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PUBLIC HEARING

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

SENATE BILL NO. 2282

(Prohibits sale, importation, possession, and carrying of
handguns except by certain authorized persons)

November 30, 1988
Camden Campus Center
Rutgers University
Camden, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank X. Graves, Jr., Chairman
Senator Ronald L. Rice
Senator C. Louis Bassano
Senator Joseph Bubba

ALSO PRESENT:

Aggie Szilagyi
Office of Legislative Services
Aide, Senate Law, Public Safety
and Defense Committee

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Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



New Jersey State Legislature

**SENATE LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
TELEPHONE: (609) 984-0231

RANK X. GRAVES, JR.
Chairman
PAUL CONTILLO
Vice-Chairman
RONALD L. RICE
C. LOUIS BASSANO
JOSEPH SUBBA

November 28, 1988

CORRECTED

NOTICE OF PUBLIC HEARING

the

SENATE LAW, PUBLIC SAFETY, AND DEFENSE COMMITTEE

Will Hold A Public Hearing
On Wednesday, November 30, 1988 at 11:00 a.m.
In The Multipurpose Room Of The Camden Campus Center
Of Rutgers University
Located At 326 Penn Street In Camden

The purpose of this public hearing is to receive testimony on and to discuss the issues concerning the following bill:

S2282	Prohibits sale, importation, possession and carrying of
Russo	handguns except by certain authorized persons.

Senate Bill 1474 (Zane) and Assembly Bill 594 (Haytaian/Foy) will not be discussed at this meeting.

Persons who would like to testify or who need further information **MUST** contact Aggie Szilagyi, Committee Aide, at (609) 984-0231 prior to the hearing. Written testimony may be submitted for inclusion in the official transcript of the hearing.

STATE OF NEW JERSEY

INTRODUCED APRIL 18, 1988

By Senators RUSSO, FELDMAN, LIPMAN and LESNIAK

1 **AN ACT** concerning handguns, amending parts of the statutory
2 law, supplementing Title 2C of the New Jersey Statutes, and
3 repealing N.J.S. 2C:58-4.

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

7 1. (New section) Principles of Construction. This 1988
8 amendatory and supplemental act shall be liberally construed to
9 advance the following goals:

10 a. Strictly limiting the availability of handguns by establishing
11 prohibitions on their sale, possession, and importation;

12 b. Encouraging a reduction in the number of lawfully possessed
13 handguns; and

14 c. Establishing a rigorous system of regulation over the
15 transportation and transfer of handguns in New Jersey.

16 2. N.J.S. 2C:39-5 is amended to read as follows:

17 2C:39-5. Unlawful Possession of Weapons. a. Machine guns.
18 Any person who knowingly has in his possession a machine gun or
19 any instrument or device adaptable for use as a machine gun,
20 without being licensed to do so as provided in [section] N.J.S.
21 2C:58-5, is guilty of a crime of the third degree.

22 b. Handguns. (1) Any person who knowingly has in his
23 possession any handgun, [including any antique handgun without
24 first having obtained a permit to carry the same as provided in
25 section 2C:58-4] or who knowingly brings into this State any
26 handgun, except for antique handguns determined by the
27 superintendent to be collectibles, commemoratives or curios, is
28 guilty of a crime of the third degree.

29 (2) Any person who knowingly carries any handgun, including
30 any antique handgun, is guilty of a crime of the third degree.

31 c. Rifles and shotguns. (1) Any person who knowingly has in
32 his possession any rifle or shotgun without having first obtained a
33 firearms purchaser identification card in accordance with the
34 provisions of [section] N.J.S. 2C:58-3, is guilty of a crime of the
35 third degree.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) Unless otherwise permitted by law, any person who
 3 knowingly has in his possession any loaded rifle or shotgun is
 guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his
 5 possession any other weapon under circumstances not manifestly
 appropriate for such lawful uses as it may have is guilty of a
 7 crime of the fourth degree.

e. Firearms in educational institutions. Any person who
 9 knowingly has in his possession any firearm in or upon any part of
 the buildings or grounds of any school, college, university or other
 11 educational institution, without the written authorization of the
 governing officer of the institution, is guilty of a crime of the
 13 third degree, irrespective of whether he possesses [a valid permit
 to carry the firearm or] a valid firearms purchaser identification
 15 card.

(cf: P.L. 1979, c. 179, s. 4)

17 3. N.J.S. 2C:39-6 is amended to read as follows:

2C:39-6. Exemptions. a. Provided a person complies with the
 19 requirements of subsection j. of this section, N.J.S. 2C:39-5 does
 not apply to:

21 (1) Members of the Armed Forces of the United States or of
 the National Guard while actually on duty, or while traveling
 23 between places of duty and carrying authorized weapons in the
 manner prescribed by the appropriate military authorities;

25 (2) Federal law enforcement officers, and any other federal
 officers and employees required to carry firearms in the
 27 performance of their official duties;

(3) Members of the State Police and, under conditions
 29 prescribed by the superintendent, members of the Marine Law
 Enforcement Bureau of the Division of State Police;

31 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
 assistant prosecutor, prosecutor's detective or investigator,
 33 deputy attorney general or State investigator employed by the
 Division of Criminal Justice of the Department of Law and Public
 35 Safety; investigator employed by the State Commission of
 Investigation, inspector of the Alcoholic Beverage Control
 37 Enforcement Bureau of the Division of State Police in the
 Department of Law and Public Safety authorized to carry such
 39 weapons by the Superintendent of State Police, State park ranger,
 or State conservation officer;

1 (5) A prison or jail warden of any penal institution in this State
or his deputies, or an employee of the Department of Corrections
3 engaged in the interstate transportation of convicted offenders,
while in the performance of his duties, and when required to
5 possess the weapon by his superior officer, or a correction officer
or keeper of a penal institution in this State at all times while in
7 the State of New Jersey, provided he annually passes an
examination approved by the superintendent testing his
9 proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under
11 the supervision of the commanding officer of any post, camp,
station, base or other military or naval installation located in this
13 State who is required, in the performance of his official duties, to
carry firearms, and who is authorized to carry such firearms by
15 said commanding officer, while in the actual performance of his
official duties;

