

**SENATE, No. 3249**

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**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

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INTRODUCED NOVEMBER 9, 2015

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Requires firearm retailers to sell personalized handguns.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning personalized handguns and amending and  
2 repealing various sections of statutory law.

3

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

6

7 1. N.J.S.2C:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this  
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique  
11 cannon" means a destructive device defined in paragraph (3) of  
12 subsection c. of this section, if the rifle, shotgun or destructive  
13 device, as the case may be, is incapable of being fired or  
14 discharged, or which does not fire fixed ammunition, regardless of  
15 date of manufacture, or was manufactured before 1898 for which  
16 cartridge ammunition is not commercially available, and is  
17 possessed as a curiosity or ornament or for its historical  
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy  
20 the name of the maker, model designation, manufacturer's serial  
21 number or any other distinguishing identification mark or number  
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object  
24 designed to explode or produce uncontrolled combustion, including  
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any  
26 rocket having a propellant charge of more than four ounces or any  
27 missile having an explosive or incendiary charge of more than one-  
28 quarter of an ounce; (3) any weapon capable of firing a projectile of  
29 a caliber greater than 60 caliber, except a shotgun or shotgun  
30 ammunition generally recognized as suitable for sporting purposes;  
31 (4) any Molotov cocktail or other device consisting of a breakable  
32 container containing flammable liquid and having a wick or similar  
33 device capable of being ignited. The term does not include any  
34 device manufactured for the purpose of illumination, distress  
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for  
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer  
38 possession.

39 e. "Explosive" means any chemical compound or mixture that  
40 is commonly used or is possessed for the purpose of producing an  
41 explosion and which contains any oxidizing and combustible  
42 materials or other ingredients in such proportions, quantities or  
43 packing that an ignition by fire, by friction, by concussion or by  
44 detonation of any part of the compound or mixture may cause such  
45 a sudden generation of highly heated gases that the resultant

**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 gaseous pressures are capable of producing destructive effects on  
2 contiguous objects. The term shall not include small arms  
3 ammunition, or explosives in the form prescribed by the official  
4 United States Pharmacopoeia.

5 f. "Firearm" means any handgun, rifle, shotgun, machine gun,  
6 automatic or semi-automatic rifle, or any gun, device or instrument  
7 in the nature of a weapon from which may be fired or ejected any  
8 solid projectable ball, slug, pellet, missile or bullet, or any gas,  
9 vapor or other noxious thing, by means of a cartridge or shell or by  
10 the action of an explosive or the igniting of flammable or explosive  
11 substances. It shall also include, without limitation, any firearm  
12 which is in the nature of an air gun, spring gun or pistol or other  
13 weapon of a similar nature in which the propelling force is a spring,  
14 elastic band, carbon dioxide, compressed or other gas or vapor, air  
15 or compressed air, or is ignited by compressed air, and ejecting a  
16 bullet or missile smaller than three-eighths of an inch in diameter,  
17 with sufficient force to injure a person.

18 g. "Firearm silencer" means any instrument, attachment,  
19 weapon or appliance for causing the firing of any gun, revolver,  
20 pistol or other firearm to be silent, or intended to lessen or muffle  
21 the noise of the firing of any gun, revolver, pistol or other firearm.

22 h. "Gravity knife" means any knife which has a blade which is  
23 released from the handle or sheath thereof by the force of gravity or  
24 the application of centrifugal force.

25 i. "Machine gun" means any firearm, mechanism or instrument  
26 not requiring that the trigger be pressed for each shot and having a  
27 reservoir, belt or other means of storing and carrying ammunition  
28 which can be loaded into the firearm, mechanism or instrument and  
29 fired therefrom.

30 j. "Manufacturer" means any person who receives or obtains  
31 raw materials or parts and processes them into firearms or finished  
32 parts of firearms, except a person who exclusively processes grips,  
33 stocks and other nonmetal parts of firearms. The term does not  
34 include a person who repairs existing firearms or receives new and  
35 used raw materials or parts solely for the repair of existing firearms.

