

**Attorney General's Report to the Governor and the Legislature  
as to the Availability of Personalized Handguns for Retail Sales Purposes,  
pursuant to N.J.S. 2C:58-2.3**

**November 2014**

In accordance with section 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General has made the determination that personalized handguns are not available for retail sales purposes within the meaning of those terms as set forth in the law. That is, the Attorney General has not found that “at least one manufacturer has delivered at least one production model of a personalized handgun to a registered or licensed wholesale or retail dealer in New Jersey or any other state.” See N.J.S.2C:58-2.3b.

The term “personalized handgun” means “a handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. The technology limiting the handgun’s operational use may include, but not be limited to: radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding and other automatic user identification systems utilizing biometric, mechanical or electronic systems.” N.J.S.2C:39-1(dd).

A personalized handgun would be “available for retail sales purposes” when “at least one manufacturer has delivered at least one production model to a registered or licensed wholesale or retail dealer in New Jersey or any other state.” N.J.S.2C:58-2.3(b). “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, and not a prototype or other unique specimen offered for sale.

The law further provides that “no make or model of a handgun shall be deemed to be a personalized handgun unless the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliability standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.” N.J.S.2C:39-1(dd). Thus, for a handgun to be deemed a personalized handgun, the handgun must satisfy all elements of the definition, be available for retail sales purposes, and meet applicable reliability standards.

Prior to making the determination in this report, officials from this Office had met with a representative of Armatix, a gun manufacturer that has produced a firearm, the Armatix iP1 handgun, that incorporates in its design technology that automatically limits the weapon’s operational use. Specifically, the Armatix iP1 system incorporates within its design a radio frequency identification (RFID) chip inside a wristwatch that enables the functioning of the iP1 pistol. In order to fire the pistol, the matching watch must be situated within 10 inches of the pistol. The pistol also may be disabled with a timer or a PIN code entered into the matching watch. The statute expressly contemplates the

possibility that a handgun that incorporates radio frequency tagging technology to automatically limit its operational use could qualify as a personalized handgun. However, the statute imposes the further requirement that the technology incorporated must be such that the handgun “may only be fired by an authorized or recognized user.” N.J.S.2C:39-1(dd).

After careful consideration of the iP1's design, we have determined that it does not satisfy the statutory definition because, as a matter of design, the pistol may be fired by a person who is not an authorized or recognized user. That is, as long as the pistol is situated within 10 inches of the enabling wristwatch, it may be fired by *anyone* – the authorized user or any other person who is able to pull the trigger. While the system does incorporate a PIN code or a timer to disable the handgun, when the weapon is enabled, there is nothing in the technology which automatically limits its operational use so that it may only be fired by an authorized or recognized user (so long as the pistol is within a 10-inch proximity to the wristwatch component).

Situations may readily be envisioned in which an unauthorized individual gains access to the pistol in close enough proximity to the wristwatch component (by either maintaining possession of the pistol within 10 inches of the authorized user's wrist on which he or she is wearing the watch, or by forcibly taking possession of the wristwatch), and therefore would be able to fire the weapon, despite the limiting technology. Accordingly, we are unable to conclude that the iP1 design meets all the elements of New Jersey's statutory definition of a personalized handgun under N.J.S.2C:39-1(dd), and therefore its availability for retail sales purposes will not trigger the operation of N.J.S.2C:58-2.4 (requiring the promulgation of a list of personalized handguns) and N.J.S.2C:58-2.5 (prohibiting the sale of non-personalized handguns). We note that, as a result of this determination, it was not necessary to consider whether the iP1 meets reliability standards that the manufacturer may require for its commercially available handguns that are not personalized.

To conclude, we are not aware at this time of any other handgun that meets the definition of personalized handgun that is available for retail sales purposes.