17 (7) (a) A regularly employed member, including a detective, of
the police department of any county or municipality, or of any
19 State, interstate, municipal or county park police force or
boulevard police force, at all times while in the State of New
21 Jersey;

(b) A special law enforcement officer authorized to carry a
23 weapon as provided in subsection b. of section 7 of P.L. 1985, c.
439 (C. 40A:14-146.14);

25 (c) An airport security officer or a special law enforcement
officer appointed by the governing body of any county or
27 municipality, except as provided in subsection b. of this section,
or by the commission, board or other body having control of a
29 county park or airport or boulevard police force, while engaged in
the actual performance of his official duties and when
31 specifically authorized by the governing body to carry weapons; or

(8) A full-time, paid member of a paid or part-paid fire
33 department or force of any municipality who is assigned full-time
or part-time to an arson investigation unit created pursuant to
35 section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1) or to the county,
arson investigation unit in the county prosecutor's office, while
37 either engaged in the actual performance of arson investigation
duties or while actually on call to perform arson investigation
39 duties and when specifically authorized by the governing body or
the county prosecutor, as the case may be, to carry weapons.

1 Prior to being permitted to carry a firearm, such a member shall
2 take and successfully complete a firearms training course
3 administered by the Police Training Commission pursuant to P.L.
4 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in
5 the use of a revolver or similar weapon prior to being permitted
6 to carry a firearm.

7 b. Subsections a., b. and c. of N.J.S. 2C:39-5 do not apply to:

8 (1) A law enforcement officer employed by a governmental
9 agency outside of the State of New Jersey while actually engaged
10 in his official duties, provided, however, that he has first notified
11 the superintendent or the chief law enforcement officer of the
12 municipality or the prosecutor of the county in which he is
13 engaged; or

14 (2) A licensed dealer in firearms and his registered employees
15 at his normal place of business and during the course of their
16 normal business while traveling to and from their place of
17 business and other places for the purpose of demonstration,
18 exhibition or delivery in connection with a sale, provided,
19 however, that the weapon is carried in the manner specified in
20 subsection g. of this section.

21 c. Provided a person complies with the requirements of
22 subsection j. of this section, subsections b. and c. of N.J.S.
23 2C:39-5 do not apply to:

24 (1) A special agent of the Division of Taxation who has passed
25 an examination in an approved police training program testing
26 proficiency in the handling of any firearm which he may be
27 required to carry, while in the actual performance of his official
28 duties and while going to or from his place of duty, or any other
29 police officer, while in the actual performance of his official
30 duties;

31 (2) A State deputy conservation officer or a full-time employee
32 of the Division of Parks and Forestry having the power of arrest
33 and authorized to carry weapons, while in the actual performance
34 of his official duties;

35 (3) (Deleted by amendment, P.L. 1986, c. 150.)

36 (4) A court attendant serving as such under appointment by the
37 sheriff of the county or by the judge of any municipal court or
38 other court of this State, while in the actual performance of his
39 official duties;

1 (5) A guard in the employ of any railway express company,
banking or building and loan or savings and loan institution of this
3 State, while in the actual performance of his official duties;

5 (6) A member of a legally recognized military organization
while actually under orders or while going to or from the
prescribed place of meeting and carrying the weapons prescribed
7 for drill, exercise or parade;

9 (7) An officer of the Society for the Prevention of Cruelty to
Animals, while in the actual performance of his duties;

11 (8) An employee of a public utilities corporation actually
engaged in the transportation of explosives;

13 (9) A railway policeman, at all times while in the State of New
Jersey, provided that he has passed an approved police academy
training program consisting of at least 280 hours. The training
15 program shall include, but need not be limited to, the handling of
firearms, community relations, and juvenile relations; or

17 (10) A campus police officer appointed under P.L. 1970, c. 211
(C. 18A:6-4.2 et seq.), while going to and from his place of duty
19 and while in the course of performing official duties or while in
the course of an official investigation within the State. Prior to
21 being permitted to carry a firearm, a campus police officer shall
take and successfully complete a firearms training course
23 administered by the Police Training Commission, pursuant to P.L.
1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in
25 the use of a revolver or similar weapon prior to being permitted
to carry a firearm; or

27 (11) A person who has not been convicted of a crime under the
laws of this State or under the laws of another state or the
29 United States, and who is employed as a full-time security guard
for a nuclear power plant under the license of the Nuclear
31 Regulatory Commission, while in the actual performance of his
official duties.

33 d. (1) Subsections c. and d. of N.J.S. 2C:39-5 do not apply to
antique firearms, provided that such antique firearms are
35 unloaded or are being fired for the purposes of exhibition or
demonstration at an authorized target range or in such other
37 manner as has been approved in writing by the chief law
enforcement officer of the municipality in which the exhibition
39 or demonstration is held, or if not held on property under the
control of a particular municipality, the superintendent.

1 (2) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S.
2C:39-5 do not apply to an antique cannon that is capable of
3 being fired but that is unloaded and immobile, provided that the
antique cannon is possessed by (a) a scholastic institution, a
5 museum, a municipality, a county or the State, or (b) a person
who obtained a firearms purchaser identification card as
7 specified in N.J.S. 2C:58-3.

 (3) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S.
9 2C:39-5 do not apply to an unloaded antique cannon that is being
transported by one eligible to possess it, in compliance with
11 regulations the superintendent may promulgate, between its
permanent location and place of purchase or repair.

13 (4) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S.
2C:39-5 do not apply to antique cannons that are being loaded or
15 fired by one eligible to possess an antique cannon, for purposes of
exhibition or demonstration at an authorized target range or in
17 the manner as has been approved in writing by the chief law
enforcement officer of the municipality in which the exhibition
19 or demonstration is held, or if not held on property under the
control of a particular municipality, the superintendent, provided
21 that performer has given at least 30 days' notice to the
superintendent.