36 k. "Handgun" means any pistol, revolver, personalized  
37 handgun, or other firearm originally designed or manufactured to be  
38 fired by the use of a single hand.

39 l. "Retail dealer" means any person including a gunsmith,  
40 except a manufacturer or a wholesale dealer, who sells, transfers or  
41 assigns for a fee or profit any firearm or parts of firearms or  
42 ammunition which he has purchased or obtained with the intention,  
43 or for the purpose, of reselling or reassigning to persons who are  
44 reasonably understood to be the ultimate consumers, and includes  
45 any person who is engaged in the business of repairing firearms or

1 who sells any firearm to satisfy a debt secured by the pledge of a  
2 firearm.

3 m. "Rifle" means any firearm designed to be fired from the  
4 shoulder and using the energy of the explosive in a fixed metallic  
5 cartridge to fire a single projectile through a rifled bore for each  
6 single pull of the trigger.

7 n. "Shotgun" means any firearm designed to be fired from the  
8 shoulder and using the energy of the explosive in a fixed shotgun  
9 shell to fire through a smooth bore either a number of ball shots or a  
10 single projectile for each pull of the trigger, or any firearm designed  
11 to be fired from the shoulder which does not fire fixed ammunition.

12 o. "Sawed-off shotgun" means any shotgun having a barrel or  
13 barrels of less than 18 inches in length measured from the breech to  
14 the muzzle, or a rifle having a barrel or barrels of less than 16  
15 inches in length measured from the breech to the muzzle, or any  
16 firearm made from a rifle or a shotgun, whether by alteration, or  
17 otherwise, if such firearm as modified has an overall length of less  
18 than 26 inches.

19 p. "Switchblade knife" means any knife or similar device  
20 which has a blade which opens automatically by hand pressure  
21 applied to a button, spring or other device in the handle of the knife.

22 q. "Superintendent" means the Superintendent of the State  
23 Police.

24 r. "Weapon" means anything readily capable of lethal use or of  
25 inflicting serious bodily injury. The term includes, but is not  
26 limited to, all (1) firearms, even though not loaded or lacking a clip  
27 or other component to render them immediately operable; (2)  
28 components which can be readily assembled into a weapon; (3)  
29 gravity knives, switchblade knives, daggers, dirks, stilettos, or other  
30 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,  
31 sandclubs, slingshots, cesti or similar leather bands studded with  
32 metal filings or razor blades imbedded in wood; and (4) stun guns;  
33 and any weapon or other device which projects, releases, or emits  
34 tear gas or any other substance intended to produce temporary  
35 physical discomfort or permanent injury through being vaporized or  
36 otherwise dispensed in the air.

37 s. "Wholesale dealer" means any person, except a  
38 manufacturer, who sells, transfers, or assigns firearms, or parts of  
39 firearms, to persons who are reasonably understood not to be the  
40 ultimate consumers, and includes persons who receive finished  
41 parts of firearms and assemble them into completed or partially  
42 completed firearms, in furtherance of such purpose, except that it  
43 shall not include those persons dealing exclusively in grips, stocks  
44 and other nonmetal parts of firearms.

