



GOVERNOR'S FIREARMS ADVISORY TASK FORCE

INITIAL REPORT

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P.L. 2009, c.104

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The Firearms Task Force would like to acknowledge a number of individuals for their administrative and technical assistance during the committee process and in the preparation of this Initial Report. We are grateful to the members of the Division of State Police Firearms Unit for providing us with valuable information and a thorough presentation regarding the firearms permitting and purchasing processes in New Jersey. We also thank the legislative staff members and the Office of Legislative Services and its staff for all of their assistance to the Task Force members, and especially with regard to the public hearing and the transcription process. Finally, we would like to thank the individuals who testified at the public hearing and shared their views with the Task Force.

Introduction

This is the Firearms Task Force's Initial Report, focusing on P.L. 2009, c. 104, sometimes referred to as the "one handgun per month" law or the "one handgun" law. On August 6, 2009, Governor Corzine signed this legislation, which will become effective on January 1, 2010. In enacting this law, New Jersey joined three other states, California, Maryland, and Virginia, which limit individuals to purchasing

one handgun within a 30-day period, subject to certain exceptions.¹

On June 25, 2009, the day this measure passed the Legislature, Governor Corzine issued Executive Order No. 145, which created this Task Force in order to examine certain issues regarding New Jersey's firearms laws and aspects of the one handgun legislation. The Executive Order requires that this Initial Report "focus on the anticipated passage of the 'one-handgun-per-month' legislation . . . including its impact on firearms collectors and competitive and recreational firearms users." It further provides that the Initial Report include recommendations for any appropriate legislative changes to ensure that lawful firearms collectors and competitive and recreational firearms users are not adversely affected by the legislation. The Executive Order directed that the Initial Report be submitted within 90 days of the Task Force's first meeting, so as to allow any recommended legislative modifications to be effectuated during the current legislative session and prior to the law's effective date.

The Task Force began its work on July 27, 2009. Its membership includes two legislators who sponsored the one handgun per month legislation, Senator Sandra B. Cunningham,

¹South Carolina enacted a one handgun law in 1975 but repealed it in 2004.

the first prime Senate sponsor and Assemblyman Gordon M. Johnson, Assembly co-sponsor, as well as Senator Fred H. Madden, Jr., Assemblyman John J. Burzichelli, Lieutenant Colonel Christopher Andreychak of the New Jersey State Police, Assistant Attorney General Ronald Susswein of the Attorney General's Office, Robert Bernardi, Burlington County Prosecutor for the New Jersey County Prosecutors' Association; Robert Nixon representing the interests of gun owners groups; and Bryan Miller representing gun safety interests.

The Task Force held five meetings to consider the issues it was to study for its Initial Report. Its work included reviewing the law's provisions and its legislative history, considering the process to obtain a handgun in New Jersey through a detailed presentation by experts from the New Jersey State Police, and reviewing similar laws of other states. Additionally, the Task Force held an all-day public hearing on September 24, 2009, during which it heard testimony from 24 witnesses.

In this Initial Report, the Task Force respectfully recommends certain adjustments to the one handgun per month law that it believes are consistent with the law's intent and should not compromise its operation or impact. As further detailed in this Initial Report, it recommends an amendment to

clarify the intent of the law with regard to multiple handgun transfers involving retail dealers.

The Task Force further recommends certain limited exemptions to the law's one handgun limitation. The Task Force suggests that the one handgun limitation should not apply in the limited circumstances where a handgun is exchanged for one that was purchased and returned to a retail dealer, within a 30-day period. The Task Force also recommends that certain transaction-specific exemptions be authorized where special circumstances present a legitimate need to purchase more than one handgun in a 30-day period. These transaction-specific exemptions would include situations in which a person inherits multiple handguns and wishes to sell them to a legitimate purchaser in a single transaction; transfers involving a handgun collector seeking to enhance his or her collection where there is a legitimate need or justification for purchasing more than one handgun within 30 days, such as where the handguns are part of a set or where it otherwise is not practical or feasible to purchase them separately; and circumstances where a competitive shooter has a specific need to acquire multiple competition firearms within a short time period. Notably, the exemption provisions recommended are of types included in some other states' one handgun per month laws. In order to deter potential straw

purchasers who may fraudulently attempt to qualify for a transaction-specific exemption, the Task Force also recommends that the criminal laws regarding violations of the firearm purchase requirements be amended to include a new offense for those who fraudulently seek to qualify for an exemption to the one handgun law by deliberately making materially false statements in the application process.

These proposed modifications are intended to be initial recommendations, to address the issues that Executive Order No. 145 directs be considered in the Initial Report, so that adjustments to the law can be made by January 2010. Pursuant to the Executive Order, the Task Force will continue to study issues regarding New Jersey's firearms laws as required by the Executive Order. Specifically, the Executive Order states that the Task Force's review shall include the firearms' permitting processes; the effectiveness of any statutory limitations on the sale and transfer of firearms; programmatic initiatives to curb the illegal possession, use, and trafficking of firearms; and new criminal penalties for the illegal transfer of guns. Additionally, the Order requires that the Task Force consider the impact of the one handgun law after it becomes effective.

Thus, the Task Force also anticipates that it will continue to review issues regarding this law as well as any

modifications to it that may be adopted. The Committee will continue to discuss the issues the law poses for handgun collectors, to determine whether further recommendations on this issue are in order. Further, Task Force member Robert Nixon has expressed the view that the Task Force should work to develop a definition of the term "collector" that could be of assistance in implementing a collector exception. The Executive Order requires the Task Force to file its final report within eighteen months of the issuance of this Initial Report.

Summary of the Task Force's Review and Findings

The One Handgun per Month Law and New Jersey's Handgun Regulation System

A review of the issues referred to the Task Force must start with the legislative history and the specific provisions of the one handgun law. The legislative history, including the testimony and submissions to the legislative committees that considered the bill, reveals that the law primarily was intended to deter "straw purchases" of multiple handguns, that is, purchases of handguns by persons for the purpose of selling or transferring the handguns to others who would not lawfully be able to obtain them because of a prior criminal record or other disqualifying circumstances. For example,

in testimony during the committee process, the bill was described as a measure to provide a barrier to illegal gun trafficking. By limiting the number of handguns that may be purchased at one time, the sponsors intended to make straw purchasing a less lucrative and less efficient venture, and therefore a less attractive one to those who might contemplate it. To support the proposition that multiple handgun purchases should be viewed differently than single sales, proponents of the legislation noted that the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives has required federally licensed firearms dealers to report within five days all sales of more than one handgun to a single purchaser.

The overarching concern of the proponents of the legislation was on violent crimes committed with illegally obtained handguns. The bill was introduced after a City of Jersey City ordinance imposing a one handgun per month limitation was struck down in court, a matter that currently remains under review in the court system. During the legislative process, it was noted that Jersey City, Camden, Newark, Paterson, and Atlantic City passed resolutions in support of the bill or otherwise supported its passage as an important public safety measure.

Accordingly, the legislation that resulted limits the holder of a handgun purchaser permit to buying one handgun in a 30-day period. The law also prohibits licensed retail firearms dealers from knowingly delivering more than one handgun to a purchaser within the 30-day time frame. A buyer or seller who violates the provisions of the law would commit a fourth-degree offense.

The one handgun law exempts law enforcement agencies and officers purchasing handguns for use in the actual performance of law enforcement duties. The law also provides an exemption for "collectors of curios or relics, who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives," a provision that the Task Force recommends be modified as further described in the "Recommendations" section below. Additionally, the law expressly provides that the limitation would not apply to transfers of handguns between licensed retail dealers, although the law does not otherwise regulate conduct between dealers or manufacturers, and other sections of the firearms law speak to these issues.²

²The one handgun legislation introduced in the 2006-2007 legislative session originally exempted only law enforcement agencies and officers but did not contain the collector or retail exception language. Review of the

New Jersey's Firearms Laws

The one handgun law would amend the current legal and regulatory scheme for purchasing a handgun in New Jersey. At one of the first Task Force meetings, several members of the Firearms Unit of the New Jersey State Police presented the Task Force with a comprehensive briefing on the requirements for obtaining a handgun in New Jersey, including legal and regulatory requirements, as well as federal requirements.

A general outline of the New Jersey handgun purchase requirements follows. In New Jersey, a handgun cannot be purchased or otherwise transferred unless the purchaser has a permit to purchase a handgun or is a licensed firearms dealer. A permit is required for each handgun transfer; an applicant, however, can apply for more than one permit in a single application. A permit will be issued to a qualified person of good character, who is of good repute in the community in which he or she lives, and who is not subject to any statutory disqualification, such as a criminal record. An application for a permit to purchase a handgun is submitted to the Chief of Police of the applicant's municipality, except that in cases in which the municipality

legislative history reveals that the retail and collectors language was added in an effort to respond to retail dealers' and collectors' concerns.

of residence does not have a full-time police force, or the applicant is not a state resident, the application is submitted to the New Jersey State Police.

The permit application form is prescribed by the Superintendent of State Police, who has regulatory authority over the permit application and the permitting process. The applicant must include as references two reputable citizens personally acquainted with the applicant. The applicant also must consent to a mental health records search. First-time applicants must be fingerprinted, so that a criminal background check can be conducted.

Once the application process is completed, a background investigation is undertaken by the law enforcement agency reviewing the application. This includes verifying that the application is complete and accurate, conducting a check with the County Adjustor's Office for any record of mental health confinement, checking the Domestic Violence Registry and the Department of Homeland Security in the case of a non-citizen, and contacting the references submitted on the application.

Applicants who are approved are issued a permit or permits to purchase a handgun. The permits are valid for a 90-day period, which may be extended for an additional 90-day period, for a potential total of 180 days. To purchase

or otherwise acquire a handgun, the purchaser must present the permit to the seller, who completes it. A copy of the completed form, which includes information about the handgun sold, such as its serial number, must be submitted to the State Police as well as to the municipal police department where the purchaser resides. A copy is retained by the seller and a copy is returned to the purchaser.

The Division of State Police reported to the Task Force that in 2008 there were 33,647 handgun purchase permits issued in New Jersey and 25,753 permits executed. A total of 2,313 transactions involved multiple handgun purchases.

Other States' "One Handgun" Laws

As noted, three other states have laws prohibiting individuals from purchasing more than one handgun in a 30-day period. Maryland's law provides that a person shall not obtain more than one "regulated firearm," a term that includes handguns, within a 30-day period. The law includes certain categorical exemptions, including purchases by dealers, law enforcement, and correctional agencies; exchanges and replacements of handguns purchased within 30 days; and replacements of lost handguns. It also allows transaction-specific exceptions that may be granted, upon application, by the Secretary of the Maryland State Police. To be exempted from the 30-day requirement, the purchase must meet certain

requirements, including that the purchase is of a collector series, a private collection, or is from an estate sale. The law also provides that where an exemption has been granted, the purchaser may be prohibited from purchasing a regulated firearm during the following 30-day period.

Virginia's one handgun law has been amended a number of times and currently includes various exemptions from the one handgun limitation, including categorical exemptions as well as transaction-specific exemptions that are granted upon approval. The categorical exemptions include law enforcement agencies, antique weapons, and, through an amendment to the law, an exemption for persons authorized to carry a concealed firearm. In this regard, it should be noted that Virginia's firearm "carry" law is generally understood to be much broader than New Jersey's. Virginia's law also includes transaction-specific exemptions for purchases of a collector series, a collection, purchases from estate sales, and "similar purposes."

California's one handgun law likewise prohibits the purchase of more than one pistol, revolver, or other firearm capable of being concealed, within a 30-day period. It includes some categorical exemptions, including a law enforcement exemption. It does not appear to allow transaction-specific exemptions. Similar to New Jersey's one

handgun law, though, California does exclude federally licensed collectors from its 30-day time limitation.

Public Hearing Testimony

In accordance with the Executive Order's provisions, the Task Force held a public hearing on September 24, 2009 at the State House Annex in Trenton. The Task Force invited a number of interested parties, suggested by members, to present testimony, and also opened the hearing to the public, who were invited to provide testimony. At the hearing, the Task Force heard the testimony of 24 witnesses, and received a written submission from at least one person who did not testify.

Individuals who provided testimony included: representatives from various firearm owners' organizations, such as the New Jersey Rifle and Pistol Clubs; retail dealers and associations of dealers, including the New Jersey Association of Firearms Retailers and the New Jersey Retail Dealers Association; professional and recreational competitive shooters and representatives of associations comprised of members of these groups, including the National Shooting Sports Foundation and the Cowboy Action Shooters; firearm collectors and their associations; and other interested organizations, such as the National Rifle Association, as well as the owner of a firearms training school who testified regarding the need to purchase training weapons. A complete transcription of the public hearing is appended to this report.

The testimony presented covered a range of issues. It included persons who opposed all aspects of the law, and those who argued that no law abiding citizen should be subject to the one handgun limitation, notwithstanding that only persons without a criminal record are qualified for gun ownership under existing law. Other witnesses testified more specifically regarding changes they believed should be made to the one handgun law. With regard to this latter category, which is the focus of this report, the main themes that emerged from the testimony are summarized below.

A number of retail dealers testified about their concern that the one handgun limitation could be read to severely restrict their purchase of handguns for resale. The witnesses explained that, while the law appeared only to exempt purchases by retailer dealers from other retail dealers, the vast bulk of a retail store's inventory is obtained by multiple purchases from registered manufacturers and wholesalers, as well as estates, sales of collections by private individuals, and firearms accepted for consignment sale.

Several witnesses raised issues regarding the transfer of inherited firearms. They asserted that in its present form the law would not allow persons who inherit multiple handguns to sell the handguns in a timely and efficient manner. For example, a person could inherit his or her spouse's estate, which includes handguns they have no interest in retaining, and currently may sell them as a set to a qualified person.

The law would limit such transactions to one handgun per 30 days.

Various individuals testified regarding a number of activities involving multiple handgun purchases that could be categorized as firearms collecting activities. These included a person who testified that he does not necessarily consider himself a collector, but has a large number of handguns not of any specific type or variety. Other testimony described more specific collecting activities, such as those involving handguns with historical significance, collectable handguns that are sold in a series, in limited editions, in matched sets, or in which the grouping of the handguns enhances their value and desirability to other collectors. Others testified regarding their interest in continuing to buy lots comprised of multiple handguns, as this at times is the best way to find a specific handgun they are interested in purchasing.

There was testimony presented that the exemption in the one handgun law that, like California's law, refers to the federal firearm curio and relic collectors' license, is not particularly useful to a private citizen collector in New Jersey, since a person operating under this license would need a State retail dealer license as well.

The Task Force also heard from a number of competitive shooters who participated in different types of events and at various levels of competition, including some highly-successful professional and Olympic-level competitors. These witnesses testified, among other things, that competitors

often appear in several events that may require different handguns, and that some events require the use of two handguns. Moreover, several individuals advised that competitors typically have one or two "back up" firearms that are set up in the same manner as their primary firearm for an event, so that they have an identical replacement ready if their primary firearm malfunctions at or near to a competition. Furthermore, these individuals indicated that firearms used for competitions fire thousands of rounds; therefore, they are subject to frequent repairs and also require replacement more frequently than other handguns.

Recommendations

Based on the Task Force's analysis and consideration of the information it gathered, it makes several recommendations for amendments to the one handgun law. In crafting these recommendations, the Task Force was guided both by the Executive Order's charge that it consider the law's impact on collectors, competitors, and recreational users, and also by the law's underlying intent. Moreover, in crafting recommendations regarding exemptions, the Task Force endeavored to balance the legitimate needs of persons engaged in recreational and other pursuits involving handguns against the fact that exemptions must be clearly defined if they are to be understood by the public and correctly applied. Of

course, broadly authorizing exemptions in all cases where a person would prefer to purchase more than one handgun at a time would effectively nullify the law, and this is not the Task Force's intent. Finally, these recommendations suggest potential modifications to the one handgun law only, and are not in any way intended to modify any other provisions of the firearms laws.

Recommendation 1: The Task Force recommends a clarifying amendment to the one handgun law to ensure that its limitations on the transfer of handguns are not interpreted to apply to otherwise lawful transactions between licensed retail dealers, registered wholesale dealers, and registered manufacturers, or to transfers of handguns from a private individual to a licensed retail dealer, a registered wholesale dealer, or a registered manufacturer. Such an amendment would be consistent with the intent of the one handgun law and could prevent unintended consequences.

The Task Force had become aware of this issue prior to the public hearing, as a result of press accounts that appeared after the bill passed the Legislature, and also because the issue was raised by several Task Force members. As a result, handgun dealers were specifically invited to speak at the public hearing. The one handgun law includes a retail dealer exemption, specifically exempting multiple sales

between retail dealers. Because the term "retail dealer" has a statutory definition provided in another section of the firearm laws, N.J.S.A. 2C:39-1, as do the terms "wholesale dealer" and "manufacturer," also defined in the same section, a concern arose regarding the effect of the exemption. A similar concern also has been raised that dealers and manufacturers may be limited by the one handgun law from purchasing more than one handgun from a private citizen within a 30-day period, since the law does not expressly exempt or preclude these sales.

The Task Force is confident any such construction of the one handgun law would not be consistent with its legislative intent, and therefore recommends that clarifying language be added to the law as a technical amendment to avoid unintended results. It recommends that language be added to the one handgun law to state expressly that the one handgun limit does not apply to otherwise lawful transfers between licensed retail dealers, registered wholesale dealers, or registered manufacturers, or to sales or transfers for value to such dealers or manufacturers from private individuals.

Recommendation 2: The one handgun limitation should not apply to a transaction where a person purchases a handgun from a dealer and returns it to the dealer in an exchange for another handgun, all within a 30-day period. In addition to any other reporting required by law, it is recommended that dealers be subject to a reporting requirement for such return and exchange transactions, so that a nearly contemporaneous record of the transaction is made to help avoid potential confusion regarding the propriety of the exchange transaction.

Both from the public hearing testimony and from research regarding other states' laws, the Task Force believes that some exemption from the one handgun limitation would be appropriate in situations where a person purchases a handgun from a retail dealer but returns it to the dealer within 30 days of the purchase in exchange for another handgun. Since the net result of such a transaction is that the person acquires only one handgun in the 30-day time period, the Task Force does not believe it would contravene the spirit of the law for the exchange to take place without regard to the one handgun limitation, and recommend that this exemption be added to the law. This exemption, like all of the recommendations in this Initial Report, is made in regard to the one handgun law, and is not intended to impact other requirements of the firearms laws, including but not limited to the requirement

that a permit be obtained prior to acquiring a handgun. Both the Maryland and California laws provide for similar exemptions.

Further, in cases where a purchase, a return, and an exchange of the handgun take place within a 30-day period, it is recommended that a report be filed by the dealer to the State Police within five days so that the record is clear that the transaction was not in violation of the one handgun limitation.

Recommendation 3: The Superintendent of State Police should be authorized to issue transaction-specific exemptions from the one handgun limitation to allow an applicant to purchase more than one handgun within a 30-day period, if the applicant demonstrates to the Superintendent that one of the following special circumstances applies to the transaction:

(a) Inherited Handguns: that the application is one regarding a purchase of multiple handguns from a person who obtained the handguns through inheritance or intestacy;

(b) Special Collections: that the applicant is a collector of handguns and has a legitimate need or justification to purchase or otherwise receive multiple handguns in the same transaction or within 30 days in furtherance of his or her collecting activities. Examples of "legitimate need or justification" shall include but not be

limited to situations in which there is a reasonable likelihood that the additional handguns or handguns sought to be purchased would not be readily available after expiration of the 30-day period; that it would be infeasible or impractical to purchase them separately; or that prohibiting the purchase of more than one handgun within a 30-day period would have a materially adverse impact on the collector's ability to enhance his or her collection.

(c) Recognized Competition: that the applicant participates in recognized handgun shooting competitions and has a legitimate need or justification to purchase or otherwise receive multiple handguns in a single transaction or within 30 days, and the legitimate need is related to his or her competitive shooting activities, including training for recognized competitions.

The application for an exemption to authorize the purchase of more than one handgun in a 30-day period should be required to be certified by the applicant, on a form to be prescribed by the Superintendent of State Police, and in which the applicant shall identify the particular handguns to be purchased. The Superintendent should promulgate rules and regulations regarding the exemption application process. The Task Force recommends that legislative authorization be given for these regulations to be effective immediately upon filing

with the Office of Administrative Law for a short period of time to allow the exemption application process to become operational without the time limits that otherwise would be required for the regulation adoption process.

The Superintendent should have the discretion to consider the veracity, accuracy, and completeness of the information provided in determining whether an application meets the criteria set forth above, provided, however, that the special collections exception should not be construed to authorize or require the Superintendent to consider the merit or validity of an applicant's collecting activities.

This exception should not be construed and is not intended to require the Superintendent to grant an exemption where he finds a reasonable likelihood that the public safety would be endangered by granting the exemption, including but not limited to instances where the transaction may be a straw purchase.

This exception also should not be construed and is not intended to authorize multiple handgun purchases where the only justification put forward by the applicant is that the seller offers a discount for the purchase of more than one handgun.

The denial of an application to purchase more than one handgun within a 30-day period should be reviewable by the

Superior Court and such an application should be heard within 30 days of its filing. The Superior Court may reverse the denial if it finds that the denial was an abuse of discretion, arbitrary or capricious, or a misapplication of the requirements for the exemption as a matter of law.

The Task Force also recommends that, like the Maryland and Virginia statutes, a transaction-based special need exemption be added where certain special circumstances are present.

Following the lead of Maryland and Virginia, the Task Force recommends a transaction-specific exemption for these circumstances. This is proposed because the circumstances described above depend on the transaction at issue, not necessarily on the person seeking to make the multiple handgun purchase. Furthermore, creating blanket exemptions for certain persons based on their current activities or affiliations would create legal, administrative, and enforcement issues.

In both Maryland and Virginia, a person seeking an exemption in order to acquire multiple handguns within a 30-day period must apply to the Superintendent of State Police, who would authorize the purchase only after reviewing whether the authorization sought fits within the parameters of the exemption. Since the Division of State Police is the

regulatory agency with jurisdiction regarding firearms, it is recommended that persons seeking a special exemption to the one handgun limit submit an application to purchase more than one handgun in a 30-day period to the Superintendent, which may be done in conjunction with an application for a permit. Having a single entity reviewing requests for exemptions will ensure consistent application and that the new process can be closely monitored and evaluated. Requiring approval by the Superintendent also will remove any concern about whether a specific transaction is in fact qualified for the exemption, which inures to the benefit of all parties to the transaction.

The Task Force also recommends that the applicant be required to certify as to the reason the exemption from the one handgun limitation is sought, including details regarding the firearms intended for purchase, and submit any pertinent documentation regarding the matter, guidance for which could be provided through regulation. For example, in an inheritance situation, a death certificate and a will may be appropriate to include in support of the application. If the exemption is approved, it could be issued as a supplement to the permit. As with the purchase permit, a copy of the multiple purchase authorization could be returned to the State Police after the purchase is completed.

The Task Force intends this application process to be an efficient one and not one that is successful only in the most extraordinary cases. Further, in order that there may be speedy redress where an applicant feels that an exemption was denied unjustifiably, the Task Force recommends that the denial be reviewable by the Superior Court and that such a matter should be heard within 30 days.

Inherited Handguns

The transfer of inherited firearms presents a special circumstance since individuals who inherit handguns did not necessarily seek to obtain them, may or may not want them, and may or may not be permitted by law to possess them. The New Jersey firearms laws currently authorize qualified persons who inherit a firearm to take possession of the firearm without first obtaining a permit and to retain the firearm without a permit for up to 180 days. However, if the beneficiary wishes to divest himself or herself of inherited handguns, the one handgun law would limit them to selling one handgun per 30-day period unless they sold to a dealer.³

³With regard to a sale to a dealer of multiple inherited handguns, Recommendation One, if adopted, would clarify that a transfer of multiple handguns from a private seller to a dealer is permissible.

The Task Force finds that it is appropriate and may be desirable for persons who inherit multiple handguns they did not buy and do not wish to keep to be authorized to sell the handguns expeditiously in a single transaction that otherwise complies with the firearms laws. Thus, it recommends that a transaction-specific exemption be added to the one handgun law allow multiple transfers of inherited handguns, so long as the transfer takes place within a reasonable period from the time the handguns were inherited.

Special Collections

As noted above, at the public hearing, several handgun collectors testified that the one handgun limitation would prevent them from collecting certain types of handguns that may be offered for sale together, where making similar purchases separately would not be feasible. Examples include but are not limited to handguns in a numbered series, handguns that are related to each other in some way such that the value of each of them would be impacted by the fact that they are being offered together, such as a set of historically significant pistols, or sales of special collections of a certain type of handgun.

The Task Force recommends that a special exemption be provided for in cases where handgun collectors demonstrate a legitimate need or justification to purchase multiple

handguns within the 30-day time frame to further their collecting activities. Further, to avoid any potential concern that the reviewer might apply his own judgment regarding the merit or validity of a gun collector's collecting activities, the recommendation specifically prohibits such subjective value judgments while expressly allowing the reviewer discretion to consider issues necessary to an evaluation of the application, such as the veracity, accuracy, and completeness of the application. Finally, this exception is not intended and should not be construed to allow the authorization of multiple sales where the justification put forward by the applicant for the multiple purchase is that the seller is offering a discount for the purchases of more than a single handgun. By creating these special circumstance exceptions, the Task Force does not intend to encourage dealers to offer multiple-purchase discounts or to incentivize the buying of handguns in bulk by encouraging new pricing policies for multiple purchases.

Recognized Competition

Based on the detailed testimony a number of witnesses gave at the hearing, the Task Force finds that handgun competitors may have different needs than non-competing recreational shooters. Moreover, needs may vary considerably among competitors, based on the type of competition or

competitions in which they are engaged and the frequency of their participation. The Task Force therefore recommends that where a competitor requires multiple handguns related to his or her competition activities, and would not be able to purchase them separately, a transaction-specific exemption may be sought.

Recommendation 4: The criminal laws regarding violations of the firearm purchase requirements should be amended to include a new offense for those who fraudulently attempt to qualify for an exemption to the one handgun law, by intentionally making materially false statements in the application process or otherwise.

It is recommended that the special exemptions described in the earlier recommendations be accompanied by a new criminal provision for intentionally making false material statements in the exemption process or for other deliberate fraudulent conduct in the exemption process. The aim here is to provide a specific deterrent to straw purchasers and others who would intentionally attempt to misuse legitimate exemptions. While existing criminal laws, such as false swearing as well as the criminal penalty provided in the one handgun law itself, also may reach this conduct, the Task Force believes that a separate criminal provision with strong penalties also is appropriate for persons who attempted to

obtain multiple handguns through fraud on the regulatory system.

Conclusion

In sum, the Task Force believes that these initial recommendations will provide a means by which the one handgun law can be reasonably modified without doing damage to its original purpose: to deter straw purchases and other illegal handgun trafficking, and ultimately to protect the public safety.

APPENDIX

CHAPTER 104

AN ACT concerning handgun sales and purchases and amending N.J.S.2C:58-2 and N.J.S.2C:58-3.

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

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

Retailing of firearms; licensing of dealers and their employees.

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

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

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

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person.

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

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

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

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

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

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

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

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

(c) The handgun is unloaded and securely wrapped;

(d) Except as otherwise provided in subparagraph (e) of this paragraph, the handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility; provided, however, this provision shall not apply to antique handguns. The exemption afforded under this subparagraph for antique handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and

(e) On and after the first day of the sixth month following the date on which the list of personalized handguns is prepared and delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), the handgun is identified as a personalized handgun and included on that list or is an antique handgun. The provisions of subparagraph (d) of this section shall not apply to the delivery of a personalized handgun.

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

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

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

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

(c) transfers of handguns between licensed retail dealers.

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

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

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

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

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

2. N.J.S.2C:58-3 is amended to read as follows:

Purchase of firearms.

2C:58-3. Purchase of Firearms.

a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any

information on the application form for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun;

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare;

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm;

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or

disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2, or the application for the firearms purchaser identification card together with a fee of \$5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller

the permit in quadruplicate and the seller shall complete all of the information required on the form. Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to:

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

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

(3) transfers of handguns between licensed retail dealers.

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years such a visual distress signalling device.

3. This act shall take effect on the first day of the fifth month following enactment.

Approved August 6, 2009.

WHEREAS, protecting the public safety and welfare is the most basic duty of government, and to this end, effective and reasonable measures must be implemented to keep citizens safe from violence; and

WHEREAS, New Jersey has taken a variety of steps to combat gun violence, including requiring prison terms for those who use firearms in crimes; regulating the sale and transfer of guns to ensure that firearms are being purchased only by law-abiding citizens; imposing restrictions on handgun purchases; and barring the sale of assault firearms; and

WHEREAS, effective limitations regarding firearms, as well as other deterrent and enforcement measures, are essential to maintaining the public safety, but necessarily impact all residents of this State, including law-abiding collectors of firearms and competitive and recreational firearms users; and

WHEREAS, in 2007, New Jersey entered into a cooperative agreement, the first of its kind in the nation, forming a partnership with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives to allow New Jersey State Police direct access to "E-TRACE" data, to trace illegal firearms back to their source as yet another measure to uncover gun crimes and deter illegal gun trafficking; and

WHEREAS, it is appropriate to maintain a dialogue with interested parties and experts regarding the effectiveness of our State's firearms laws in combating gun violence and the impact of these restrictions on law-abiding firearms owners;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a Task Force to review, evaluate and make recommendations regarding New Jersey's statutory and regulatory schemes and programmatic initiatives to curb the illegal possession, use, and trafficking of firearms and, more specifically, the anticipated passage of "one-handgun-per-month" legislation,

criminal penalties for illegal transfer of guns, programmatic measures to curb illegal transfers of firearms, and the firearm permitting and regulatory processes (collectively, "firearms regulation").

2. The Task Force recommendations shall address at a minimum the following issues: the permitting processes; the effectiveness of any statutory limitations on the sale and transfer of firearms, including the anticipated passage of one-handgun-per-month legislation and the efficacy of any exceptions contained in that legislation; and measures to deter "straw purchases" and the illegal transport of guns into New Jersey for purposes of transfer. The recommendations shall include specific suggestions to improve the effectiveness of firearms regulation in these areas and shall include any appropriate recommendations for legislative changes.

3. The Task Force shall be composed of nine members. Membership shall include the Attorney General or designee, the Superintendent of State Police or designee, and a representative of the County Prosecutors' Association. Additionally, the Task Force shall include one member representing an association of pistol and rifle clubs operating in New Jersey and one member representing an organization that promotes gun violence prevention, which members are to be appointed by the Governor. Additionally, the Task Force shall include two member of the Senate, one of whom with experience with firearms and firearms restrictions, to be selected by the President of the Senate; and two members of the General Assembly, one of whom with experience with firearms and firearms restrictions, to be selected by the Speaker of the General Assembly. Vacancies on the Task Force shall be filled in the same manner as the original selections. The non-legislative members shall serve at the pleasure of the Governor and without compensation. The Governor shall appoint the Chair of the Task Force. The members shall select a Vice-Chair through a majority vote.