23 (5) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S.
2C:39-5 do not apply to the transportation of unloaded antique
25 cannons directly to or from exhibitions or demonstrations
authorized under paragraph (4) of subsection d. of this section,
27 provided that the transportation is in compliance with safety
regulations the superintendent may promulgate. Nor do those
29 subsections apply to transportation directly to or from exhibitions
or demonstrations authorized under the law of another
31 jurisdiction, provided that the superintendent has been given 30
days' notice and that the transportation is in compliance with
33 safety regulations the superintendent may promulgate.

 e. (1) Nothing in subsections [b..] c. and d. of N.J.S. 2C:39-5
35 shall be construed to prevent a person keeping or carrying about
his place of business, residence, premises or other land owned or
37 possessed by him, any firearm other than a handgun, or from
carrying the same, in the manner specified in subsection g. of this
39 section, from any place of purchase to his residence or place of
business, between his dwelling and his place of business, between

1 one place of business or residence and another when moving, or
 2 between his dwelling or place of business and place where such
 3 firearms are repaired, for the purpose of repair. For the purposes
 4 of this section, a place of business shall be deemed to be a fixed
 5 location.

6 (2) Any person who qualifies for one or more of the exemptions
 7 set forth in paragraphs (2), (3), (4), (5), (6), (7), or (8) of subsection
 8 a., or in subsections c. or l. of this section may possess and carry
 9 a handgun subject to the limitations set forth in paragraph (1) of
 10 this subsection.

11 f. Nothing in subsections b., c. and d. of N.J.S. 2C:39-5 shall
 12 be construed to prevent:

13 (1) (a) A member of any rifle [or pistol] club organized in
 14 accordance with the rules prescribed by the National Board for
 15 the Promotion of Rifle Practice, in going to or from a place of
 16 target practice, carrying such firearms as are necessary for said
 17 target practice, provided that the club has filed a copy of its
 18 charter with the superintendent and annually submits a list of its
 19 members to the superintendent and provided further that the
 20 firearms are carried in the manner specified in subsection g. of
 21 this section;

22 (b) A member of any pistol club from maintaining and storing a
 23 handgun at a pistol club for use at that club, provided that the
 24 owner of the club is licensed pursuant to the provisions of section
 25 15 of P.L. , c. (C.) (now pending before the Legislature
 26 as this bill); has filed a copy of its charter with the
 27 superintendent; and annually submits a list of its members who
 28 store handguns at the club together with a description of the
 29 stored handguns.

30 (2) A person carrying a firearm or knife in the woods or fields
 31 or upon the waters of this State for the purpose of hunting, target
 32 practice or fishing, provided that the firearm or knife is legal and
 33 appropriate for hunting or fishing purposes in this State and he
 34 has in his possession a valid hunting license, or, with respect to
 35 fresh water fishing, a valid fishing license;

36 (3) A person transporting any firearm or knife while traveling:

37 (a) Directly to or from any place for the purpose of hunting or
 38 fishing, provided the person has in his possession a valid hunting
 39 or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle [or pistol] club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk or other similar compartment of the [automobile] vehicle in which [it is] they are being transported, and in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of

1 Health and which immobilizes only on a temporary basis and
2 produces only temporary physical discomfort through being
3 vaporized or otherwise dispensed in the air for the sole purpose of
4 repelling canine or other animal attacks.

5 The device shall be used solely to repel only those canine or
6 other animal attacks when the canines or other animals are not
7 restrained in a fashion sufficient to allow the employee to
8 properly perform his duties.

9 Any device used pursuant to this act shall be selected from a
10 list of products, which consist of active and inert ingredients,
11 permitted by the Commissioner of Health.

12 i. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed
13 to prevent any person who is 18 years of age or older and who has
14 not been convicted of a felony, from possession for the purpose of
15 personal self-defense of one pocket-sized device which contains
16 and releases not more than three-quarters of an ounce of
17 chemical substance not ordinarily capable of lethal use or of
18 inflicting serious bodily injury, but rather, is intended to produce
19 temporary physical discomfort or disability through being
20 vaporized or otherwise dispensed in the air. Any person in
21 possession of any device in violation of this subsection shall be
22 deemed and adjudged to be a disorderly person, and upon
23 conviction thereof, shall be punished by a fine of not less than
24 \$100.00.

25 j. A person shall qualify for an exemption from the provisions
26 of N.J.S. 2C:39-5, as specified under subsections a. and c. of this
27 section, if the person has satisfactorily completed a firearms
28 training course approved by the Police Training Commission.

29 Such exempt person shall not possess or carry a firearm until
30 the person has satisfactorily completed a firearms training course
31 and shall annually qualify in the use of a revolver or similar
32 weapon. For purposes of this subsection, a "firearms training
33 course" means a course of instruction in the safe use,
34 maintenance and storage of firearms which is approved by the
35 Police Training Commission. The commission shall approve a
36 firearms training course if the requirements of the course are
37 substantially equivalent to the requirements for firearms training
38 provided by police training courses which are certified under
39 section 6 of P.L. 1961, c. 56 (C. 52:17B-71). A person who is
40 specified in paragraph (1), (2), (3) or (6) of subsection a. of this
41 section shall be exempt from the requirements of this subsection.

1 k. Nothing in subsection d. of N.J.S. 2C:39-5 shall be
 3 construed to prevent any financial institution, or any duly
 5 authorized personnel of the institution, from possessing, carrying
 7 or using for the protection of money or property, any device
 which projects, releases or emits tear gas or other substances
 intended to produce temporary physical discomfort or temporary
 identification.

1. (1) Subsection b. of N.J.S. 2C:39-5 shall not prohibit the
 9 possession of a handgun for which a permit to purchase was
obtained or applied for pursuant to N.J.S. 2C:58-3 prior to the
 11 effective date of this 1988 amendatory and supplemental act.