- 1 t. "Stun gun" means any weapon or other device which emits  
2 an electrical charge or current intended to temporarily or  
3 permanently disable a person.
- 4 u. "Ballistic knife" means any weapon or other device capable  
5 of lethal use and which can propel a knife blade.
- 6 v. "Imitation firearm" means an object or device reasonably  
7 capable of being mistaken for a firearm.
- 8 w. "Assault firearm" means:
- 9 (1) The following firearms:
- 10 Algimec AGM1 type  
11 Any shotgun with a revolving cylinder such as the "Street  
12 Sweeper" or "Striker 12"  
13 Armalite AR-180 type  
14 Australian Automatic Arms SAR  
15 Avtomat Kalashnikov type semi-automatic firearms  
16 Beretta AR-70 and BM59 semi-automatic firearms  
17 Bushmaster Assault Rifle  
18 Calico M-900 Assault carbine and M-900  
19 CETME G3  
20 Chartered Industries of Singapore SR-88 type  
21 Colt AR-15 and CAR-15 series  
22 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types  
23 Demro TAC-1 carbine type  
24 Encom MP-9 and MP-45 carbine types  
25 FAMAS MAS223 types  
26 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms  
27 Franchi SPAS 12 and LAW 12 shotguns  
28 G3SA type  
29 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1  
30 Intratec TEC 9 and 22 semi-automatic firearms  
31 M1 carbine type  
32 M14S type  
33 MAC 10, MAC 11, MAC 11-9mm carbine type firearms  
34 PJK M-68 carbine type  
35 Plainfield Machine Company Carbine  
36 Ruger K-Mini-14/5F and Mini-14/5RF  
37 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types  
38 SKS with detachable magazine type  
39 Spectre Auto carbine type  
40 Springfield Armory BM59 and SAR-48 type  
41 Sterling MK-6, MK-7 and SAR types  
42 Steyr A.U.G. semi-automatic firearms  
43 USAS 12 semi-automatic type shotgun  
44 Uzi type semi-automatic firearms  
45 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

1 Weaver Arm Nighthawk.

2 (2) Any firearm manufactured under any designation which is  
3 substantially identical to any of the firearms listed above.

4 (3) A semi-automatic shotgun with either a magazine capacity  
5 exceeding six rounds, a pistol grip, or a folding stock.

6 (4) A semi-automatic rifle with a fixed magazine capacity  
7 exceeding 15 rounds.

8 (5) A part or combination of parts designed or intended to  
9 convert a firearm into an assault firearm, or any combination of  
10 parts from which an assault firearm may be readily assembled if  
11 those parts are in the possession or under the control of the same  
12 person.

13 x. "Semi-automatic" means a firearm which fires a single  
14 projectile for each single pull of the trigger and is self-reloading or  
15 automatically chambers a round, cartridge, or bullet.

16 y. "Large capacity ammunition magazine" means a box, drum,  
17 tube or other container which is capable of holding more than 15  
18 rounds of ammunition to be fed continuously and directly therefrom  
19 into a semi-automatic firearm.

20 z. "Pistol grip" means a well-defined handle, similar to that  
21 found on a handgun, that protrudes conspicuously beneath the  
22 action of the weapon, and which permits the shotgun to be held and  
23 fired with one hand.

24 aa. "Antique handgun" means a handgun manufactured before  
25 1898, or a replica thereof, which is recognized as being historical in  
26 nature or of historical significance and either (1) utilizes a match,  
27 friction, flint, or percussion ignition, or which utilizes a pin-fire  
28 cartridge in which the pin is part of the cartridge or (2) does not fire  
29 fixed ammunition or for which cartridge ammunition is not  
30 commercially available.

31 bb. "Trigger lock" means a commercially available device  
32 approved by the Superintendent of State Police which is operated  
33 with a key or combination lock that prevents a firearm from being  
34 discharged while the device is attached to the firearm. It may  
35 include, but need not be limited to, devices that obstruct the barrel  
36 or cylinder of the firearm, as well as devices that immobilize the  
37 trigger.

38 cc. "Trigger locking device" means a device that, if installed on  
39 a firearm and secured by means of a key or mechanically,  
40 electronically or electromechanically operated combination lock,  
41 prevents the firearm from being discharged without first  
42 deactivating or removing the device by means of a key or  
43 mechanically, electronically or electromechanically operated  
44 combination lock.