4. The Task Force members shall be appointed and convene within thirty days of the effective date of this Order. The Task

Force shall complete an initial report within 90 days of its first meeting. The initial report shall be served on the Governor and Legislature so as to allow responsive action within the current legislative session. The initial report shall focus on the anticipated passage of "one-handgun-per-month" legislation in New Jersey, including its impact on firearms collectors and competitive and recreational firearms users. The initial report shall include recommendations for any appropriate legislative changes to ensure that lawful firearms collectors and competitive and recreational firearms users are not adversely affected by the legislation, including the exceptions to the one-handgun limitation contained in Section 2(i) of General Assembly Bill No. 339 (2008) (First Reprint) and Senate Bill No. 1774 (2008). The Task Force shall produce its final report no later than 18 months after delivery of its initial report. At a minimum, the report shall include an analysis of the impact of the one-handgun-per-month legislation on gun crime and the prevalence of illegal firearms in New Jersey.

5. In furtherance of its mission, the Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any available information, personnel, or assistance as it deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force and to furnish it with such available information, personnel, or assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. In order that the Task Force be informed of and consider a broad range of views and experiences in the course of its work, the Task Force shall convene at least one public hearing.

7. This Order shall take effect immediately.

GIVEN, under my hand and seal this
25th day of June
Two Thousand and Nine, and of
the Independence of the United
States, the Two Hundred and
Thirty-Third.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ William J. Castner

Chief Counsel to the Governor

GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 339
(First Reprint)

Assembly Bill No. 339 (First Reprint), which I signed today, amends the provisions of law regarding purchases of handguns by individuals who have been issued a permit to purchase a handgun, and is intended to limit handgun purchases by such individuals to the purchase of one handgun in a thirty-day period, and to prohibit the delivery of more than one handgun in a thirty-day period to such individuals. I agree with the bill's sponsors that with this legislation we take an important, common sense step to cut off an avenue for straw purchasers to buy multiple handguns with the intention of transferring them to persons who could not legally obtain handguns due to a criminal record. I sign the bill with the understanding that, as the bill text and legislative history bear out, the bill is not intended to affect the law pertaining to otherwise proper transfers of handguns between dealers or between authorized manufacturers of firearms and dealers. Instead, it limits the sale or purchase of more than one handgun in a thirty-day period to a consumer, unless one of the bill's exceptions applies.

Date: August 6, 2009

/s/ Jon S. Corzine

Governor

Attest:

/s/ William J. Castner

Chief Counsel

Public Hearing

before

GOVERNOR'S FIREARMS ADVISORY TASK FORCE

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: September 24, 2009
11:00 a.m.

MEMBERS OF TASK FORCE PRESENT:

Robert D. Bernardi, Chair
Senator Fred H. Madden Jr., Vice Chair
Senator Sandra B. Cunningham
Assemblyman John J. Burzichelli
Assemblyman Gordon M. Johnson
Lt. Col. Christopher Andreychak
Bryan Miller
Robert A. Nixon
Ronald Susswein



ALSO PRESENT

Karen Fiorelli
Sobande Afolabi
Office of Counsel to the Governor
Anne M. Stefane
Office of Legislative Services
Joseph J. Blaney
Senate Majority

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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rs: 1-62
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ROBERT D. BERNARDI (Chair): Good morning, ladies and gentlemen.

My name is Robert Bernardi, and I am serving as the Chair of the Firearms Task Force. Serving with me on the Firearms Task Force are the following individuals: Senator Fred H. Madden of the 4th Legislative District, who sits to my left -- he is the Vice Chair of the Committee; Senator Sandra B. Cunningham of the 31st Legislative District, immediately to my right; Assemblyman John J. Burzichelli of the 3rd Legislative District; Assemblyman Gordon Johnson of the 37th Legislative District; Ronald Susswein, Assistant Attorney General, on behalf of the Attorney General Anne Milgram; Lieutenant Colonel Chris Andreychak, on behalf of the Superintendent of State Police; Bryan Miller, Executive Director of Ceasefire New Jersey; and Robert A. Nixon, from the Association of the New Jersey Rifle and Pistol Clubs.

By way of background, the Firearms Task Force was created as a result of Executive Order 145, which was signed by Governor Corzine on June 25, 2009. The Governor created the Task Force in order to review, and evaluate, and make recommendations regarding New Jersey's statutory and regulatory schemes and programmatic initiatives to curb the illegal possession, use, and trafficking of firearms. More specifically, the Governor has asked us to make recommendations addressing the following issues: the permitting processes; the effectiveness of any statutory limitations on the sale and transfer of firearms, including the impact of the one handgun per month legislation which was signed into law by the Governor on August 6, 2009. The bill, A-339/S-1774, sets a one gun a month limitation, on the

purchase of only handguns, to one sales transaction per individual in a 30-day period.

The Governor's Executive Order also required that the Task Force convene within 30 days of the issuance of the Executive Order. Pursuant to his order, the Task Force met on July 27, 2009, and met a second time on August 10, 2009.

Additionally, pursuant to Executive Order 145, the Task Force was requested to convene a public meeting. Thereafter, the Task Force will issue an initial report, which will include recommendations for any appropriate legislative changes to ensure that lawful firearms collectors and competitive and recreational firearms users are not adversely affected by this legislation. That initial report is to be provided to the Governor and Legislature no later than October 27, 2009.

By way of format for today's meeting, we have previously provided invitations to various interested parties to appear before the Task Force and provide testimony with regard to this legislation. Today we have also provided a sign-in sheet for any individuals who wish to provide testimony which is relevant to the issues to be addressed by the Task Force. I would ask that if any individuals have not yet signed in that they please do so on the sign-in forms that you can pick up toward the front.

While it is not the intent of the Chair to limit comments of invited speakers, I would like to make it clear that the Task Force is not here to engage in debate on the bill itself, which has already been signed into law. The principal issue that the Task Force intends to address is whether or not this bill will unduly impact upon the ability of firearms

collectors, and competitive and recreational users. Accordingly, I would ask that you attempt to limit your comments to that issue.

Given the number of individuals who wish to present testimony today, I am requesting that you attempt to keep your comments relevant and to approximately 10 minutes. Following this format will permit the Task Force to hear from all parties who have an interest in providing input. For those of you who have provided written submissions either today or in advance of this hearing, please be advised that all of the Task Force members have been provided with them, and they will be incorporated into the record of this proceeding and considered when the initial report is submitted to the Governor and the Legislature.

By way of housekeeping, we intend to work through the day in order to accommodate all those who wish to be heard. After each speaker has made their presentation to the Task Force, I will then open it up to any questions from any members of the committee in the event they wish clarification or additional information from the speaker.

Before we begin hearing from the speakers, I would ask if any members of the committee desire to make any statements at this time, and would also offer time to the sponsors of the bill if they so desire.

Members of the committee? (no response)

Having heard no response, one last note. Please silence your cell phones if they're on. I know that's something we frequently forget. If you need to make a call or receive a call, please step out of the room.

With that, we're going to proceed with hearing from the various people who have asked to give testimony today.

I'm going to start by recognizing Senator Marcia Karrow of the 23rd Legislative District.

Senator, welcome.

S E N A T O R M A R C I A A. K A R R O W: Thank you, Chair and members of the committee -- my very esteemed colleagues from both the Assembly and the Senate. It's nice to see you all in the summer, as we're now in the fall already.

I appreciate the opportunity to say a few words. I certainly will not take 10 minutes.

My comments and objections to this bill are well-documented -- both the Assembly, and Senate, and statewide. But since the bill was signed into law, specifically the issues of concern among my constituents in the 23rd, which is Hunterdon and Warren counties, as well as my friends in the sports, and hunting, and collection realm is two-fold. One is that the bill, as it currently stands, will certainly have an impact for people who want to buy collections of guns, series of guns that come out -- both new and old -- when they become available. And there is also -- and there are members here -- other people here who can certainly speak better than I on the technicalities of gun transfer and selling guns to dealers, and dealers also selling in between -- to each other; and what's going to happen with this bill, and how it limits the exchange of guns among the free market legally to dealers, which will have not only a devastating effect to law-abiding gun owners, but also the economy in New Jersey as far as gun transfers go -- and legal gun transfers.

The only other comment I want to make is how disappointed I am in the composition of this panel; that no member of the Minority in the

Assembly or the Senate was asked to serve; that all four members of the Legislature are from the Majority party. This was not a legislatively created panel but one set by the Governor. And it is extremely clear to me, and I hope the members of the press notice it as well, that the Governor had no intention of having an open dialogue about this bill, and that whatever comes out of this bill -- of this panel -- with no disrespect to any of the legislators on here at all, or any of the other members -- is without real, open dialogue, and it's at whatever the Governor really wants. I'm just very disappointed that, as I said, none of the members of the Minority party who objected to this bill, who understand gun ownership and gun laws, who objected on the floor about this bill, were invited to serve.

And I thank you for your time, and I hope to see you all soon.

MR. BERNARDI: Thank you very much, Senator.

The Chair would next like to recognize Mr. Scott Bach.

Please, Mr. Bach, come up.

I would ask, for the record, if when you come to the podium -- or microphone -- that you restate your name and spell your last name as well, because this will be, ultimately -- potentially transcribed.

So I thank you for that.

SCOTT L. BACH: Good morning and thank you for hearing us today.

My name is Scott Bach, B-A-C-H, and I am President of the Association of New Jersey Rifle and Pistol Clubs, representing hundreds of thousands of law-abiding gun owners. I'm also an attorney licensed in four states and a member of law enforcement.

Without commenting on the public policy issues surrounding the one gun a month law, we are here today to point out, as we have done many times previously, that this law has severe unintended consequences which adversely impact dealers, collectors, competitors, and other honest gun owners who have no involvement whatsoever in gun crime or illegal trafficking.

It is not only possible but, in fact, a relatively simple matter to address these unintended consequences without compromising the law's crime-fighting purpose. In fact, under the extreme time pressures of the political process that produced this law, the Legislature attempted to do just that. But as you will see from our testimony today, the hastily crafted exemptions in the law actually create more problems than they solve.

There are two general categories of unintended consequences that you now have the opportunity to address. One is a severe restriction on the ability of licensed dealers to acquire inventory. The other is an unjustified impact on honest citizens from all walks of life who have no connection to gun crime or illegal trafficking.

New Jersey gun law is as complex as it is misunderstood. Today our goal is to help you sort out the fact from the fiction so you can make an informed recommendation that will unburden the law-abiding without compromising the law's crime-fighting purpose.

My remarks today are intended to provide you with an overview. Those who follow will give much detail from their own unique perspectives. There are many here to testify today, so I will keep my remarks brief -- well under 10 minutes.

With regard to the dealer exemption that is written into the current law: That was an attempt to address dealer concerns raised during the committee process. The original bill contained no exemption for dealers, and their businesses would have been decimated by restricting them to the purchase and sale of only one handgun per month. Unfortunately, the current exemption does little to fix this and, as written, actually prevents dealers from obtaining inventory by cutting them off from their primary suppliers.

Gun stores obtain inventory from three main sources: manufacturers, wholesale distributors, and private citizens. They generally do not obtain inventory from other gun stores. But the law, as written, only exempts transfers between retail dealers -- that's a defined term under New Jersey law that essentially means *gun stores*. New Jersey law separately defines *wholesale dealers* essentially to be *distributors*. Because the law, as written, only exempts transfers between retail dealers -- meaning *gun stores* -- there's no exemption for transfers from distributors, manufacturers, or individual citizens. And gun stores can still only buy one handgun per month in total from these primary sources. This will severely choke off the supply of inventory to licensed dealers, will devastate their businesses, and will severely limit the ability of honest citizens to exercise the constitutional right to purchase handguns. This was clearly not the Legislature's intent when it tried to create a dealer exemption in response to industry concerns.

The lawyers and dealers who will be testifying today will expand on this analysis in much greater detail. But in the end, you'll see that the current dealer exemption is fundamentally flawed and incomplete. The bottom line is that it could easily be amended to exempt all transfers to

dealers, not just retail-to-retail. All transfers need to be included -- those by wholesalers, manufacturers, individuals, and other retailers.

Now, the law also has a collectors' exemption written into it. And that exemption attempted to address concerns that were also raised during the legislative process. That exemption seeks to exempt those who hold a Federal ATF curios and relics license, which covers hundred-year-old antiques. Not only doesn't it address the legitimate concerns of honest gun owners, but it is also a red herring, because possessing such a license under New Jersey law could subject the holder to criminal prosecution as an unlicensed dealer. A New Jersey resident with a Federal curios and relics license violates State law if the resident buys or sells under the license without also having a State dealer license, the same one that's issued to gun stores and nearly impossible to obtain if you're just a collector.

New Jersey authorities -- and you'll hear much more about this in the other testimony -- have an active track record of targeting and prosecuting those who have the Federal license but not the State license. The bottom line is that the curios and relics license is simply not available to New Jersey residents as a practical matter. And those who have obtained them in the past have become targets of law enforcement.

But even if that license were available, the idea that the interests of hundreds -- the interests of collectors and competitors are met by exempting hundred-year-old antiques is pure fantasy. Modern handguns are the ones most often purchased, gifted, and bequeathed by competitors and collectors -- a fact addressed by our sister state of Maryland after carefully considering the issue and creating a state collector's license after it passed one gun a month.

Law-abiding collectors who identify themselves as such and pass heightened scrutiny are issued a collector's license that exempts them for all handguns, whether modern or antique. The reason is really simple: Once they've identified themselves and passed scrutiny, it's clear that they are not part of the problem the law is trying to address.

Collectors, competitors, and other law-abiding gun owners come from every walk of life. They are doctors, lawyers, pipe fitters and builders, white collar and blue collar, male and female, black and white, young and old, even firefighters and police. That's right, even police are not exempt under the new law for their personally owned sidearms, only their duty guns. New Jersey should not treat honest gun owners the same way it treats criminals, but it does under the new law. The current exemption not only provides no relief, but it also sets a trap for the unsuspecting.

We need a robust exemption for honest citizens, one that preserves the law's crime-fighting purpose without unnecessarily restricting the good guys. You'll hear many ideas about how to accomplish this from those of us here today; everything from following Maryland's collector's license lead, to adding a collector's endorsement to the firearms ID card, to overhauling the permit process, to exempting members of select organizations. In the end, our message to you is simple: You can fight crime without trampling our rights.

And that concludes my overview. I'll be happy to stand for any questions.

MR. BERNARDI: Thank you very much, Mr. Bach.

Any questions of any of the committee members? (no response)

Thank you.

MR. BACH: Thank you very much.

MR. BERNARDI: We appreciate your time today coming in.

MR. BACH: Thank you for your interest.

MR. BERNARDI: You're welcome.

I would like to next call up Jake McGuigan.

Is Mr. McGuigan here? (affirmative response)

Press it again. (referring to PA microphone) Red light means on. You have it.

J A K E M c G U I G A N: Good morning, Chairman, Task Force.

MR. BERNARDI: Good morning.

MR. McGUIGAN: My name is Jake McGuigan, Director of Government Relations for the National Shooting Sports Foundation.

The National Shooting Sports Foundation is the trade association for the firearms, ammunition, hunting, and recreational shooting sports industries. And we welcome the opportunity to discuss the recently passed one gun a month legislation. We also represent dealers here throughout New Jersey.

Once again, New Jersey leads the way in prohibiting law-abiding citizens from exercising their constitutionally protected right. Not only are law-abiding citizens impacted by this law, but also the small mom and pop businesses which pay taxes and provide jobs in your state. More importantly though is that according to government studies and statistics, the legislation stands a tremendous uphill battle in reducing crime.

Even with the legislative mandates in place to eliminate criminal access to firearms, the industry has taken an active role to address the concerns of New Jersey legislators through the use of our joint program

called Don't Lie for the Other Guy. We work exclusively with the ATF and the Department of Justice on this anti-straw-purchasing program.

As recently as last November the firearms industry brought Don't Lie for the Other Guy to Newark, New Jersey, against the recommendations of both the ATF and the New Jersey State Police, because they said straw purchasing simply does not occur in New Jersey. The Newark *Star-Ledger*, as well, editorialized against the one gun a month legislation saying it simply would not decrease crime in New Jersey.

With all that in mind, there is one thing that needs to be addressed for our members. While everyone here on the Task Force and legislators continue to say that the intent of the legislation is not to dry up the inventory of firearms for federally licensed dealers, it is still not clearly addressed in the form that the Legislature passed.

You have effectively destroyed the distribution channel for our law-abiding retailers. There needs to be language included that will protect retailers from falling prey to this legislation. Currently, it only states that transfers between licensed retail dealers are exempt. There needs to be an addition to state that it has to exempt transfers between licensed parties -- all licensed parties -- which would include distributors and manufacturers. Because most of our retailers will get their firearms and their inventory from distributors, as well as from -- or directly from their manufacturers and wholesalers as well.

Based upon New Jersey law, a retailer is -- or a retailer/dealer is defined as a retailer that is not a manufacturer or distributor. So does that mean that any warranty work that a dealer would do and send back to a manufacturer would count against the one gun a month legislation?

Today there are many qualified dealers here in the room who are here to discuss this and how this will impact their business. I'm not going to go into the details of that, but they can tell you how it's going to hurt them, how it's going to affect them, and more specifically, how it's going to affect their tax revenue and the jobs they provide here in the state.

I appreciate the opportunity to come down here and testify. And if anything, getting an exemption for the retailers and for the dealers in this legislation has to be done or, in essence, you are drying up the law-abiding citizens' inventory and the dealers' ability to conduct business here in New Jersey.

I appreciate your time today and would allow any questions if you have any.

MR. BERNARDI: Did you provide your written testimony in advance?

MR. McGUIGAN: No, sir, I did not provide my testimony.

MR. BERNARDI: Do you have a copy that you can leave with us?

MR. McGUIGAN: I can provide it to you. Yes, I could.

MR. BERNARDI: All right. I would ask if you could forward that after the fact, that would be fine.

MR. McGUIGAN: Not a problem, sir.

MR. BERNARDI: I do have a question for you: Can you give me your definition of-- You used the term *distributor*. What do you mean by that?

MR. McGUIGAN: Well, many of our retailers will use a distributor. There are distributors throughout the northeast that strictly--

They have contracts with various manufacturers. So the manufacturers will go through that distributor. They do not sell to the retail market. It's just like any other industry. You have distributors who -- you know, alcohol, tobacco -- you have various distributors. They do not sell to the general public.

MR. BERNARDI: So they're wholesalers.

MR. McGUIGAN: Correct. And they will sell to the retailer and provide them with the inventory. And some of our retailers go directly to the manufacturer. The way this is written, it would be simply saying that the transfers can only occur between Joe's Gun Shop and Bob's Gun Shop, and not actually between where their inventory is coming from.

MR. BERNARDI: A licensed retail dealer is what the statute says, right?

MR. McGUIGAN: Yes, sir.

MR. BERNARDI: Do you have any number that you can tell me, in terms of how many distributors there are in New Jersey?

MR. McGUIGAN: In New Jersey alone, I believe there are not any distributors. There may be one distributor, but mostly there are more like eight to 10 large distributors throughout the U.S., regionally based.

MR. BERNARDI: But none that you're aware of in this state?

MR. McGUIGAN: There is one, I believe.

MR. BERNARDI: Okay. Thank you.

MR. McGUIGAN: You're welcome.

MR. BERNARDI: Any questions from any members? (no response)

Thank you, sir. We appreciate it.

MR. McGUIGAN: Thank you.

And there will be others to touch upon the retail issue and give you more specifics. I want to leave them the opportunity to do that.

MR. BERNARDI: We appreciate that.

MR. McGUIGAN: Thank you.

MR. BERNARDI: Next, the Chair would like to call Mr. Andrew Jennison.

A N D R E W J E N N I S O N: Good morning, Mr. Chairman.

MR. BERNARDI: Good morning.

How are you?

MR. JENNISON: I'm doing well. And yourself?

MR. BERNARDI: Good, thanks.

MR. JENNISON: I am Andrew Jennison, J-E-N-N-I-S-O-N. I'm the State Liaison for the National Rifle Association in New Jersey. In addition, I'm also the State Liaison for Maryland and Virginia, those states with one gun a month legislation already on the books.

So rather than reiterate what Mr. Bach has already discussed, I'd like to maybe briefly discuss Maryland's exemptions, and exceptions to their law that they currently provide. I probably wouldn't make a comparison more of Virginia-New Jersey, just based on the overview of their entire firearm laws. They're a little more open -- I guess the gun owner rights in Virginia.

So I think what I'd like to talk about really is-- There's eight categories of exceptions for one gun a month: law enforcement; agency authorized for law enforcement, such as subway patrol or subway system; correctional; private security companies; the purchase of an antique firearm,

in particular purchased by a dealer, which Mr. Bach has already discussed and further definitions of dealers have already been talked about; the exchange or replacement of a firearm by a seller for a firearm purchased by the same person seeking an exchange within the 30-day period -- they find out that maybe there's a mechanical malfunction, they'd like to take it back to the dealer to get it replaced, maybe they have to do a repair; you could get another gun to replace that. A person whose firearm was stolen or lost-- Now, you have to have three different items in Maryland to prove that it was, I guess, stolen or irretrievably lost: a police report. The report has to list the type of firearm, the owner, I think a few more characteristics, I think where you think it was lost or stolen -- if it was stolen out of your residence, your car -- and the report has to be made within 30 days of that -- of the notification of being stolen or lost. Now, the exemption that Mr. Bach discussed a few minutes ago is the curios and relics. And I've included a copy for the Task Force to look at. You can print it off the state police Web site, you fill out the information, you get it notarized, you send it back to the state police, and within the allotted time -- I don't know the exact time -- they'll send it back to you relatively soon from whenever-- You have a curios -- or a Maryland state collector's license, and that is good forever; so you display that to the dealer, and you can purchase two, three firearms if you want. Or you can actually possess a Federal curios and relics license. So it's either/or, it does not have to be both. Virginia is very similar, but they have some more exemptions that are probably not meaningful to go too deep in the weeds on that one.

So I actually am open to any questions. Hopefully I can answer them for you all. I was not the State Liaison at the time of passage, so I

wouldn't be able to, obviously, discuss the original intent of the legislation or any battles that were waged during that time. But after the process, I've been somewhat familiar with any problems that people have talked about. So if anyone has any questions, I'm open to discuss.

MR. BERNARDI: Mr. Nixon has one.

MR. NIXON: Andrew, would you just give a little more clarity on how they go about exempting the collectors out of the one gun law in Maryland? I know you have to fill out this form we've been provided with.

MR. JENNISON: Yes. You send it to the state police; they do a check just like they would on any normal purchase; they go through the whole process; and they understand that if that person has taken that next step to actually fill out a form, send it to the state police, in addition to the normal background check that has to be performed on each firearm purchase -- their understanding is that this is an upstanding citizen who just wants to actually purchase firearms for multiple purposes. Maybe they wanted to purchase one for themselves and their wife; there was a deal that they couldn't pass up. So it's a very mechanical process. Like I said, you fill it out, have it notarized, and they will send you a card in the mail. It's very simple.

MR. NIXON: So they have, in the Maryland code regulations under letter *a*, that you devote time and attention to acquiring certain types of regulated firearms for the enhancement of the collector's personal collection; does not act as a dealer--

MR. JENNISON: Correct.

MR. NIXON: And then the second part of that is, "or if you have the Federal curios and relics license."

MR. JENNISON: Yes.

MR. NIXON: So you're going to certify in this affidavit to the Maryland state police that you have a private collection, these firearms are for that private collection. And they're going to do an additional background check? Is that--

MR. JENNISON: Correct.

MR. NIXON: That's the way it works. Okay. Thank you.

MR. BERNARDI: Do you know the nature of this enhanced background check -- I mean specifically what is done?

MR. JENNISON: No, I don't. I would assume it's a state police records check. And in addition, it might be the Federal check as well. You're going to have the Federal check either way when you purchase a firearm.

MR. BERNARDI: Wouldn't that be done for an ordinary application?

MR. JENNISON: I'm sorry, for the firearms application?

MR. BERNARDI: For an ordinary application to purchase?

MR. JENNISON: Yes it would.

MR. BERNARDI: All right. So is there something in addition to just running a records check on someone that you're aware of?

MR. JENNISON: No, not that I'm aware of.

MR. BERNARDI: To get this special type of license.

MR. JENNISON: Correct.

MR. BERNARDI: Nothing you're aware of.

MR. JENNISON: Nothing that I'm aware of, sir.

MR. BERNARDI: Okay.

Mr. Susswein.

MR. SUSSWEIN: Can I just ask you two questions? In the Maryland system, did they specify -- does the law regulation specify any criteria for what constitutes a collector other than a person saying that they are a collector?

MR. JENNISON: I will have to get back to you on that. I will have to look up that exact section and clarify that.

MR. SUSSWEIN: All right. And the second question: You had mentioned, in Maryland, a state curios and relics license.

MR. JENNISON: Yes.

MR. SUSSWEIN: I assume that having gotten that, they would only be able then to -- outside the one gun a month law -- only be able to purchase those weapons that constitute curios or relics.

MR. JENNISON: No, it would be any handgun, firearm. So it would not have to be an antique firearm if you have that license.

MR. SUSSWEIN: Wouldn't that exception sort of swallow that rule then?

MR. JENNISON: It's an enhancement of a collector's personal collection.

MR. SUSSWEIN: This is for the curios and--

MR. JENNISON: The Maryland state license.

MR. SUSSWEIN: Okay.

MR. JENNISON: You can be a collector of any type of firearm. It doesn't have to be an antique.

MR. SUSSWEIN: Oh, I'm sorry. I thought there was a separate exception for state curios and relics. You're saying this is all under the collector's--

MR. JENNISON: It's a collector's, yes.

MR. SUSSWEIN: Okay. Thank you.

MR. JENNISON: Thank you.

MR. BERNARDI: Bryan Miller.

MR. MILLER: Hi, Andrew.

MR. JENNISON: Hi.

MR. MILLER: Just a couple quick questions.

MR. JENNISON: Sure.

MR. MILLER: Do you have any idea of how many people in Maryland have actually applied for and received this license?

MR. JENNISON: No, I do not. I can actually-- I had to call into someone who is going to put a call into the state police to see if they have that information. I assume they would, just based on auditing purposes. So I can have that delivered to the Task Force as well.

MR. MILLER: That would be good.

And two: Has anyone done any research to verify or to see if license holders have been charged with crimes under--

MR. JENNISON: Not that I know of, no.

MR. MILLER: Thank you.

MR. JENNISON: Do you mean after the fact? Are you saying after the fact they've received that license?

MR. MILLER: Yes.

MR. JENNISON: No, not that I'm aware of.

MR. MILLER: Okay. Thank you.

MR. BERNARDI: Any other questions? (no response)

Thank you, Mr. Jennison.

MR. JENNISON: Thank you.

MR. BERNARDI: We appreciate it.

Next, the Chair would like to recognize Mr. Bob Viden.

Did I say your name correctly, sir?

R O B E R T L. V I D E N: Bob Viden, V-I-D-E-N.

I'd like to thank you for allowing me to testify.

First, I'd like to talk about the dealers. Under this bill, the way we understand it, a dealer can only buy guns from another licensed retail dealer. It would exclude us from buying guns from wholesalers, it would exclude us from buying guns from direct purchases from manufacturers, and it would stop us from buying guns from individuals and taking trade-ins on firearms from individuals except for one a month. And this is part of the problem we have, because most of the retail dealers -- 50 percent of their trade is probably in used guns which they get in trade or buying from individuals or people from -- who are going out of business, or getting rid of their collection because of age, or because they're moving, or other reasons. We'd like to see that addressed.

Collectors: There will be more collectors testifying after me who probably are more in depth to it than I am. But I have been a collector for over 40 years, and most of the guns I collect do not fall under the curios and relics. They fall under historical firearms, but not curios and relics necessarily. And today, with the Internet, collectors have the opportunity to go online and bid on guns anywhere in the United States at auction.

And to do this legally, when they buy a handgun, the gun is sent from the auction company to a dealer in New Jersey. The dealer in New Jersey then completes the sale with a pistol permit from the collector. Most of these auction companies -- and many -- I shouldn't say *most* -- but many are in lots only, where you bid on six guns in a lot or five guns in a lot. And if you're fortunate enough to get it, you might get five or six guns. And in this case, should a collector be forced to wait six months to pick up the six guns he bought legally for his collection from an auction company?

Today, many of the collectors are getting more than one gun at a time, because they put in for a pistol permit, wait three months to get the permit -- so they put in for three or four at a time. And when they buy the guns, they go to the different dealers where they have found these guns over the past six months and pick up the guns when their permits come in. They may buy three guns in a week's period, but they may not buy three within three months, because they've been waiting for the permit that time.

Another question we had as dealers is: Competitive shooters that come in -- many will buy two guns of the same model. And the reason they do that is they're in competition, and they want the exact same gun. If something happens to their gun in competition, they want to be able to switch to another gun and have the exact same model to shoot from. There are more competitions all the time that are starting to use what they call *three-gun competitions*, where you shoot one competition with your .22, one with your .45 automatic, and one with your .38 revolver. This requires three guns. A lot of guys buy three guns at a time to compete in these competitions. Your cowboy action shooters -- many of them buy what they call a *brace* of firearms, two handguns to be used. And these are sold in sets.

And these we'd like to see addressed so that these people can continue to keep in competition.

As a dealer, one of the things that came up about a year ago is that the State has now required all dealers who are selling guns on consignment for individuals -- when they return that consignment, the customer has to go get a second permit for the same gun he purchased five years ago to get his own gun back. And we have a lot of people who bring consignments in, and they'll bring five or six guns in to be put on consignment. Now, in the case they wanted to take these guns back, they would have to wait five months to take five guns back that they put on consignment which they originally owned in the first time. We think this should be addressed.

Gifts and inheritance: Many people inherit firearms. We understand that in a direct inheritance where you're named in a will you do not need a pistol permit. But many are done through -- a man passes away. The guns are left to his next of kin, who is his wife. She wants to distribute them to the children. If there's a large collection, this requires these children to go out and get permits. And at this rate, they'd have to get one a month.

An example I can use that happened to us about two years ago-- I received a phone call from a woman. She said her father had passed away in Pennsylvania. Her mother had his gun collection. She wanted her and her husband to have them. She asked if I would handle the transfer from Pennsylvania to New Jersey. We said, "Certainly." When they came in, she had 110 pistol permits, and her mother had a station wagon with 110 handguns that they brought in, and we did the transfers for 110 guns.

That's the most I've ever done in a day. But it can happen, and I'm sure it's happened to other dealers. We think that there has to be a provision, even if it's a one-time issuance, where people who get gifts or inheritance -- so that they can clear up these inheritances and gifts at one time rather than wait nine years.

Virginia and Maryland both have one gun a month, and they have exemptions for collectors and competitive shooters. And we feel also in New Jersey that the handgun purchase system -- we have people who are waiting six or seven months to get a pistol permit. We have people who have been waiting six months to get a change of address on a firearms ID card. Many collectors are faced with this situation. And that's why they get the multiple permits at one time. Many people wanting to buy one or two guns decide, "If I'm going to go through this hassle, I might as well get more than one permit at a time."

National Instant Check has worked very well. It's been very effective, and it's working well in New Jersey. And it may be time, if we're considering a change in the firearms law, to go for a firearms ID card for handguns and have one for collectors also.

Anything I can answer I will be glad to. And I thank you for the opportunity to express my opinions before this committee.

MR. BERNARDI: Thank you, sir.

Any questions for Mr. Viden?

SENATOR MADDEN: Mr. Viden, good morning and welcome.

MR. VIDEN: Thank you.