13 (2) Subsection b. of N.J.S. 2C:39-5 shall not prohibit the
possession of a handgun which is registered prior to the effective
date of this 1988 amendatory and supplemental act. Registration
 15 shall be required for a handgun which was possessed prior to the
effective date of this act and for which no permit to purchase
 17 had been obtained. For purposes of this paragraph, registration
shall be accomplished by obtaining a permit to purchase pursuant
 19 to N.J.S. 2C:58-3. A separate purchase permit shall be required
for each handgun owned by a person. Registration of handguns
 21 pursuant to this paragraph shall cease upon the effective date of
this 1988 amendatory and supplemental act except as to those
 23 applications for a purchase permit which are pending on that date.
 (cf: P.L. 1987, c. 172)

25 4. Section 6 of P.L. 1979, c. 179 (C. 2C:39-7) is amended to
 read as follows:

27 6. Certain Persons Not to Have Weapons. Any person, having
 been convicted in this State or elsewhere of the crime of
 29 aggravated assault, arson, burglary, escape, extortion, homicide,
 kidnapping, robbery, aggravated sexual assault, or sexual assault,
 31 whether or not armed with or having in his possession any weapon
 enumerated in section 2C:39-1r. or any person who has ever been
 33 committed for a mental disorder to any hospital, mental
 institution or sanitarium unless he possesses a certificate of a
 35 medical doctor or psychiatrist licensed to practice in New Jersey
 or other satisfactory proof that he is no longer suffering from a
 37 mental disorder which interferes with or handicaps him in the
 handling of a firearm, or any person who has been convicted of
 39 other than a disorderly persons or petty disorderly persons
 offense for the unlawful use, possession or sale of a controlled

1 dangerous substance as defined in N.J.S. 2C:35-2 who purchases,
owns, possesses or controls any [of the said weapons] weapon
3 other than a handgun is guilty of a crime of the fourth degree.

5 If the person purchases, owns, possesses or controls a handgun,
the person is guilty of a crime of the third degree.

7 Whenever any person shall have been convicted in another
state, territory, commonwealth or other jurisdiction of the
United States, or any country in the world, in a court of
9 competent jurisdiction, of a crime which in said other jurisdiction
or country is comparable to one of the crimes enumerated above,
11 then that person shall be subject to the provisions of this section.

(cf: P.L. 1987, c. 106, s. 6)

13 5. N.J.S. 2C:39-8 is amended to read as follows:

2C:39-8 [Blank] Transporting Handguns. a. Nothing
15 contained in this chapter or in chapter 58 shall be deemed to
prohibit:

17 (1) The lawful acquisition of a firearm by a bona fide museum
or non-profit organization for purposes of public exhibition or
19 preservation of a firearm as an historical curiosity.

21 (2) The interstate transportation of a handgun through this
State by persons not within the exemptions and circumstances set
forth in N.J.S. 2C:39-6 provided that:

23 (a) Prior to transportation through this State such persons shall
give written notification to the superintendent of the time and
25 route to be utilized in transporting the handguns through this
State; and

27 (b) The handguns are carried unloaded and contained in a closed
and fastened case, gunbox, securely tied package or locked in the
29 trunk or other similar compartment of the vehicle in which they
are being transported; and

31 (c) The course of travel through this State includes only those
deviations as are reasonably necessary under the circumstances;
33 and

35 (d) The persons transporting the handguns through this State
are residents of the United States and have not been denied a
permit to carry or possess handguns under the laws of any state,
37 district or territory thereof which has licensing requirements
prohibiting the issuance of permits or licenses to persons who
39 have been convicted of any offense in any jurisdiction which
would be a crime under the law of this State.

1 (3) The transportation of handguns in the course of commerce
 3 between the United States and another country or between two
 5 foreign countries through this State, provided that the handguns
 7 are transported in accordance with the provisions of
 9 subparagraphs (a), (b) and (c) of paragraph (2) of subsection a. of
 11 this section. A person transporting handguns in foreign
 13 commerce who would be subject to prosecution for possession of
 15 a handgun under the provisions of section 6 of P.L. 1979, c. 179
 17 (C. 2C:39-7) shall not be immune from prosecution because of the
 19 provisions of this section.

21 b. Any person traveling through this State who possesses a
 23 handgun other than in accordance with the exemptions set forth
 25 in this section or otherwise specifically set forth in any other
 27 provision of this chapter or chapter 58 of this Title shall be
 29 subject to prosecution for violating any of the applicable
 31 provisions of this chapter and chapter 58 of this Title.

(cf: N.J.S. 2C:39-8)

6. N.J.S. 2C:39-9 is amended to read as follows:

2C:39-9. Manufacture, Transport, Disposition and Defacement
 of Weapons and Dangerous Instruments and Appliances. a.
 Machine guns. Any person who manufactures, causes to be
 manufactured, transports, ships, sells or disposes of any machine
 gun without being registered or licensed to do so as provided in
 chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes
 to be manufactured, transports, ships, sells or disposes of any
 sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to
 be manufactured, transports, ships, sells or disposes of any
 firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be
 manufactured, transports, ships, sells or disposes of any weapon,
 including gravity knives, switchblade knives, ballistic knives,
 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
 sandclubs, slingshots, cesti or similar leather bands studded with
 metal filings, [or in the case of firearms if he is not licensed or
 registered to do so as provided in chapter 58.] is guilty of a crime
 of the fourth degree. Any person who manufactures, causes to be
 manufactured, transports, ships, sells or disposes of any weapon
 or other device which projects, releases or emits tear gas or

1 other substances intended to produce temporary physical
2 discomfort or permanent injury through being vaporized or
3 otherwise dispensed in the air, which is intended to be used for
4 any purpose other than for authorized military or law
5 enforcement purposes by duly authorized military or law
6 enforcement personnel or the device is for the purpose of
7 personal self-defense, is pocket-sized and contains not more than
8 three-quarters of an ounce of chemical substance not ordinarily
9 capable of lethal use or of inflicting serious bodily injury, or
10 other than to be used by any person permitted to possess such
11 weapon or device under the provisions of subsection d. of N.J.S.
12 2C:39-5, which is intended for use by financial and other business
13 institutions as part of an integrated security system, placed at
14 fixed locations, for the protection of money and property, by the
15 duly authorized personnel of those institutions, is guilty of a
16 crime of the fourth degree.

17 e. Defaced firearms. Any person who defaces any firearm is
18 guilty of a crime of the third degree. Any person who knowingly
19 buys, receives, disposes of or conceals a defaced firearm, except
20 an antique firearm, is guilty of a crime of the fourth degree.

