

SENATE, No. 52

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator O'CONNOR

1 AN ACT concerning the purchase of certain firearms in certain cases.

2

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

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6 1. The Attorney General shall establish a pilot program providing  
7 for the State purchase of firearms which have been received, acquired  
8 or possessed by a person in violation of N.J.S.2C:58-3, N.J.S.2C:58-5  
9 or subsections b. or d. of N.J.S.2C:39-3.

10 a. The pilot program shall be established in 10 municipalities  
11 selected by the Attorney General. In making his selection, the  
12 Attorney General shall consider:

13 (1) Population, with priority given to municipalities having a  
14 population in excess of 35,000, according to the 1990 federal  
15 decennial census;

16 (2) Crime rates; and

17 (3) Crimes involving the use of a firearm.

18 b. Under the program, the State shall compensate any person who  
19 surrenders to the appropriate State or local law enforcement agency,  
20 as prescribed by the Attorney General, a firearm that is acquired,  
21 received or possessed in violation of N.J.S.2C:58-3, N.J.S.2C:58-5 or  
22 subsections b. or d. of N.J.S.2C:39-3. The amount paid for each such  
23 firearm shall be determined by the Attorney General and may vary  
24 based upon such criteria, including the manufacturer or type of  
25 firearm, as the Attorney General may deem appropriate.

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27 2. No person who voluntarily surrenders a firearm pursuant to the  
28 provisions of this act shall be convicted of an offense for receiving,  
29 acquiring or possessing a firearm in violation of N.J.S.2C:58-3,  
30 N.J.S.2C:58-5 or subsections b. or d. of N.J.S.2C:39-3 or, while  
31 transporting the firearm to the location where the voluntary surrender  
32 shall occur, for the unlawful transportation of a firearm in violation of  
33 subsection g. of N.J.S.2C:39-6 or subsections a., b., or g. of  
34 N.J.S.2C:39-9. Nothing in this subsection shall be construed as  
35 granting immunity from prosecution for any crime or offense except

1 that of the unlawful possession of a firearm and that of the unlawful  
2 transportation of that firearm for the purpose of voluntary surrender.

3  
4 3. The Attorney General may dispose of the firearms surrendered  
5 under the provisions of this act in the manner he deems appropriate.  
6 However, any moneys realized from the sale of surrendered firearms  
7 shall be deposited in a separate account and used exclusively for the  
8 purposes of making payments to persons surrendering firearms in  
9 accordance with the provisions of this act.

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11 4. The Attorney General shall report annually to the Governor and  
12 Legislature on the effectiveness of the pilot program established under  
13 this act and may include within those reports such recommendations  
14 as he shall deem appropriate and necessary.

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16 5. The Attorney General shall promulgate guidelines to effectuate  
17 the purposes of this act. Those guidelines shall include, but not be  
18 limited to, where and to whom firearms may be surrendered; the  
19 manner of surrendering of a firearm; and the amounts paid for  
20 particular firearms.

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22 6. This act shall take effect on the first day of the fourth month  
23 following enactment and shall expire on the first day of the 37th month  
24 following the day on which this act becomes effective.

## 25 26 27 STATEMENT

28  
29 This bill directs the Attorney General to establish a three-year pilot  
30 program under which the State would pay individuals who voluntarily  
31 surrender illegal and unlicensed firearms.

32 The program is to be established in 10 municipalities. In selecting  
33 those municipalities, the Attorney General is to consider crime rates,  
34 the number of crimes in which a firearm is used, and population, with  
35 priority given to municipalities having populations in excess of 35,000.

36 Individuals who voluntarily surrender illegal and unlicensed firearms  
37 in those selected municipalities would be immune from any  
38 prosecution for illegally possessing a firearm or for illegally  
39 transporting a firearm.

40 The bill also directs the Attorney General to promulgate guidelines  
41 setting forth where and how these firearms may be surrendered and  
42 prescribing the amount an individual is to be paid for surrendering  
43 each particular type of firearm. In addition, the bill authorizes the  
44 Attorney General to dispose of the surrendered firearms in the manner  
45 he deems appropriate. While it is assumed most of the firearms would  
46 be destroyed, this provision would permit the Attorney General to sell

1 valuable firearms. The moneys realized from any such sales are  
2 required to be used exclusively for the purpose of providing payments  
3 for other surrendered firearms.

4 Finally, the bill directs the Attorney General to file annual reports  
5 with the Governor and the Legislature and to include in those reports  
6 any recommendations he may have concerning the program.

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11 Establishes pilot program for State purchase of illegal and unlicensed  
12 firearms.