SENATOR MADDEN: I just want to take a moment, publicly, to thank you for your openness and candidness in receiving a lot of phone calls, and the dialogue that we've had over the past six months or so on this particular issue.

Just one point of clarification on the consignment sales in your shop or your colleagues shops: Can you estimate possibly what kind of volume in the transactions that you have? Is it very common for people to come to you throughout the months of the year asking you to help sell their weapon, put it on display?

MR. VIDEN: Yes. Consignments were very-- In fact, when they found out they had to get a pistol permit to get their own gun back, consignment sales dropped probably 25 percent. Because of the hassle they have getting a permit, they're not going back to get it. So we don't know what happens with those firearms. But we did have a very high percentage of guns on consignment in our shop.

SENATOR MADDEN: Okay. I missed the very beginning of that. You said that people were taking the guns back or they're not bringing them to you?

MR. VIDEN: The way it was prior to the pistol permit -- if you came into our shop and had a gun on consignment, and you wanted it back, we would put you through the National Instant Check system. If you passed, you got your gun back. If you didn't, of course you didn't. But if you passed National Instant Check, the gun was returned to you. Now the State's put in the fact that they have to get the pistol permit in order to get the gun back, and that has slowed down the number of transactions we get on consignment sales for handguns.

SENATOR MADDEN: What is your suspicion that's going on with the individuals? In that reduction, what do you think the people are doing with the weapons now instead of bringing them to you?

MR. VIDEN: I have no idea.

SENATOR MADDEN: Now, if I was to walk in and give you three handguns and ask you to try to sell these for me, and at a period of time when I had a change of heart or, for whatever reason, I wanted to bring those weapons back into my own possession, you're testimony says that I would need now three individual permits--

MR. VIDEN: Pardon me?

SENATOR MADDEN: I'll need three permits, one for each weapon.

MR. VIDEN: You'd need three permits, one permit for each handgun, yes.

SENATOR MADDEN: Then I would have to acquire those over a--

MR. VIDEN: Three-month period.

SENATOR MADDEN: --three-month period, basically.

MR. VIDEN: Yes.

SENATOR MADDEN: Okay. Thank you.

MR. VIDEN: Thank you.

MR. BERNARDI: Assemblyman Burzichelli.

ASSEMBLYMAN BURZICHELLI: Good morning, thank you for your testimony. It's very helpful.

A couple points of clarification that got my attention-- You were speaking about online auctions. We have similar rules in New Jersey

about purchasing wines from out-of-state, believe it or not. If you are a wine collector, it has to go through a New Jersey liquor store, and that's how you receive that.

What kind of activity do you find with people purchasing by way of online auctions back through your store? Is it something that's robust or is it something that rarely happens?

MR. VIDEN: We have quite a few purchasing through auction companies and online purchases. What we have to do at that point is, we have to send our license to the Federal dealer in whatever state the gun is being purchased in. Upon receipt of the gun, they'll have their FFL with that gun. We enter it in from them, and then we use the pistol permit from the individual purchasing the gun, and they buy it.

ASSEMBLYMAN BURZICHELLI: And you said there's a lot of activity in that?

MR. VIDEN: There's quite a bit. And with the online activity -- with auction companies now -- it's even being more prevalent.

ASSEMBLYMAN BURZICHELLI: And this is just more of a business question: Are you allowed to-- Do you handle that for a transaction fee? How do you-- Because you're just processing it, right?

MR. VIDEN: We do it for a fee. We have a transfer fee we use.

ASSEMBLYMAN BURZICHELLI: Do you get a sense of our New Jersey gun owners? Are they selling online as well? And is it eBay, or just generally private auction sites related to firearms?

MR. VIDEN: I know some do, on GunBroker, but I don't know what the percentage would be.

ASSEMBLYMAN BURZICHELLI: Just a point of curiosity.

Thank you.

MR. VIDEN: Thank you.

MR. BERNARDI: All right, Mr. Viden. Thank you for coming in today.

Oh, we have additional questions. I'm sorry.

Mr. Miller.

MR. MILLER: I've heard you and other people talk about--

MR. VIDEN: Pardon me? I can't hear you.

MR. MILLER: I've heard you and other people talk about the time that it takes to get a permit.

MR. VIDEN: Yes.

MR. MILLER: And it occurs to me that one way that you -- in dealing with the government -- that you make things happen faster, is by hiring more people or things like that. You can use fees to increase -- to shorten times and so on. How would you feel about increasing the fee to get a pistol permit in order to shorten the length of time to get that permit?

MR. VIDEN: I'll be honest with you. I don't believe that increasing the fees make much sense when you have the ability, by computer, to check a person out. And I know they can do this through National Instant Check within 15 minutes. So I don't see where the fee increase would be very significant.

MR. MILLER: I disagree, but that's life.

MR. BERNARDI: Any more questions? (no response)

Thank you, sir.

MR. VIDEN: Thank you.

I'd like to call, next, Mr. Butch Sacco.

Mr. Sacco.

BUTCH SACCO: Thank you.

My name is Butch Sacco, S-A-C-C-O. I own Butch's Gun World, in Vineland, New Jersey. I've owned this business for 27 years. I've been involved in the firearm industry in the State of New Jersey for 35 years.

I can (indiscernible) something on the dealer end. I also want to talk about the downfall of this law. The biggest downfall that I see is obtaining the permit to purchase. This process can take from two to six months depending on where you live. Many of the police departments have added other requirements on top of the State requirements. The citizens can't complain because the department will hold up their permit, but this is happening in local municipalities throughout the state where they're putting in extra forms and extra requirements.

As for the State Police that issue permits -- many times the paperwork gets lost or gets put to the side at the barracks level, because many of these months -- and causes many more months of delays. And in defense of the State Police, it's not really a lot of their fault. It's just that they're so understaffed in their barracks, and this is what happens. And we understand that other things take priority.

For these reasons, people end up picking up two or three handguns they have paid for while waiting the three to six months for their issue. As for the pistol permit system today, it has become obsolete with this new NIC system. I have, as all the New Jersey dealers have experienced, denials with people who have pistol permits that have just

been issued to them. In my 35 years of being in this industry, this is the best screening process I have seen. Even though I can't say anything is 100 percent foolproof, I do believe the NIC system is 99 percent efficient.

If the pistol permit process was changed to where we would use a firearms ID card or a pistol ID card, something on a renewable basis or what have you, with the NIC system, then this one gun a month law would not be such an injustice to the good, honest sportsmen of the State of New Jersey.

Now, getting into some of this wording of this transfer of handguns between licensed retail dealers-- I would hope that this is just an oversight because, honestly, this is going to put me out of business. We purchase our handguns, as was explained, through wholesale dealers, or wholesale suppliers, and direct from manufacturers. And with this wording, we cannot do this.

The Assemblyman's question about auctions and people selling in the State of New Jersey-- I actually do quite a bit of transferring out for people in New Jersey, but also sell their firearms on auction. We charge a fee, we do the transfer, they're doing the same thing -- that we ship to a licensed dealer in another state. This is going to prevent us from doing that. Again, this prevents me from purchasing guns from other states, which I do, and from individuals.

And also asked about the consignment -- which we do quite a bit of people coming in on consignment -- we did -- which we don't now. And people bring them into us because they want to legally have the gun -- you know, get rid of the gun in legal ways. They want it legally transferred by coming into me as a licensed dealer. I'm licensed, I'm insured. This

takes the liability from that individual. We do the correct paperwork, we run the NIC checks for them, and we transfer it over the legal way, and it gets reregistered in the State of New Jersey. This is another reason, on the consignment basis, that many people do that -- because they feel safer. They know they're doing a legal transfer, and they're trying to stay within the means and the laws of the State of New Jersey.

That's about all that I have. And I thank you for giving me this opportunity. I'm open for any questions.

MR. BERNARDI: Any questions of the committee?

Assemblyman Burzichelli.

ASSEMBLYMAN BURZICHELLI: Thank you for your testimony. It's helpful.

Just a follow-up-- I probably should have asked Bob, but he had already fielded a few questions. But on this issue-- The consignment stuff has my attention. Because if I bring my property in for consignment -- and having to face a different standard coming back. It seems to me that the National Background Check, which I think is proper to occur-- That's not something this legislation created. It didn't address consignments. I don't recall legislation moving that did. In your opinion, was that a change in the existing -- interpretation of existing regulations about requiring that a permit for that individual who brought it on consignment -- that that person has to obtain a permit to get it back? Was that the interpretation?

MR. SACCO: That's the way I interpreted it on the Federal level. We were told by ATF that we have to do a NIC check to give the consignment back, which is understandable, because we could have a gun for three, four, five months. Somebody could have had a domestic. He

could have had something. We don't know this. By doing the NIC check, if somebody had broken some laws or had a domestic violence against him, this would get picked up, and we don't give them back. But as for this permit -- having to get another permit -- yes, this was something that came down from the Firearms division of the State of New Jersey, telling us we had to do this, which we couldn't understand because the people already had the permit for the gun, it is registered in the State of New Jersey. They have the copies, the local law enforcement who issued that permit has a copy and knows that this individual owns that weapon.

ASSEMBLYMAN BURZICHELLI: And through the Chair, at what point -- how long ago did that standard start to be imposed on the transaction?

MR. SACCO: Well, I guess it's been going on for the last three years. And it's basically as our licenses are being renewed, and the officers come in to do their inspections, and what have you -- and this is when it's all being explained more to us -- that we are totally being officially notified.

ASSEMBLYMAN BURZICHELLI: And through the Chair, last question: Was there any resistance to doing the NIC check?

MR. SACCO: No, I think everybody understands that. The \$15 fee -- a gentleman has three guns, four guns we're selling. If we sell some, he's making some money. The \$15 fee for the NIC -- no, he doesn't have much of an objection over that.

ASSEMBLYMAN BURZICHELLI: Thank you, Chairman.

MR. BERNARDI: Thank you.

LIEUTENANT COLONEL ANDREYCHAK: Mr. Chairman.

MR. BERNARDI: Yes, Lieutenant Colonel Andreychak.

LIEUTENANT COLONEL ANDREYCHAK: Mr. Sacco, first of all, on behalf of the State Police, I'd like to thank you for your understanding and the kind things you said about our barracks. But I will put out that my office is ultimately responsible for that. And the fact that things slip through the cracks or they fall aside is not something that is acceptable with us. My office -- if you contact the main State Police number and either asked for Firearms or asked for the Deputy Superintendent of Investigations, which is me -- and there is a legitimate complaint about an undue time regarding a State Police station, we will address it. I know that Senator Karrow frequently contacts my office in that regard.

The other point I'd like to put out is that the State Police does not take a position in terms of whether our laws are too strict or too lenient. But what we are bound to do is to strictly enforce them. And in regard to having to have a permit to come back in, that is probably an issue that needs to be -- whether it's cleaned up, addressed, do we want to keep it, do we not -- that is an issue that we need to have a discussion about.

In a similar regard, for example, historically troopers had just gone to the Firearms unit, since it's in-house with us, to obtain a permit to purchase their off-duty weapon. The Firearms unit did a background check to make sure the person -- even the trooper -- was not subject to domestic violence issues, etc. But, however, reviewing those laws and the strict interpretation of those laws, which we're bound to, we are no different than anyone else; and we have to go to our local police chief to get our off-duty weapon, which is a bit convoluted. But it is the strict interpretation. So we do appreciate the fact that you do bring up issues where, as laws have been

written over the years, they tend to conflict with each other; and we probably, just administratively, need to clean some of that up.

Thank you.

MR. BERNARDI: Thank you, Colonel.

Any other questions for Mr. Sacco? (no response)

Thank you, sir. We appreciate you coming up here today.

MR. SACCO: Thank you for letting me address you.

MR. BERNARDI: You're quite welcome.

We're going to hear next from Mr. Edward Tarpy.

Mr. Tarpy.

E D W A R D T A R P Y: Good morning, Mr. Chairman.

MR. BERNARDI: Good morning.

MR. TARP Y: My name is Edward Tarpy. That's T-A-R-P-Y.

MR. BERNARDI: Thank you.

MR. TARP Y: First of all, I'd like to reiterate here that we've been in business since 1965, which is one year before the New Jersey Gun Control Act came into affect. And to this present date, we still own the business.

One of the things is the restrictions that are on the dealers. They severely put somebody like us out of business. We can't purchase from another dealer.

To answer your question to Mr. McGuigan -- you asked him about a distributor in the State of New Jersey. The last firearms distributor in the State of New Jersey left in about the 1980s. We have no distributors in the state we can go to.

Handling the states -- we all have the same problem. Somebody comes into our shop with about 30 handguns and needs to have them transferred over from an aunt to a nephew, the nephew needs to have the permits. You're going to severely-- It's going to take him 30 months to have his handguns transferred over. Consignments is a big problem we also all have.

It's also going to affect the law officers. Some law officers -- and we get it quite often in our shop here -- we do gunsmithing -- they want, like, two firearms. They're a competitive shooter on the outside also. They'll purchase two handguns and have us do specialized gunsmithing to them so they can use them for competitions. You're going to severely hamper him, because both of these guns are specialized. He can only do one a month.

Security agencies: I haven't heard anybody talk about security agencies too. We just recently did one with Wells Fargo. Wells Fargo doesn't have their main office in the State of New Jersey. They are requiring that all of their security officers be permitted -- to have their handguns permitted to themselves in the State of New Jersey. We had to deal with the Federal firearms dealer from the state that Wells Fargo is in. And some of the officers actually had two firearms. So now we have a security officer who drives around in an armored car -- severely hamper his duties.

Everybody else has about handled everything else that we have here.

Are there any questions? That's all I really have to--

MR. NIXON: Mr. Chairman.

MR. BERNARDI: Yes, sir.

Mr. Nixon has some questions.

MR. NIXON: Thank you for being here.

This is actually probably a more subjective question than a policy one. But in your experience in all those years, what's the top reason people would come into your shop and do a multiple purchase?

MR. TARPY: Most of them are for the purpose of a competition or recreational shooting, law officers a lot -- the officers themselves. But that's about the main reason.

MR. NIXON: Thank you very much.

MR. BERNARDI: Any additional questions? (no response)

Mr. Tarp, thank you. We appreciate you coming in.

I'd like to recognize, next, Mr. Evan Nappen.

Good afternoon.

E V A N F. N A P P E N, ESQ.: Good afternoon.

My name is Evan Nappen, and I am an attorney and admitted to practice in New Jersey for over 20 years.

Now, under the Supreme Court, under the Ethics rules, I am not allowed to call myself an expert in firearm law, because there is no certification for such expertise. So what I have to say is that I have a *focused interest* in firearm law. And my focused interest has taken a number of directions, including writing the book on New Jersey firearm law -- actually three books, with the third edition coming out in October -- teaching firearm law for the New Jersey Institute for Continuing Legal Education, teaching firearm law to other attorneys; and, of course, practicing law in the State of New Jersey, defending law-abiding citizens who get entangled --

primarily law-abiding citizens who get entangled in New Jersey's very complex gun control scheme.

Now, I've had the opportunity to take a look and study the new law. And I would like to thank the committee for allowing me to come here today to speak to that. And I'm going to focus my comments specifically on what was stated as the mission of this Task Force. And that was to address, essentially, issues that have arisen as a result of one gun -- the one handgun a month bill. And to that question, if there was one question to be asked -- and that is, what is the most serious legal flaw with the one handgun a month bill, that flaw would be the flaw as to the way it exempted, or attempted to exempt, retail dealers. That is the most serious flaw.

You've heard some general comments, which are correct, about its impact. But I want this committee to know legally why that impact occurs -- legally, as a matter of law, why it happens. And the reason, under New Jersey law, that retail dealers will not be able to acquire more than one handgun a month, except from another licensed retail dealer, is because of how the exemption was written in the law. The exemption in the law states: restriction on the number of firearms a person may purchase -- it's under Subsection I -- it's actually the second, there are two provisions. One part comes early on regarding a dealer's ability to sell to certain persons. And the second section, the I Subsection, restricts the number of firearms a person may purchase. "Only one hand gun shall be purchased or delivered on each permit," which has always been the case. And, "No more than one handgun shall be purchased within a 30-day period, but this limitation shall not apply--" and then go to three, "Transfers of handguns between licensed

retail dealers.” That’s the problem right there, *between licensed retail dealers*. That’s because the term *retail dealer* is a defined term under New Jersey law. You see, those two words *retail dealer* are defined -- and I want to give the actual statute -- 2C:39-1(l). That’s where the definition is found specifically defining *retail dealer*. And what it says, under New Jersey law, “Retail dealer means any person, including a gunsmith, except a manufacturer or wholesale dealer, who sells, transfers, or assigns for a fee or profit any firearm or parts of firearms, or ammunition for which he has purchased or obtained for the purpose of reselling or reassigning to persons reasonably understood to be the ultimate consumers.” The point being is that part of the definition of *retail dealer* is an explicit exclusion of manufacturer or wholesale dealer. And therefore the exemptions for the one gun a month never exempted wholesale dealers, never exempted manufacturers, and then never exempted the retail dealer’s ability to acquire firearms from those parties as so defined under our law. That is the reason it is a serious legal flaw.

Now, some folks may say, “Well, that’s not what the Legislature intended.” Let’s just say they say that. Or, “It wasn’t supposed to do that.” And we should take a broad interpretation of the term *licensed retail dealer*, even though it’s defined in the way I’ve pointed out to you under our law. If that approach is taken, it will be summarily rejected by the courts in New Jersey. And that is because under *State v. Rovito*, the New Jersey Supreme Court held that exemptions from the gun statutes should be strictly construed. *Service Armament*, another New Jersey Supreme Court case relied upon by *Rovito*, stated, “Therefore, an exemption to the gun control law must be given narrow construction.”

So in New Jersey, when there are any exemptions to the gun law -- and, in this case, exemption for licensed retail dealer -- the interpretation is, by case law, narrow construction. So this really, truly, as a legal fact, creates this incredible limitation on dealers, which will have the effect -- the serious effect -- of shutting down their ability to lawfully conduct business.

Now, you've heard the dealers talk about what those effects will be. And keep in mind that since the dealer cannot acquire more than one handgun a month from a wholesaler-- And by the way, one of the questions asked was about -- wholesalers are licensed in New Jersey. And the State Police would be able to tell you how many licensed wholesalers there are -- same as manufacturers -- you have the license in New Jersey for them. And there are manufacturers of firearms in New Jersey -- right off the top of my head, Henry Repeating Arms, in Bayonne. But they're licensed manufacturers, license wholesalers. They weren't addressed for any exemption here.

You now need to look at: What will this impact be? Well, I notice there is an exemption for law enforcement to acquire more than one handgun a month. Fine. The problem is, they're not going to be able to acquire them from a dealer because that dealer will not be able to acquire, from a wholesaler or distributor, the 50 Glocks or the 50 SIGs that they need to sell to the agency. They're barred from making that acquisition because they can only acquire from another licensed dealer. So how are they going to supply the law enforcement agency, even though the agency itself has been exempted? That's just one issue.

Mr. Viden pointed out the enormous problem regarding inheritance of firearms and the ability to do dealer transfers. Collectors who wish to acquire -- even wishing to acquire, for a dealer to get the inventory to sell -- the dealer is going to have that problem. So this is, essentially, going to lead to -- January 1, when the law takes affect-- Retail dealers in New Jersey, who are not aware of what I've explained to you here, are going to still be acquiring, in their normal course of business as they do, more than one handgun a month and entering them in their bound books. I guarantee you dealers will do that, because they do not understand what you now understand as I've explained it under the law. And when they have their compliance check, when the State Police come in or the ATF come in and look at their bound books, and see their acquisitions and dispositions, and they see that more than one handgun has been acquired within that month, that dealer is in violation of our criminal law, can be prosecuted, and have his license taken away. This needs to be addressed by this committee and by the Legislature. Because you, I'm sure, did not want to set a trap for law-abiding, licensed retail dealers, and nor did you wish to create a situation where there is a de facto handgun ban, which is what this will do. Because dealers will only be able to replenish their inventory at the rate of one handgun a month. And at that rate, their inventories will diminish. And if you can't buy them, then it's a ban. So that needs to be addressed.

And additionally, the collector exemption -- I want to focus on, from a legal perspective. Again, you've heard the general talk about it. In New Jersey, getting a curios and relics license is absolutely something that I advise, as an attorney to any collector in New Jersey, not to do. And I so--

This is my second addition of the book. Like I said, the third edition-- This came out in 2000. In 2000, I put in writing, on the collectors -- where I talk about collecting firearms -- big letters, "Warning. Do not get a Federal Collectors curios and relics license." Why would I do that? I'll tell you why. Because the New Jersey State Police sent out warnings to anyone they could identify as having a curios and relics license, saying, "Do not have this license. Because when you have this license, we view you as being an unlicensed dealer." And do you know I represented a couple of clients prosecuted for having a curios and relics license with allegations of being an unlicensed dealer and making unlawful acquisitions of firearms? They were completely acquitted, not guilty. But what did they have that brought the attention and caused the problem? The curios and relics license. They were innocent and acquitted, but it didn't matter. It brought them the trouble. The State Police have sent this warning out.

You cannot create an exemption that you expect to have in effect, and say, "Get a license," that the State Police have warned people not to get and counsel has warned people not to get. Plus, it's a Federal license. Why are we making our State law -- our State gun laws -- dependent upon a Federal gun law and licensing system? Is that just laziness or what? If you're going to do something, make it our own. Make it our own license and make it fit with our gun laws. It only makes sense to do that.

Now, you've heard about how curios and relics limits certain firearms, and you may not have been told why. I want you to understand why. That's because when you get a curios and relics license from the Federal government, they have a list of curios and relics that qualify. It's

known as the curios and relics list. You can only acquire the guns that are on that list. And there are many, many -- thousands of collectable guns, for an assortment of reasons, that are not on that list. So to address what are the collectors' needs in New Jersey, plainly the curios and relics exemption that was attempted to address this issue -- which is appreciated -- was not the proper way to address this issue.

That would summarize. If there are any questions, I'd be happy to answer them.

MR. BERNARDI: If I may, how would you suggest-- I understand the issue with retail dealers, obviously. With regard to the curios license, what would you propose be done to remedy this flaw?

MR. NAPPEN: Well, there are a number of proposals put out here. One is a separate endorsement through, say, a firearms ID card, one is a separate New Jersey collector license. Some method that adequately addresses the collectors' needs is what needs to be implemented. I'm not in a position, nor would I, to write such legislation. But what I can tell you is that what is in place is not effective and is, in fact, counter to the very firearms enforcement polices that are in place in this state.

MR. BERNARDI: No, I understand that. There is a difficulty in there in accepting what a reasonable parameter is for what a collector is, no? How does one reach accommodation on what you think is a collector is the same as what I think is a collector? Because as you well know, being an attorney, there's going to have to be a definition for what is, in fact, a collector. True?

MR. NAPPEN: Well, if you're going to set up a collectors' license, then I guess defining a collector would be part of it.

MR. BERNARDI: Yes.

MR. NAPPEN: And how that gets defined, I'm sure, through the State Association -- the New Jersey State Association of Rifle and Pistol Clubs -- that Association, and other representatives of firearm collectors, and with the Legislature -- that that can be ironed out. Right now, in this committee hearing, I only have broad suggestions. The details are going to become the key.

And by the way, I had reviewed this one gun a month a year prior, and warned about the very things that I'm telling the committee about now, but nobody listened. But I'm glad that you're listening now. And hopefully the changes will be made. Because after January 1, there will be very, very serious problems.

Thank you.

MR. BERNARDI: Thank you.

Mr. Susswein has a question for you.

MR. NAPPEN: Yes.

MR. SUSSWEIN: I can appreciate your not offering specific language at this time. You're obviously very knowledgeable with firearms also, I assume, around the country.

MR. NAPPEN: I am. I've also taught for the National Firearm Law Seminar, I've taught for national law seminars on firearms, as well as the State Continuing Legal Education.

MR. SUSSWEIN: Okay. Could you point this Task Force to any other states that have defined the term *collector*? I mean, we heard about the Maryland law.

MR. NAPPEN: Maryland and, I think, Virginia as well, I believe, has done that. I think--

MR. SUSSWEIN: Obviously you have very strong comments as a lawyer, legally analyzing the language in the current law.

MR. NAPPEN: Right.

MR. SUSSWEIN: Have you looked at the Maryland and Virginia laws from the same perspective?

MR. NAPPEN: No, I have not studied them. I have not. But if it's something that was put forward as a bill, I would take a look at it at that point, and if I saw any issues, I would point them out.

MR. SUSSWEIN: One last thing: I assume the problem you raise with the retail dealers-- Are you suggesting-- Would that be solved-- Would your legal, analytical problems be solved if 2C:58-3i(3) were amended to read, "Transfers of handguns between licensed dealers," and add the words, "manufacturers or wholesale dealers?" Would that do it?

MR. NAPPEN: Well, again, not writing specific-- But you don't-- It shouldn't be between licensed dealers.

MR. SUSSWEIN: Well, that's what we're trying to get.

MR. NAPPEN: It simply needs to state that licensed retail dealers are exempt, period. Why is it transfers between anything? Why are you limiting? They're licensed retail dealers.

MR. SUSSWEIN: Okay. So that's your suggestion. Because I'm trying to--

MR. NAPPEN: I mean, as far as the specifics, you don't want to limit them. And you need to also state that manufacturers and wholesalers themselves are exempted. You need to add them in because

you've forgotten them. If you're a wholesaler, how are you acquiring your guns that you're going to wholesale?

MR. SUSSWEIN: So is the suggestion then that 28-58i(3) (*sic*) simply read, "Retail licensed dealers?" Because at some point this committee has to--

MR. NAPPEN: "Shall not apply to licensed retail dealers, wholesalers, and manufacturers." It's simple. Then they're exempt. Then they're totally exempt. But right now, they've been narrowly exempted and ignored on two counts, and that is the most serious flaw in the bill.

MR. SUSSWEIN: Thank you.

MR. NAPPEN: Thank you.

MR. BERNARDI: Thanks again, Mr. Nappen.

MR. NAPPEN: Thank you.

MR. BERNARDI: The Chair would next like to recognize Gary Needleman.

Mr. Needleman.

G A R Y J. N E E D L E M A N, ESQ.: Good afternoon, Mr. Chairman, members of the Task Force. I appreciate the opportunity to appear before you this afternoon.

My name is Gary Needleman, N-E-E-D-L-E-M-A-N. I'm an attorney licensed to practice in the State of New Jersey, have been for 25 years, with a specialty in firearms and Second Amendment issues. I'm also licensed in five other states. And I was previously a New Jersey State and Federal licensed firearms dealer for 23 years.

The statute before us today basically restricts the sale of handguns to any individual or entity to not more than one in 30 days.

There are two limitations which I would like to address. Mr. Nappen covered one thoroughly, so I will not dwell on it due to time constraints. But I would reiterate and reaffirm the fact that--

The first one deals with dealers. Again, the statute allows a retail dealer to acquire or sell to another retail dealer. As you've heard, it specifically excludes wholesalers, manufacturers, and individuals. The statute's both Administrative Code and the Criminal Code delineate the specific definition of a *wholesaler*, *manufacturer*, and *retail dealer*. So by specifically including retail and excluding wholesale and manufacturer, those are obviously exempted. (*sic*) It also does not prevent a dealer to deal with individuals. There's a host of problems with that, obviously.

There are a number of manufacturers who sell directly to dealers. It's not an inclusive list, but some of the bigger names are Glock, Beretta, SIG, Kimber. These companies sell directly to dealers, which would not be permitted under the current statute. The vast majority, and myself as a dealer, acquired our handguns through distributors. Again, this would not be permitted. So, obviously, there's a certain limited number of handguns among the existing retail dealers. Once that circle of handguns are exhausted, everyone is limited to buying -- dealers -- one handgun a month.

There's also a tremendous amount of business that was done with collections. A husband dies; the wife is left with a large handgun collection. She doesn't want it. Estates I deal with, as an attorney, as well. You contact a dealer, a sale is made through a dealer, and the dealer takes possession of the handguns and sells them for the estate. That would no longer be permitted the way the statute is written.

You have individuals who use consignment. They want to get rid of a collection. They're older, they need the money. Again, they go to a dealer. They bring the handgun collection to a dealer, he sells it for them. That's no longer permissible.

You also have situations where, for whatever reason, someone may lose their right to possess firearms. If the firearms were not used in a crime, they're not contraband and cannot be confiscated. State law requires that the State give the opportunity to the individual to divest themselves of those firearms. Normally they're in the possession of the prosecutor's office. The individual makes arrangements with a dealer. Those firearms are then transferred to the dealer who sells them for the individual. That, again, would not be permitted under the existing statute.

I would agree that that probably is the biggest defect in this statute -- is the limitation. And I would recommend that there's really no need for reference to dealers in this statute at all. I think the intent was to prevent straw purchases and what was seen as *trafficking*. I don't think that condition existed, but that was the intent. There's really no reason to reference dealers in this at all.

The second issue that I find with this is the exemption that deals with the curios and relics license. I think that was an acknowledgement by the Legislature that they intended to recognize collectors. As has previously been indicated, there's only two ways to acquire a handgun in New Jersey, and that's pursuant to 2C:58(3). One is, you obtain a pistol purchase permit from the police department in which you live. If you don't have a police department, you get it from the State Police. The second matter is if you're a licensed dealer.

A curios and relics license is issued by the Federal government. It's not a State license. If you're issued a curios and relics license, it's not legal in New Jersey to use it unless you've also been issued a State retail license. A State retail license requires, among a number of other things, your zoning office in your town to issue a letter saying that you can conduct a commercial business from the location at which your licensing. There's also a number of other requirements for a State retail dealer that really makes a retail license for an individual beyond their ability, unless they really intend to conduct a business. So a State retail license is not available to, really, most people in the State of New Jersey.

Anyone who has a curios and relics license who buys or sells a handgun with that license without the retail license-- Every transfer he's made is an illegal transfer. So if you were to buy a handgun on a curios and relics license, every handgun that you purchased is a second degree felony that's punishable by five to 10 years in jail, with a presumption of three to five years for each and every handgun.

As an attorney, it was not uncommon for me to deal with individuals who were charged with that. The State Police would often cross reference the State retail list against the Federal list of dealers -- curios and relics dealers. And anyone who did not have a State license they would visit. And any transactions that were made were considered illegal, and those people were charged with illegal transfer.

I think the Legislature acknowledged desire to exempt collectors. I would also acknowledge there should be an exemption to include competitors. There are a number of classes of competitions that require multiple handguns. You have bull's-eye shooters. And normally

there are classes where they use .22s, .38s, and .45s in the same competition. There's Cowboy Action Shooting that requires multiple handguns. There's action shooting with modified and standard firearms. So it's not uncommon for a number of different disciplines to require multiple handguns. As it exists now, you can only get one handgun every 30 days, which certainly interferes with that. My suggestion would be that there should be certain objective standards to acknowledge collectors and competitors.

The other issue with a curios and relics license is just that. It deals with antiques and old weapons. There are a number of people who collect modern weapons. When I was a dealer, I had an individual who used to collect a particular engraved model of a particular firearm. These routinely ran \$5,000 to \$10,000 apiece. I had a local police officer who bought two .45s made by Singer Sewing Machine Company. They were two of 500 made for the Federal government in World War II that cost \$25,000. Many times these items that come up are once-in-a-lifetime opportunities. Some of these collections are sold by older people. They're one-of-a-kind pieces. They literally are once-in-a-lifetime opportunities. I think there should be an exception for collectors and competitors. Again, I don't have a specific reference, but I think it should be an objective standard, not a subjective standard. And it should be a shall issue that if someone meets these objective standards, they should be issued that license.