21 f. (1) Any person who manufactures, causes to be
22 manufactured, transports, ships, sells, or disposes of any bullet,
23 which is primarily designed for use in a handgun, and which is
24 comprised of a bullet whose core or jacket, if the jacket is
25 thicker than .025 of an inch, is made of tungsten carbide, or hard
26 bronze, or other material which is harder than a rating of 72 or
27 greater on the Rockwell B. Hardness Scale, and is therefore
28 capable of breaching or penetrating body armor and which is
29 intended to be used for any purpose other than for authorized
30 military or law enforcement purposes by duly authorized military
31 or law enforcement personnel, is guilty of a crime of the fourth
32 degree.

33 (2) Nothing in this subsection shall be construed to prevent a
34 licensed collector of ammunition as defined in paragraph (2) of
35 subsection f. of N.J.S. 2C:39-3 from transporting the bullets
36 defined in paragraph (1) of this subsection from (a) any licensed
37 retail or wholesale firearms dealer's place of business to the
38 collector's dwelling, premises, or other land owned or possessed
39 by him, or (b) to or from the collector's dwelling, premises or
40 other land owned or possessed by him to any gun show for the

1 purposes of display, sale, trade, or transfer between collectors,
 3 or (c) to or from the collector's dwelling, premises or other land
 owned or possessed by him to any rifle or pistol club organized in
 accordance with the rules prescribed by the National Board for
 5 the Promotion of Rifle Practice; provided that the club has filed
 a copy of its charter with the superintendent of the State Police
 7 and annually submits a list of its members to the superintendent,
 and provided further that the ammunition being transported shall
 9 be carried not loaded in any firearm and contained in a closed and
 fastened case, gunbox, or locked in the trunk of the automobile in
 11 which it is being transported, and the course of travel shall
 include only such deviations as are reasonably necessary under
 13 the circumstances.

g. Firearms and Handguns. Any person who manufactures,
 15 causes to be manufactured, transports, ships, sells, or disposes of
any firearm other than a handgun, without being registered or
 17 licensed to do so as provided in chapter 58 is guilty of a crime of
the fourth degree; in the case of a handgun, the person shall be
 19 guilty of a crime of the third degree.

(cf: P.L. 1987, c. 228, s. 3)

21 7. N.J.S. 2C:39-10 is amended to read as follows:

2C:39-10. Violation of the Regulatory Provisions Relating to
 23 Firearms; False Representation in Applications. a. Any person
 who knowingly violates the regulatory provisions relating to
 25 manufacturing or wholesaling of firearms (section 2C:58-1),
 retailing of firearms (section 2C:58-2), permits to purchase
 27 certain firearms (section 2C:58-3), [permits to carry certain
 firearms (section 2C:58-4)] licenses to procure machine guns
 29 (section 2C:58-5), or incendiary or tracer ammunition (section
 2C:58-10), except acts which are punishable under section
 31 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth
 degree.

33 b. Any person who knowingly violates the regulatory provisions
 relating to notifying the authorities of possessing certain items of
 35 explosives (section 2C:58-7), or of certain wounds (section
 2C:58-8) is a disorderly person.

37 c. Any person who gives or causes to be given any false
 information, or signs a fictitious name or address, in applying for
 39 a firearms purchaser identification card or a permit to purchase
 [or a permit to carry] a handgun, or a permit to possess a machine

1 gun, or in completing the certificate or any other instrument
 3 required by law in purchasing or otherwise acquiring delivery of
 any rifle, shotgun, handgun, machine gun, or any other firearm, is
 guilty of a crime of the third degree.

5 (cf: P.L. 1979, c. 179, s. 8)

8. N.J.S. 2C:39-12 is amended to read as follows:

7 2C:39-12. Voluntary Surrender. a. No person shall be
 convicted of an offense under this chapter for possessing any
 9 firearms, weapons, destructive devices, silencers or explosives, if
 after giving written notice of his intention to do so, including the
 11 proposed date and time of surrender, he voluntarily surrendered
 the weapon, device, instrument or substance in question to the
 13 superintendent or to the chief of police in the municipality in
 which he resides, provided that the required notice is received by
 15 the superintendent or chief of police before any charges have
 been made or complaints filed against such person for the
 17 unlawful possession of the weapon, device, instrument or
 substance in question and before any investigation has been
 19 commenced by any law enforcement agency concerning the
 unlawful possession. Nothing in this section shall be construed as
 21 granting immunity from prosecution for any crime or offense
 except that of the unlawful possession of such weapons, devices,
 23 instruments or substances surrendered as herein provided.

b. (1) Any person in lawful possession of a handgun prior to the
 25 effective date of this 1988 amendatory and supplemental act and
whose possession is lawful after the effective date, may at any
 27 time surrender that handgun pursuant to the provisions of this
section and shall be compensated in accordance with the
 29 provisions of subsection c. of this section.

(2) Any person in lawful possession of one or more handguns
 31 prior to the effective date of this 1988 amendatory and
supplemental act, including but not limited to those in possession
 33 of handguns in the circumstances set forth in subsection e. of
N.J.S. 2C:39-6, and whose possession is unlawful after the
 35 effective date of this act, shall surrender that handgun pursuant
to the provisions of subsection a. of this section prior to or on the
 37 effective date of this act. Any person surrendering a handgun in
this manner shall be compensated pursuant to the provisions of
 39 subsection c. of this section.

1 (3) Any person in unlawful possession of a handgun prior to the
 3 effective date of this 1988 amendatory and supplemental act
 5 shall surrender that handgun pursuant to the provisions of
 7 subsection a. of this section but shall not be compensated
 9 pursuant to the provisions of subsection c. of this section. Any
 11 person who surrenders a handgun pursuant to this paragraph shall
 13 not be subject to prosecution for any offense under chapter 39 of
 15 this Title. This provision shall not apply if the surrendered
 17 handgun was used by that person in the commission of any
 19 criminal offense.

21 (4) This subsection shall not apply to any manufacturer of
 23 handguns or any retail or wholesale dealer in handguns or the
 25 employees of any retail or wholesale dealer or manufacturer of
 27 handguns.