1 dd. "Personalized handgun" means a handgun which incorporates  
2 within its design, and as part of its original manufacture, technology  
3 which automatically limits its operational use and which cannot be  
4 readily deactivated, so that it may only be fired by an authorized or  
5 recognized user. The technology limiting the handgun's operational  
6 use may include, but not be limited to: radio frequency tagging,  
7 touch memory, remote control, fingerprint, magnetic encoding and  
8 other automatic user identification systems utilizing biometric,  
9 mechanical or electronic systems. No make or model of a handgun  
10 shall be deemed to be a "personalized handgun" unless the Attorney  
11 General has determined, through testing or other reasonable means,  
12 that the handgun meets any reliability standards that the  
13 manufacturer may require for its commercially available handguns  
14 that are not personalized or, if the manufacturer has no such  
15 reliability standards, the handgun meets the reliability standards  
16 generally used in the industry for commercially available handguns.  
17 (cf: P.L.2002, c.130, s.5)

18

19 2. N.J.S.2C:58-2 is amended to read as follows:

20 2C:58-2. a. Licensing of retail dealers and their employees.  
21 No retail dealer of firearms nor any employee of a retail dealer shall  
22 sell or expose for sale, or possess with the intent of selling, any  
23 firearm unless licensed to do so as hereinafter provided. The  
24 superintendent shall prescribe standards and qualifications for retail  
25 dealers of firearms and their employees for the protection of the  
26 public safety, health and welfare.

27 Applications shall be made in the form prescribed by the  
28 superintendent, accompanied by a fee of \$50 payable to the  
29 superintendent, and shall be made to a judge of the Superior Court  
30 in the county where the applicant maintains his place of business.  
31 The judge shall grant a license to an applicant if he finds that the  
32 applicant meets the standards and qualifications established by the  
33 superintendent and that the applicant can be permitted to engage in  
34 business as a retail dealer of firearms or employee thereof without  
35 any danger to the public safety, health and welfare. Each license  
36 shall be valid for a period of three years from the date of issuance,  
37 and shall authorize the holder to sell firearms at retail in a specified  
38 municipality.

39 In addition, every retail dealer shall pay a fee of \$5 for each  
40 employee actively engaged in the sale or purchase of firearms. The  
41 superintendent shall issue a license for each employee for whom  
42 said fee has been paid, which license shall be valid for so long as  
43 the employee remains in the employ of said retail dealer.

44 No license shall be granted to any retail dealer under the age of  
45 21 years or to any employee of a retail dealer under the age of 18 or

1 to any person who could not qualify to obtain a permit to purchase a  
2 handgun or a firearms purchaser identification card, or to any  
3 corporation, partnership or other business organization in which the  
4 actual or equitable controlling interest is held or possessed by such  
5 an ineligible person.

6 All licenses shall be granted subject to the following conditions,  
7 for breach of any of which the license shall be subject to revocation  
8 on the application of any law enforcement officer and after notice  
9 and hearing by the issuing court:

10 (1) The business shall be carried on only in the building or  
11 buildings designated in the license, provided that repairs may be  
12 made by the dealer or his employees outside of such premises.

13 (2) The license or a copy certified by the issuing authority shall  
14 be displayed at all times in a conspicuous place on the business  
15 premises where it can be easily read.

16 (3) No firearm or imitation thereof shall be placed in any  
17 window or in any other part of the premises where it can be readily  
18 seen from the outside.

19 (4) No rifle or shotgun, except antique rifles or shotguns, shall  
20 be delivered to any person unless such person possesses and  
21 exhibits a valid firearms purchaser identification card and furnishes  
22 the seller, on the form prescribed by the superintendent, a  
23 certification signed by him setting forth his name, permanent  
24 address, firearms purchaser identification card number and such  
25 other information as the superintendent may by rule or regulation  
26 require. The certification shall be retained by the dealer and shall  
27 be made available for inspection by any law enforcement officer at  
28 any reasonable time.