One of the biggest problems I acknowledge as an attorney is dealing with people who wait an extensive period of time to get their permits. One of the biggest reason for multiple permits that I found is that it's routinely taking six to seven -- anywhere from two to six months for

someone to get a pistol purchase permit. Mr. Miller asked if we thought it was an issue of money. I do not find that's the case.

I had an individual who called me yesterday from West New York, New Jersey, who applied in March, and he still had not received his pistol purchase permit. I get a legion of these calls, and they're not uncommon. It really has nothing to do with money. Every police department in this state has a rule unto itself. They all have their own procedure for issuing permits. They answer to no central authority. And there's no legal redress. The statute says that a permit has to be issued in 30 days, unless there is good cause otherwise. The courts have interpreted that 30 days to be meaningless. And there really is -- unless the police department makes a decision, if they grant the permit -- there's no issue. If they don't grant the permit, you have a right to appeal it to superior court and contest it. But until the police department makes a decision, there's no way to force that issue legally. So some departments are anti-gun, and they delay permits; some have manpower problems and just don't get to the permits; some really don't have an interest in processing them. So it's not uncommon for people to wait six, seven months to get a permit. So very often, to go through that procedure-- You need one permit for each handgun you purchase. So many times people will apply for two, three, four permits at a time. Those permits are only good for 90 days. So once you get them, they have to be used currently, prior to this bill, within the 90-day period. If you were to buy more than two handguns in a seven-day period, there's a Bureau of Alcohol Tobacco and Firearms reporting form that is reported to the BATF as to the make, model, serial number of the

weapons this individual bought. That, obviously, is no longer applicable under this bill, but that was another safeguard.

I have no further comments on this. If there are any questions, I'd be happy to answer them.

MR. BERNARDI: Any questions?

MR. SUSSWEIN: I have two.

MR. BERNARDI: Mr. Susswein.

MR. SUSSWEIN: I'm taking advantage of lawyers who handle these cases.

MR. BERNARDI: Sure.

MR. SUSSWEIN: There is in the code now definitions of a *wholesale dealer* and a *manufacturer*.

MR. NEEDLEMAN: Yes.

MR. SUSSWEIN: I didn't see -- I'm looking at 2C now -- a definition of *distributor*, even though I've heard that term used. Is it fair to say that the definition of *wholesale dealer* is broad enough to encompass what has been described by the witnesses today as a *distributor*?

MR. NEEDLEMAN: I would say so. Because 2C:58-1 specifically mentions the requirement for a wholesaler or a manufacturer to register as so with the State Police.

MR. SUSSWEIN: Right.

MR. NEEDLEMAN: So the statute, basically -- yes, it recognizes a manufacturer, a wholesaler, a retailer. So I would submit that--

MR. SUSSWEIN: I just wanted to see if you thought there was a difference between--

MR. NEEDLEMAN: I would submit that a wholesaler would include a distributor.

MR. SUSSWEIN: Okay. The second one is the same question I asked before. Do you have any specific suggestions on how one might actually scavenge a collector exemption; how to either define it -- the criteria? I mean, we've heard about Maryland. We'll study the Maryland law. But while we have you here, do you have any specific ideas on how that might be done?

MR. NEEDLEMAN: I don't have specific recommendations; I just have two general ones. One is, obviously, that it should be an objective standard. Because one of the problems we had is the subjective interpretation of the statute. So I think it should be an objective standard. And if someone is to meet that objective standard, it should be *shall issue* -- in other words, so there's no question.

And the second would be: I think the main concern should be that the individual is a law-abiding citizen with no prior issues, that he's been investigated, that he has no--

MR. SUSSWEIN: But that would be true in any event, wouldn't it, in terms of acquiring one gun or more than one gun?

MR. NEEDLEMAN: Right. And I would question if the individual meets that criteria, how important would it really need to be to designate him as a collector. I know the corresponding issue to that is then, what happens to the statute? But that would be my observation.

MR. SUSSWEIN: Thank you.

MR. NEEDLEMAN: Certainly.

MR. BERNARDI: Mr. Miller.

MR. MILLER: Thank you.

Mr. Needleman.

MR. NEEDLEMAN: Yes, sir.

MR. MILLER: It's good to see you.

MR. NEEDLEMAN: Pleasure.

MR. MILLER: You mentioned, and other people have mentioned, various competitions -- I think the Cowboy Action Shooting. Is that--

MR. NEEDLEMAN: Correct, yes.

MR. MILLER: The different competitive-- I assume there are sanctioning bodies for all of these competitions.

MR. NEEDLEMAN: There are.

MR. MILLER: So that someone who is going to compete first has to approach a sanctioning body and get approval to do so.

MR. NEEDLEMAN: That's correct. And I think as far as a collector, it's a more nebulous term. I think as a competitor, it would be easier to come up with a definition that someone would have to be a member of one of these sponsoring bodies to these matches. They may have to show proof of enrollment in a certain number of matches and membership in the designating groups. Because yes, to answer your question, most of these are sanctioned and supervised by various bodies. And I think there certainly could be made a list of those organizations.

And I think as far as a competitor, if someone was to show proof of enrollment in one of those organizations and maybe enrollment in a certain number of matches to substantiate their position as a competitor, I

think that would be a much easier standard or objective to come up with than maybe the definition of a *collector*.

MR. MILLER: Thank you.

MR. NEEDLEMAN: Thank you.

MR. BERNARDI: Any other questions? (no response)

Thank you, Mr. Needleman.

MR. NEEDLEMAN: Thank you.

MR. BERNARDI: We appreciate it.

I would like to call Mr. Robert Barush please.

Mr. Barush.

ROBERT BARUSH: Thank you, Mr. Chair, members of the Task Force.

That's Barush, B-A-R-U-S-H.

Before I read my statement-- My statement is more from the law-abiding citizen's perspective, not-- We heard a lot about dealers, and I learned a lot just sitting and listening, and realizing what a problem this is.

And I just want to-- With all due respect, I just want to-- What are we going to do with the next law that comes around? Because it seems to me that we should do this before it's signed and not after. And I just wanted to say that, because there's just a tremendous amount of knowledge in this community. And it was clear to me, listening to everybody, that they have a lot to offer -- a lot of expertise. And we really could have cleared up a lot of these issues, or maybe understood that this law is so problematic that maybe we shouldn't have done it, if we would have talked about it in this regard before hand.

Thank you.

My name is Robert Barush. I'm the Director of Legislative Affairs for the New Jersey Coalition for Self Defense. We're a volunteer, nonprofit organization. Our objective is to save lives and make communities safer by teaching, training, and inspiring New Jersey citizens to develop for themselves the means of proper self-defense.

Our position is that our laws can be crafted to hold criminals accountable for their actions while still protecting the rights of law-abiding citizens to have access to the tools that they need to defend themselves or for their pastimes. We're pleased to have this opportunity here today to discuss the much-needed changes to the one handgun a month law.

Let me first start by saying that there are many issues that the members of NJCSD -- in learning that we were going to have an opportunity to speak -- have asked me to address. And in the interest of keeping this focused on one handgun a month, I've provided a second list. And I'd just like to take a second to say, as part of your 18-month review, if you're reviewing any of these other gun-law-related subjects, we would like to have the opportunity to participate if you'd let us do that.

Today we'll cover our specific concerns and suggestions regarding one handgun a month, and then provide a general statement on behalf of our members. They've asked me to do that so that you could get a sense of their frustration.

But we see this as the first step of a process of communication and understanding the elements of each issue. And we hope that our perspective -- our law-abiding citizen perspective -- because that's our members -- will begin to put the sense back into commonsense gun laws.

A quick quote: "To ban guns because criminal use them is to tell the innocent and law-abiding that their rights and liberties depend on not their own conduct, but on the conduct of the guilty and the lawless." We believe that this simple paradigm applies to all liberties and natural rights affirmed and guaranteed to us by our Constitution and protected by our Republic, which is engineered to support and defend the rights of all, especially the minority. And you'll see the reason why I say that in a little bit.

Even the Governor of the State of New Jersey acknowledges that we have some of the most restrictive gun laws in the nation. Yet despite these laws, our State has not benefited from the same kind of reduction in crime that 40 other states have enjoyed since clearly recognizing the individual's right to keep and bear arms.

Before this hearing, we struggled for many hours to come up with a list of exemptions that would somehow make sense and mitigate the impact that this legislation has on law-abiding citizens. We came up with some pretty good ideas and mechanisms to decide. Some of them have been mentioned already. I'll run through them quickly.

If you're a sportsman, any New Jersey citizen who can present at time of purchase a membership card in his or her name, or in the primary member's name if it's a family membership, of any New Jersey gun club that's properly organized according to New Jersey law.

Dealers and collectors I learned a lot about today, and now see the trouble if you just have an FFL license. So I will defer to the previous attorneys' statements in that regard.

Hunters: any New Jersey citizen who holds a valid New Jersey hunting license. Getting a hunter's license is a very involved process. It's very safety-oriented. I don't see why we should just recognize sportsmen and collectors, and not hunters. There are areas in the United States that allow hunting with handguns that do allow carrying a handgun for self-protection when you're hunting. There is not a wall around New Jersey. We can go to other places, but we can only buy handguns in New Jersey.

And one thing that hasn't really been talked about at all is job related: which is the people who do have a permit to carry a handgun in New Jersey. They're being ignored here. Their lives depend on this. If something happens to their duty gun, and they've already -- maybe they bought a target pistol or something earlier in the month, and they need another gun to protect themselves and whatever they're protecting for their employment, they're left out in the cold.

So I feel that anyone who has a New Jersey permit to carry a handgun should also be exempt. That seems 100 percent clear.

But after bouncing all of these ideas back and forth among ourselves, we could only come to one conclusion, and that is that no group of law-abiding citizens has more or less rights than another group of law-abiding citizens just because of their pastime. I mean, I'm a competitive shooter. I shoot bull's-eye. I grew up shooting small (indiscernible). I really hope there's an exemption for sportsmen.

But how do we exempt-- How do we tell some people that they have more rights than other people? Our whole Constitution is set up to prevent that, and we've missed it here. We missed it. That's why I say we have to do this beforehand and not afterwards.

We believe that the Second Amendment guarantees an individual's right to keep and bear arms for all lawful purposes: hunting, sporting, collecting, recreation, and especially self-defense. I would also include in there -- it's not in my statement -- but preparing for service in the armed forces is also very important. I served as an executive officer in a basic training unit during my five years in the military. I'm a West Point graduate, Class of '89. And it was very clear to me -- when the thousands of people came through my unit that we taught marksmanship, among other things, to -- who had prior experience with that and who did not. And here we are shipping these guys off to who knows where. And, in New Jersey, they don't have the same opportunity to prepare themselves as other places. I realize it's not one gun a month, but I feel like it's important to state.

Regarding one gun a month, somebody said that -- I believe it was Mr. Needleman who said that -- I'm sure that the idea was not a handgun ban. But it's difficult for our members to come to grips with that when at the end -- just after signing the bill you watched a video. When the Governor signs the bill, what are the first words out of his mouth? "We have a gun ban." That's the first thing he says. So from our perspective, how can we believe that this was not the intent? It's difficult to come to grips with it. We want to believe that it's not the intent, but there it is right there.

MR. BERNARDI: Mr. Barush, I think the fact that this committee is here today indicates that there is no intent to ban guns in this state. And while the Governor may have made that statement -- and I'll take your representations to that -- I think he meant that there was more regulation now of the way guns were going to be handled in this state, not

an absolute ban on them. And I think you have to agree with that. This bill does not ban possession of firearms, it limits the number that one can buy in a given timeframe. That's what it does, nothing more, nothing less. There are some valid points that have been raised this morning, and that's why we're here to hear about them and try to remedy that.

MR. BARUSH: I understand what you're saying, Mr. Bernardi, and I appreciate it. But please understand, from the perspective of those who heard him make that statement -- and you can pull it up on YouTube and watch it if you want -- he did make the statement.

And what we used as our basis for our position -- many of them have already been stated. But one that I would really -- two that I would like to state-- Because I tried to get the data. I did an OPRA request. I had to do an OPRA request because the Governor's Office wouldn't give it to me. I asked for the data that supported the Governor's position on one handgun a month, because we wanted to post that on our Web site and let our members read it for themselves and make an informed decision. They refused to give it to me. I have a denied OPRA request that says, "It's consultative and deliberative, and we cannot provide it to you."

One thing I'd like to ask is: Can we see that information? Can we see the data that was used to support this? Because when we-- Verbally I was told by the Governor's Office that it was the ATF data. So we looked that up. And two things really struck us. One was that-- On the second page it states that not all guns traced were used in crimes. And then a couple of pages later, it clearly states that the time to crime for traced guns is not near the time of purchase, as you would expect with a straw purchase, but 12.53 years later on average. That completely obliterates any notion

that this is about straw purchasing or that a significant number of multiple purchases have taken place. Where is the information? We want to see the information. I mean, respectfully, we'd like to see it.

MR. BERNARDI: Mr. Barush, I'm going to interrupt you. Do you remember at the beginning of this what I said about not relitigating the wisdom of the bill?

MR. BARUSH: Yes, sir, I do.

MR. BERNARDI: Isn't that what you're now attempting to do here with the benefit of having your statements videoed by one of your colleagues?

MR. BARUSH: I'm here on behalf of our members because they're concerned.

MR. BERNARDI: I understand their concern, but I'm going to ask that you address specific issues you have about the bill and any limitations that it places on any interested parties that you represent, or as the attorneys and others have spoken here today -- parties that they represent or have an interest in, such as dealers, wholesalers, distributors, or users -- individual firearms purchasers, please.

MR. BARUSH: Okay. But are there going to be any other Task Force meetings as you review the other issues?

MR. BERNARDI: We'll address that after today. But I'm not going to respond and banter with you with regard to will there be more meetings. There may be, there may not be. We have a report we have to have out by the end of October. We've already heard a lot of information here that the committee will consider to make recommendations to perhaps amend this legislation.

So I'd like to hear if you have any suggestions with regard to the bill in terms of amendments or suggestions to correct any flaws that you perceive.

MR. BARUSH: Yes. Understanding what I said already, and clearly it cannot exempt one group of law-abiding citizens and not another because of their pastime-- The exemption, in our opinion-- And I understand that this makes the law have no effect at all. But the exemption has to be something that exempts all law-abiding citizens -- such as anyone who has gone through the process to receive an FID card would be exempt from one handgun a month. How can it be anything other than that? Everything about it is problematic.

MR. BERNARDI: Well, as the other witnesses testified, perhaps there is a basis for distinction of a retail dealer, or a wholesaler, or a distributor versus the average citizen.

MR. BARUSH: Yes, I agree. I think that's separate from the law-abiding citizen--

MR. BERNARDI: Well, that's a distinction which you just said shouldn't be given to anyone.

MR. BARUSH: Right. What I mean by that is the common citizen who is not a dealer, and not a manufacturer, and not a wholesaler, not a retailer. There's 8 million of us. To take one group and say, "You have rights because you're a member of a particular club," and to take another group and say, "You don't have rights because you work two jobs, and you don't have time to do it," is very troubling to us.

MR. BERNARDI: I understand what you're saying, but you would acknowledge that's the legislative prerogative that, by the way, three

or four other states before New Jersey had decided to impose upon their citizenry.

MR. BARUSH: And one of them has repealed.

MR. BERNARDI: I'm sorry?

MR. BARUSH: And one of them has repealed already.

MR. BERNARDI: One has and three haven't at least, correct?

MR. BARUSH: Yes, one has and three haven't. But it doesn't make it right.

MR. BERNARDI: Well, we're not here, again, to debate that point. It's something that the Legislature has decided is relevant to controlling the sales of firearms. You have your view that that may or may not be effective in it, or something that even government should be involved in. I understand that.

But let's talk about what in the bill you're troubled by, if anything -- other than the distinction it makes among various groups.

MR. BARUSH: I think that we have a unique opportunity here. And please believe me that we're here in a constructive fashion. And before coming up here, we spoke at great length among our staff members and among our members. And we talked about this very thing happening. We expected that someone may say, "Okay, but--"

But what I'd like to leave you with is, "Okay, but our members are asking us to, 'Please, speak on our behalf, because this has gone too far.'" This is one law, but it's a trend, and it's a bad trend. There's a trend in New Jersey of holding -- of not distinguishing between the law-abiding citizen and the criminal. And that's what I'm hoping this is the beginning of -- is to understand that this is what our members see, that-- A BB gun,

for example-- A BB gun is considered a firearm. Someone can go to jail for owning a BB gun -- for possessing a BB gun. And we don't see the distinction between losing your father to a crime and losing your father because he made a mistake.

MR. BERNARDI: Okay.

MR. BARUSH: So I just hope that this is the beginning of a conversation, and we would like to be included in that conversation.

And I appreciate your time. We feel like we have a lot to offer on the other issues as well. We think that the exemption should be for all law-abiding citizens. We ask that you consider that and realize that it destroys the law, but maybe that's exactly what should happen.

MR. BERNARDI: Thank you.

MR. BARUSH: Thank you.

MR. BERNARDI: And by the way, you're free, on behalf of yourself or your association, to submit anything that you can propose or recommend to this Task Force for consideration. I'm sure you know that. But certainly feel free to submit it.

MR. BARUSH: I appreciate that.

MR. BERNARDI: Thank you for coming. We appreciate your time.

MR. BARUSH: Thank you.

MR. BERNARDI: The Chair would like to call upon Carl Leisinger.

I hope I pronounced that correctly, Mr. Leisinger.

CARL A. LEISINGER III: My name is Carl Leisinger; that's Carl with a C, L-E-I-S-I-N-G-E-R.

Good afternoon, esteemed panel.

MR. BERNARDI: Good afternoon.

MR. LEISINGER: A brief introduction, for those who don't know me. I am a retired major in the New Jersey State Police. I served with the New Jersey State Police and the State for 32 years. I was supervisor to the Firearms Investigation Unit. I'm a firearms dealer, State and Federally licensed. I am a firearms collector; a member of the South Jersey Collectors' Association; competitive shooter, both rifle and pistol.

I will keep my comments under 10 minutes, and everything I say will be relevant.

I happen to wear many hats, and I bring to this panel years of experience, historical knowledge concerning firearms, their regulations and their enforcement. In 1967, the New Jersey gun law was preempted to the proposal of the Federal law, passed a year hence. New Jersey incorporated safeguards so only persons deemed lawful could purchase a firearm. Also, no one could be denied without cause.

We have improved efficiencies into our laws, whether they be Administrative Code, revisions, and of course, the NICS system. I'll give you a little history real quick, and then I'll get right into the heart of the subject. When the shotgun bill was proposed 20 years ago, the AG's Office drafted a young DAG to put together this legislation. At the time, I was the supervisor of ballistics. His knowledge was slight; mine was great. So he came to me to seek out my knowledge, to learn about firearms, to craft this legislation. His name was Peter Harvey. He later became their AG.

Well, when I saw this total ban in effect, being a competitive shooter, of course I was a little alarmed by the simple fact that two of the

guns named on the ban were the guns I use in competition. And Peter Harvey and I discussed the efficacy of the citizen using a rightfully owned weapon firearm, in competition. I told him of the legitimacy of tube (indiscernible) firearms, one being an M1A made by Springfield, another being the AR15 made by Colt. And also I touched on the subject of collectors.

We deemed necessary to include those two exceptions in which we could register an assault firearm as a carded assault firearm -- of course, it had its window, and the window is obviously shut -- and I did so. And also, a collector was not left out on this exemption. He could also register a gun as an inoperable assault gun. So we had two exceptions to that law. So now I lead into this one.

This brings me to exceptions to add to this crafted legislation, and possible implementation methodology. Competitors and collectors, as I previously spoke of, and their exceptions that Peter Harvey installed in the assault gun legislation can be done so with this legislation. It shows the faith the State has in the legitimate citizen of this state. The legislation will then better target those who have illegal intentions in their actions.

As Evan Nappen stated -- and he stole a little bit of my thunder, but he did it well -- when I was in Firearms as a supervisor, you carried a relic license, which is a Federal Firearms License 03. It has no utility in this state, for the simple reason you must have a New Jersey firearms license. So around 15 years ago, we sent a letter to all these 03 license dealers and told them they were invalid in this state unless they had a New Jersey firearms license. Most of them gave their licenses up for

obvious reasons, as a result of our letter; some did not, and some were visited by us.

To use this as an exception, in this one gun a month, is moot and offers zero remedy -- it has no utility in this state. Also the exemption mentioned in the legislation for Federal, State, and local law enforcement officer for use in actual performance of their duty should be taken a step further. Bear in mind that many dedicated law enforcement types engage in competition to keep their senses sharp and their subconscious mind trained to immediately act in the line of duty. This is why in police work you practice over and over, and in a time of crisis your subconscious takes over. And this is what you're really training.

I was one of those types. You can refer to the exhibit I have given to you as Exhibit 1; in the upper left hand corner is my High Master certification with police combat pistol. A competitor, in most cases, will require at least three guns. One he shoots, one he brings to the match as a back up, and the one that's constantly in the gunsmith being rebuilt. It's a revolving cycle in the equipment, and a constant practice of the senses -- senses that may determine life or death.

Depending on the competition, a gun will be fired tens of thousands of rounds a year and require extensive rebuilds on a regular basis. In most all cases, these guns are personally bought and owned, not through the department. This would be another possible exemption.

There are other areas that can be amended in this legislation as exemptions: one is bona fide competitor. Competitors are classified as to their skill level by their particular competitive governing body, the NRA being the most prevalent of those governing bodies. This classification card,

which is not easily obtained -- you must shoot at least 360 rounds to even receive it, and you must be current in a certain period -- they will drop the card from you as being an inactive card if you do not stay current in your competitions. So this is not something that somebody can just pick up and have. This could be used as an exhibit to a dealer as an exemption to more than one gun a month.

Another is a bona fide collector. Collectors, but not all, belong to a formal organization. My Exhibit 2 shows my card for that. In a formal group, or none at all, that is the problem. That is basically the grey area. That particular individual should not be made to suffer as a result of this legislation.

Another remedy would be also if he belonged to an organized shooting club. My cards that I show in that exhibit, the shooting clubs that I belong to, you must belong to the NRA, and basically if you're not recognized as somebody reputable, most of the shooting organizations will not take you in. It is not a casual thing, especially in this day and age.

Another thing I would like to mention, in closing, is the straw purchaser. I can only assume this is why this legislation was brought into being, so a person doesn't go in, buy multiple guns, take them out and illegally sell them to a person who's not legal to purchase. As the supervisor of the Firearms Investigation Unit, the straw purchaser was not even a blip on our radar screen. It doesn't happen in this state, for the simple reason that those persons who buy bulk guns to sell illegally are thwarted by our 1967 gun law. This law (*sic*) is not a receiver -- I mean, a donor state; it is a receiver state from those other areas that do not have our gun laws.

So today I've given the panel some suggestions, and what they can do to incorporate into the one gun a month -- by the competitors, by the collectors, and possibly the use of a bona fide card, or a card that you may choose to implement through the State.

So with that, I thank the panel very much.

Any questions?

MR. BERNARDI: Senator Madden.

SENATOR MADDEN: Hello, Carl; it's nice to see you.

MR. LEISINGER: How you doing, sir?

SENATOR MADDEN: Carl, just to talk about the collectors for a second, here. If we could focus on the collectors.

MR. LEISINGER: Yes.

SENATOR MADDEN: Collectors can be in a formal group setting. I think you said some of them may be required to be in the NRA or something.

MR. LEISINGER: That is mostly in the gun clubs. The NRA does-- You can belong to the NRA, yes. But that's not a requirement. Most of the collectors are centered around-- It can be a particular type era, a particular type gun, and they would meet and just maybe discuss what they have and become more fluid in knowledge of that particular area. But being a member of the NRA may or may not be a requirement or -- but their charter so proposes.

SENATOR MADDEN: So the collector who is part of some formal group--

MR. LEISINGER: Yes.

SENATOR MADDEN: One group of people -- and then there's the other collectors who see themselves as a collector of just, say, Smith and Wesson, Colt Detective Specials over the years, but they're very private in nature. Is that pretty much the two classes that you see as collectors?

MR. LEISINGER: Exactly.

SENATOR MADDEN: Thank you.

MR. LEISINGER: I'll use me as an example: I've been collecting for 35 years, and I just joined the New Jersey Collectors Association last week. So was I an avid collector? Absolutely. Did I buy all my guns legally? Absolutely. Did I ever buy more than one gun at one time? Absolutely. But, I wasn't a formal collector as far as being in a group, but I have now joined a group.

SENATOR MADDEN: Not focusing on your personal collection, but from your years of experience: for a collector -- a general person in their home, or even somebody who is in the group, it's irrelevant -- could you, for the sake of the Task Force, give us some indication what a gun collector, a gun enthusiast may have in terms of the number of firearms at any given time? Ten? Two hundred? I mean, it's a high and a low number, I know, but I think for the benefit of the Task Force-- A lot of people are unaware that individuals can have an exorbitant amount of firearms. I believe that Mr. Bob Viden testified about an individual who had transferred 110 guns. Just trying to get an idea-- If you're into collecting, what kind of buying, if you could expand on that. I know a lot of the collectors have expressed that they buy these as investments, also. And over time, they-- I guess that's where they do it. Other people put their

money in real estate, or stocks, or muscle cars, and gun collectors buy guns. I just want to understand the principle and concept. I was just trying to get an idea of what the -- how passionate this could actually be. Could you talk about that briefly for a few minutes?

MR. LEISINGER: It's interesting, you can go two directions. You can go in volume, which some people do. They try to get one of everything in one particular group. Or what some people do-- If I have one gun that is very valuable, and very nice and very rare, but if I see one that's nicer, I'll get rid of that one and replace it with this one. So did he have a large number? Not particularly. But did he have a valuable collection? Yes. But most people do deal in numbers. If I were to exterminate my collection, so to speak, I could probably put two brand new Beamers in my garage. (laughter)

SENATOR MADDEN: Thank you, Carl.

MR. LEISINGER: Thank you, sir.

SENATOR MADDEN: Thanks, Mr. Chairman.

MR. BERNARDI: All right; any other questions? (no response)

Thank you, sir. I appreciate your time coming in today.

I would like to call upon Carol Katona next.

Ms. Katona.

CAROL KATONA: Good afternoon. Thank you for allowing me to speak.

My name is Carol Katona; K-A-T-O-N-A. I am president of a target shooting club in New Jersey.

For those of you who are not shooting sports enthusiasts, I would like to draw a little parallel with golf here. You need more than one

golf club to play golf. Our hobby is shooting; we need more than one gun to pursue our hobby. A 2,700 pistol match requires two guns, at least, and usually three. I use three myself. Then there's free pistol, air pistol, single-action revolver, double-action revolver, Magnum handgun, pistol silhouette handgun, practical pistol, police pistol, cowboy action. I'm sure somebody else could come up with some more. But all these handguns are used for different purposes, and all for worldwide sanctioned competitions. One gun a month could seriously handicap a competitive shooter, and we are talking also about the Olympics, where free pistol is a competition.

Many competitors buy two of the same model firearm at once, just in case of mishap, and you will find competitors carrying two of each gun that they use in competition, just in case. Collectors, of course, buy handguns in sets. We've already discussed eras of handguns, so I won't go into that.

As long-term president of a New Jersey target club, registered with the State Police, I can say our 450-plus members are quite upset, and they're trying to stock up on any handgun they think they might need in the coming year. They are doctors, lawyers, plumbers, electricians, bankers -- target shooting is their hobby, much as maybe golf or tennis is yours, and they need the equipment to pursue this hobby.

The one gun a month law only penalizes legal, responsible firearms enthusiasts. Only last week, September 15, in the *Trenton Times*, they reported a man sentenced to Federal prison for arranging straw purchases of guns. The purchases were made in Pennsylvania -- the New Jersey law would do nothing to stop this.

As competitors and target shooters, we need exemptions for competitors, the legitimate members of target clubs; also for collectors and dealers. It would be easy to exempt members of target clubs, because, as required by law in New Jersey -- I don't have the exact number, but it's 22:C -- I think it's 3 -- every year we are required to report to the State Police, and relinquish to them a roster of our members. So any members would be listed with the State Police; also, they would carry a membership card. And I believe this exemption should serve to identify them as legitimate shooters.

Any questions?

MR. BERNARDI: Any questions at all?

SENATOR MADDEN: No.

MR. BERNARDI: Can I ask you this: You're a competitor, right? You've labeled yourself?

MS. KATONA: Yes.

MR. BERNARDI: How long have you been doing that now? Approximately?

MS. KATONA: Since 1981; I was a late starter.

MR. BERNARDI: Okay; you have a collection of handguns, I assume?

MS. KATONA: I have my competitive handguns, most of which I just listed here for you. I've taken medals in most of them, except Magnum. I haven't done that one yet.

MR. BERNARDI: I'm just curious -- how many times in the past have you made a purchase of more than one handgun at a time, in your entire career?

MS. KATONA: Several.

MR. BERNARDI: Several?

MS. KATONA: Yes. When I got into the 2700s, I was told you only needed two guns. Well, a .45 beats me up, so I wanted something a little less for the medal competitions: .22 caliber, centerfire caliber, and .45 caliber.

MR. BERNARDI: What's the largest number of firearms, or handguns, that you ever purchased in one transaction?

MS. KATONA: Three.

MR. BERNARDI: Three? Okay.

That's all I have.

MS. KATONA: Thank you.

MR. BERNARDI: Excuse me, ma'am; Mr. Nixon has a question.

MS. KATONA: Yes.

MR. NIXON: Carol, thanks for being here.

As for your golf analogy -- one club, 13 clubs -- it doesn't seem to help me much at all. (laughter) I'll just shoot at the ball -- it might help me be a little better.

It seems to me there's two classifications here that come up a lot and seem to get interchanged -- one is collectors, and one is competitive shooters. And Ron Susswein and I were talking that you could almost merge the two together -- sometimes one is part of the other, but not necessarily so -- so I want to stick to the competition side of this. You had mentioned that you obviously represent a large organization. There are other organizations like yours in the state?

MS. KATONA: Yes, several.

MR. NIXON: Several? They all have to file with the State Police, the same way that you do?

MS. KATONA: It's required.

MR. NIXON: All right. So what would you think about a certification on your firearms ID card that -- or a separate card -- that identified you? Is that a realistic way of going about identifying somebody who is a competitor, or should you have to (indiscernible) a little more that you're with the USOC, or some other organization nationally, or within the state? How do we make sure that we encompass people who participate in the kind of competitions that we have in this state?

MS. KATONA: Well, there would be several ways of doing it. I think the easiest way would be for legitimate members of target shooting clubs to be exempted with their membership cards. As I said, all the members are listed with State Police, and that could be checked. I understand from talking with the State Police that they have lists of our members from years back, most of which are dead now. That would be a realistic way of doing it, and I am certain I could provide the State Police with an Excel program that would make it easier to track, should it be necessary. This seems to me the easiest way to do it -- if you're a legitimate member of a shooting club, you will have a current membership card. And if you present that with your firearms ID card, I would think that would be sufficient.

To get into our club -- I don't know how other clubs are -- but to get into our club, you must have a New Jersey firearms purchaser ID

card. We use the State to vet our members, so that we don't take in anybody who may give us problems.

