

ASSEMBLY, No. 4898

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Holley

SYNOPSIS

Prohibits leaving loaded firearm within easy access of minor under age of 18; requires law enforcement officers who observe unsecured firearms to conduct follow-up.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning a minor's access to firearms and amending
2 P.L.1991, c.397.

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

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7 1. Section 1 of P.L.1991, c.397 (C.2C:58-15) is amended to read as
8 follows:

9 1. a. A person who knows or reasonably should know that a
10 minor is likely to gain access to a loaded firearm at a premises
11 under the person's control commits a disorderly persons offense if a
12 minor gains access to the firearm, unless the person:

13 (1) Stores the firearm in a securely locked box or container;

14 (2) Stores the firearm in a location which a reasonable person
15 would believe to be secure; or

16 (3) Secures the firearm with a trigger lock.

17 b. This section shall not apply:

18 (1) To activities authorized by section 14 of P.L.1979, c.179 **[.]**
19 (C.2C:58-6.1) **[.]** concerning the lawful use of a firearm by a
20 minor; or

21 (2) Under circumstances where a minor obtained a firearm as a
22 result of an unlawful entry by any person.

23 c. As used in this act, "minor" means a person under the age of
24 **[16] 18**.

25 d. A law enforcement officer who observes that a person has
26 not complied with the provisions of this section shall return at a
27 later date to the premises under the person's control to ensure that
28 the person has stored or secured the firearm pursuant to subsection
29 a. of this section.

30 (cf: P.L.1991, c.397, s.1)

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32 2. This act shall take effect immediately.

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STATEMENT

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37 Under section 1 of P.L.1991, c.397 (C.2C:58-15), a firearm owner
38 is prohibited from leaving a loaded firearm within easy access of a
39 minor under the age of 16. This bill increases the age of a minor to
40 under the age of 18.

41 The bill also requires a law enforcement officer who observes
42 that a firearm owner has not properly stored or secured his or her
43 firearm to return to the firearm owner's premises to ensure that the
44 firearms are properly secured.

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 Under section 1 of P.L.1991, c.397 (C.2C:58-15), unless a firearm
2 owner takes certain precautions, the owner is guilty of a disorderly
3 persons offense if he or she knows, or reasonably should know, that
4 a minor is likely to gain access to a loaded firearm at a premises
5 under the owner's control and the minor gains access to the firearm.
6 The precautions required under the law include storing the firearm
7 in a securely locked box, secure location, or with a trigger lock. A
8 disorderly person's offense is punishable by up to six months
9 imprisonment, a fine of up to \$1,000, or both.