29 c. Any person who surrenders any handgun pursuant to the
 31 provisions of paragraphs (1) or (2) of subsection b. of this section
 33 shall be compensated in accordance with a schedule to be
 35 established by the superintendent.

37 Regulations governing the surrender of handguns may be
 39 promulgated by the superintendent. These regulations may
 41 include modification of the written notice provisions of
 43 subsection a. of this section.

45 d. Any person in lawful possession of a handgun on the
 47 effective date of this 1988 amendatory and supplemental act,
 49 pursuant to any of the exemptions set forth in either subsection
 51 a. or c. of N.J.S. 2C:39-6 and who ceases to qualify for any of
 53 those exemptions, shall within 10 days thereafter surrender any
 55 handgun in his possession pursuant to the provisions of subsection
 57 a. of this section. Any surrender made pursuant to this
 59 subsection may be subject to the compensation as established in
 61 subsection c. of this section.

(cf: N.J.S. 2C:39-12)

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

65 2C:58-1. Registration of Manufacturers and Wholesale Dealers
 67 of Firearms. a. Registration. Every manufacturer and wholesale
 69 dealer of firearms shall register with the superintendent as
 71 provided in this section. No person shall engage in the business
 73 of, or act as a manufacturer or wholesale dealer of firearms, or
 75 manufacture or sell at wholesale any firearm, until he has so
 77 registered.

1 Applications for registration shall be made on such forms as
2 shall be prescribed by the superintendent, and the applicant shall
3 furnish such information and other particulars as may be
4 prescribed by law or by any rules or regulations promulgated by
5 the superintendent. Each application for registration or renewal
6 shall be accompanied by a fee of \$150.00.

7 The superintendent shall prescribe standards and qualifications
8 for the registration of manufacturers and wholesalers of
9 firearms, for the protection of the public safety, health and
10 welfare. He shall refuse to register any applicant for registration
11 unless he is satisfied that the applicant can be permitted to
12 engage in business as a manufacturer or wholesale dealer of
13 firearms without any danger to the public safety, health or
14 welfare.

15 The superintendent shall issue a certificate of registration to
16 every person registered under this section, and such certificate
17 shall be valid for a period of 3 years from the date of issuance.

18 b. Wholesale dealer's agent. Every registered wholesale
19 dealer of firearms shall cause each of his agents or employees
20 actively engaged in the purchase or sale of firearms to be
21 licensed with the superintendent as a wholesale dealer's agent.
22 Applications for agents' licenses shall be submitted on such
23 forms as shall be prescribed by the superintendent, and shall be
24 signed by the registered wholesale dealer and by the agent. Each
25 application shall be accompanied by a fee of \$5.00, and each
26 license shall be valid for so long as the agent or employee
27 remains in the employ of the wholesale dealer and the wholesale
28 dealer remains validly registered under this section. The
29 superintendent shall prescribe standards and qualifications for
30 licensed wholesale dealers' agents, for the protection of the
31 public safety, health and welfare.

32 c. Revocation of certificate of registration or license. The
33 superintendent may, after reasonable notice to all affected
34 parties and a hearing if requested, revoke any certificate of
35 registration or agent's license if he finds that the registered or
36 licensed person is no longer engaged in the business of
37 manufacturing or wholesaling firearms in this State or that he
38 can no longer be permitted to carry on such business without
39 endangering the public safety, health or welfare. A certificate or

1 license may be canceled at any time at the request of the
registered or licensed person.

3 d. Appeals. Any person aggrieved by the refusal of the
superintendent to register him as a manufacturer or wholesale
5 dealer or a wholesale dealer's agent, or by revocation of his
certificate or license, may appeal to the Appellate Division of
7 the Superior Court.

e. Records of Sales. Every manufacturer and wholesale dealer
9 shall keep a detailed record of each firearm sold by him. The
record shall include the date of sale, the name and address of the
11 purchaser, a description of each firearm and the serial number
thereof. The records shall be available for inspection at all
13 reasonable times by any law enforcement officer.

f. The superintendent may promulgate regulations setting
15 forth reasonable limitations on the quantity of handguns
possessed in this State by any manufacturer, wholesale dealer and
17 wholesale dealer's agent and may prescribe the conditions under
which those handguns are possessed.

19 (cf: N.J.S. 2C:58-1)

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

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

29 Applications shall be made in the form prescribed by the
superintendent, accompanied by a fee of \$50.00 payable to the
31 superintendent, and shall be made to a judge of the Superior
Court in the county where the applicant maintains his place of
33 business. The judge shall grant a license to an applicant if he
finds that the applicant meets the standards and qualifications
35 established by the superintendent and that the applicant can be
permitted to engage in business as a retail dealer of firearms or
37 employee thereof without any danger to the public safety, health
and welfare. Each license shall be valid for a period of 3 years
39 from the date of issuance, and shall authorize the holder to sell
firearms at retail in a specified municipality.

1 In addition, every retail dealer shall pay a fee of \$5.00 for each
employee actively engaged in the sale or purchase of firearms.
3 The superintendent shall issue a license for each employee for
whom said fee has been paid, which license shall be valid for so
5 long as the employee remains in the employ of said retail dealer.

No license shall be granted to any retail dealer under the age
7 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
9 purchase a handgun or a] firearms purchaser identification card,
or to any corporation, partnership or other business organization
11 in which the actual or equitable controlling interest is held or
possessed by such an ineligible person.

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

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

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

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

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

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

37 (a) Such person possesses and exhibits a valid permit to
purchase a firearm and at least 7 days have elapsed since the
39 date of application for the permit;

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

3 (c) The handgun is unloaded and securely wrapped.

(6) The dealer shall keep a true record of every handgun sold,
5 given or otherwise delivered or disposed of, in accordance with
the provisions of subsections b. through e. of this section.