MR. NIXON: Thanks, Carol.

MR. BERNARDI: Thank you very much, ma'am.

Is Mr. Stan Gurski here, please? Mr. Gurski.

S T A N L E Y J. G U R S K I: My name is Stan Gurski; that's Stanley G-U-R-S-K-I. I am the present historian and former president of the New Jersey Arms Collectors Club, Inc. And when I finish my presentation, based on some of the information, maybe we'll talk about collector club versus what I call *closet gun freaks*.

Mr. Chairman, members of the Firearms Advisory Task Force: I thank you for the opportunity to testify. I am disappointed that these hearings were not held prior to the Governor signing this bill. I am sure many people will testify today why this bill should not have been signed. I will concentrate on its impact on collectors.

You must realize that most collectors do not wish to part with their collections. That a collector would buy a handgun under New Jersey's repressive laws, then sell that firearm to a criminal knowing it's registered in their name, is highly unlikely. The exceptions built into this law need to be expanded.

First, we have the issue of the Federal collector's license. This is an aid to collecting in most states; it is a trap in New Jersey. State Police enforcement has treated the collector's license as an unlicensed dealer, in the past subjecting holders to searches, arrests, and prosecution. The leading law book on New Jersey gun laws by Mr. Nappen, who spoke before

me, has always warned New Jersey collectors: avoid getting one. It just puts you at risk.

A major problem for collectors is that dinosaur, the pistol purchase permit, established in the pre-digital age. Its real value is that it lets a private seller know that the transfer of the firearm is not going to a prohibited person. For that narrow purpose it should remain. With the passing of the Brady Law years ago, all licensed dealers can do a background check at the time of purchase in a matter of minutes. In many ways, when you go into a dealer, your pistol purchase permit is superfluous. It's unnecessary. We have a mechanism under Federal law to check you out.

My own experience as a municipal police officer, who was placed in charge of processing firearms applications back in the 1970s, I can assure you that in the age of teletype and snail mail there were many legitimate excuses for not processing somebody in the 30 days the law called for. But that part of the law has never been enforced. A year ago, I changed residences and had to wait three months to get a change of address. And the police department basically told me, "The woman who helps out the secretary is going on maternity leave. And since Obama got elected, we've had so many applications; and we have other priorities." Just to get a change of address, okay? If the Legislature is serious about having its laws enforced, then it must order sanctions on those agencies that do not process the present permits in time, or give them the resources to do it. To the best of my knowledge, no agency has ever been indicted, or person indicted, for not meeting the 30-day deadline.

There is absolutely no need to keep that permit system when purchasing from a licensed New Jersey dealer. I have received a permit

from my chief, and driven to a licensed dealer 30 minutes away, after the chief signed it -- being a town councilman you get some privileges, okay? I then had to pay for another, second, background check. Were the records that old so fast, or public safety so endangered, that I needed to be rechecked twice in 30 minutes? With the digital age, and the National Crime Information Center, any resident of New Jersey should be able to purchase a firearm, a sidearm, from a licensed New Jersey dealer in the same way we can purchase a long arm. The resources and manpower saved could be put to better use tracking down firearms found in the possession of violent felons.

Under the present system, many collectors pay for items at a store, and then let them just be stored there until sufficient number have been put away. Then they go through the hassle of getting a number of permits, and go through one Federal check. A collector may acquire 12 handguns in one day, and then none at all for the next year. I don't like one every 30 days; 12 a year would be better.

When a New Jersey resident does make a multiple purchase, on the same day or within -- I think it's seven days -- from a licensed New Jersey dealer, he is subject to the multiple sale reporting procedure under Federal law. The ATF then can investigate to see if the purchase was for sport, collecting, or a possible straw purchase. Usually it's easy to spot the collector, because they buy a variety of what we call *curios* and *relics* that follow a theme.

Now, the purchase of brand new firearms does not necessarily mean a person is a straw purchaser. In the same way that stamp collectors buy brand new stamps by the sheet the day they are issued, or coins in proof

sets from the U.S. Mint, some collector investors buy brand new guns as soon as they are available. They secure these firearms we call *new and in the box*, and never fire them or fill out their warranty cards, to preserve their condition. Depending on the availability to get these guns from a manufacturer to a licensed dealer, they might buy five one month and none for the rest of the year. This harmless activity/hobby should not be a concern for public alarm. It's not the gun, but who controls it that is the potential danger. ATF already has the tools to investigate suspicious purchases of large numbers of side arms by any one individual.

A particular problem that may occur is when an executor -- and that's the way most gun collections get sold -- it's not the collector, it's the executor -- has to sell off a large collection to satisfy an estate. Persons wishing to buy parts of that collection may have to get dozens of permits under the present system, and under this law it could take years to legally dispose of the collection. Unless you sell everything to a dealer -- assuming you change that regulation. Right now, you couldn't go to a dealer. Uncle Charlie passes away, and he leaves you 50 handguns -- look for 50 individuals with pistol purchase permits. Allowing people to buy more than one handgun at a time from an estate should be an exemption in your law. Federal law recognizes the concept of curios and relics, and that seems to be some confusion here among the non-collectors. Antiques, under Federal law, are any firearm made before 1899. Curios and relics are any guns at least 50 years old, and/or on a list of items that received their value from their historical connotation. Okay? Curios and relics are firearms that get a substantial part of their value from their historical links. New Jersey, though, treats them all as modern firearms. If you had a gun from Custer's

last stand -- a Colt single-action Army that Custer's lieutenant carried -- New Jersey would treat it as a modern firearm.

Exempting any firearm that's ever been defined by Federal law as a curio or relic under the one handgun limitation I think would be a major reform that I hope you would consider. In place of the Federal collector's license, with all its risks, may I suggest that membership in a club or historical society be considered? Gun clubs that file their charter with the Superintendent of State Police, and annually submit lists of its members -- and I've got the statute here, New Jersey Statute 2C:39-6(f) -- could issue membership cards that combine the proof of residence in a pistol purchase permit. And I would recommend opening up to U.S. military ID -- active, reserve, guard, retired -- law enforcement ID. As a police officer, I was in one town, lived in another -- yes, I had to apply for a pistol purchase permit in the town where I lived, not the town where I served. You'd think my ID -- particularly now with NICS -- here's my picture, I claim to be this person, here's my address. In a matter of minutes, in the digital age -- you can do it as fast as you make sure my credit card's still valid. All right? Having a special collector endorsement to the firearm purchaser card might also be an option.

True collectors don't want to give up the items they've searched for. If they could take them to the other side, they probably would; putting them in the casket makes it too heavy to carry. I would hope that laws on inheritance are not adversely impacted by not allowing an heir to take immediate custody of a collection that might be worth a substantial amount of money and also sentimental.

Like many other collectors, I am upset that the Legislature decided to pass a law with good intentions, but unintended consequences. Like the church lady who was told that the minister is only allowed to give her one sip of communion wine a month to fight alcoholic motorcycle gang members who destroy small towns, you would want to know, "Why are you picking on me?" Go after the people who engage in straw purchases. Go after violent felons and find out who provided them with the tools to do the damage.

We as collectors are not the problem, harassing us not the solution. We are the present custodians of historical artifacts. Educating people, preserving and passing on to another generation these concrete reminders of our historical heritage and essential freedoms is a mission we have volunteered to serve.

It is a shame that the persons who wrote our State Constitution gave us an abridged list of fundamental freedoms government must protect. The failure to include the right to bear arms, by the first state that ratified the Bill of Rights, is a blight on our state. Hopefully, the Legislature will eventually offer a referendum to correct this fault.

I thank you for listening to me. I hope the Supreme Court rules that the Second Amendment does apply to the states through the 14th, so we can come back, reform New Jersey laws, rather than make them more contemptuous of our fundamental American freedoms.

Any questions on collecting, maybe I can help.

MR. BERNARDI: Any questions? (no response)

MR. GURSKI: No questions?

MR. BERNARDI: No. We appreciate you coming in.

MR. GURSKI: Thank you very much for your time.

Mr. BERNARDI: Brain Sisz? Mr. Sisz?

B R I A N S I S Z: Brian Sisz, S-I-S-Z.

MR. BERNARDI: I apologize.

MR. SISZ: Sisz.

MR. BERNARDI: Sisz. I got it.

MR. SISZ: My family owns the Sportsmen's Center, which is in Bordentown, New Jersey, not too far from here. We are a dealer. The way that this law is crafted toward the dealers -- once January 1 hits, basically we're only going to be able to do business with what we have left in stock. Because we're not going to be able buy guns from other dealers, because they're going to keep them for themselves. So basically we're out of business selling handguns, unless an individual comes in and we can buy the one a month, and sell that one and be done.

MR. BERNARDI: Because now you can't get it from a manufacturer.

MR. SISZ: Correct. Manufacturers are done, wholesalers are done, distributors are done.

MR. BERNARDI: Got that.

MR. SISZ: The economic impact in these trying times -- I mean, if that ends up being the case for me as a dealer, I'm going to be laying people off, cutting back my business, consolidating basically. And it's not just the gun sale itself, it's the other sales that go along with the gun sale -- whether it's other accessories, clothing, footwear, fishing equipment -- there's a lot of stuff that you get with that. You lose that customer, you lose all of it.

MR. BERNARDI: We all understand and appreciate your concern there, clearly.

MR. SISZ: That's pretty much it. I really appreciate the time, having me on--

MR. BERNARDI: I didn't mean to cut you off.

MR. SISZ: That's fine.

MR. BERNARDI: Clearly the economic impact to retailers like yourself is there. Can I ask you, what's your general inventory run in handguns?

MR. SISZ: At any given time, or--

MR. BERNARDI: Yes, on an average.

MR. SISZ: An average -- it could be 100 handguns, it could be 150 handguns. We do have the situation, too, very similar like what was said before, where guns will come in from an estate or something that has to be transferred to another member. We know it could be high numbers like that, and they're going to different people. And items like that.

MR. BERNARDI: And do you accept trade-ins?

MR. SISZ: Yes.

MR. BERNARDI: How about consignments?

MR. SISZ: Consignments we do also, yes.

MR. BERNARDI: You do, okay. From private individuals?

MR. SISZ: Yes.

MR. BERNARDI: Very good. Thank you.

MR. SISZ: Thank you very much for having me.

MR. BERNARDI: We appreciate it.

Ryman Navoa, is it? Mr. Navoa? I hope I got that one right.

R Y M A N N A V O A: Close; pretty good.

MR. BERNARDI: Not bad? Navoa?

MR. NOVOA: Navoa, yes.

MR. BERNARDI: That's what I thought.

MR. NAVOA: Good afternoon.

MR. BERNARDI: Good afternoon.

MR. NAVOA: My name is Ryman Navoa; N-A-V-O-A.

I am here to testify on behalf of Frank Caso, proprietor of Caso's Gun-A-Rama, located in Jersey City, a retail firearms dealer for the past 42 years. Mr. Caso was unable to attend today, and asked me to accept your invitation to speak and communicate a perspective that will hopefully help the Task Force ensure that lawful citizens are not adversely affected by the current changes in New Jersey firearms legislation.

I would like to thank the Task Force, in advance, for taking the time to listen to my testimony today.

With all due respect, the new one gun a month law is severely flawed and will not only adversely affect law abiding citizens, dealers, collectors, and competitive and recreational firearms users, but will effectively only impact these specified groups; because nothing effectively addresses or curbs criminal firearms behavior. If this law is not meant to impact lawful firearms owners, many more exceptions need to be considered.

As it is now written, the one gun a month law will adversely affect retail firearms dealers. This law will reduce revenue and increase operating expenses for dealers. For example: Our store relies on return customers for continued business. The majority of firearms we sell are to

repeat customers who are collectors or recreational shooters who may purchase more than one gun in a month. They may not buy firearms every month, but when they do, they may purchase more than one. Also, many who are new to the shooting sports purchase multiple firearms at once. Often this is so they can practice and become acquainted to shooting with different types of firearms.

This law, coupled with an inefficient permitting system, will only discourage more lawful citizens from purchasing firearms, having a negative financial impact on our business. This law would reduce a large percentage of our sales, resulting in decreased revenue.

In addition, this will increase our operating costs. For example: If customers were to purchase multiple firearms, and only one could be transferred in a 30-day period, we would need to retain and store the other firearms purchased until they were again eligible for a transfer. This places us in a precarious situation where we would be liable for the firearms remaining on hold in our inventory, waiting to be transferred. This is unreasonable, as it will freeze inventory and storage space, and will be cost-prohibitive from an insurance coverage perspective.

Furthermore, this law essentially makes it ineffective for any dealer to purchase or transfer collections or consignments, as these usually are multiple firearms. Decreasing sales and increasing costs through this law will adversely affect a retail firearms dealer such as Caso's in Jersey City. It is basic mathematics -- less sales directly correlates to decreases in revenue. Couple a smaller operating budget with increases in operating costs means probable workforce reductions, leading to a decrease in services offered to our customers and the shooting public in general.

This would be the beginning of a perpetuating cycle, which can eventually lead to a dealer's inability to remain viable. This would be an irreplaceable loss, not only for the firearms owners, but for the entire community.

Caso's Gun-A-Rama is not only a retail firearms dealer, but a fixture in our community. We are part of the declining portion of the community that is trying to make it a better place to live and work. We give back to the community with outreach events. We work with other local businesses to promote responsible firearms ownership and firearms education. We aid and support local and State law enforcement organizations. We are law-abiding citizens who enjoy and share our sport with others who enjoy the same.

The language of the current dealer exceptions is troubling. It states transfers between retail dealers. Many times, a dealer transfers multiple guns to and from manufacturers or distributors. An example would be the purchases from a distributor to obtain inventory. Another example would be multiple firearms made in a shipment sent in error. These firearms would take months, as only one a month could be returned. If the dealer had to retain these firearms that were sent in error in their inventory, it could quickly become cost-prohibitive.

The limit of one gun a month would adversely affect the dealers' ability to remain a viable business due to a decrease in sales, and the increase in operating costs, as well as consumers' inability to secure permits in the timeframe and method dictated by the law.

In closing, it is important to remember that straw purchases are felonies, and the law that limits the number of firearms a lawful citizen can

purchase will not stop a felon from committing a felony. To our knowledge, no firearm that has been sold at Caso's that was part of a multiple sale has ever been used in the commission of a crime. The exceptions that are now included offer no protection for the law-abiding collector, dealer, or competitive recreational shooter. If these exceptions are not amended, then this Task Force will not have successfully completed what it was established to do.

Thank you.

MR. BERNARDI: Thank you very much. Questions? (no response)

Thank you for coming in; we appreciate it.

I had some people who signed up that had not previously. Is Kathy Chatterton here? Kathy, come on up, please.

KATHY CHATTERTON: Hi.

MR. BERNARDI: Hello.

MS. CHATTERTON: I bet you all are as hungry as I am.

MR. BERNARDI: I'm sorry?

MS. CHATTERTON: I bet you all are as hungry as I am.

Okay, my name is Kathy Chatterton; C-H-A-T-T-E-R-T-O-N; from Glen Rock, New Jersey, and I'm speaking on behalf of competitive pistol shooters. And I want to tell you about an experience I had many years ago.

One day after I began competing locally for a few years, I read an article written by the Olympic pistol coach, who was accepting applications from shooters to attend a week of intensive training in Colorado Springs at the Olympic Training Center.

I put together my short resume, with little hope of being accepted. But one day I got a phone call, inviting me to the Olympic Training Center, to be one of only 20 shooters to attend this training session and team tryout. I was thrilled beyond belief. I practiced for two hours a day, and saved every spare dollar to pay for the airfare to Colorado. I quit smoking, started jogging to lower my resting heart rate in preparation for the altitude adjustment. I practiced meditation and mental training.

You can imagine how I felt as I walked to the airport kiosk in Colorado Springs, dedicated to transporting Olympic contenders to the Olympic Training Center. The shuttle driver let me out at the huge multi-colored sculpture of the Olympic rings, next to the Olympic clock, which counts down the minutes until the next Olympic Games. The freezing cold air smelled of pine trees, and the snow-covered mountains loomed over the low buildings on the campus.

The shooting range was decorated with the flags of the world hung near the ceiling, and there was a glass observation deck to allow tour groups to observe our practice sessions. I settled into work, and after a week of coaching and shooting for eight hours every day on the range, we 20 or so men and women were to compete for the open slot on the team.

I was ready and confident, but at some point during the competition I realized that something was wrong. My scores began to decline. I could see nothing wrong with my pistol, but I continued to fire poor shot after poor shot. I had a backup pistol, but was reluctant to switch guns in mid-match, because my backup was different and a little unfamiliar to me. Later, the coach spoke to me about the importance of planning for any eventuality, including having at the ready an exact duplicate of all my

equipment in the event that something breaks, as it had that day. It's all a part of competition. Being machines, firearms can and do fail unexpectedly. In my case, the frame of the gun had a hairline crack, invisible until disassembled.

My first experience at the Olympic Training Center was truly a learning experience, and I have never forgotten that lesson.

Today I speak to you as the 2009 Women's National Champion in standard pistol; and I am also Woman Champion of the National Sectional Pistol Competition. I have held many national championship titles since my first in 1993. I'm the only woman shooter currently classified at the High Master level in the United States -- that's the highest level that one can attain -- and the only woman in history to be classified at the High Master level for indoor pistol competition. I hold 31 national records; I'm a member of the President's 100 Top Shooters; I'm one of the few women to hold the Pistol Distinguished Award since its inception in 1903 by the U.S. Congress; and the seventh person in the state of New Jersey to win the Distinguished Revolver Award.

According to the National Shooting Sports Foundation, more than 19 million Americans safely participate in target shooting. Of those 19 million, many, including myself, do aspire to the Olympics. Shooting was one of the nine events in the first modern Olympic Games, held in 1896. The current Olympic program includes 15 shooting events -- six for women, and nine for men. By the way, women have only been allowed to compete in the shooting events since 1968.

Pistol shooting is also one of the 20 Paralympic sports.

Shooting is a sport for life. Some of the oldest Olympians are shooters. It's wonderful to realize that with persistence and practice the opportunity of a lifetime is still within reach.

Competitions for Olympic pistol sports require travel, which can cost thousands of dollars. Failure of a firearm during a match can be catastrophic to the competitor, resulting in loss of the financial investment made and the opportunity for inclusion in world-level events, up to and including the Olympics. Competitors, therefore, require backup firearms in case of mechanical failure, such as the one I experienced.

The preferred method to address this problem is to purchase a pair of identical firearms per event, a main fire and a backup. And those are generally purchased at the same time, from the same place.

Competitors of Olympic-style shooting require up to five different firearms, including air pistols, which are classified as firearms in New Jersey and require a purchase permit like any other pistol. Even England does not restrict the ownership of air pistols, and it also allows competitive shooters exemption from its ban on pistols and guns, generally.

Competitive firearms get almost constant use. The lifespan of a pistol of this type is as short as a few years. Sometimes they can be refurbished, and sometimes not. In that event, the prudent competitor must purchase two identical firearms of the type required.

Champion shooters are also often rewarded prize pistols, and a competitor may win several pistols at a time. At the national championships, competitors are required to pick up all prizes immediately or forfeit the items. This law would cause me to have to abandon any prizes I won.

I am lucky enough to be a sponsored shooter. Commercial sponsors, such as mine, may contribute or replace all the competitor firearms at one time. Generally speaking, these guns are on loan from the sponsor, but I still have to acquire them, using a purchase permit, although technically they don't belong to me. In the case of international shooting for a woman, that would mean four firearms at one time; and for a man, up to 10. So you're talking about over a year to acquire the competitive pistols needed to compete in the five Olympic events for a man, which would effectively put you out of a quad -- a four-year period -- because you have to qualify, you have to go to World Cups, etc. That's really a huge time constraint.

My investment in my bid for the Olympics spans a shooting career of over 20 years. This law could prevent me from achieving that goal by handicapping me regarding the acquisition of the tools I need to stay in the game.

Please allow pistol competitors from New Jersey to continue to compete, side by side, with our fellows in rifle and shotgun, such as New Jersey's Olympic gold medalist Matt Emmons, by granting us exemption to this law.

Thank you.

MR. BERNARDI: Thank you.

MS. CHATTERTON: Also, to comment on membership in organizations: In order to get a classification card as a competitor, clearly one has to acquire the firearms in order to compete, and then one has to attend several competitions before one can be issued a classification card, just like in golf -- you're handicapped. And this is a tremendous expense. I

mean, you're paying entry fees to the competition, you've bought the firearms, you've probably joined an organization. There are several organizations that manage competitive sports in this country -- USA Shooting is the governing body for Olympic-style shooting in this country. So you have to pay a membership fee annually, you get your classification cards, and you need to compete in several matches to hold and maintain your classification as a competitive shooter.

MR. BERNARDI: Thank you. Senator Madden has a question for you, I believe.

SENATOR MADDEN: Hello, Kathy.

MS. CHATTERTON: Yes?

SENATOR MADDEN: The permitting process in the state of New Jersey right now -- it seems like you go through a lot of weaponry, wearing guns out. Could you share with the committee your experiences with the current permitting process, what hindrances or anything that has happened to you?

MS. CHATTERTON: Well, you know again, as some people have said -- many people have said -- generally speaking, I'll acquire several at one time, so I may not acquire one a month averaged out over a year, but I may acquire three, four at a time. I'll get two .22s, two .45s at one time, or I'll win several guns at a competition and I'll get them at one time. So when I go to get a pistol permit, I apply, and it takes a certain amount of time to get the permit; but I can, at that time -- I can get three or four, however many I need, permits at that time.

Now, depending upon how long it's been since the last time I got a permit -- because sometimes it takes much longer if I didn't acquire

any firearms in over a year, they usually put you through a much more intensive scrutiny. Does that answer your question?

SENATOR MADDEN: Yes. Regarding the shooting competitions -- I believe you testified you may actually win guns, multiple guns.

MS. CHATTERTON: Yes.

SENATOR MADDEN: Are those competitions also within the State of New Jersey, where I guess the winner wins a gun?

MS. CHATTERTON: Frequently, they are not. Sometimes they are, but sometimes they are not. In our State Championship, one could win several guns. In the national championships, which are in Ohio, one might win several guns. So they would need to be transferred to a local dealer, and I pay a fee for them to transfer to me, using my purchase permits.

SENATOR MADDEN: Thank you.

MR. BERNARDI: Colonel Andreychek.

COLONEL ANDREYCHEK: I just wanted -- on a personal note, I am aware of your shooting achievements, and it's an honor to have you here today; and I just wanted to thank you for taking the time to really look out for your sport. So thank you.

MS. CHATTERTON: Thank you. I had to. And thank you for serving, all of you.

MR. BERNARDI: If you would, Assemblyman Burzichelli has some questions for you.

ASSEMBLYMAN BURZICHELLI: And I would also welcome -- as we've learned about competitors and how the nuances of this bill are

not presently favorable -- we've heard about Maryland and Virginia, and their structure of exemptions. Are they sufficient? As Maryland and Virginia have approached it, would they satisfy this niche area of Olympic competition and buying the necessary tools to participate?

MS. CHATTERTON: Sir, I'm sorry. I'm just not familiar with their laws. I live in New Jersey, so I can only keep up with one state. I'm sure that there are other experts who can speak to that; but, again, in the country of England, which is extremely restrictive, and basically has banned firearms, they do allow competitive pistols to be exempted from their law, and competitors may own them. And also, air guns are not even covered by that law, which are here in New Jersey. And air gun is an Olympic sport for women and for men, and air guns are extremely susceptible to failure. They have gaskets that blow out on a plane; they are very delicate. So that particular firearm is not considered a firearm in England.

ASSEMBLYMAN BURZICHELLI: The reason I ask is because the committee is looking for guidance in some of these areas, for definition. And we prefer not to reinvent the wheel, where we don't have to, if there are some other places we can go. I don't suspect we're going to reach as far as Great Britain for that level of guidance, but at least off the top of your head, in the circles you travel and competitors who may be from -- do you see people from Maryland and Virginia? Are they in your circle of competitors? Does anything ring familiar?

MS. CHATTERTON: It doesn't. I'm sorry.

ASSEMBLYMAN BURZICHELLI: Well, thank you.

MS. CHATTERTON: I don't really know anything about those states.

MR. BERNARDI: Any other questions? (no response)

Thank you very much for coming in.

MS. CHATTERTON: Thank you.

MR. BERNARDI: We appreciate your time.

Is Mr. David Lange here? Mr. Lange.

DAVID LANGE: Thank you. David Lange; L-A-N-G-E.

Good morning; or, good afternoon.

MR. BERNARDI: Good afternoon.

MR. LANGE: Good afternoon, and thank you for hearing me today. I'm honored to help represent the competitors in this sport that means so much to me.

My name is David Lange, and I have been the New Jersey State Pistol Champion since 1998. I compete at the national level in NRA conventional pistol, as well as three international Olympic events. I was the 2006 civilian National Champion, and third overall at the Camp Perry National Matches. I am currently ranked in the top 10 conventional pistol shooters in the country, and in the top five civilians. I am service pistol distinguished, revolver distinguished, and earned the Presidents 100 Award. I have set three individual national records, and have been a firing member of more than a dozen national championship-winning teams.

We have a saying in our sport: Buy as many points as you can, shoot the rest. I heard that at small arms firing school my first year at Camp Perry. It means, buy the best, most accurate, consistent, and reliable

equipment that you can afford to ensure that your scores are based on your ability, and not limited by your equipment.

I'm sorry -- I seem to be missing a page.

Having quality backup guns is also important. I found a gunsmith that I really liked, and had him build me two identical 1911 .45s at the same time. I set them up with the same scopes and grips. After I shot them both enough to break them in, I made one a primary, and the other a secondary gun that I only shot once in a while. My plan was that if I had any problems with my primary gun, I could switch to my backup without any disruption. That plan paid off for me, when a few weeks before Camp Perry 2005 I noticed the barrel in my primary gun was almost shot out. I was still shooting scores in the 2650s, and calling all my shots. But I had lost my confidence in the gun, and I didn't know when, or how fast, it would lose its accuracy. I easily transitioned to my backup gun, and used it to place third behind 9-time National Champion Brian Zins, and 5-time National Champion Steve Rider on preliminary day. That is an extreme example, but a more common use for a backup would be after functioning problems, or a loose scope and an uncertain zero. I use three different guns in a conventional pistol match, another gun in a service pistol match, and a revolver in a distinguished revolver match. That's five guns, plus backups for each, equals 10 pistols. That number doubles with international and Olympic pistols.

Competition pistols are expensive, custom and precision firearms and air pistols, that I often buy in pairs when replacing them so that they may be built and accurized at the same time by the same gunsmith.

Up to now, I've been talking about me and other top-level competitors. I am also concerned about the adverse effects this law will have on the future of competitive shooting and newcomers to the sport. Let's say a person wanted to start competing in conventional pistol and go to the National Championships in July. Yes, the National Championships are open to competitors of all levels and classifications. The first step would be to apply for a firearms' ID card, which could take up to six months to receive. After that, if they could only purchase one hand gun a month, they would not be able to buy all the competition pistols needed to compete by July 2010, and would have to wait another whole year for the 2011 National Championship matches.

As I said earlier, competition pistols are expensive, custom and precision firearms, and air pistols. They are not the focus of the intent of this law. Additionally, anyone receiving a permit to purchase a handgun in New Jersey has already passed many overlapping background checks and received additional scrutiny for multiple handgun purchases.

So please, grant competitive pistol shooters an exemption in this law.

Thank you.

MR. BERNARDI: Thank you very much.

Any questions? Mr. Nixon.

MR. NIXON: Thank you, thank you for being here today and sharing your story.

I assume, like any other sporting equipment -- pick a sport -- there's new models that come out frequently; they improve, you want to

pick them up. As you said in your testimony, sometimes you'll need 10, 20 -- is that a fair representation of what goes on in your sport?

MR. LANGE: Yes. It is also -- I can give you a specific example of a Hammerli 208s that's been discontinued, they don't make it anymore -- and it's the most popular and, in my opinion, it's the best competitive pistol -- .22 caliber competition pistol -- you can get. Ruby Fox used a Hammerli 208 to win a silver medal in the 1984 Olympics. You know, when they stopped making them, I went out and got two right away, because I knew I wanted be able to get them again, or a new one. I still look for used ones, because they do wear out and I have to replace them.

MR. NIXON: So if they came up in an auction setting, and you decided you wanted to-- This law would prevent you from being able to pick those up in multiple purchases?

MR. LANGE: Well, if I had already bought a handgun, or if I wanted to get two, yes.

MR. NIXON: Thank you.

MR. LANGE: I can tell you also that I don't think that I've ever applied for one purchase permit when I went to apply for permits. I've always got multiples.

SENATOR MADDEN: Mr. Lange, could you-- I just have one question, for clarification. On your letterhead, the symbol, it reads the 2650 Club. The one lady testified, I believe she was a 2700 series. Could you just share with us--

MR. LANGE: Sure. The conventional pistol matches are-- You shoot 270 shots, so they're called 2700s -- each shot is worth 10 points

-- so it's worth 2700 points a match. Nobody's has ever shot 2700; she shoots 2700 matches.

SENATOR MADDEN: I see.

MR. LANGE: The NRA recognizes 2600 and above, 2650 and above, and 2670 and above. The all-time high national record is a 2680, shot by an Army shooter, Herschel Anderson, in the '70s.

SENATOR MADDEN: So does this mean that out of a possible 2700 points, you're a member of the club that consistently shoots 2650?

MR. LANGE: Yes.

SENATOR MADDEN: Do you have to qualify to stay in the club?

MR. LANGE: You only have to shoot it once to get it, but my scores, like I said -- you know that gun that the barrel was almost shot out? I was still shooting 2650s with it, but I just lost my confidence in it. The rifling was worn out from the bottom left to the top right. There was no time to replace the barrel, and I switched to my backup gun and used my primary as my backup at that point.

SENATOR MADDEN: Thank you, sir.

MR. BERNARDI: Assemblyman Johnson has a question for you.

ASSEMBLYMAN JOHNSON: Now you've spurred my interest, okay? The maintenance on this -- a .45 caliber model 1911?

MR. LANGE: .45 caliber 1911, yes.

ASSEMBLYMAN JOHNSON: During a calendar year, how much -- what is required to maintain that weapon -- or I guess it would be

two weapons -- those two weapons to ensure that you feel secure and confident when you go to competitive shooting? Do you have to change the barrel once every three months, or do you have to change some type of mechanism every so often?

MR. LANGE: Well, I will at least replace a barrel once a year on a .45. I'm also a sponsored shooter, so I -- one of my sponsors is a firearms-mountain competition pistols who supplies me with guns that I-- He replaces my--

ASSEMBLYMAN JOHNSON: You're a sponsored shooter?

MR. LANGE: Yes, sir.

ASSEMBLYMAN JOHNSON: So you have to use a particular manufacturer's weapon?

MR. LANGE: For the .45 I do.

MR. BERNARDI: It's kind of like NASCAR, with a little smaller decal. (laughter)

MR. LANGE: Yes, exactly. So he replaces my equipment.

ASSEMBLYMAN JOHNSON: I see. And that's because of your skills and your qualification as being part of the 2650 club, I guess. They feel like--

MR. LANGE: Yes, he sponsors the whole team. He sponsors a six-man team, and I'm a firing member of the 2009 National Championship Team. The Army was favored to win--

ASSEMBLYMAN JOHNSON: Well, congratulations, and thanks for the information.

