintendent
11 shall promptly amend and supplement the list to include handguns
12 which meet the statutory definition of a personalized handgun as set
13 forth in N.J.S.2C:39-1 or to remove previously listed handguns, if
14 appropriate. Registered and licensed retail firearms dealers in this
15 State shall be notified **[forthwith]** of any **[such]** changes in the list.
16 The notice shall be given in a manner prescribed by rule and
17 regulation. The Attorney General shall promulgate rules and
18 regulations establishing a process for handgun manufacturers to
19 demonstrate that their handguns meet the statutory definition of a
20 personalized handgun set forth in N.J.S.2C:39-1 and request that
21 their handgun be added to this list. These rules and regulations may
22 require that the handgun manufacturer:

23 (1) deliver a handgun or handguns to the Attorney General or
24 his designee for testing;

25 (2) pay a reasonable application fee; and

26 (3) pay any reasonable costs incurred in, or associated with, the
27 testing and independent scientific analysis of the handgun,
28 including any analysis of the technology the manufacturer has
29 incorporated within the handgun's design to limit its operational
30 use, that is conducted to determine whether the handgun meets the
31 statutory definition of a personalized handgun set forth in
32 N.J.S.2C:39-1.

33 c. Following the preparation and delivery of the list pursuant to
34 subsection a. of this section, each firearms wholesale or retail dealer
35 operating in this State shall maintain an inventory of one or more
36 types of approved personalized handguns on the dealer's premises.
37 The personalized handguns shall be displayed in the dealer's
38 salesroom and offered for sale to the general public.

39 (cf: P.L.2002, c.130, s.3)

40

41 5. Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read
42 as follows:

43 8. **[No]** The action or inaction by a public entity or public
44 employee **[in implementing the provisions of P.L.2002,**
45 **c.130 (C.2C:58-2.2 et al.), including but not limited to the]** when
46 promulgating, amending or supplementing **[of a]** the list of
47 personalized handguns that may be sold in this State **[,]** pursuant to

1 section 3 of P.L.2002, c.130 (C.2C:58-2.4) shall not constitute a
2 representation, warranty or guarantee by any public entity or
3 employee with regard to the safety, use or any other aspect or
4 attribute of a personalized handgun.

5 ~~【No】~~ An action to recover damages shall not arise or ~~【shall】~~ be
6 brought against any public entity or public employee for any action
7 or inaction related to or in connection with ~~【the implementation of~~
8 any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.)】 the list of
9 personalized handguns established pursuant to section 3 of
10 P.L.2002, c.130 (C.2C:58-2.4).

11 (cf: P.L.2002, c.130, s.8)

12

13 6. The following sections are repealed:
14 Section 1 of P.L.2002, c.130 (C.2C:58-2.2);and
15 Section 4 of P.L.2002, c.130 (C.2C:58-2.5).

16

17 7. This act shall take effect immediately.

18

19

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STATEMENT

21

22 This bill requires retailers to sell personalized handguns, also
23 known as “smart guns,” in the same manner as other handguns. A
24 personalized handgun is designed so that it may only be fired by an
25 authorized or recognized user.

26 Under current law, three years after personalized handguns are
27 available for retail purposes, it will be illegal for a firearms
28 manufacturer or dealer to sell or transfer a handgun unless that
29 handgun is a personalized handgun. Personalized handguns are
30 deemed available for retail purposes within 30 months of the date
31 when at least one manufacturer has commercially delivered at least
32 one personalized handgun production model to a wholesale or retail
33 dealer in New Jersey or any other state. The law was intended to
34 encourage the development of smart gun technology, but the
35 prohibition on other handguns has, in effect, restricted consumer
36 access to personalized handguns.

37 This bill repeals sections of law prohibiting the sale of all
38 handguns after personalized handguns are available for retail
39 purposes. However, the bill preserves the provision requiring the
40 Attorney General to report to the Governor and Legislature on the
41 availability of personalized handguns and direct the Superintendent
42 of State Police to establish and update a list of personalized
43 handguns that may be sold. Upon issuance of the list, the bill
44 requires each firearms wholesale or retail dealer to maintain an
45 inventory of one or more types of personalized handguns to be
46 displayed in the dealer’s salesroom and offered for sale to the
47 general public.