

## ASSEMBLY, No. 237

# STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

**By Assemblyman GARCIA**

1   **AN ACT** concerning firearms and supplementing chapter 58 of Title 2C  
2       of the New Jersey Statutes.

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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. a. A parent or guardian who possesses a firearm is guilty of a  
8 crime of the fourth degree if a minor under his control gains access to  
9 that firearm and uses it in the commission of a crime or an offense  
10 which, if committed by an adult, would constitute a crime, unless the  
11 parent or guardian:

12 (1) Stores or carries the firearm in a securely locked box or  
13 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. In addition to any other disposition authorized by law, the court  
18 may require the parent or guardian who is convicted pursuant to this  
19 section to perform 80 hours of community service and to participate  
20 in a course on firearm safety which shall be approved by the  
21 Superintendent of State Police.

22 c. As used in this act, "minor" means a person under the age of 18.

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24        2. This act shall take effect immediately.

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## STATEMENT

29 This bill is part of a package of bills designed to reduce gun  
30 violence among children and teenagers.

Under this bill, a parent or guardian who owns or possesses a firearm would be guilty of a crime of the fourth degree if a minor under his control gained access to that firearm and used it in the commission of a crime. The bill defines minor as a person under the age of 18.

1       The bill, however, affords a defense to a parent or guardian who  
2 stores or carries the firearm in a securely locked box or container,  
3 stores it in a secure location, or has secured the firearm with a trigger  
4 lock.

5       The bill also provides that the court may require the parent or  
6 guardian to perform 80 hours of community service and participate  
7 in a course on firearm safety approved by the Superintendent of State  
8 Police.

9       The Children's Defense Fund (CDF) states that gun violence is one  
10 of the most serious problems facing the nation's youth. According to  
11 the CDF, gun violence claims the life of a child every two hours and  
12 the equivalent of a full classroom of children every two days. CDF  
13 statistics also show that homicide has become the third leading cause  
14 of death for children ages 5 to 14 and the second leading cause of  
15 death for children and youth ages 10 to 24. In the years 1979 through  
16 1991, almost 50,000 children were killed by guns, surpassing the  
17 number of Americans killed in the Vietnam war.

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22 Establishes fourth degree crime for parent who permits a minor to gain  
23 access to a firearm which is later used in a crime.