MR. LANGE: Thank you.

MR. BERNARDI: Thank for coming in; appreciate it.

Craig Dear?

How are you, Mr. Dear?

CRAIG DEAR: Nice day.

My name is Craig Dear; that's D-E-A-R. I've been a gun owner since 1962, back before it was against the law for a 16-year-old to own a gun.

I represent the Cowboy Shooters of America. Sometimes, the New Jersey contingent here -- there are over 100,000 in the single-action shooting society. We have three large clubs here in New Jersey. We put on monthly shoots -- sometimes in the wintertime, but most of the time, mostly in the summer. We also have a major New Jersey State Championship.

The firearms we use were all designed before 1898. We use two handguns, one rifle with a pistol caliber, and one shotgun -- it can be double-barreled or it can be a hammer shotgun with a pump, for example. Every one of these are old designs that break, and every one of us brings an extra gun. We're nearly all senior citizens -- seasoned citizens, call them what you want -- and because we're a little older, a lot of us change a lot, because if I can't see this gun very well -- the sight's missing or -- I'll get another set of guns, for example. A Colt single action has a very small sight on the front, and it's got a very small slot on the back. I can get a Ruger that has a large slot and a large sight that I can see better. Whether we like it or not, as we get older a lot of us drop out because we can't see. And there's lots of reasons that we do it. There's a lot of transfer because of health. Basic ability goes down. Widow sales -- a lot of us don't make it to

the next year. We upgrade, we change calibers, and some of us, when we retire, have to do a little financial retrenching.

Now, we all know that something has to be done to solve the urban firefright that's going on in some of our cities. And we know that there's got to be a solution. What we also know -- and I think we all would agree -- the solution should primarily affect the criminal's lifestyle, not the honest, responsible citizens.

What we would like to do is exempt the Cowboy Shooters, the competitive shooters, the people like the North-South Skirmish Association -- we could do it with firearms, or we could do it with membership and participation. Every Cowboy Shooter I know is a member of a single-action shooting society. We have a small card, it's an active card. There are some people who are members of the North-South Shooting Association (*sic*). I happen to belong to another group called the Delaware Blues, which is a shooting association. It would be a very simple solution to exempt everybody with a membership to a shooting, a competitive shooting association -- I also shoot in a league. Just exempt them if we happen to buy a couple of guns at one time. To buy two at a time -- I've got some friends of mine who say, "I'm going to quit shooting in a couple of years. I'm getting a little too much like this." Some people don't like to be-- I say, "I want those handguns, because I can see those." If I'm going to buy that one, I'm going to buy three. I don't think it should be a difficulty for me to pay him -- I have to see him once a month for three months.

We're not trying to avoid the law. What we're trying to do is trying to make it easy for everybody. And we're not the problem. And I

don't think that we ever want to make any law in our state punishing the people who are not the problem.

That's all I have to say. Simple enough.

Any questions about it?

MR. BERNARDI: Thank you very much. Any questions for Mr. Dear? (no response)

MR. DEAR: Thank you.

MR. BERNARDI: We appreciate you coming in, sir.

I've been through the list of people who had asked to come in and speak; and now I have the list of people who signed up this morning, and I'll go through those as well.

I'm sorry, I forgot to put my microphone on. I said, I've been through the list of individuals who had previously asked to come in and speak, at least according-- You gentlemen were all previously listed?

Did you sign here this morning? Are you Mr. Shivery? It's Mayor Shivery, correct?

MAYOR GEORGE W. SHIVERY, Jr.: First of all, Mr. Chairman, Senators, I would hope that Assemblyman Mayor John Burzichelli didn't leave because he heard my name mentioned. We're sister towns, by the way.

George Shivery; S-H-I-V-E-R-Y. I am a mayor in southern New Jersey, Gloucester County, Greenwich Township, District 3, and I am here today as the President of the Mullica Hill Rifle and Pistol Club, Inc. It's a club of over 200 members; the club has been in existence for over 55 years and it's located in southern New Jersey. It consists of members from

the southern region of the state. We have some as far north as Trenton and some members as far south as Cape May.

The membership, as in the other clubs that you've heard, is very varied. It includes doctors, lawyers, members of labor unions, lawyers, teachers, and even elected officials. So we're very varied, and our interests are just as varied. All are lawful firearm owners with an interest in a varied list of activities in which handguns are the primary tool. These activities run the gamut from collecting of all types of handguns, to competitive target handgun shooting, to recreational handgun shooting, and also hunting in neighboring states. And I want to elaborate on that a little bit later.

I'm not going to sit here and read this, as a mayor and with respect to the committee sitting here. I know it's going to be a long day, and I'm just going to-- We've had many experts before me who have presented a very, very good case. And being a mayor and Director of Public Safety, I also know that ordinances and/or laws are works in progress, and I'm very delighted and very at ease here that this process is being used to put this law in perspective.

Let me first say a little bit about the clubs. As I said, our club has been in existence for over 55 years. We are registered with the State Police, as was mentioned prior. The NRA and firearms ID card are both a requirement for our club. What I want to say about the target shooters, and with all respect to the State Champions who I know are sitting behind me, unfortunately -- and I say that as a personal note -- not all target shooters are State Champions. And as one of the competitors had said to you, somebody has to start somewhere. And part of our venue with our

club is the instructional part of firearms shooting. We sponsor a Boy Scouts Venture Club -- if you're not familiar, each Venture Club has a theme, and the Club that we sponsor is firearms and shooting. And we have instructional activities going on 12 months a year for these young people. And the Venture Club goes to 21; it's not like the Boy Scouts. And it also includes boys and girls. We're also a DCM, or formerly a DCM, presently a CMP Club -- DCM is Director of Civilian Marksmanship; CMP is Civilian Marksmanship Program. That was put into effect after World War II, because the marksmanship skills of the American soldier needed to be improved, and part of that process was to take and sponsor civilian clubs to teach marksmanship. And there's a whole situation with that. We have been investigated to the point -- because we are, or were at the time, were exempt receiving long guns. We could receive them directly from the Army through the U.S. Mail. So you can imagine the investigation on the people in that club. My security rating is probably higher than some of the people in Washington, D.C., right now. So just to give you those things.

Let me talk about the hunting aspect of this. We have a gentleman in the room right now who has already spoken, Bob Viden. I know Senator Madden knows him very well. Bob holds many records in the Safari Club, because he hunts with a handgun in Africa. Now, you can imagine if you're going from here to Africa, you're going to take more than one handgun with you, because you can't purchase one in Africa, being a United States citizen. And we'll go into -- you've heard the reasons for that. I personally hunt in neighboring states and in the West. You can legally hunt in Delaware and Pennsylvania and Maine, to name a few of the states close to us, with a handgun. When you're spending the money, as

the competitive shooters are, to participate in an activity, you make sure that you take enough tools with you to handle the situation. So taking more than one handgun is a legitimate thing.

Also, if you're in a draw system in the Western states, you may not know that you have a permit to hunt a particular species until late summer, and your hunt is in early fall. So the expediency of picking up the proper firearm becomes a necessity. It's bad enough, right now, with a handgun permit situation. And, my understanding -- I had a talk with my chief of police before I left; I actually talked to him yesterday -- and I understand, and maybe we can talk after the meeting, that there's some other requirements coming down to the chief of police as far as him giving these handgun permits out, which is taking a longer period of time. So the necessity to streamline things is there. Also the necessity -- and I have every confidence that this committee is here for the right reasons. As I said, I personally know two, and have dealt with Senator Madden with one of the greatest police academies in the State of New Jersey, which is Gloucester County. And I know that the attitude here is to fix this law so that the average sportsman, the law-abiding citizen, is not put in a bad place with this.

And what I want to ask, on behalf of the average sportsman, the average club owner in the State of New Jersey -- that this Task Force recommends the additions and the exceptions needed to this law to allow target shooters, collectors, firearm instructors -- there's something else I might add, too -- and other lawful owners of handguns to continue their present legal buying ability in the State of New Jersey. We're after -- and again, I said I'm Director of Public Safety -- we're after the bad guys. All of

us are. We're not after the law-abiding citizens. So please, take that into consideration, and in your recommendation make the allowances that are needed.

I'm open to any questions.

MR. BERNARDI: Thank you, sir. Any questions?

Senator Madden.

SENATOR MADDEN: Good afternoon, Mayor.

MAYOR SHIVERY: Good afternoon.

SENATOR MADDEN: Thank you for your testimony. Could we just crank the clock back to the Mullica Rifle and Pistol--

MAYOR SHIVERY: Mullica Hill Rifle and Pistol Club.

SENATOR MADDEN: Mullica Hill Rifle and Pistol Club, regarding scouting?

MAYOR SHIVERY: Yes.

SENATOR MADDEN: Boy Scouts, Girl Scouts, instructional training. Where do the weapons come from for those instructions? Who has--

MAYOR SHIVERY: With the law right now, the 18/21 situation comes into effect as far as the personal. The instructors themselves, a lot of times, are the owners of the firearms. I'm a certified instructor myself; and that was one of the things I was going to get into. At any given time, as you are well aware, I know that the State Police, anyone that has anything to do with firearms-- If you're talking about someone of a small build, you have to start out with a small caliber and build yourself up. So we have instructors who are certified -- either NRA instructor or

Boy Scout instructor, depending on the discipline -- and a lot of times, their own firearms are being used; in which case, you need more than one or two.

SENATOR MADDEN: And if they're not using their own individual handguns, how are weapons provided? Does the association--

MAYOR SHIVERY: Under all the laws, with the firearm ID card and that type of situation, they're supplied by the instructors. Or we have firearms which are not handguns -- long guns -- which were supplied through CMP, which is the Federal program.

SENATOR MADDEN: Okay. Mayor, I'll just -- by scenario, would the Mullica Hill Rifle and Pistol Club, as a club, have a need to purchase half a dozen handguns?

MAYOR SHIVERY: Well, actually we can't.

SENATOR MADDEN: Okay.

MAYOR SHIVERY: With the laws the way they are right now. What-- The individual members would definitely have a need; the individual instructors would definitely have a need; and the people participating in the firing and the target shooting would also definitely have a need.

SENATOR MADDEN: Okay, but it must be procured by the individual--

MAYOR SHIVERY: Yes.

SENATOR MADDEN: The association or the club has no legal authority or ability to buy a weapon?

MAYOR SHIVERY: No.

SENATOR MADDEN: Thank you.

MR. BERNARDI: Any other questions? (no response)

Thank you, Mayor, for coming in.

MAYOR SHIVERY: Thank you.

MR. BERNARDI: Is Mr. Ledden here? Dale Ledden? There we go.

I apologize, Mr. Ledden, for missing you earlier.

DALE LEDDEN: Thank you.

Good afternoon.

MR. BERNARDI: Good afternoon.

MR. LEDDEN: I am president of the South Jersey Armament Collectors Club. The spelling of my name: D-A-L-E. Last name: L-E-double D-E-N.

I personally have been, for some 40 years, a collector of historic firearms, and I specialize in those arms that were manufactured in the 15th, 16th, and 17th centuries. These arms are, as you can imagine, very difficult for me to get. In our club, we have a full range of collectors' interest, up to the collectible modern arms, particularly handguns, but can be, also, long guns. I have a short presentation to make to you, so don't be fooled by the file here. I timed it at about six minutes.

And I entitle this, "Objects from the Past and the Present Speak to the Future."

"I am the gun, with our brother ball, is whatever fight we equal all." This jingle was first carved in a powder horn in the Revolutionary War. From the wilderness, to the conflicts, to the duels; from the pirates to the patriots. That partially explains why men and women of America love to collect old and new guns. The wood and the iron are only worth a few

cents. But behind the gun perhaps lies a story of adventure, of toil, of high romance, and most importantly, protection and safety.

Far more people are keen on firearms and the responsible uses than are generally thought. This immense fraternity of men and women come from all walks of life. They come from virtually every aspect, every sphere of human interest and lifestyle -- from barber to banker, from lawyer to homeowner, from president to priest. Consider this list of enthusiasts, of old and new firearms: some hunters, some target shooters, some collectors, some just plinkers; some keen on craftsmanship, artistry, performance, and even the precise discipline of hand loading. Gun collecting is a critical element in a seemingly endless battle against misguided and uninformed souls who dismiss all guns as simply "made to kill," without social redeeming value.

In my case, I tell the romance of the gun -- this I have done for over 40-some years. I relate true stories of firearms, where they have been, and perhaps who used them. I relate these tales of the gun to school children, to seniors, to service clubs, or whoever will listen.

Let me give you a few examples of this form of education: While holding a battle-scarred Civil War musket in front of the students, by pointing out the minnie ball stuck in the stock that saved the life of a brave Civil War soldier in the Battle of Mobile Bay in 1865, you'd be amazed at the instant focus the schoolchildren have. The firearm becomes an historic library that they see, they touch, and they feel. History awakens in front of their eyes.

While holding a Chinese matchlock from the 1700s in front of a group of Chinese-American students, they become so proud when they're shown their ancestors' skill of craftsmanship.

While holding in front of black grammar school children a rifle used by the 9th and 10th Regiments of the regulars of the African-American Buffalo Soldiers, who with Theodore Roosevelt and the Rough Riders stormed up San Juan Hill during the Spanish-American War, the children in front of me were bursting with pride.

History will be unveiled to visitors of Jamestown, when they are first shown a snap-lock pistol made in 1580, as this type of firearm was used to defend the first colony. I will be loaning this item to the National Park Service. They presently possess no good example, only rusted relics.

Now to the heart and my conclusion of the problem; the reason we're here today. Representatives of this committee, in response you may ask me: "Would not one purchase a month serve for your educational purpose, Mr. Ledden?" Unfortunately, this is not true. For the firearms I and my companions purchase for education in history, and self-defense, and target shooting, and hunting courses -- from Boy Scouts to homemakers -- are purchased, in many cases, in matched pairs, multi-calibers for competitive shooting, or from sealed bids where more than one historic arm may be available for auction.

There lies the problem. Because many times -- and as I say, my focus is on historical arms -- when a collection comes up, historical arms are becoming so difficult to get; a lot of them are being taken over by museums. And where I would go to an auction, or most of it being sealed bid, and there might be two or three historical arms, I'm up against a lot of

competition from money, from museums. So I attempt to bid on two or three, hoping that I'd only get one. So that is my dilemma.

You've heard the rest of the folks here, and their interests, but I thank you so much for hearing me. It's a pleasure.

Any questions?

MR. BERNARDI: No questions?

SENATOR MADDEN: No.

MR. BERNARDI: All right. Thank you, sir.

MR. LEDDEN: Thank you.

MR. BERNARDI: Thank you, Mr. Ledden. We appreciate you coming in.

All right, now I'm going to get to the people who signed up today, who asked to have their words heard by the Committee.

Is there a Lateif Dickerson here? Mr. Dickerson, come on up please.

L A T E I F D I C K E R S O N: Good afternoon. Thank you for providing me this opportunity.

I think I represent a group that hasn't been spoken about yet, and I think it's important that you recognize.

I run the New Jersey Firearms Academy. And we have a school and we train civilians, military, and law enforcement; and marksmanship, and firearms safety, and gun ownership.

Since 1997, I estimate that I've trained about over 1,600 people. In this amount of time, I don't know of anyone who has made any straw purchases or who has actually been arrested for a gun crime.

I run approximately a few dozen people a month through my various training programs, and a lot of times they are beginners and they've got a few guns; and they may wait until they get a bonus, or their taxes come in -- they may need to buy more than one gun. But myself-- Part of my business model back in 2000, when I got incorporated, was to law enforcement agency training, and I went out and got a half a dozen Glock Model 19's to convert to simmunitions for training law enforcement and others who wanted to get more advanced training.

So this would impact me, because my -- I'm not a collector, per se, or a dealer, but I do have a number of firearms that we use quite a bit. So it is as if I got a flood in my basement, say if my safe got flooded. I would have to go out and get more than one gun to continue to have classes. If I can't hold classes, I'm effectively out of business. If my house burns down, or something like that. So I currently have three firearms that are down now, because certain parts -- the firing pin broke on one, the sights came loose on another -- and if I need to, right now I need to purchase more than one gun in order to maintain the classes. We go through maybe 10,000 to 15,000 rounds a month, through the guns that I use, and they eventually are going to need to be replaced because they get shot out.

Again, I would like to be included in the exemptions, because there are other schools also that are up and coming. We're promoting more firearms safety in the community. And those people who are signing up to take the classes and to get trained, they are not the cause of the crime, I think, which is what the law's intended to reduce. I don't know anyone

who's made a straw purchase, and I've been training a lot of people; I have a lot of experience in this.

MR. BERNARDI: Thank you.

Mr. Dickerson, where is your academy located? I'm just curious.

MR. DICKERSON: We're in Jersey City.

MR. BERNARDI: And do you have any type of licensure that's required to run this academy?

MR. DICKERSON: I'm a Title S corporation, and I'm an NRA training counselor -- that mean's I train instructors, as well.

MR. BERNARDI: Okay, so through the NRA and an S corporation -- but you're not bound by any firearms regulatory provisions that you're aware of, correct?

MR. DICKERSON: I am registered with the State Police to train the retired officers and armed security guards.

MR. BERNARDI: And the handguns you use at this academy are actually titled in your name?

MR. DICKERSON: Those are my guns.

MR. BERNARDI: Right?

MR. DICKERSON: Yes.

MR. BERNARDI: Okay.

For the record, would you spell your name for us, please?

MR. DICKERSON: First Lateif; L-A-T-E-I-F. Last name Dickerson; D-I-C-K-E-R-S-O-N.

MR. BERNARDI: Thank you.

Any questions from the Committee? (no response)

Thank you very much, sir. We appreciate you coming in.

MR. DICKERSON: Thank you.

MR. BERNARDI: Mr. Robert Voit? (no response)

Okay, Joe Kuhn? Mr. Kuhn? (no response)

Sue Poppe? (no response)

People signed in earlier--

Richard Gajda?

How are you sir?

RICHARD GAJDA: Good; how are you today?

MR. BERNARDI: Very good, thank you.

Sorry to keep you waiting this long.

MR. GAJDA: No problem; it's actually very informative. I'm going to try to stay away from any of the issues that have been covered, I think, in sufficient detail. What I want to highlight is -- well first, I want to introduce myself, a little bit of background, and you can see why I, representing myself and fellows like me, am going to have some serious problems once the law's in effect.

MR. BERNARDI: Would you spell your name for us?

MR. GAJDA: Sure, yes. First name is Richard and the last name is G-A-J-D-A.

Okay, a little bit of background: Commercially, I'm not involved in firearms; I'm actually a software sales representative. But I'm actually very involved in firearms in terms of my hobbies, and competition, and such. So I am an NRA-certified firearms instructor, and I typically, over the course of a year, will teach about 40 to 50 students. And again, it's done on a volunteer basis; I'm not making any money on it. I am a

competitive shooter. I do Cowboy Action Shooting. I do bull's-eye shooting. I do historical, military competitions. And for all these, of course, I need all my own guns. I have a hunting license, but I'm not particularly much of a hunter. When it comes to firearms, in particular, I would say I'm a collector more than anything else, even though I do these other activities with the firearms that I have.

So I am the treasurer of the New Jersey Firearms Collectors Association -- New Jersey Firearms Collectors Club, and I am very involved there. And I give presentations. I do presentations that include extensive work on my part to put together information for these presentations. And most importantly, the firearms themselves, which are coming out of my collection. My collection at this point in time -- I'm one of those people you'd say, "How's it possible that he's done this since he got his first firearms ID card only in 1996." I started late in life. But at this point I have approximately 500 arms in my collection. So if you do the math -- about half of them are handguns -- I'm going to be severely restricted in terms of what I'm able to do, in terms of improving my collection. The good news is that I at least got enough under the belt that it's not that many more that I kind of need to get to fill a lot of the holes in the collection.

But to give you an idea of what happens-- Because I use my own personal firearms for my training purposes -- I have to supply the firearms myself -- the firearms I use for any of the competition activities are ones which are my own (indiscernible), the firearms I use in my presentations and for purposes of collecting are all my own. So what did I go through this year so far? I'm trusting that you're all familiar with what's

involved in getting a New Jersey Firearms ID Card -- not an issue for me this year. Getting the pistol purchase permits, obviously, has been an issue. Even though I live in an almost-rural area, it still takes me four months -- and even though I've been there for 15 years, it still takes me four months every time I apply for permits. So over the last few years, my applications have been in a minimum of batches of 10, even if I don't know what firearms I'm going to purchase. What happened this year so far -- in March, I applied for 10 permits; and then by August they hadn't shown up, and I already had more than 10 guns waiting at my dealer that had already been purchased, or sitting at a dealer before I could pick them up. So while I was there, I said, "Let's get another 10 permits." So I got 20 so far this year. I received them all on September 9; 14 were gone the evening of September 9. So just that quickly those permits are gone. I have six left, which means that I can buy six more guns this year. And that is absolutely it, for my collection or for any other purposes, training, or whatever it might be, because if I apply today, I would not get my permits in time for a January 1 purchase.

So I'll be limited to one a month. I don't know if we've figured yet what's going to happen in terms of when someone applies for a permit, do they now apply for one? Can they still apply for 12? My police department didn't know. I said, "How do we do this come January 1?" And they said, "You know? I don't know. We were told it's one gun a month, so I think that means you can only apply for one permit."

If that's the case, then I absolutely have to move out of state if I want to continue any of my activities -- you know, just across the border into Delaware -- I'm sorry, across the border into Pennsylvania. Because

there, all you do is show your driver's license, and I can acquire as many handguns as I'd like, as a Pennsylvania resident, and not go through any of this aggravation. Which is probably what some of the folks are doing. If there is anyone out there doing straw purchases, that's what they're doing.

In any case, I guess, what I'm looking for is how do we provide some remedy for folks like myself? I am not an exception -- there are quite a few out there. Some of my friends have already moved to Pennsylvania for the exact same situations, including some doctors and lawyers that moved out of state primarily because of the firearms laws, in terms of them being just honest, legitimate citizens, not doing anything illegally.

So that may be my next move. But I'm hoping that you folks can create some remedy for collectors to make it easier for us through the process, as honest citizens, in order to acquire firearms for legitimate purposes.

MR. BERNARDI: Certainly we don't want to see you move out of the state over this. We'll see what we can do.

Any questions? Are you registered as a collector?

MR. GAJDA: No, because the only real registration would have been that curio and relics license, which most of my friends who have moved to Pennsylvania have gotten--

MR. BERNARDI: That trap that was referred to earlier--

MR. GAJDA: Exactly. I had -- based on the information from Attorney Nappen, I knew not to do that.

MR. BERNARDI: So you are a private individual who just happens to have a large collection of handguns.

MR. GAJDA: Yes. The only evidence, one would say, other than the size of the collection and the presentations I've done, is that I am a member and officer in the New Jersey Arms Collectors Club, and that is our primary focus within that organization. That's about a 100-member organization.

MR. BERNARDI: Very good.

Thank you, sir.

MR. GAJDA: I thank you.

MR. BERNARDI: I'll take a shot at this one -- Greg Zolakowsky? Mr. Zolakowsky? Mr. Zolakowsky? No. (no response)

Robert Hess? Mr. Hess?

ROBERT HESS: Thank you for the opportunity to speak.

It is Robert Hess; H-E-S-S.

Actually, when I came in and they had a sign-up back there, they didn't tell us that it was to speak; but since I'm afforded the opportunity, I just have a few little things to say, a couple of things to say.

While sitting here and listening to everybody speak, I'm impressed by the fact that everybody is out there trying to protect their own little fiefdom. I'm here as a private citizen. I'm involved in guns -- yes; it's a hobby of mine. Am I a collector? Maybe under some people's definitions; under some people's, not. Mr. Susswein was trying to pin that down, and that's going to be an extremely hard thing to do. Am I a competitor? I have been in the past, I have shot in several competitive disciplines over the years, but I haven't really shot competitively since the mid-'80s. So I don't fall into that category, either. I'm just a law-abiding

New Jersey resident who happens to own guns. And I kind of wonder where this law leaves me.

I'm not sure of the impact it will have on me. If we're looking for suggestions here, we really need to streamline the process. I see one gun a month as really being superfluous, given the laws that are already in place, the difficulty it takes, what we have to go through. There's triple redundancy -- you have the mental health and the criminal background check when you apply for the firearms ID card. We go through that same thing again when we apply for a pistol purchase permit. And finally the third time, when they do the National Instant Background Check.

So you have triple redundancy there. So how much impact is this one gun a month going to have? You know, we've taken and we've compared to other states that have one gun a month -- they don't have these same checks and balances in place that the State of New Jersey does.

There was something that Mr. Burzichelli -- who is no longer with us here -- was asking, and I don't remember -- I wanted to address that. And I don't even remember what that was now. He asked a question about -- I'm sorry, I don't remember what exactly it was. I wanted to address something that he had asked previously.

So what we really -- I think what we really need to do, if you want to keep the one gun a month process, is that we need to streamline the process that it takes our citizens in order to purchase a handgun. Since the Brady Law came into effect, since we have the National Instant Background Check, do we really need this triple redundancy? The other thing that I see is, maybe we need a State format as to what is required when we go through these background checks. As people testified to

previously, this is left up to each individual municipality; and these police departments, beyond the State requirements, tend to add a number of things that make it more difficult; and really, depending upon what the political climate is within that municipality, is how hard is it for that person to obtain the necessary permits to purchase a firearm. Some municipalities throw many obstacles in your path; others not so many. I happen to be fairly fortunate -- I live in a township where they don't happen to throw a lot of obstacles in your path. But I just-- Stories of people who have waited six and seven months to get a pistol purchase permit just amaze me.

It's really all right to say I'll entertain any questions from the prospective of a private individual gun owner.

MR. BERNARDI: Have you purchased more than one handgun at a time in the past?

MR. HESS: Yes, I have.

MR. BERNARDI: How many occasions since you've--

MR. HESS: The maximum number purchased at one time is probably three, and I think twice before that I purchased two at one time. And it was simply because they presented themselves -- they were something that I may have been looking for over a period of time, and I happened to find them both at the same time.

MR. BERNARDI: They were there, and you wanted them.

MR. HESS: That was exactly it, yes. And I've also never gotten just one pistol permit at a time.

MR. BERNARDI: Right. Okay.

Any questions from the Committee? (no response)

Thank you, sir.

MR. HESS: Thank you very much.

MR. BERNARDI: You're welcome.

Is there a Robert Chrysler (phonetic spelling), it looks like? I'm having a little trouble reading-- Mr. Chrysler? Or Deborah?

Okay, is there anyone here who signed up who wishes to speak who I haven't called? Anyone at all? Sir?

UNIDENTIFIED MEMBER OF AUDIENCE: Actually, this is the sign-up sheet (indiscernible).

MR. BERNARDI: Would you like to come up?

UNIDENTIFIED MEMBER OF AUDIENCE: Please.

MR. BERNARDI: You have to come up, speak into the mike. Please say your name and spell it for the record, would you please?

DANIEL NAIF: Will do. My name is Daniel Naif. Daniel, and the last name is spelled N-A-I-F.

Thank you for allowing me to speak. I also do not own a gun store, I don't own a shooting range, or I'm not representing from a commercial interest. I'm only a law-abiding citizen who found-- I tracked this law when it was coming aboard, and I was shocked that it actually was passed on the first time it moved. Second time when it was (indiscernible), I was like, "Oh, good, we are sane and we're not going to do this." We are where we are, right now.

I just wanted to share my experiences, and how I recently become a competitive shooter, although not like some of the ones who you heard here. I'm relatively new in the competitive shooting sport, and I was able to shoot a 2700, which I guess we learned about today. But I only had

a centerfire pistol at that time; it was a Glock. And everyone knows, you don't shoot competitive with a Glock. It's not recommended with a one-hand shot.

So essentially, earlier this year in March, I went through the process of waiting approximately three months to get my permits. I applied for two permits -- one was to register a BB gun that I purchased on vacation in Pennsylvania, because that's required in New Jersey and I wanted to do that so I wouldn't get in trouble for that. And additionally, I purchased a centerfire pistol.

I started getting involved in something called the Glock Sports Shooting Foundation, and it may contradict somebody else's response, but they do award pistols in that competition, if we win that competition. They also award pistols in drawing, if you have a pool, where you can win multiple pistols in there.

Now, I would have to say I'm an addicted gun enthusiast at this point, and I've applied for three pistol permits, just for that reason. I want to shoot in the 2700. By default, we essentially each need three guns: we need a .22, we need a centerfire -- which can be a 9mm or .45 or .40, whatever -- and then you need a .45. I'll probably only go with the .22 and the 9mm, but I can't shoot a competition-style with the existing gun that I have. That's why I applied for these guns. And the problem we're having, just purchasing guns, is they're impossible to find. So you've got to be able to purchase the gun if it's available. I mean, that's where I'm at now. I was fortunate that my dealer has the guns that I want, but unfortunately I am still waiting for those permits to come through so I can actually purchase

them. But when they do, I'll be buying all three, maybe not -- I'm going to save one. But I'll be using the other ones.

Very quickly, I'm worried about my gun shop. Not *my* gun shop, but the ranges that I shoot at -- my dealer has a range, I shoot there, I spend money to shoot there, I purchase my guns there. I also shoot competitive at ranges in Pennsylvania and New Jersey. Haven't made it to Ohio yet, but I would love to be able to get there. I understand the problem we're having is with straw purchases, and I am all for getting guns out of the criminals' hands. We want every gun that I purchase legally to be already tracked, know what I have. So we're going to lose those sales, because right now about half of the sales that were going through that dealer, that I purchased those guns from, are Internet sales. They can't even get the guns. And so I really am (indiscernible) of all the gun dealers that have to purchase more than one gun, because they're really very difficult to find right now.

And that is about all I would like to say. It is common; I don't know why I'm restricted to buy just one gun a month. I know where we're at right now, and we have to do something. So if you call me a collector, a competition shooter, whatever-- We need a better solution than what we have.

MR. BERNARDI: Okay. Thank you. Any questions? (no response)

We appreciate you being here.

MR. NAIF: Thank you very much. I appreciate it.

MR. BERNARDI: Is there anyone else in the audience who wishes to be heard, who I haven't already called upon? (no response)

Seeing no hands, we'll close the session in terms of hearing any kind of speaking or testimony at this point. I would like to thank all of you for your patience here today in coming in. I can assure you that this committee will and has heard your concerns, and we'll do our best to try and remedy the problems that you've helped us see here today.

Thank you very much for coming in.

We're adjourned.

(HEARING CONCLUDED)

APPENDIX

One gun a month infringes on the rights of many legal gun owners in NJ. The most effected are collectors, competition owners, gifts and inheritance, consignment return, and anyone wishing to buy a second gun within 30 days.

