



ASSOCIATION OF NEW JERSEY RIFLE & PISTOL CLUBS, INC

*New Jersey's Premier Second Amendment Organization
Defending the Right to Keep and Bear Arms Since 1936*

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LEGISLATIVE ANALYSIS FOR 02/13/13 HEARING

A588 (Spencer / Coutinho / Deignan) – Prohibits possession of ammunition capable of penetrating body armor. ***Analysis:*** *effectively bans most rifle rounds (most body armor worn by police are only designed to stop handgun rounds. Armor that stops rifle rounds is available, but not in common usage). Gives Attorney General unilateral authority to ban specific rounds. Well intentioned or not, this would ban most rifle ammunition, which would render most rifles useless in the Garden State, including single shot rifles. Criminals will not follow this law. It will have no impact on school safety or mental health.*

A1116 (Fuentes / Spencer) – Establishes 180 day prohibition on purchase of handgun for certain individuals who fail to report loss or theft of firearm. ***Analysis:*** *Suspends Second Amendment rights for 6 months for failure to report a lost or stolen firearm within 36 hours of discovery. Supposedly aimed at traffickers but naively presumes that traffickers buy their guns from dealers using permits. Has a punitive effect on law abiding gun owners who inadvertently miss the 36-hour reporting deadline. Has no impact on criminals. Has no impact on school safety or mental health.*

A1329 (Greenwald / Quijano / Coutinho) – Reduces maximum capacity of ammunition magazines to 10 rounds. ***Analysis:*** *Reduces magazine capacity limit from 15 to 10 rounds. Interferes with self-defense, puts law-abiding citizens at a disadvantage in home invasions and other emergencies. Will not stop another tragedy, as magazines are capable of being changed quickly. Will be ignored by criminals, who will have advantage over the law-abiding. No impact on crime. No impact on school safety or mental health. Note: there is separate legislation to reduce magazine capacity to 5 rounds, but it is not presently scheduled to be considered on February 13.*

A1387 (Wilson / Johnson) – Permits municipalities to establish weapons free zones around schools and public facilities. ***Analysis:*** *Empowers cities and towns to create known areas around schools, parks and other public facilities where it is advertised to criminals and madmen that their victims are unarmed and defenseless. Creates large swaths of land where the exercise of Second Amendment rights is ostensibly outlawed. Attempts to create exemptions, but fails to adequately do so (examples: fails to exempt CCW permit holders and ranges, and attempted exemption of gun club members is flawed and exempts no one). Criminals will not follow gun free zones. Potential impact on crime: increased risk to law-abiding citizens within those zones. No impact on school safety or mental health.*

A1613 (Bramnick / Johnson) – Establishes Educational Security Task Force. ***Analysis:*** *Establishes a task force to help the State board of education develop statewide security guidelines and standards for school districts. Has potential to positively impact school safety, depending on task force results. Does not appear to directly threaten Second Amendment rights at this time.*

A3510 (Johnson / Vainieri Huttle) – Requires proof of firearms safety training as a condition for issuance of firearms purchaser ID cards and permits to purchase handguns. ***Analysis:*** *Requires firearms training in order to own firearms. Puts pre-conditions on the exercise of a Constitutional right (like requiring public speaking training before exercise of FIRST amendment rights). Presumes that firearms owners are not safe or knowledgeable. Affects only law-abiding citizens. No impact on criminals (who do not obtain firearms using permits and FID cards), school security, or mental health.*

A3583 (Wilson) – Creates task force to explore areas to improve school safety. (pending intro and referral). ***Analysis:*** *None (bill text unavailable at time of this posting)*

A3645 (Greenwald / Eustace / Mosquera) - Requires ammunition sales and transfers be conducted as face-to-face transactions. ***Analysis:*** *Bans internet and catalog sales of ammunition and requires that ammunition be purchased in face-to-face transactions. Restricts sales of a lawful product. Gives a monopoly to NJ sellers. During supply shortages, interferes with self-defense and competitive shooting by precluding access to supplies available elsewhere. Apparently legislators do not understand that online retailers require ID of purchasers, and that there is an electronic record of online sales. Only affects law-abiding citizens. Redundant / conflicts with other similar pending bills being considered. No impact on criminals (who will not follow it), school safety, or mental health.*