29 (5) No handgun shall be delivered to any person unless:

30 (a) Such person possesses and exhibits a valid permit to  
31 purchase a firearm and at least seven days have elapsed since the  
32 date of application for the permit;

33 (b) The person is personally known to the seller or presents  
34 evidence of his identity;

35 (c) The handgun is unloaded and securely wrapped;

36 (d) Except as otherwise provided in subparagraph (e) of this  
37 paragraph, the handgun is accompanied by a trigger lock or a locked  
38 case, gun box, container or other secure facility; provided, however,  
39 this provision shall not apply to antique handguns or personalized  
40 handguns included in this list pursuant to section 3 of P.L.2002,  
41 c.130 (C.2C:58-2.4). The **【exemption】** exemptions afforded under  
42 this subparagraph for antique handguns and personalized handguns  
43 shall be narrowly construed, limited solely to the requirements set  
44 forth herein and shall not be deemed to afford or authorize any  
45 other exemption from the regulatory provisions governing firearms



1 set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey  
2 Statutes; and

3 (e) **【**On and after the first day of the sixth month following the  
4 date on which the list of personalized handguns is prepared and  
5 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),  
6 the handgun is identified as a personalized handgun and included  
7 on that list or is an antique handgun. The provisions of  
8 subparagraph (d) of this section shall not apply to the delivery of a  
9 personalized handgun.**】** (Deleted by amendment, P.L. \_\_\_\_\_,  
10 c. \_\_\_\_\_) (pending before the Legislature as this bill)

11 (6) The dealer shall keep a true record of every handgun sold,  
12 given or otherwise delivered or disposed of, in accordance with the  
13 provisions of subsections b. through e. of this section and the record  
14 shall note whether a trigger lock, locked case, gun box, container or  
15 other secure facility was delivered along with the handgun.

16 (7) A dealer shall not knowingly deliver more than one handgun  
17 to any person within any 30-day period. This limitation shall not  
18 apply to:

19 (a) a federal, State, or local law enforcement officer or agency  
20 purchasing handguns for use by officers in the actual performance  
21 of their law enforcement duties;

22 (b) a collector of handguns as curios or relics as defined in Title  
23 18, United States Code, section 921 (a) (13) who has in his  
24 possession a valid Collector of Curios and Relics License issued by  
25 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

26 (c) transfers of handguns among licensed retail dealers,  
27 registered wholesale dealers and registered manufacturers;

28 (d) any transaction where the person has purchased a handgun  
29 from a licensed retail dealer and has returned that handgun to the  
30 dealer in exchange for another handgun within 30 days of the  
31 original transaction, provided the retail dealer reports the exchange  
32 transaction to the superintendent; or

33 (e) any transaction where the superintendent issues an  
34 exemption from the prohibition in this subsection pursuant to the  
35 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

36 b. Records. Every person engaged in the retail business of  
37 selling, leasing or otherwise transferring a handgun, as a retail  
38 dealer or otherwise, shall keep a register in which shall be entered  
39 the time of the sale, lease or other transfer, the date thereof, the  
40 name, age, date of birth, complexion, occupation, residence and a  
41 physical description including distinguishing physical  
42 characteristics, if any, of the purchaser, lessee or transferee, the  
43 name and permanent home address of the person making the sale,  
44 lease or transfer, the place of the transaction, and the make, model,  
45 manufacturer's number, caliber and other marks of identification on

1 such handgun and such other information as the superintendent  
2 shall deem necessary for the proper enforcement of this chapter.  
3 The register shall be retained by the dealer and shall be made  
4 available at all reasonable hours for inspection by any law  
5 enforcement officer.

6 c. Forms of register. The superintendent shall prepare the form  
7 of the register as described in subsection b. of this section and  
8 furnish the same in triplicate to each person licensed to be engaged  
9 in the business of selling, leasing or otherwise transferring firearms.

10 d. Signatures in register. The purchaser, lessee or transferee of  
11 any handgun shall sign, and the dealer shall require him to sign his  
12 name to the register, in triplicate, and the person making the sale,  
13 lease or transfer shall affix his name, in triplicate, as a witness to  
14 the signature. The signatures shall constitute a representation of the  
15 accuracy of the information contained in the register.