1. Collectors- Many collectors make multiple purchases. Some people they are completing a collections, some because they are improving their collections. Many collectors are using the internet and purchasing from auction companies, many of these are in lots. When a dealer purchases firearms out of state from an auction company these guns are shipped to a NJ license dealer and transferred under State and Federal law. Why should a collector who was able to purchase 4 to 6 firearms at an auction, be forced to wait 4 to 6 months to be able to pick up his firearms from a dealer? Many guns purchase by collectors are sold in sets. At the present time they require 2 permits, one for each gun. Legitimate collectors should be exempt from the one gun a month bill.
2. Competition Shooters- Many pistol matches consists of shooting 2 or 3 guns at a match. Also, during competition during shooting, if a firearm breaks they need to replace that firearm as soon as possible. There are many shoots such as old west shooting where guns are bought in pairs. In competition we participate in in our range, 3 guns matches- 22 rim fire, center fire revolver and center fire automatic are used. Many new competitors will buy 2 or 3 guns at one time in order to compete in this match.
3. Returning Consignment sales- Under present law anyone with a firearm on consignment must get a pistol permit if they wish to take it back or if it fails to sell. Many guns on consignment are brought in as multiples. We do not feel that a permit should be necessary to return to the lawful owner. People should not be forced to wait 30 days between each gun being returned.
4. Gifts and Inheritance- Many people inherit firearms, but aren't named in the will. Many people give firearms as gifts prior to death to friends and relatives. We believe there should be an exemption so these people can acquire these gifts. We have had a case where a woman called; her father had passed away in Pennsylvania. His firearms collection was left to his wife. She wanted her daughter and her husband to have the collection. We transferred 110 handguns under state and federal law using pistol permits to her daughter and her husband in NJ. This is only one example. I am sure other dealers have other cases that are similar.
5. Virginia and Maryland both have one gun a month. Both have exemptions for collectors and competition shooters and for replacing broken firearms and for inheritance.

6. Many handgun purchasers in NJ are waiting 3 to 6 months to get a pistol permit. Many are waiting up to 6 months to get an address change on a firearms ID card. Many collectors faced with this situation, ask for multiple permits because they may have 2 or 3 guns sitting in different gun stores waiting to be picked up.

7. The National Instant Check has worked very well and has been a very effected way of screening gun buyers throughout the United States. We feel that handgun purchasing should be changed to an ID card for handguns rather than a separate permit for each handgun. The NJ state police NICS unit and the Federal NICS unit are very affected in screening gun purchasing. They are doing a very good job.

Thank you very much for the opportunity to express my opinions and views today.

Robert L. Viden

Written Testimony of Evan F. Nappen, Attorney at Law, to the Firearms Task Force

September 24, 2009

The Governor's statement of intent upon signing Assembly Bill 339 (One Gun a Month) expressed the following:

I sign the bill with the understanding that, as the bill text and legislative history bear out, the bill is not intended to effect the law pertaining to otherwise proper transfers of handguns between dealers or between authorized manufacturers of firearms and dealers. [Emphasis added.]

Unfortunately, the Governor's understanding is wrong as a matter of law. It will dramatically effect transfers of handguns between dealers and manufacturers.

Retail dealers will only be able to obtain one handgun a month from any source except another retail dealer (who is not likely to sell any of their dwindling inventory to another dealer). As dealer inventories sell out, dealers will not be able to replace them except at the worthless pace of one gun a month. In a short time, there will be no handguns left for dealers to sell.

Although I opposed the passage of this law as addressing a non-problem for the State of New Jersey, real harms will come from this law as passed that must be addressed. These problems directly affect honest citizens, including dealers, manufacturers, wholesalers, distributors and any private citizens. The law as written:

- 1) Kills retail dealer business by cutting them off from their primary suppliers of new and used handguns (wholesalers, manufacturers, distributors, and private individuals), all of whom are NOT exempted from the legislation. dealer inventories will eventually drop to nothing.
- 2) Makes no exemption whatsoever for licensed wholesalers or manufacturers. Not only are licensed retail dealers not given exceptions to acquire more than one handgun a month from manufacturers, wholesalers, or distributors, but these entities themselves are given absolutely no exception under the law.
- 3) Ends any practicable ability for a New Jersey resident hunter, target shooter, security guard, home owner, and/or collector to special order a new handgun from a retail dealer by cutting off retail dealers from purchasing more than one handgun, except from another retail dealer (unless that New Jersey resident is the lucky "one" chosen by the retail dealer for that month's one gun quota).

4) Makes it virtually impossible for an honest gun collector to pursue his or her hobby. The exemption for collectors relies upon a federal firearms license (Curio & Relic) which is inadvisable and rare for any New Jersey citizen to obtain, because having such a license subjects the holder to charges of being an unlicensed dealer under New Jersey State firearm licensing statutes. Furthermore, the license itself strictly limits collectors to a list of guns which does not include 1000's of other, otherwise lawful, collectable guns.

Here is how the law creates the above listed problems. It states:

i. *Restriction on number of firearms a person may purchase.*
Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to:

(3) *transfers of handguns between licensed retail dealers.*
(Emphasis added)

The term "retail dealer" is defined by current law in N.J.S. 2C:39-1(l) and essentially refers to persons engaged in the sale or repair of firearms for profit to ultimate consumers. The definition explicitly excludes "wholesale dealers," and "manufacturers," which are defined elsewhere in N.J.S. 2C:39-1 (which essentially refers to persons who sell firearms to those who are not the ultimate consumers). N.J.S. 2C:39-1(l), (s) and (j) respectively, state:

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

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

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

Exceptions to New Jersey's Gun Laws are narrowly construed by the courts as a matter of law. Under *State v. Rovito*, 99 N.J. 581 (N.J. 07/03/1985) the New Jersey Supreme Court held:

...exemptions from gun statutes should be strictly construed to better effectuate the policy of gun control. See *Service Armament Co. v. Hyland*, 70 N.J. 550, 559 (1976) (since exception to the gun control law must be narrowly construed, the Court found that "replicas" of antique guns were not "antique firearms" exempted from the statute); *State v. Marques*, 140 N.J. Super. 363, 366 (App.Div.1976) (holding inapplicable the statutory exception for guns kept in a dwelling house to guns kept in a college dormitory); *State v. Valentine*, 124 N.J. Super. 425, 426-27 (App.Div.1973) (statutory exception permitting one to carry a firearm at his or her place of business inapplicable to the manager of a bar owned by another). (Emphasis added)

Rovito relied upon *Service Armament Co. v. Hyland*, 70 N.J. 550 (N.J. 07/15/1976) in which the New Jersey Supreme Court held:

The remedial nature of the legislation, its paramount social purpose, and its passage after considerable effort and lobbying by its supporters and attackers all give weight to the proposition that the Legislature meant precisely what it said, and therefore an exception to the Gun Control Law must be given a narrow construction. (Emphasis added)

Clearly retail dealers will only be able to obtain one handgun a month from any source except another retail dealer (who is not likely to sell any of their dwindling inventory to another retail dealer). Any attempt to interpret this exception in a way that would allow a retail dealer to obtain more than one handgun a month from anyone other than another retail dealer (such as from a wholesaler, which is the common industry practice) would be rejected out of hand by the courts. As retail dealer inventories sell out, they will not be able to replace stock except at the worthless pace of one gun a month. In a short time, no handguns will be left for retail dealers to sell.

Because the law only exempts transfers between licensed retail dealers, the one gun per 30 days restriction still applies to transfers from all others, including wholesale dealers, manufacturers, distributors and individual sellers. Most firearms sold by retail dealers are obtained from wholesale dealers, distributors and manufacturers. Many retail dealers also buy used firearms from individuals and resell them. It is rare for a retail dealer to buy from other retail dealers, which is the only exempted class of transfer.

Citizens will no longer be able to sell their handguns to New Jersey retail dealers, unless they have the one handgun the retail dealer wants to buy that month. God forbid they have more than one handgun to sell! For example, a widow selling the all the deceased's handguns in the estate to a retail dealer will be impossible.

As retail dealers turn away private sellers in droves, there will be a boom in private sales, grey market sales and black market sales as demand and prices skyrocket! Forget about having the retail dealer enter the handguns on his/her bound record books and conducting an instant background check on their future sale.

Handgun sales and purchases by New Jersey retail dealers are going to virtually end after November 2009. Notwithstanding the fact that no self-respecting gun trafficker would obtain their handguns by first applying at the police department for New Jersey Handguns Permits, getting fingerprinted, fully investigated, paying over \$50 in fees, and insuring that any handgun he sells on the street was papered and directly traceable to him, this bill is now law.

It should also be noted that on July 20, 2009 the *Press of Atlantic City* published an article by Derek Harper on One Gun A Month, wherein he wrote as follows: "Jason Butkowski, the state Senate Democrats' deputy communication director for technology, said OLS told him the bill covered only retail gun dealers and their employers, not wholesalers and private collectors wishing to sell to stores. Regardless, he said if there were a problem, he expected a task force created by Gov. Jon S. Corzine would find a solution."

The Task Force must find a solution to fix the above problems and meet the Governor's expectation found in his statement upon signing the bill into law.



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New Jersey gun legislation triggers store owners' concerns

By DEREK HARPER Statehouse Bureau, 609-292-4935 | Posted: Monday, July 20, 2009 |

With downloadable copy of the bill

TRENTON - New Jersey's one-handgun-per-month proposal was designed to keep guns out of the hands of criminals.

But if the bill takes effect later this year or in early 2010, it could have the unintended consequence of severely cutting down on the supply of legal handguns to licensed retailers, potentially driving them out of business, according to a prominent Second Amendment attorney.

Evan F. Nappen, an Eatontown, Monmouth County, attorney who has written two books on New Jersey's weapons laws, said the problem comes from the bill - which seeks to curb illegal distribution of guns from permitted owners - not exempting sales from distributors or private parties to gun stores.

Instead, it exempts only law enforcement, antique collectors and transactions between retailers from the restrictions to one handgun purchase per month.

According to Nappen, the restrictions would choke off sales by individuals as well as manufacturers and distributors to retailers, sales that stores use to keep stock replenished.

"To me, it's either an oversight or, if you're more conspiratorial, it's intentional," Nappen said. "It's either one or the other, but it's a problem."

Gun retailer Tom Gormley said he was upset at the prospect of the supply of guns to legitimate dealers being choked off.

"I don't understand it," said Gormley, president of Tip's Hardware in Eagleswood Township, Ocean County. "All the stats that everybody has shows that these guns that they're worried about, the stats already show that they're being bought out of state."

The non-partisan state Office of Legislative Service, which helped draft the bill, declined to comment on the record.

Jason Butkowski, the state Senate Democrats' deputy communications director for technology, said OLS told him the bill covered only retail gun dealers and their employers, not wholesalers and private collectors wishing to sell to stores. Regardless, he said if it were a problem, he expected a task force created by Gov. Jon S. Corzine would find a solution.

Under current law, a person interested in buying a handgun must file for a firearms ID card and a pistol permit with his or her local police department. The applicant is fingerprinted for the card, and police have a month to approve or deny the permit.

However, Nappen and store owners say they have heard of some departments wrongfully taking months to process a permit.

Gun enthusiasts said the one-handgun-a-month bill is a bad idea because it would tighten up the already stringent state gun regulations while doing nothing to reduce guns that come from other states.

At the same time, gun-control advocates praised the bill, which would make New Jersey one of just four states with this restriction.

Corzine had pushed for it and the Assembly approved the legislation in June 2008, but it faced opposition from Republicans and southern Democrats. It cleared the state Senate only last month, when state Sen. Fred Madden Jr., D-Gloucester, Camden, agreed to support it after Corzine promised to put him on a task force to review the bill.

The administration staffed the task force last week with Madden and other lawmakers from across the state, along with the attorney general, State Police and county prosecutors and other experts with differing perspectives on gun control. It must meet by July 27 and is required to issue a preliminary report by late October and a final report by April 2011.

Both houses of the Legislature are not expected to meet until after the November elections, meaning lawmakers would likely work on the bill in the lame-duck period at the end of the term.

Madden said he had not heard of the problem Nappen pointed out but would consider it. He said his first concerns were competitive shooters and gun collectors, but he also wanted the state to use modern databases to track permits more efficiently and reduce the redundancy that requires a pistol-permit application for every purchase.

Similarly, bill sponsors said potential problems with retailers had not been discussed. State Sen. Jim Whelan, D-Atlantic, co-sponsored the bill and was the only one of 12 legislators in The Press's four-district coverage area that voted for it. He hadn't heard of Nappen's concern and said he supported the bill because 12 handguns per year seemed like a reasonable limit.

New Jersey Association of Firearms Retailers President Bob Viden said he expected potential problems for the state's retailers would be addressed, but echoed Madden's concern for collectors.

Viden, who runs Bob's Little Sport Shop in Glassboro, Gloucester County, said, "Why should they wait four months?" he said. "These aren't the people causing crimes."

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September 23, 2009

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Statement of Gary J. Needleman September 24, 2009 Meeting of the NJ Firearms Advisory Task Force

Good morning, and thank you for inviting me to be heard at this meeting. I am an attorney licensed to practice law in 6 states and I have practiced law in Montville, New Jersey for over 25 years. I also was a State and Federally licensed firearms dealer for 23 years. As an attorney and former retail firearms dealer, I would like to highlight some unintended consequences of the dealer exemption to the "one gun a month" law.

New Jersey Statutes and the Administrative Code draw a distinction between retailer dealers and manufacturers and wholesale firearms dealers. For example, there are separate and distinct applications to register as a manufacture or wholesale dealer and to obtain a retail dealer license. As it is currently written, the dealer exemption only applies to transfers of handguns between "licensed retail dealers." The problem is that if licensed retail dealers only purchase multiple handguns from other licensed retailer dealers, the inventory supply for all firearms dealers in New Jersey would be extremely limited.

When interpreting a statute, the first thing that is examined is the plain meaning of this language. Here, the Legislature has employed the term "retail dealer." Thus, the plain

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meaning of the exception is that it only applies to transfers between licensed retail dealers. The exemption cannot apply to transfers between retail dealers and registered manufactures of firearms. It also cannot apply to transfers between retail dealers and registered wholesale dealers. In my experience as a firearms dealer and representing licensed firearms dealers, I know that the vast majority of a retail dealer's inventory is not obtained from other retail dealers. Rather, it is mostly obtained by multiple purchases from registered manufacturers and wholesalers of firearms.

While manufactures and wholesale distributors are the main source for retail dealers' inventory, there are others. In my experience, retail dealers also purchase inventory from estates, sales of collections by individuals and consignment sales. Not only does the "one gun a month" dealer exemption not apply to wholesalers and manufacturers, it does not apply to these individual sources as well.

By not including manufacturers and wholesale distributors in the dealer exception, retail dealers are, in effect, prevented from acquiring a line of products from a manufacturer for resale. For example, the manufacturer Colt produces well over 30 models of pistols and revolvers. In light of the exemption as written, it would take a retail dealer over two years to obtain an example of each handgun produced by Colt for display and resale. Moreover, if two individual customers wished to purchase two separate Colt handguns not in the retailer's inventory, it would take over 2 months to acquire the handguns from the manufacturer for resale to both of those customers. That delay is in addition to the many months it normally takes an individual to obtain a purchase permit after submitting an application. That is no way to run a business. With inventory choked off, the retailers' businesses will be destroyed and they will have no choice but to close their doors.

The exemption as written would also make it virtually impossible for executors and administrators of estates to liquidate a decedent's handgun collection. When I was a retail dealer, I was contacted by representatives of estates on numerous occasions and advised that they wished to liquidate the decedent's firearms collection. I would often purchase the entire collection at one time because that is how it was offered. In these situations, the surviving spouse often did not share the decedent's enthusiasm for collecting, and rather than being stuck with numerous firearms that they were not interested in, nor knew how to handle and store safely, they simply wished to sell the collection. I would purchase the entire collection and then sell the firearms individually at my store. Under the dealer exemption as presently written, it would take a widow

Firearms Task Force
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months, if not years, to liquidate her loved one's collection and remove unwanted firearms from her home.

These are just two examples of the problems that would be caused by the exemption as written. However, these issues can easily be remedied by amending the law to exempt all transfer to dealers, not simply transfers between retail dealers. Such an exemption would in no way weaken the "one gun a month" law. Licensed retailers go through extensive and intrusive background investigations before their licenses are issued. Their inventory and records are scrutinized on a regular basis by the State Police and the Bureau of Alcohol Tobacco and Firearms and Explosives. I think we can all agree that licensed firearms retailers are not making the straw purchases this law seeks to prevent. Nevertheless, even though licensed retailers are pre-certified as law abiding non-criminals and are heavily regulated thereafter, the law as written treats them the same way it treats criminal straw purchasers. The simplest way to rectify this inequity is to exempt all transfer to retail dealers, including those from wholesalers, manufacturers, estates, individuals, and other retailers.

This concludes my statement and I am available to take any questions you may have.

Very truly yours,

Gary J. Needleman

GJN:nal

Prosecutor Robert Bernardi (Chair)
Senator Fred Madden (Vice Chair)
Senator Sandra B. Cunningham
Assemblyman John Burzichelli
Assemblyman Gordon Johnson
Assistant Attorney General Ronald Susswein
LTC Chris Andreychak, NJ State Police
Robert Nixon, representative from ANJRPC
Bryan Miller, representative from Cease Fire NJ

My name is Robert Barush, I am the Director of Legislative Affairs for the New Jersey Coalition for Self Defense. We are a volunteer, not-for-profit organization. Our objective is to save lives and make communities safer, by teaching, training and inspiring New Jersey Citizens to develop for themselves the means of proper self defense.

Our position is that our laws can be crafted to hold criminals accountable for their actions while protecting the rights of law-abiding citizens to have access to the tools necessary to defend themselves.

We are pleased to have the opportunity to be here today to discuss the much needed changes to the "one-handgun-a-month law" and other related legislative issues.

Let me first start by saying that there are many issues that the members of NJCSD have asked us to address today. Since we can't possibly cover them all, and considering that this hearing is primarily about "one-handgun-a-month" (OGAM), we have compiled a separate list of issues which we ask the Taskforce to address as part of your review of New Jersey firearms laws and regulatory processes and to include us in the discussion of each, as we feel we have a lot to offer.

Today we will cover our specific concerns and suggestions regarding OGAM, and provide a general statement that we wish to make on behalf of our members. We see this as the first step of a process of communication and understanding of the elements of each issue and hope that our perspective might begin to put the 'sense' back into 'common sense' gun laws.

"...to ban guns because criminals use them is to tell the innocent and law-abiding that their rights and liberties depend not on their own conduct, but on the conduct of the guilty and the lawless..." attorney and author, Jeff Snyder

We believe that this simple paradigm applies to all liberties and natural rights affirmed and guaranteed to us by our Constitution and protected by our Republic which is engineered to support and defend the rights of all, especially the minority.

OGAM (one-handgun-a-month). Even the Governor of the State of NJ acknowledges that we have some of the most restrictive gun laws in the nation. Yet despite these laws our state has failed to benefit from the same reduction in crime that 40 other states have enjoyed since recognizing the individual's right to keep and bear arms.

We struggled for many hours to come up with a list of exemptions that would somehow make sense and mitigate the impact that this legislation has on law-abiding citizens. We came up with some great ideas and mechanisms to decide who should be exempt and how the exemption should be verified.

1. Sportsmen – any New Jersey Citizen who can present at time of purchase a membership card, in his or her name or in the name of the primary member if it is a family membership, of a New Jersey Gun Club such as:
 - a. Central Jersey Rifle and Pistol Club
 - b. Old Bridge Rifle and Pistol Club
 - c. Citizens Rifle and Revolver Club
 - d. Association of New Jersey Rifle and Pistol Clubs
 - e. Any other gun club properly organized according to NJ law.
2. Dealers and Collectors – any New Jersey citizen who holds any Federal Firearms License to include a collector's license.
3. Hunters – any New Jersey citizen who holds a valid New Jersey Hunting License.
4. Job related – any New Jersey citizen who holds a New Jersey Permit to Carry a Handgun.

...but after extensive deliberation, we could only conclude that there is no group of law-abiding citizens that has more or less rights than any other, only a distinction that can be made between the law-abiding and the criminal. There is no exemption that is satisfactory other than an exemption for those who have passed the multitude of checks already mandated by statute to receive an FID card. We find it troubling that our Legislators did not think of this before signing this bill. Essentially, this bill was unacceptable unless some law-abiding citizens were exempt, and now, it is equally unacceptable to exempt only some law-abiding citizens. This law is quintessential failed public policy. Our entire Constitution is designed to prevent exactly this from happening and you missed it. NJCSD believes that the Second Amendment guarantees an individual right to keep and bear arms for all lawful purposes – hunting, sporting, collecting, recreation, and especially for self-defense. All must be respected and OGAM must be seen for what it is, in the words of Governor Corzine himself, spoken just after signing it, "We have a gun ban!"

Our observations are based upon the following facts:

- a. The ATF already tracks multiple concurrent purchases.
- b. Gun rationing has been implemented in only four states, one of which has already repealed it as ineffective.
- c. The bill was based on bad "statistics" which the Governor's office has refused to release. I know because I have the denied OPRA request to prove it. They would only tell us verbally that ATF trace data was used, but they would not provide us with the anything used to formulate the basis for OGAM.
- d. Nowhere in the ATF report mentioned could we substantiate that 28% of 'crime guns' come from New Jersey, as the Governor claims.
- e. Straw purchases already violate federal law.
- f. Law-abiding citizens, by definition, do not purchase guns for criminals.
- g. The ATF report clearly states that not all guns traced were used in crimes making the data unusable for such a crucial decision.
- h. The ATF report clearly states that the 'time to crime' for traced guns is not near the time of purchase, as you would expect with a straw purchase, but 12.53 years later on average. This completely obliterates any notion that there were a significant number of multiple purchases and raises the question whether or not there is any evidence of any straw purchases at all. We believe that it is no

coincidence that this is roughly the same age as the NICS check - proof that nothing more is needed.

Despite the overwhelming evidence that contradicts the fundamental claims of purpose of OGAM, this law was passed, signed and in three months will create a new class of criminals from the innocent. There is absolutely nothing "common sense" about that. This law won't put a single criminal behind bars, but sentences the innocent to 18 months in prison and a \$10,000 fine and you can be sure that some that didn't get the memo will surely pay the price. But not to worry, they will have company. Their cell mates will be the ones who were prosecuted for possession of the vicious killer, the bb gun, or were discovered with a rifle with the dreaded pistol grip, flash suppressor combination which is known to improve the function of a firearm exactly 0%, or maybe it might be the husband and father who saved his family's lives by killing a violent criminal with a hollow point bullet, the safest round to use for self-defense, but not so safe for the hero. That family would lose their father to the legal system instead of the killer. Or maybe your cell mate might be a security guard who was carrying perfectly legally when he was on duty at the bank, but when he went to drop his car off at the repair shop, he was arrested, tried and convicted, now serving 3 to 7 years.

Tell me what the difference is between losing your life savings to a thief and losing your life savings defending yourself as you get keel hauled through the court process in such cases. Tell me what the difference is between a child who loses a parent to a brutal killer and one who loses a parent to prison over such ridiculous laws. Why are our elected officials so concerned about the one and not the other? Are their lives not equally valuable? Do you not care about the children in those families? Knowing that you have not fixed these issues, and have instead focused your efforts on another problematic piece of legislation targeting more innocent people, how long do you think the people will continue to vote for you?

Who has done this to us? Who has made us so afraid of ourselves that we are willing to legislate away our natural right of self-defense one piece at a time and send our neighbors to prison, and for what, for stopping at Grandma's on the way home from the range because the kids wanted some chocolate chip cookies and you couldn't say no. I would like to know who has made the ridiculous assumption that we are unable, that we are incapable, that we are not intelligent enough, that we are unwilling or that we are too stupid to learn how to safely handle, store and use a gun. That although we can fly airplanes and drive cars and operate computers, build roads and bridges and buildings, operate heavy machinery or work a cash register, we are somehow unable to secure our own persons and property and enjoy our pastimes safely. Who is it that has convinced so many of us that we are not HUMAN enough to deserve the unalienable human right of self defense subjugating us as mere animals to be tended to by our masters? New Jersey Citizens, anyone who campaigns to convince you or your lawmakers that you do not have these rights, is not only ignoring the Second Amendment, but is tragically mistaken about your spirit.

My fellow New Jersey citizens, I am embarrassed and ashamed. Why have other states proven themselves to be more worthy than us and more capable than us? Why do they exercise their natural rights effectively and with pride and with a near perfect safety record and we bow our heads in shame and cower in the presence of our assailants and send our neighbors to prison. Are we not equal in capacity? Are we not men and women of responsibility and integrity? Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee,

September 23, 2009

Texas, Utah, Virginia, Washington, West Virginia, Wyoming and Vermont have all recognized that their citizens truly are "independent" with the right to defend themselves.

Members of the Taskforce, we have an opportunity here to work together to correct these byzantine laws and put control back into the hands of the people, where it belongs. We are willing to help. We can craft these laws to achieve our shared objectives of peace and security by sending only criminals to jail and making the people part of the solution. The question is, do you trust them? Do you trust the people? If the answer is no, then the question becomes should the people trust you?

At this point, we would be happy to answer any of your questions.

Sincerely,



Robert Barush
Director, Legislative Affairs

9/23/2009

Prosecutor Robert Bernardi (Chair)
Senator Fred Madden (Vice Chair)
Senator Sandra B. Cunningham
Assemblyman John Burzichelli
Assemblyman Gorden Johnson
Assistant Attorney General Ronald Susswein
LTC Chris Andreychak, NJ State Police
Robert Nixon, representative from ANJRPC
Bryan Miller, representative from Cease Fire NJ

NJCSD requests that the following list of issues regarding New Jersey firearms laws and regulatory process be reviewed by the Taskforce and that NJCSD be invited to provide testimony on each.

1. Improving the permit process to eliminate redundancy and obsolete requirements.
2. Create a mechanism to enforce time requirements mandated by statute in the permit process.
3. Castle Doctrine.
4. Definition of a firearm.
5. Recognize "self-defense" as a valid "urgent need".
6. Definition of an assault weapon.
7. Magazine capacity restrictions.
8. Distinction between law-abiding citizen and criminal in all firearms laws.
9. .50 cal
10. Hollow point ammunition.

Sincerely,



Robert Barush
Director, Legislative Affairs

September 24, 2009

Testimony

Firearms Advisory Task Force

Carl A. Leisinger, III. NJSP Maj. Retired

NJSP 32 Years

Supervisor of Firearms Investigation Unit

Firearms Dealer - State & Federally Licensed

Firearms Collector - member of South Jersey Collectors Association

Competition Shooter - Rifle & Pistol - Many National & State Champion Titles

CEO of CALIII Enterprises LLC - Forensic Ballistics/Firearms Consultant

Working with State Police (part time conducting investigations)

I have and do wear many hats and bring to this panel years of experience, historical knowledge concerning firearms, their regulations and their enforcement.

1967 NJ Gun law was a preemption to the proposed Federal Law pass a year hence. NJ incorporated safe guards so only persons deem lawful could purchase a firearm. Also, one could not be denied without cause. Improvements have been incorporated to enhance the efficiency of the regulatory process through administrative code(s) and the introduction of live scan and the Federal National Instant Check System (NICS) a point of purchase background check.

When the Assault Gun bill was proposed approximately 20 years ago, I was in charge of FA ID (Ballistics) a young DAG was assigned to craft the legislation. He sought me out as the Supervisor of Ballistics. His knowledge was slight and mine extensive. He relied on me for my knowledge of firearms. The DAG I speak of ultimately became the AG of NJ, Peter C. Harvey. The Legislation was a prohibition of firearms due to their appearances, i.e., pistol grips, flashes suppressors, magazine types, etc. Dare I say the word profiling, the legislature decided to profile these types of firearms due to their appearances. This was so stated by Senator Frank X. Graves in a public hearing such as this today. My point, certain firearms which were commonly used in competition were also profiled, i.e., M1As and AR15s. I spoke of the legitimate use of such firearms to Peter Harvey. They were then incorporated into the legislation as the Target Assault Gun which **competitors** could register. Approximately 1,000 were so registered. That was one exception to the ban. There were also **collectors** who could register their rifle as an inoperable Assault Gun. This was another exception to the ban.

Oh, by the way, I was called sometime during this process to access the number of those profiled firearms that were submitted to Ballistics for the previous five years and the total was five. That was five, a statistically insignificant number. None were involved a violent crime.

This brings me to exceptions to add to this crafted legislation and possible implementation methodology.

Competitors and collectors just as I previously spoke of and their exceptions that Peter Harvey

installed into the Assault Gun legislation should so be done with this legislation. It shows the faith the state has in the legitimate citizen of this State. The legislation will then only target those who have illegal intentions in their actions.

I must caution, there is an exception mentioned in the legislation, this is the Curios & Relics License, FFL 03, (CRL). It has no utility in this State. A holder of a 03 license must also have a State Firearms license. An 03 license is not a stand-alone license in this state. About 15 years ago all 03 license holders were sent a letter by the NJ FIU stating they must also have an NJ FA license to transfer and receive FA. Most surrender their 03 license to the ATF. To use this as an exception is moot and offers zero remedy.

Also, the exemption mentioned in the legislation is for "...federal, State, local law enforcement officer..." for use in actual performance of their duties should be taken a step further. Bear in mind that many dedicated law enforcement types engage in competition to keep their senses sharp and their subconscious mind trained to immediately react in the line of duty. I was one of those types. Referring to Exhibit #1 top left hand corner is my High Master certification in Police Pistol Combat. The highest classification attainable. I was at the top of my game. During my career in the NJSP I was pegged as the number one shot in the outfit. A competitor, in most cases, will require at least three guns: one he shoots, one as a back up at the match and the other is at the gunsmith being worked on. It's a revolving cycle on the equipment and constant practice of the senses. Senses that may determine life or death. Depending on the competition, a gun will be fired tens of thousands of rounds a year and require extensively to rebuild on a regular basis. In most cases these are guns personally bought and owned. This would be another exemption.

There are other areas that can be amended into this legislation as exceptions.

One is a bonafide **competitor**. Competitors are classified as to their skill level, i.e., Master, Expert, Marksman & Sharpshooter by their particular competition governing body, the NRA being the most prevalent. This classification card could be used as an identifier and an exception to this purchasing restriction. Exhibit #1 (picture of NRA classification cards).

Another is a bonafide **collector**. Collectors, some but not all, belong to a formal organization (exhibit # 2 - picture of South Jersey Arms Collectors card), an informal group or none at all. That particular individual should not be made to suffer as a result of this legislation.

Also, belonging to an organized shooting club is an option to those that do not fall into the competitor or collector category. The proof of such would be the membership card from the club (Exhibit #1). The element that this legislation wants to target, a straw purchaser with criminal intent, would certainly not have such credentials.

Straw purchaser - as the supervisor of the NJSP Firearms Investigation Unit the "Straw Purchaser" was not even a speck on the FIU radar. NJ is a receiver state not a donor state. The buyer/dealer must fill out a multiple purchase (MP) Federal form that is inspected by the ATF. I once bought two handguns in one transaction and filled out the aforementioned MP form. I was visited by Agent Holland, who was a former NJ Trooper, and he wanted to see both guns and I showed him the two handguns.

Today I have given the panel how previous legislation was amended to make it more workable for the honest NJ citizen. I have given you today parallel ideas and methods to amend this legislation.

I Thank You

Carl A. Leisinger, III.


Exhibit #1

Carl A. Leisinger III
SIGNATURE

National Rifle Association of America
CLASSIFICATION CARD

POLICE ACTIVITIES
POLICE PISTOL COMBAT
HIGH MASTER

JDBL676W
CARL A LEISINGER III




EFFECTIVE DATE 10/29/81
PRESENT THIS CARD WHEN ENTERING TOURNAMENTS
UNTIL NOTIFIED OF RECLASSIFICATION BY N.R.A.

I CERTIFY THIS IS MY CURRENT CLASSIFICATION.