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

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

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

e. Copies of register entries; delivery to chief of police or
35 county clerk. Within 5 days of the date of the sale, assignment or
transfer, the dealer shall deliver or mail by certified mail, return
37 receipt requested, legible copies of the register forms to the
office of the chief of police of the municipality in which the
39 purchaser resides, or to the office of the captain of the precinct

1 of the municipality in which the purchaser resides, and to the
 2 superintendent. If hand delivered a receipt shall be given to the
 3 dealer therefor.

4 Where a sale, assignment or transfer is made to a purchaser
 5 who resides in a municipality having no chief of police, the dealer
 6 shall, within 5 days of the transaction, mail a duplicate copy of
 7 the register sheet to the clerk of the county within which the
 8 purchaser resides.

9 f. The superintendent may promulgate regulations setting
 10 forth reasonable limitations on the quantity of handguns
 11 possessed by any retail dealer and may prescribe the conditions
 12 under which those handguns are possessed.

13 (cf: P.L. 1979, c. 179, s. 10)

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

15 2C:58-3. Purchase of Firearms. a. Permit to purchase a
 16 handgun. No person shall sell, give, transfer, assign or otherwise
 17 dispose of, nor receive, purchase, or otherwise acquire a handgun
 18 unless the purchaser, assignee, donee, receiver or holder is
 19 licensed as a dealer under this chapter or has first secured a
 20 permit to purchase a handgun as provided by this section.

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

38 c. Who may obtain. No person of good character and good
 39 repute in the community in which he lives, and who is not subject
 40 to any of the disabilities set forth in this section or other sections

1 of this chapter, shall be denied a permit to purchase a handgun or
 2 a firearms purchaser identification card, except as hereinafter
 3 set forth. After the effective date of this act, a handgun
 4 purchase permit shall be issued only to a person who qualifies for
 5 one or more exemptions set forth in paragraphs (2), (3), (4), (5),
 6 (6), (7), or (8) of subsection a. of N.J.S. 2C:39-6 or subsection c.
 7 of N.J.S. 2C:39-6, or who is qualified to purchase a handgun
 8 pursuant to the provisions of section 14 of P.L. ,c. (C.)
 9 (now pending before the Legislature as this bill). No handgun
 10 purchase permit or firearms purchaser identification card shall be
 11 issued:

(1) To any person who has been convicted of a crime, whether
 12 or not armed with or possessing a weapon at the time of such
 13 offense;

(2) To any drug dependent person as defined in [P.L. 1970. c.
 14 226 (C. 24:21-2)] N.J.S. 2C:35-2, to any person who is confined
 15 for a mental disorder to a hospital, mental institution or
 16 sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease
 17 which would make it unsafe for him to handle firearms, to any
 18 person who has ever been confined for a mental disorder, or to
 19 any alcoholic unless any of the foregoing persons produces a
 20 certificate of a medical doctor or psychiatrist licensed in New
 21 Jersey, or other satisfactory proof, that he is no longer suffering
 22 from that particular disability in such a manner that would
 23 interfere with or handicap him in the handling of firearms; to any
 24 person who knowingly falsifies any information on the application
 25 form for a handgun purchase permit or firearms purchaser
 26 identification card;

(4) To any person under the age of 18 years; or

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

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

33 Any person aggrieved by the denial of a permit or
 34 identification card may request a hearing in the Superior Court of

1 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
3 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
5 a permit or identification card. The applicant shall serve a copy
of his request for a hearing upon the chief of police of the
7 municipality in which he resides, if he is a resident of New
Jersey, and upon the superintendent in all cases. The hearing
9 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
11 Superior Court. No formal pleading and no filing fee shall be
required as a preliminary to such hearing. Appeals from the
13 results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a
15 handgun and for firearms purchaser identification cards shall be
in the form prescribed by the superintendent and shall set forth
17 the name, residence, place of business, age, date of birth,
occupation, sex and physical description, including distinguishing
19 physical characteristics, if any, of the applicant, and shall state
whether the applicant is a citizen, whether he is an alcoholic,
21 habitual drunkard, drug dependent person as defined in [P.L. 1970,
c. 226 (C. 24:21-2)] N.J.S. 2C:35-2, whether he has ever been
23 confined or committed to a mental institution or hospital for
treatment or observation of a mental or psychiatric condition on
25 a temporary, interim or permanent basis, giving the name and
location of the institution or hospital and the dates of such
27 confinement or commitment, whether he has been attended,
treated or observed by any doctor or psychiatrist or at any
29 hospital or mental institution on an inpatient or outpatient basis
for any mental or psychiatric condition, giving the name and
31 location of the doctor, psychiatrist, hospital or institution and the
dates of such occurrence, whether he presently or ever has been a
33 member of any organization which advocates or approves the
commission of acts of force and violence to overthrow the
35 Government of the United States or of this State, or which seeks
to deny others their rights under the Constitution of either the
37 United States or the State of New Jersey, whether he has ever
been convicted of a crime or disorderly persons offense, and such
39 other information as the superintendent shall deem necessary for

1 the proper enforcement of this chapter. For the purpose of
2 complying with this subsection, the applicant shall waive any
3 statutory or other right of confidentiality relating to institutional
4 confinement. The application shall be signed by the applicant and
5 shall contain as references the names and addresses of two
6 reputable citizens personally acquainted with him.

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

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

24 f. Granting of permit or identification card; fee; term;
25 renewal; revocation. (1) The application for the permit to
26 purchase a handgun together with a fee of \$2.00, or the
27 application for the firearms purchaser identification card
28 together with a fee of \$5.00, shall be delivered or forwarded to
29 the licensing authority who shall investigate the same and, unless
30 good cause for the denial thereof appears, shall grant the permit
31 or the identification card, or both, if application has been made
32 therefor, within 30 days from the date of receipt of the
33 application for residents of this State and within 45 days for
34 nonresident applicants. A permit to purchase a handgun shall be
35 valid for a period of 90 days from the date of issuance and may
36 be renewed by the issuing authority for good cause for an
37 additional 90 days. A firearms purchaser identification card shall
38 be valid until such time as the holder becomes subject to any of
39 the disabilities set forth in subsection c. of this section.