16 e. Copies of register entries; delivery to chief of police or  
17 county clerk. Within five days of the date of the sale, assignment or  
18 transfer, the dealer shall deliver or mail by certified mail, return  
19 receipt requested, legible copies of the register forms to the office  
20 of the chief of police of the municipality in which the purchaser  
21 resides, or to the office of the captain of the precinct of the  
22 municipality in which the purchaser resides, and to the  
23 superintendent. If hand delivered a receipt shall be given to the  
24 dealer therefor.

25 Where a sale, assignment or transfer is made to a purchaser who  
26 resides in a municipality having no chief of police, the dealer shall,  
27 within five days of the transaction, mail a duplicate copy of the  
28 register sheet to the clerk of the county within which the purchaser  
29 resides.

30 (cf: P.L.2009, c.186, s.1)

31

32 3. Section 2 of P.L.2002, c.130 (C.2C:58-2.3) is amended to  
33 read as follows:

34 2. a. On the first day of the sixth month following the effective  
35 date of **【P.L.2002, c.130 (C.2C:58-2.2 et al.)】** P.L.\_\_\_\_,  
36 c. (pending before the Legislature as this bill), the Attorney  
37 General shall report to the Governor and the Legislature as to the  
38 availability of personalized handguns for retail sales purposes. If  
39 the Attorney General determines that personalized handguns are not  
40 available for retail sales purposes, the Attorney General, every six  
41 months thereafter, shall report to the Governor and the Legislature  
42 as to the availability of personalized handguns for retail sales  
43 purposes until such time as the Attorney General shall deem that  
44 personalized handguns are available for retail sales purposes and so  
45 report to the Governor and the Legislature. In making this

1 determination, the Attorney General may consult with any other  
2 neutral and detached public or private entity that may have useful  
3 information and expertise to assist in determining whether, through  
4 performance and other relevant indicators, a handgun meets the  
5 statutory definition of a personalized handgun set forth in  
6 N.J.S.2C:39-1.

7 b. For the purposes of this section, personalized handguns shall  
8 be deemed to be available for retail sales purposes if at least one  
9 manufacturer has delivered at least one production model of a  
10 personalized handgun to a registered or licensed wholesale or retail  
11 dealer in New Jersey or any other state. As used in this subsection,  
12 the term "production model" shall mean a handgun which is the  
13 product of a regular manufacturing process that produces multiple  
14 copies of the same handgun model, and shall not include a  
15 prototype or other unique specimen that is offered for sale.

16 (cf: P.L.2002, c.130, s.2)

17

18 4. Section 3 of P.L.2002, c.130 (C.2C:58-2.4) is amended to  
19 read as follows:

20 3. a. On the first day of the 24th month following the effective  
21 date on which the Attorney General reports that personalized  
22 handguns are available for retail sales purposes pursuant to section  
23 2 of P.L.2002, c.130 (C.2C:58-2.3), the Attorney General shall  
24 direct the Superintendent of State Police to promulgate a list of  
25 personalized handguns that may be sold in the State. This list shall  
26 identify those handguns by manufacturer, model and caliber.

27 b. The list required under subsection a. of this section shall be  
28 prepared within six months of the Attorney General's directive to  
29 the superintendent and a copy thereof made available to registered  
30 and licensed firearms dealers in this State. Whenever a handgun is  
31 determined to meet the statutory definition of a personalized  
32 handgun as set forth in **[N.J.S.2C:39-1]** N.J.S.2C:39-1, the  
33 Attorney General shall report that determination in writing to the  
34 Governor and the Legislature within 60 days. The superintendent  
35 shall promptly amend and supplement the list to include handguns  
36 which meet the statutory definition of a personalized handgun as set  
37 forth in N.J.S.2C:39-1 or to remove previously listed handguns, if  
38 appropriate. Registered and licensed retail firearms dealers in this  
39 State shall be notified **[forthwith]** of any **[such]** changes in the list.  
40 The notice shall be given in a manner prescribed by rule and  
41 regulation. The Attorney General shall promulgate rules and  
42 regulations establishing a process for handgun manufacturers to  
43 demonstrate that their handguns meet the statutory definition of a  
44 personalized handgun set forth in N.J.S.2C:39-1 and request that