A3646 (Greenwald) - Establishes a regulatory system to govern the sale and transfer of ammunition. ***Analysis:*** *Bans internet and catalog sales of ammunition. Restricts sales of a lawful product. Gives a monopoly to NJ sellers. During supply shortages, interferes with self-defense and competitive shooting by precluding access to supplies available elsewhere. Apparently legislators do not understand that online retailers require ID of purchasers, and that there is an electronic record of online sales. Only affects law-abiding citizens. Redundant / conflicts with other similar pending bills being considered. No impact on criminals (who will not follow it), school safety, or mental health.*

A3659 (Barnes, III / Johnson) - Revises definition of destructive device to include certain weapons of 50 caliber or greater. ***Analysis:*** *This bill is an attack on gun owners and sportsmen, banning many popular firearms and forcing their sale, destruction, or confiscation by the state. Pretends to ban only the .50 BMG rifle, but bans every rifle-barreled shotgun in the State (one of the most popular and widely used firearms), and many modern hunting rifles and handguns. Although the bill attempts to exempt shotguns, rifle-barreled shotguns are NOT covered by the exemption, because they do not have a smooth bore and therefore do not fit within New Jersey's definition of "shotgun" under 2C:39-1(n). That definition specifies that a firearm must have a smooth bore (meaning no rifling) in order to be considered a shotgun. This legislation would also ban numerous rifles and handguns (see detailed list at the end of this document for particulars). This legislation contains no grandfathering; if it passes, gun owners will be under threat of criminal prosecution and*

incarceration if they do not sell, destroy, or turn these firearms in to the State in a forced buyback within one year. As for the .50 BMG rifle itself, it is not a threat to public safety because it is not used by criminals. With price tags as high as \$10,000, they are exorbitantly expensive, large, heavy, difficult to conceal, and their military ammunition is already illegal in New Jersey. They are owned by professionals like doctors and lawyers who are able to afford them, who use them for matches, competition, and precision target shooting. Banning them will not impact crime or prevent another tragedy. This legislation has no impact on crime, school safety, or mental health.

A3666 (Cryan / O'Donnell / Jasey) - Prohibits mail order, Internet, telephone, and any other anonymous method of ammunition sale or transfer in New Jersey. **Analysis:** *Bans internet and catalog sales of ammunition. Restricts sales of a lawful product. Gives a monopoly to NJ sellers. During supply shortages, interferes with self-defense and competitive shooting by precluding access to supplies available elsewhere. Apparently legislators do not understand that online retailers require ID of purchasers, and that there is an electronic record of online sales. Only affects law-abiding citizens. Redundant / conflicts with other similar pending bills being considered. No impact on criminals (who will not follow it), school safety, or mental health.*

A3668 (Jasey / McKeon / Cryan) - Prohibits investment by State of pension and annuity funds in companies manufacturing, importing, and selling assault firearms for civilian use. (pending referral). **Analysis:** *Attempts to punish firearms manufacturers and coerce them into not selling semi-automatic firearms to civilians, by pulling state pension fund investments from those manufacturers who DO sell to civilians. Precludes State from benefitting from high returns on investment in firearms manufacturing companies. No impact on crime, school safety, or mental health.*

A3687 (Stender / Fuentes) - Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun. **Analysis:** *Deprives Second Amendment rights without due process, based on a secret list compiled by government bureaucrats with no published standards, no way to correct errors (US Senators have been placed erroneously on the list), and potential for enormous abuse by anti-gun government bureaucrats. No one wants terrorists to have access to firearms, but gun owners, military veterans, conservatives and others could easily be mislabeled as terrorists (in order to deprive them of their rights), and there is evidence that officials in the current administration have said as much. Deprivation of Constitutional rights without due process is unconstitutional. No impact on school safety or mental health. Possible impacts on crime.*