Carl A. Leisinger III
SIGNATURE

National Rifle Association of America
CLASSIFICATION CARD

HIGH POWER RIFLE
HIGH MASTER
19285865
CARL A LEISINGER III



EFFECTIVE DATE 7/13/2004
PRESENT THIS CARD WHEN ENTERING TOURNAMENTS
UNTIL NOTIFIED OF RECLASSIFICATION BY N.R.A.


I CERTIFY THIS IS MY CURRENT CLASSIFICATION.

Carl A. Leisinger III
SIGNATURE

National Rifle Association of America
CLASSIFICATION CARD

HIGH POWER RIFLE LONG RANGE
MASTER

JDBL676W
CARL A LEISINGER III



EFFECTIVE DATE 07/27/98
PRESENT THIS CARD WHEN ENTERING TOURNAMENTS
UNTIL NOTIFIED OF RECLASSIFICATION BY N.R.A.


I CERTIFY THIS IS MY CURRENT CLASSIFICATION.

Carl A. Leisinger III
SIGNATURE

National Rifle Association of America
CLASSIFICATION CARD


MID RANGE SP TARGET RIFLE
EXPERT

JDBL676W
CARL A LEISINGER III



EFFECTIVE DATE 06/18/98
PRESENT THIS CARD WHEN ENTERING TOURNAMENTS
UNTIL NOTIFIED OF RECLASSIFICATION BY N.R.A.

I CERTIFY THIS IS MY CURRENT CLASSIFICATION.



This is to Certify That
Carl Leisinger III

is a member in good standing
of the **Cumberland riflemen**
Vineland, New Jersey

F. C. Brown
President

JUNE 2010
Expiration Date

Membership Card

Type	Member Number	Valid Thru
8	1527	12/31/2010

Carl A. Leisinger

243
Member since 86

Exhibit #2

Pres. Dabner

South Jersey Arms Collectors

Charter Member

Name Carl Leishner Date 9-14-09

Firearms I.D. 976635 Issued 9-14-09

A little perspective.

Imagine that you can buy only one golf club per month. This month a driver, next month a putter. This would seriously hinder your golf game.

Target shooters need many different handguns for competition. A 2700 requires at least two guns, and usually three. Free pistol requires a different type of handgun. Air pistol. Single action revolver. Double action revolver. Magnum handgun. Pistol silhouette handgun. Practical Pistol. Police Pistol. Cowboy action. I may have missed a few. All these handguns are for different purposes. All these handguns are for worldwide sanctioned competitions, including the Olympics. One gun a month could seriously handicap a competition shooter- and that is not a good handicap, as a golf handicap is.

Many competitors buy two of the same model firearm at once, just in case of mishap. Collectors often buy handguns in sets. Heirs of handguns should not be bound by the one gun dictum- often there are multiple guns to transfer.

As long term president of a NJ target club, registered with the State Police, I can say our 450 members are quite upset and are trying to stock up before January 1 on any firearm they might need in the coming year. They are doctors, lawyers, plumbers, electricians and bankers. Their hobby is the same as golf- they are aiming a missile at a target hoping for a good score.

If criminals started using golf clubs to commit crimes- would the one per month law even be considered?

This law only penalizes legal, responsible firearms enthusiasts. Only last week- Sept. 15- the Trenton Times reported a man sentenced to federal prison for arranging straw purchases of guns. The purchases were made in **Pennsylvania**. **The NJ Law would do nothing to stop this.**

If you insist on keeping this worthless law, at least put in exemptions for target shooters, competitors, Olympic hopefuls, collectors and dealers. These are not the criminals you are trying to stop. These are the taxpayers and voters of New Jersey.

Carol Katona
President
Citizens Rifle & Revolver Club
Ckatona916@aol.com

Testimony of Stanley J. Gurski, 64 Rutgers Road, Clark, NJ 07066 Historian and former President of the New Jersey Arms Collectors Club, Inc.:

Mister Chairman, members of the Firearms Advisory Task Force. I thank you for the opportunity to testify. I am disappointed that these hearings were not held prior to the Governor signing this bill into law. I am sure many people will testify today to why this bill should not have been signed. I will concentrate on its impact on collectors.

You must realize that most collectors do not wish to part with their collections. That Collectors would buy a handgun under New Jersey's repressive laws and then sell that Firearm to a criminal, knowing it is registered in their name is highly unlikely. The exceptions built into this law need to be expanded..

First we have the issue of the Federal Collector's license. While this is an aid to Collecting in most states it is a big problem in New Jersey. State Police enforcement has treated the "collector" license as a "unlicensed dealer" in the past subjecting the holders to searches, arrests and prosecution. The leading law book on New Jersey Gun Laws by Evan F. Nappen has always warned New Jersey collectors to basically avoid getting one. This law encourages collectors to put themselves at risk. I believe Mr Nappen is here today so I hope he addresses that issue.

A major problem for collectors is that dinosaur, the pistol purchase permit. Established in the pre digital age its only value is to let a private seller know that the transfer of a sidearm is not going to a prohibited person. For that narrow purpose it should remain. With the passing of the Brady Law all licensed dealers can do a background check at time of purchase in a matter of minutes.

From my own experience as a municipal police officer who was placed in charge of

processing firearms applications in the 1970's I can assure you that in the age of teletype and snail mail there were many legitimate excuses for not processing somebody in 30 days. That part of the law has never been enforced. A year ago I changed residences and had to wait 3 months to get a change of address on my Purchaser card. If the Legislature is serious about having its laws enforced then it must order sanctions on those agencies that do not process the present system of permits and identification Cards in the 30 day window. Under the present system to the best of my Knowledge, no one has ever been indicted for not meeting the 30 day deadline.

There is absolutely no need to keep the permit system in place when purchasing from a licensed New Jersey dealer. I have received a permit from my Chief and driven to a licensed dealer 30 minutes away and had to pay for another background check. Are the records that old so fast, or public safety so endangered that I need to be rechecked twice in 30 minutes?

With the digital age and the National Crime Information Center any resident of New Jersey should be able to purchase a sidearm from a licensed NJ dealer in the Same way they can purchase a longarm. The resources and manpower saved could be put to better use tracking down firearms found in the possession of violent felons.

Under the present system many collectors pay for items at a store and let them just be stored there until a sufficient number have been put away. They then go through the process of getting a number of permits and going through one federal check. A collector may acquire 12 handguns in one day and then none at all for months or years.

When a New Jersey resident does make a multiple purchase on the same day from a Licensed New Jersey dealer he is subject to the multiple sales reporting procedure under

Federal Law. The ATF then can investigate to see if the purchase was for sport collecting or possible straw purchase. Usually it is easy to spot the collector because they tend to buy a variety of "curios and relics" that follow a theme.

The purchase of brand new firearms does not necessarily mean a person is a straw purchaser. In the same way that stamp collectors buy brand new stamps by the sheet the day they are issued or coins in proof sets from the US Mint some collector/investors buy brand new guns as soon as they are available. They secure these firearms "new and in the box" and never fire them or fill out the warranty cards to preserve their condition. Depending on the ability to get these guns from the manufacturer to a licensed dealer They might buy 5 one month and none for rest of the year. This harmless activity/hobby Should not be the concern for public alarm. Its not the gun, but who controls it that is the potential danger. ATF has the tools to investigate suspicious purchases of large numbers Sidearms by one individual.

A particular problem may occur when an executor has to sell off a large collection to satisfy an estate. Persons wishing to buy parts of that collection may have to get dozens of permits under the present system and under this law it could take years to legally dispose of a collection unless you sell everything to a dealer. Doing that could cost a family a large part of the inheritance . Allowing people to buy more than one handgun at a time from an estate should be an exemption.

Federal law recognized the concept of "curios and relics". That is, firearms that get a substantial part of their value from their historical links. New Jersey Law treats them the same as modern firearms. Exempting all firearms that are, or were

ever defined by Federal law as "curios and relics" from the one handgun limitation
Would be a major reform that I hope you consider.

In place of the Federal Collectors License may I suggest that membership in a
Club or historical society be considered. Gun clubs that file their charter with the
Superintendent of State Police and annually submits a list of its members (such
as those who file under N.J.S. 2C:39-6(f)) could issue membership cards, that combined
with proof of residence and a pistol purchase permit or one of the following:
US Military ID (Active, Reserve, National Guard, or Retired), Law Enforcement ID
(Active or retired) or proof of honorable discharge from the US Armed Forces (DD214)
be listed as exempt from the one handgun limitation. Having a special "collector
endorsement" to the Firearms Purchaser card might also be an option.

True collectors don't want to give up the items they searched for. If they could
take them to the other side they probably would. Putting them in the casket makes it too
heavy to carry. I would hope that the laws on inheritance are not adversely impacted by
not allowing a heir to take immediate custody of a collection that may be worth a
substantial amount of money and sentiment.

Like many other collectors I am upset that the Legislature has decided to pass a law
with good intentions but unintended consequences. Like the church lady who is told
that the minister is only allowed to give her one sip of communion wine a month to
fight alcoholic motorcycle gang members who destroy small towns, you want to know
Why are you picking on me? Go after the people who engage in straw purchases!
Go after violent felons and find out who provided them with the tools to do

damage. We as collectors are not the problem, harassing us is not the solution. We are the present custodians of historical artifacts. Educating people, preserving, and passing on to another generation these concrete reminders of our historical heritage and essential freedoms is a mission we have volunteered to serve.

It is a shame that the persons who wrote our state constitution gave us an abridged list of fundamental freedoms government must protect. The failure to include the right to Keep and Bear arms by the first state to ratify the Bill of Rights is a blight on our State. Hopefully a legislature will eventually offer a referendum to correct this fault.

I thank you for listening to me. I hope the Supreme Court rules that the Second Amendment does apply to the states through the 14th so we can come back and reform New Jersey law rather than make it more contemptuous of our fundamental American freedoms.

My name is Ryman Navoa. I am here to testify on behalf of Frank Caso, proprietor of Caso's Gun-A-Rama, Inc, located in Jersey City, a retail firearms dealer for the past 42 years. Mr. Caso was unable to attend today and asked me to accept your invitation to speak and communicate a perspective that will hopefully help the task force ensure that lawful citizens are not adversely affected by the current changes to New Jersey firearms legislation. I would like to thank the task force in advance for taking the time to listen to my testimony today.

With all due respect, the new "One Handgun a Month" law is severely flawed and will not only adversely affect law abiding citizens, dealers, collectors, and competitive and recreational firearms users, but will effectively only impact these specified groups. The only thing this law accomplishes is the restriction of the constitutional rights of honest citizens who are involved in the shooting sports. It does nothing to effectively address or curb criminal firearms behavior. If this law is not meant to impact lawful firearms owners, many more exceptions need to be considered.

I believe I provide a unique perspective on how this law will adversely affect law abiding firearms owners with my insight as a firearms collector, my insight as a competitor in the shooting sports, as well as my insight as an employee of a New Jersey retail firearms dealer.

As it is now written, the "One Gun a Month" law will adversely affect retail firearms dealers. This law will reduce revenue and increase operating expenses for dealers. For example, our store relies on return customers for continued business. The majority of firearms we sell are to repeat customers who are collectors or recreational shooters, who may purchase more than one gun in a month. They may not buy firearms every month, but when they do, they may purchase more than one. Also, many who are new to the shooting sports, purchase multiple firearms at one time. Often this is so they can practice and become acquainted to shooting with different types of firearms. This law coupled with the inefficient permitting system will only discourage more lawful citizens from purchasing firearms, having a negative financial impact on our business. This law would reduce a large percentage of our sales, resulting in decreased revenue.

In addition, this law will increase our operating costs. For example, if customers were to purchase multiple firearms, and only one can be transferred in a 30 day period, we would need to retain and store the other firearms purchased until they were again eligible for a transfer. This places us in a precarious situation where we would be liable for the firearms remaining on hold in our inventory, waiting to be transferred. This is unreasonable as it will freeze inventory and storage space, and will be cost prohibitive from an insurance coverage perspective. Furthermore, this law essentially makes it ineffective for any dealer to purchase or transfer collections or consignments as these usually are multiple firearms.

Decreasing sales and increasing cost due to this law will adversely affect the retail firearms dealers such as Caso's. It is basic mathematics; less sales directly correlates to decreases in revenues. Couple a smaller operating budget with increases in operating

costs, means probable workforce reductions, leading to a decrease in services offered to the customer. This would be the beginning of a perpetuating cycle which can eventually lead to a dealer's inability to remain viable. This would be an irreplaceable loss not only to firearms owners, but to the entire community.

Caso's Gun-A-Rama is not only a retail firearms dealer but a fixture in the community. We are part of a declining portion of the community that is trying to make it better place to live and work. We give back to the community supporting outreach events. We work with other local businesses to promote responsible firearms ownerships and firearms education. We aid and support local and state law enforcement organizations. We are law abiding citizens that enjoy firearms and share our sport with others who enjoy the same.

The language of the current dealer exceptions is also troubling. It states "transfer between retail dealers". Many times, a dealer transfers multiple guns to manufacturers or distributors. An example would be multiple firearms in a shipment sent in error. The return of these firearms would take months as only one a month could be returned. If the dealer had to retain these firearms in inventory, it can quickly become cost prohibitive.

This law only increases the difficulty for a lawful citizen to purchase a firearm. Even though it is stated that a permit shall be granted within 30 days from the date of receipt of an application, this is more the exception than the rule. Many municipalities take several months to issue a permit. Further, it is stated that, "there shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter." Many police departments do not adhere to this procedure and place their own arbitrary restrictions on firearms applications. Not only is the law already restrictive, but additional arbitrary limitations introduced by local police departments can unjustly further limit the ability of a lawful citizen to purchase a firearm.

This law is simply another way to discourage legal firearms ownership. On a daily basis we hear stories of our customers and their encounters with their local police departments. For example, the North Bergen Police Department required one of our customers to bring all his guns to the precinct for them to be inspected before they would issue him any more permits. Another one of our customers is now apprehensive to request permits from the Jersey City Police Department as the previous time he applied, he was intimidated by a phone message he received expressing the Chief of Police's concern as to why he had applied for more permits. Yet another customer was told by Weehawken's permit issuing officer to come in for an interview. This customer subsequently took a day off from work, only to find out that the day the officer set his interview for was the officer's scheduled day off. The limit of one gun a month would adversely affect the dealer's ability to remain a viable business due to a decrease in sales, an increase in operating cost, as well as the consumer's inability to secure permits in the timeframe and method dictated by the law.

The "One Gun a Month" law will adversely affect collectors. As a firearms collector, I periodically purchase more than one handgun in a 30 day period. Often, I purchase many of the same firearms. Other times, I purchase a limited run or special edition firearm. The exceptions stated in the "One Handgun a Month" law include law enforcement officers, collectors of curios and relics who possess a "Collector of Curios and Relics License" from BATFE and licensed retail dealers. I do not fit into any of these three categories. Though I am a collector, the language in this section excludes me because I do not have a license from the BATFE. Even if I did possess the license specified, I would still be excluded from this exception as I enjoy collecting modern firearms and have no interest in curios and relics. Just as some automobile enthusiasts enjoy collecting modern cars but have no interest in classic cars, I enjoy collecting modern firearms and have no interest in relics.

Another concern as a collector would be the inheritance or the gift of firearms from a relative. If I inherit a collection from a relative, I would only be able to transfer the collection one gun a month. Even if it was a small collection, it would take several months, if not years to finish a simple transfer of this collection. And during that time, I would not be able to purchase any other firearms on the current market that I would be interested in. As a lawful collector I am being discriminated against and my constitutional right is being infringed upon. The limit of one gun a month would further adversely affect my ability to legally purchase matched pairs, limited runs, and special edition firearms, all of which would enhance my collection.

The "One Gun a Month" law will adversely affect competitors and recreational shooters. As a recreational shooter I purchase firearms that I will use for several different shooting sports. As a competitor that participates in varied disciplines, I purchase firearms for an intended purpose. These firearms are the specialized tools of our sport. Just as you can not play baseball without a bat, you can not enter a shooting competition without a firearm. As a bat is customized to a batter, a firearm is customized to the shooter. For many of these competitions, I purchase two firearms, One that I use primarily and a second to function as a back up if for some reason the primary becomes nonfunctional. The inability to purchase a firearm for a specific competition would adversely affect my ability to enter competitions and be a successful competitor. Years of practice and planning would be wasted if I was unable to legally purchase the tools I needed for my sport. Further, for someone who is just new to the sport, it limits their ability to purchase the appropriate equipment required to participate.

The "One Handgun a Month" will adversely affect law abiding citizens, dealers, collectors, and competitive and recreational firearms users. It does nothing to effectively address or curb criminal firearms behavior. The fact of the matter is that New Jersey laws are already tough. The Brady Campaign ranks NJ as the 2nd state with the strongest gun laws. One Gun a Month will not prevent straw purchases outside of NJ where the problem really exists. Even Jersey City Police Chief Tom Comey, during a town meeting, stated the problem is with firearms coming from out of state, not from New Jersey.

Though this same law in Jersey City was struck down twice, in December 2006 and again by an appellate court in 2008, Governor Corzine still signed it into law. In the "Governor's Statement Upon Signing Assembly Bill No. 339" Governor Corzine stated, "....with this legislation we take an important, common sense step to cut off an avenue for straw purchasers to buy multiple handguns with the intention of transferring them to persons who could not legally obtain handguns due to a criminal record." The Governor needs to be reminded that straw purchases are felonies. And a law that limits the number of firearms a lawful citizen can purchase will not stop a felon from committing a felony.

It is simply illogical to think that some one will go through the steps of going to their local police department, filling out all the applications, waiting for the permits, returning to the police department to retrieve the permits, then go to a firearms dealer to purchase firearms, where it is then registered to the buyer on the permits of which copies are returned to the State Police and to their local police. Further the dealer files a "multiple purchase reporting form" with BATFE. It goes against common sense that someone would go through this process then commit a felony. To our knowledge, no firearm that we at Caso's have sold, that was part of a multiple sale, has been used in the commission of a crime.

I think it speaks volumes when the law abiding citizens that are affected by this law are hard working Americans who want to exercise their constitutional rights. Yet the ones who support this law, for example Jersey City Counsel President Mariano Vega Jr., who stated he was convinced that this law would not really do anything, but it was "feel good" legislation, has recently been arrested and charged with federal corruption charges. And one of the originators of this law Mayor Jeremiah Healey would possibly not even qualify for a permit to purchase with his convictions for his Jersey Shore antics and the on going federal investigations that surround many of his colleagues.

It is my sincere hope that this task force sets aside any erroneous notions and political affiliations to see that this law will only affect lawful citizens and will do nothing to curb criminal activity. The exceptions that are now included offer no protection for the law abiding collector, dealer, or competitive and recreational shooters. If these exceptions are not amended, then this task force will not have successfully completed what it was established for.

Kathy Chatterton, Glen Rock, NJ

I am speaking to you on behalf of competitive pistol shooters and I want to tell you about an experience I had many years ago.

One day, after I had been competing locally for a few years, I read an article written by the Olympic pistol coach who was accepting applications from shooters to attend a week of intensive training in Colorado Springs. I put together my short resume with little hope of being accepted, but one day I got a phone call inviting me to the Olympic Training center to be one of only 20 shooters to attend this training session and team tryout. I was thrilled beyond belief. I practiced for two hours every day after work and saved every spare dollar to pay for the airfare to Colorado. I quit smoking, started jogging to lower my resting heart rate in preparation for the altitude adjustment, and practiced meditation and mental training. You can imagine the how I felt as I walked to the airport kiosk dedicated to transporting Olympic contenders to the campus. The shuttle driver let me out at the huge multicolored sculpture of the Olympic rings next to the Olympic clock which counts down the minutes until the next Olympic games. The freezing cold air smelled of pine trees and the snow covered mountains loomed over the low buildings on the campus. The shooting range was decorated with the flags of the world hung near the ceiling and there was a glass observation area to allow tour groups observe our practice sessions. I settled in to work and after a week of coaching and shooting for 8 hours every day on the range, we 20 or so men and women were to compete for the open slot on the team. I was ready and confident but at some point during the competition, I realized that something was wrong. My scores began to decline. I could see nothing wrong with my pistol but I continued to fire poor shot after poor shot. I had a backup pistol but was reluctant to switch guns in mid-match because my backup was different and a bit unfamiliar to me. Later, the coach spoke to me about the importance of planning for any eventuality, including having at the ready an exact duplicate of all my equipment in the event that something breaks, as it had that day. It's all part of competition. Being machines, firearms can and do fail unexpectedly. In my case, the frame of the gun had a hairline crack, invisible until disassembled. My first experience at the Olympic training center was truly a learning experience and I have never forgotten that lesson.

Today I speak to you as the 2009 Woman National Champion in Standard Pistol and I am also Woman Champion of the National Sectional Pistol Competition. I have held many National championship titles since my first in 1993.

I am the only woman shooter currently classified at the High Master level in the US, and the only woman in history to be classified at the High Master level for Indoor pistol competition. I hold 31 National records, am a member of the President's 100 top shooters, I'm one of the few women to hold the Pistol Distinguished Award, and the 7th person in the state of NJ to win the Distinguished Revolver Award.

According to the National Shooting Sports foundation, more than 19 million Americans safely participate in target shooting.

Of those 19 million, many, including myself, do aspire to the Olympics. Shooting was one of the nine events in the first modern Olympic games held in 1896. The current Olympic program includes 15 shooting events, six for women and nine for men. Women have only been permitted to compete in shooting events since 1968.

Pistol shooting is also one of the 20 Paralympic sports.

Shooting is a sport for life. Some of the oldest Olympians are shooters. It's a wonderful to realize that with persistence and practice the opportunity of lifetime is still within reach.

Competitions for Olympic pistol sports require travel which can cost thousands of dollars. Failure of the firearm during a match can be catastrophic to the competitor, resulting in loss of the financial investment made and the opportunity for inclusion in world level events up to and including the Olympics. Competitors therefore require backup firearms in case of a mechanical failure such as the one I experienced. The preferred method to address this problem is to purchase a pair of identical firearms per event, a main firearm and a backup.

Competitors in Olympic style shooting require up to 5 different firearms, including air pistols which are classified as firearms in NJ and require a purchase permit like any other pistol.

Even England does not restrict the ownership of air pistols, and it also allows competitive shooters exemption from its ban on pistols.

Competitive firearms get almost constant use. The lifespan of a pistol of this type is as short as a few years. Sometimes they can be refurbished and sometimes not. In that event, the prudent competitor must purchase two identical firearms of the type required.

Champion shooters are often awarded prize pistols and a competitor may win several pistols at a time. At the National championships, competitors are required to pick up all prizes immediately or forfeit the items. This law would cause me to have to abandon those prizes.

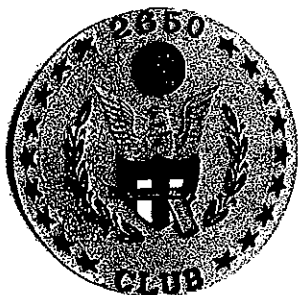
I am lucky enough to be a sponsored shooter. Commercial sponsors such as mine may contribute or replace all of a competitor's firearms at one time. In the case of International shooting for a woman, that would mean four firearms at one time, and for a man, up to ten.

My investment in my bid for the Olympics spans a shooting career of over 20 years. This law could prevent me from achieving that goal by handicapping me regarding the acquisition of the tools I need to stay in the game.

Please allow pistol competitors from New Jersey to continue compete side by side with our fellows in rifle and shotgun such as New Jersey's Olympic gold medalist Matt Emmons by granting us an exemption to this law.

Thank you for considering our position.

DAVE LANGE



One Handgun a Month

Good morning and thank you for hearing me today. I am honored to help represent the competitors in a sport that means so much to me.

My name is David Lange, I have been the NJ State Pistol Champion since 1998, I compete at the national level in NRA Conventional Pistol as well as three International Olympic events. I was the 2006 Civilian National Champion and third overall at THE Camp Perry National Matches. I am currently ranked in the top 10 conventional pistol shooters in the country and in the top 5 civilians. I am Service Pistol Distinguished, Revolver Distinguished and earned the Presidents Hundred. I have set 3 individual national records and been a firing member of more than a dozen National Championship winning teams.

We have a saying in our sport, "Buy as many points as you can, shoot the rest".

I heard that at Small Arms Firing School my first year at Camp Perry. It means buy the best, most accurate, consistent and reliable equipment that you can afford to ensure that your scores are based on your ability and not limited by your equipment.

Having quality back up guns is also important. I found a gunsmith that I really liked and I had him build me two identical 1911 .45s at the same time. I set them up with the same scopes and grips. After I shot them both enough to break them in, I made one a primary and the other a secondary gun that I only shot once and a while. My plan was that if I had any problems with my primary gun I could switch to my backup without any disruption. That plan paid off for me when a few weeks before Camp Perry 2005 I noticed the barrel on my primary gun was almost shot out. I was still shooting scores in the 2650's and calling all my shots but I had lost my confidence in the gun and I didn't know when or how fast it would lose its accuracy. I easily transitioned to my back up gun and used it to place third, behind 9 time national champion

Brian Zins and 5 time national champion Steve Reiter on Preliminary day. That is an extreme example but a more common use for a back up would be after functioning problems or a loose scope and an uncertain zero.

I use three different guns in A conventional pistol match, another gun in the Service Pistol matches and a revolver in the distinguished Revolver matches. That's 5 guns plus backups for each, equals 10 pistols. That number doubles with international and Olympic pistols. Competition pistols are expensive, custom and precision firearms and air pistols that I often buy in pairs when replacing them so that they may be built and accurized at the same time by the same gunsmith.

Up until now, I have been talking about me and other top level competitors. I am also concerned about the adverse affects this law will have on the future of competitive shooting and newcomers to the sport. Let's say a person wanted to start competing in Conventional Pistol and go to the National Championships at Camp Perry in July (yes the national championships are open to competitors of all levels and classifications). The first step would be to apply for a firearms ID card which could take up to six months to receive. After that, IF they could only purchase one handgun a month, they would not be able to buy all of the competition pistols needed to compete by July 2010 and would have to wait another whole year for the 2011 National Championship Matches.

As I said earlier Competition Pistols are expensive, custom and precision firearms and air pistols. They are not the focus of the intent of this law. Additionally, anyone receiving a permit to purchase a handgun in NJ has already passed many overlapping background checks and receives additional scrutiny for multiple handgun purchases. So, please grant competitive pistol shooters an exemption in this law.

Thank you.

Mayor George W. Shivery Jr.

Greenwich Township, Gloucester County

Gibbstown, NJ 08027

First, I would like to thank the Chairman and the members of the Governor's Firearms Advisory Task Force for this opportunity to express the changes needed in the recent legislation concerning purchases of handguns to insure that the lawful handgun owners of this State are not adversely affected.

I am here as the president of Mullica Hill Rifle and Pistol Club, Inc. representing the 200 members of the club. The club has been in existence for over fifty years, located in southern New Jersey. The membership is made up of individuals from all walks of life, included are doctors, lawyers, members of labor unions, teachers, members of all aspects of law enforcement, business owners, homemakers, and even elected officials, to mention a few. All are lawful firearm owners with an interest in a varied list of activities in which handguns are the primary tool. These activities run the gamut from the collecting of all types of handguns to competitive target handgun shooting to recreational handgun shooting.

At today's public hearing you are going to hear how this new "one handgun a month" law defiantly adversely affects each and every one of these different handgun activities. I would like to focus on the target shooter and the target shooting clubs in New Jersey. Obviously, handguns are the major components of handgun target competitions. Certain of these disciplines require several different calibers of handguns to compete or in some cases more than one handgun is needed to participate in the activity, such as cowboy action competitions. The same as the tennis player needs spare racket, the competing golfer needs spare clubs the handgun target shooter requires extra tools – more than one handgun. With the present purchasing laws it already takes considerable time to make the needed handgun purchases and with the addition of the "one handgun a month" law it will add more of an adverse effect to the ability of the shooter to be able to compete in their chosen sport.

As some of the committee members are aware, my professional history is in education, thirty-eight years as a public school district teacher in an Abbott District High School. When I remember back to my beginning years, I remember Administrators and fellow experienced teachers stressing that when disciplining in my classroom for unacceptable conduct, do not punish the whole class for the actions of a few. This new "one handgun a month" brings this situation to mind. With less than one percent of the state's population committing the largest amount of the serious crimes, why is the state legislature and Governor adversely affecting the law abiding handgun owners that already go through the complete legal process of obtaining a handgun in New Jersey? Why are they punishing the "whole class" for the actions of a few?

On behalf of the large number of law abiding handgun owners in New Jersey, I ask that the Task Force recommend the additions and exceptions needed to this law to allow target shooters, collectors, firearm instructors and any other lawful owner of handguns to continue their present legal buying ability in the state of New Jersey.

Thank you for your time and efforts.

Mayor George W. Shivery Jr.

OBJECTS FROM THE PAST and PRESENT – SPEAK TO THE FUTURE

“I and the Gun, with our brother Ball, in whatever fight we equal all.” This jingle was found carved on a powder horn of the Revolutionary War. From the wilderness, to conflicts, to duels - from Pirates to Patriots – partially explains why men of America love to collect old and new guns. The wood and iron are only worth a few cents, but behind the gun perhaps lies a story of adventure, toil or high romance and most importantly protection and safety.

Far more people are keen on firearms and their responsible uses than are generally thought. This immense fraternity of men and women come from all walks of life. They come from virtually every sphere of human interest and life style: from barber to banker, from lawyer to homemaker, from president to priest. Consider this list of enthusiasts of old and new firearms: some hunters, some target shooters, some collectors, some just plinkers, some keen on craftsmanship, artistry, performance and the precise discipline of hand loading.

Gun collecting is a crucial element in the seemingly endless battle against misguided and uninformed souls who dismiss all guns as simply, “made to kill” without social redeeming value.

In my case, I tell the “romance of the gun”. This I have done for over forty years. I relate true stories of firearms where they have been and/or who used them. I relate these tales of the gun to school children – to seniors – to service clubs or to whoever will listen.

Let me give a few examples of this form of education:

While holding a battle scared Civil War musket in front of students and pointing out a minnie ball stuck in the stock that saved the life of a brave Civil War soldier in the Battle of Mobile Bay in 1865, you become amazed at the instant focus from the school children. The firearm becomes an historical library that they can see and touch and feel. History awakens in front of their eyes.

While holding a Chinese matchlock musket from the 1700’s in front of a group of Chinese/American students, they become so proud when shown their ancestors’ skill of craftsmanship.

While holding in front of black grammar school children a rifle used by the 9th and 10th Regiments of Regulars of the African-American “Buffalo Soldiers”, who with Theodore

Roosevelt and the Rough Riders, stormed up San Juan Hill during the Spanish American War, the children were bursting with pride.

History will be unveiled to visitors at Jamestown when they are shown a snap-lock pistol of 1580, as this type of firearm was used to defend the First Colony. I will be loaning that item to the National Park Service. They presently process no good example, only rusted relics.

Now to the heart of the problem and the reason we are here today. Representatives of this Committee, in response, you may ask me, "Would not one purchase a month, serve for your educational purpose, Mr. Ledden?" Unfortunately this is not true. For the firearms I and my companions purchase for education in history, self-defense, student target shooting and for hunting courses – from Boy Scouts to homemakers, are purchased in many cases in matching pairs, multi-calibers for competitive shooting or through sealed bids where more than one historic arm may be available for auction There lies the problem.

Thank you for your kindness and consideration.