1 their handgun be added to this list. These rules and regulations may  
2 require that the handgun manufacturer:

3 (1) deliver a handgun or handguns to the Attorney General or  
4 his designee for testing;

5 (2) pay a reasonable application fee; and

6 (3) pay any reasonable costs incurred in, or associated with, the  
7 testing and independent scientific analysis of the handgun,  
8 including any analysis of the technology the manufacturer has  
9 incorporated within the handgun's design to limit its operational  
10 use, that is conducted to determine whether the handgun meets the  
11 statutory definition of a personalized handgun set forth in  
12 N.J.S.2C:39-1.

13 c. Following the preparation and delivery of the list pursuant to  
14 subsection a. of this section, each firearms wholesale or retail dealer  
15 operating in this State shall maintain an inventory of one or more  
16 types of approved personalized handguns on the dealer's premises.  
17 The personalized handguns shall be displayed in the dealer's  
18 salesroom and offered for sale to the general public.

19 (cf: P.L.2002, c.130, s.3)

20

21 5. Section 8 of P.L.2002, c.130 (C.59:2-11) is amended to read  
22 as follows:

23 8. **【No】** The action or inaction by a public entity or public  
24 employee **【in** implementing the provisions of P.L.2002,  
25 c.130 (C.2C:58-2.2 et al.), including but not limited to the **】** when  
26 promulgating, amending or supplementing **【of a】** the list of  
27 personalized handguns that may be sold in this State **【,】** pursuant to  
28 section 3 of P.L.2002, c.130 (C.2C:58-2.4) shall not constitute a  
29 representation, warranty or guarantee by any public entity or  
30 employee with regard to the safety, use or any other aspect or  
31 attribute of a personalized handgun.

32 **【No】** An action to recover damages shall not arise or **【shall】** be  
33 brought against any public entity or public employee for any action  
34 or inaction related to or in connection with **【the implementation of**  
35 any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.)】 the list of  
36 personalized handguns established pursuant to section 3 of  
37 P.L.2002, c.130 (C.2C:58-2.4).

38 (cf: P.L.2002, c.130, s.8)

39

40 6. The following sections are repealed:

41 Section 1 of P.L.2002, c.130 (C.2C:58-2.2);and

42 Section 4 of P.L.2002, c.130 (C.2C:58-2.5).

43

44 7. This act shall take effect immediately.

STATEMENT

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This bill requires retailers to sell personalized handguns, also known as “smart guns,” in the same manner as other handguns. A personalized handgun is designed so that it may only be fired by an authorized or recognized user.

Under current law, three years after personalized handguns are available for retail purposes, it will be illegal for a firearms manufacturer or dealer to sell or transfer a handgun unless that handgun is a personalized handgun. Personalized handguns are deemed available for retail purposes within 30 months of the date when at least one manufacturer has commercially delivered at least one personalized handgun production model to a wholesale or retail dealer in New Jersey or any other state. The law was intended to encourage the development of smart gun technology, but the prohibition on other handguns has, in effect, restricted consumer access to personalized handguns.

This bill repeals sections of law prohibiting the sale of all handguns after personalized handguns are available for retail purposes. However, the bill preserves the provision requiring the Attorney General to report to the Governor and Legislature on the availability of personalized handguns and direct the Superintendent of State Police to establish and update a list of personalized handguns that may be sold. Upon issuance of the list, the bill requires each firearms wholesale or retail dealer to maintain an inventory of one or more types of personalized handguns to be displayed in the dealer’s salesroom and offered for sale to the general public.