A3717 (Lampitt / Singleton) - Requires submission of certain mental health records to National Instant Criminal Background Check System. **Analysis:** *Requires submission of certain mental health records to NICS. Potentially redundant with New Jersey's existing mental health background checks required for issuance of handgun permits and FID cards. Legislation should specify that only records of persons who have had judicial due process (with an appeals process) should be submitted. Impacts on mental health.*

A3748 (O'Donnell / Mainor / McKeon) - Requires background check for private gun sales. **Analysis:** *Eliminates all private sales. Apparently, legislators do not realize that private sales of handguns in NJ require a permit (which is only issued after a background check, and is still filed with the state and town), or that private sales of long guns require a firearms ID card (only issued after a background check) and mandated paperwork. Bill exempts police (private firearms collections of*

law enforcement should NOT be exempted), and attempts to exempt family members but fails to include transfers to siblings or parents. Also attempts to exempt curio & relic FFL holders, who are virtually nonexistent in NJ (since the failure of any FFL holder to also have a state license is a crime). Legislation also imposes potential delays on exercise of Second Amendment rights and self defense (since December, 2012, given the huge volume of people buying firearms, background checks have been anything but “instant” in New Jersey, often requiring 5 or more days for approvals). The bill would also have the effect of imposing additional fees that otherwise would not be charged. Bill also contains a serious drafting error on page 3. Will not be followed by criminals. No impact on crime, school safety, or mental health.

A3750 (Cryan / O’Donnell / Quijano) - Establishes regulatory and reporting program for all ammunition sales. **Analysis:** *Requires dealers to document all ammunition sales and report them electronically to the State Police, including type and quantity of ammunition being purchased, and the identity of the purchaser. Creates a database of ammunition purchasers, and lays the groundwork for future restrictions and targeting of competitors, collectors, and target shooters who purchase ammunition in bulk. In combination with other ammunition bills being considered, restricts sales of a lawful product, gives a monopoly to NJ sellers, and during supply shortages, interferes with self-defense and competitive shooting by precluding access to supplies available elsewhere. Only affects law-abiding citizens. Redundant / conflicts with other similar pending bills being considered. No impact on criminals (who will not follow it), school safety, or mental health.*

A3754 (Cryan / O’Donnell / Quijano) - Requires firearms seizure when mental health professional determines patient poses threat of harm to self or others. **Analysis:** *Gives unprecedented power to suspend Constitutional rights and seize firearms to unaccountable health professionals, who are defined to include nurses, social workers, and marriage counselors! Turns health professionals into spies and pressures them to err on the side of declaring someone a danger rather than face potential professional liability for failing to do so. Fails to provide due process to firearms owners, and creates potential for enormous abuse by anti-gun health professionals. The powers described in this bill properly belong in the courts, where due process must be provided, and not in the hands of unaccountable health professionals. This bill potentially impacts crime, mental health, and school safety, but is overkill in the extreme, is reminiscent of a police state, and fails to include important safeguards to protect Constitutional rights.*

A3772 (Eustace / Wagner / Vanieri Huttel) - Requires that firearms purchaser identification cards display picture; mandates that firearms purchaser identification cards be renewed every five years. **Analysis:** *Wipes out existing FID cards, which were supposed to be good for life, to require a new card with photo ID (apparently legislators do not understand that a photo ID is already required by Federal law at point of purchase from NJ dealers). Creates a massive new bureaucracy to implement and process card issuance and renewals. Makes firearms ownership more expensive and therefore less accessible to low-income citizens. Potential administrative nightmare and potential for extensive delays that interfere with exercise of Constitutional rights. Would eliminate the need for handgun purchase permits, but this legislation fails to address that and does not end the current permitting scheme which would still be retained. No impact on crime, school safety, or mental health.*

[A3788](#) (Rible / Dancer) - Codifies regulation exempting firearms records from State's open public records law; abolishes common law right of access to these records. ***Analysis: Strengthens state law mandating the confidentiality of gun owner information. Helps prevent a New York-type situation where media publishes personal information of firearms owners. Possible impacts on crime (prevents theft from gun owners resulting from publishing of their information). No impacts on school safety or mental health. NOTE: ANJRPC SUPPORTS THIS LEGISLATION.***

[A3796](#) (Mainor) – Provides 90-day window for persons to dispose of certain unlawfully possessed firearms. ***Analysis: Reopens for 90 days the window that closed in 1991, for owners of banned firearms to transfer or surrender those firearms. New Jersey's assault firearms ban trapped owners of banned guns who did not surrender or sell them within the time period specified in that law. Since 1991, those owners have been left with no lawful avenue to comply. This legislation does not create a long enough window for notification of every gun owner in the State, and should create a meaningful opportunity for compliance (90 days is unnecessarily stingy). It also fails to reopen the window for unlawful magazines and ammunition. No impact on crime, school safety, or mental health.***

[A3797](#) (Mainor) – Requires law enforcement to report certain firearms information to interjurisdictional electronic databases including the national Integrated Ballistics Identification Network. ***Analysis: Would mandate statewide law enforcement reporting of information about firearms and spent casings recovered to national law enforcement databases. Fails to require that the information be made available only to law enforcement for investigative purposes, and fails to require that crime guns be distinguished from guns recovered from fires, floods, buybacks, and other non-crime sources. Potential impacts on crime. No impact on school safety or mental health.***

[ACR180](#) (Greenwald) – Urges President and Congress of United States to enact legislation enforcing stricter firearms control measures. (pending intro and referral). ***Analysis: None (bill text unavailable at the time of this alert).***

[AR143](#) (Quijano / Cryan / O'Donnell) - Expresses support for Attorney General's gun buyback program. ***Analysis: Does not change state law. Potential impact on crime: gun buybacks allow criminals to dispose of (and profit from) crime guns with impunity, at taxpayer expense. Gun buybacks also allow for possible destruction of evidence that could help solve crimes, also at taxpayer expense. No impact on school safety, or mental health.***

[AR144](#) (Oliver) – Urges Governor Christie's Administration not to apply for annual exemption from requirements of federal Mental Health Parity and Addiction Equity Act of 2008. (pending referral). ***Analysis: Does not change state law. No impact on crime or school safety. Possible impacts on mental health.***

**FIREARMS THAT WOULD BE BANNED BY
A3659 / S2178 (.50 Ban), IN ADDITION TO
THE .50 BMG AND RIFLE-BARRELED SHOTGUNS**

This Legislation Bans Many Modern Hunting Firearms

In addition to banning popular rifle-barreled shotguns and the .50 bmg, this legislation would ban many modern hunting rifles and handguns, including the following:

Examples of Banned Modern Hunting Rifles Under this legislation (by caliber/mm)

.50 Alaskan	.505 Gibbs
.50 Peacekeeper	.500-465 Express
.500 Jeffrey	.510 Whisper
.50 Nitro	.505 Nyati
.500 Nitro Express	.577 T-Rex
.600 Nitro Express	.510 DTC
.550 Nitro Express	.550 Magnum
.577 Nitro Express	.50 Airgun
.700 Nitro Express	.600 Overkill
.500 50 Express	12.7 x 99mm
.510 Fat Mac	14.5mm JDJ
.6-577 Rewa	12.7 x 108 mm
.50 Beowolf	15.2 Steyr
.500 Black Powder Express	14.5 x 114mm
.500 A-Square	

Examples of Modern Hunting & Target Handguns Banned by This Legislation

.50 Remington Single Shot RF

.50 Remington Single Shot CF

AMT Auto Mag

Bowen Classic Arms .500 Linebaugh Revolver

Guncrafter Industries M1

Freedom Arms Model 555

LAR Grizzly Win Mag

Magnum Research Desert Eagle

Magnum Research BFR Revolver

Smith & Wesson 500 Revolver

Smith & Wesson 500 Special Revolver

Tanfoglio Thor-Raptor Single Shot

Taurus Raging Bull 500 Revolver

Thompson Center Encore .50 Single Shot

Webley Boxer Revolver

Zeliska .600 Nitro Express Revolver