1 whereupon the card shall be void and shall be returned within five
2 days by the holder to the superintendent, who shall then advise
3 the licensing authority. Failure of the holder to return the
4 firearms purchaser identification card to the superintendent
5 within the said five days shall be an offense under section
6 2C:39-10a. Any firearms purchaser identification card may be
7 revoked by the Superior Court of the county wherein the card was
8 issued, after hearing upon notice, upon a finding that the holder
9 thereof no longer qualifies for the issuance of such permit.

10 The county prosecutor of any county, the chief police officer of
11 any municipality or any citizen may apply to such court at any
12 time for the revocation of such card.

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

17 (2) Notwithstanding the provisions of paragraph (1) of this
18 subsection, a permit to purchase a handgun which was issued to a
19 person pursuant to subsection l. of N.J.S. 2C:39-6 shall be valid
20 for a period to be determined by the superintendent, not to
21 exceed 3 years, and thereafter this permit may be renewed every
22 3 years, provided the person satisfies the requirements of
23 subsection c. of this section. The application for renewal,
24 together with a fee of \$5.00, shall be delivered or forwarded and
25 processed in the same manner prescribed in subsection g. of this
26 section.

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

31 h. Form of permit; quadruplicate; disposition of copies. The
32 permit shall be in the form prescribed by the superintendent and
33 shall be issued to the applicant in quadruplicate. Prior to the
34 time he receives the handgun from the seller, the applicant shall
35 deliver to the seller the permit in quadruplicate and the seller
36 shall complete all of the information required on the form.
37 Within five days of the date of the sale, the seller shall forward
38 the original copy to the superintendent and the second copy to
39 the chief of police of the municipality in which the purchaser

1 resides, except that in a municipality having no chief of police.
such copy shall be forwarded to the superintendent. The third
3 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
5 permanent record.

i. Restriction on number of firearms person may purchase.
7 Only one handgun shall be purchased or delivered on each permit.
but a person shall not be restricted as to the number of rifles or
9 shotguns he may purchase, provided he possesses a valid firearms
purchaser identification card and provided further that he signs
11 the certification required in subsection b. of this section for each
transaction.

13 j. Firearms passing to heirs or legatees. Notwithstanding any
other provision of this section concerning the transfer, receipt or
15 acquisition of a firearm, a permit to purchase or a firearms
purchaser identification card shall not be required for the passing
17 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
19 laws of intestacy. The person who shall so receive, or acquire
said firearm shall, however, be subject to all other provisions of
21 this chapter and chapter 39 of this Title. If the heir or legatee of
such firearm does not qualify to possess or carry it, he may retain
23 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
25 approved by the chief law enforcement officer of the
municipality in which the heir or legatee resides or the
27 superintendent, provided that such firearm is in the custody of
the chief law enforcement officer of the municipality or the
29 superintendent during such period.

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

33 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
35 approved by the United States Coast Guard, solely for possession
on a private or commercial aircraft or any boat; provided,
37 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
39 such a visual distress signalling device.

(cf: P.L. 1983, c. 479, s. 4)

1 12. N.J.S. 2C:58-5 is amended to read as follows:

2C:58-5. Licenses to Possess and Carry Machine Guns. a. Any
3 person who desires to purchase, possess and carry a machine gun
in this State may apply for a license to do so by filing in the
5 Superior Court in the county in which he resides, or conducts his
business if a nonresident, a written application setting forth in
7 detail his reasons for desiring such a license. Applications shall
be on forms requiring such information as may be proscribed by
9 the superintendent. The superintendent may require the
11 applicant to submit to fingerprinting in addition to any other
reasonable form of identification and may require the applicant
13 to provide any reasonable proof of good character. The Superior
Court shall refer the application to the county prosecutor for
15 investigation and recommendation. A copy of the prosecutor's
report, together with a copy of the notice of the hearing on the
17 application, shall be served upon the superintendent and the chief
police officer of every municipality in which the applicant
intends to carry the machine gun, unless, for good cause shown,
19 the court orders notice to be given wholly or in part by
publication.

21 b. No license shall be issued to any person who would not
qualify for a [permit to carry a handgun under section 2C:58-4]
23 firearms purchaser identification card under subsection c. of
N.J.S. 2C:58-3. and no license shall be issued unless the court
25 finds that the public safety and welfare so require. Any person
aggrieved by the decision of the court in granting or denying an
27 application, including the applicant, the prosecutor, or any law
enforcement officer entitled to notice under subsection a. who
29 appeared in opposition to the application, may appeal said
decision in accordance with law and the rules governing the
31 courts of this State.

33 c. Upon the issuance of any license under this section, true
copies of such license shall be filed with the superintendent and
the chief police officer of the municipality where the licensee
35 resides or has his place of business.

37 d. In issuing any license under this section, the court shall
attach thereto such conditions and limitations as it deems to be
in the public interest. Unless otherwise provided by court order
39 at the time of issuance, each license shall expire 1 year from the

1 date of issuance, and may be renewed in the same manner and
under the same conditions as apply to original applications.

3 e. Any license may be revoked by the Superior Court, after a
hearing upon notice to the holder thereof, if the court finds that
5 the holder is no longer qualified for the issuance of such a license
or that revocation is necessary for the public safety and welfare.
7 Any citizen may apply to the court for revocation of a license
issued under this section.

9 (cf: P.L. 1979, c. 179, s. 13)

13. Section 14 of P.L. 1979, c. 179 (C. 2C:58-6.1) is amended
11 to read as follows:

14. Possession of Firearms by Minors; Exceptions. a. No
13 person under the age of 18 years shall purchase, barter or
otherwise acquire a firearm.

15 b. No person under the age of 18 years shall possess, carry,
fire or use a firearm except under the following circumstances:

17 (1) In the actual presence or under the direct supervision of his
father, mother or guardian, or some other person who [holds a
19 permit to] may lawfully carry a handgun or who holds a firearms
purchaser identification card, as the case may be; or

21 (2) For the purpose of military drill under the auspices of a
legally recognized military organization and under competent
23 supervision; or

(3) For the purpose of competition or target practice in and
25 upon a firing range approved by the governing body of the
municipality in which the range is located or the National Rifle
27 Association and which is under competent supervision at the time
of such supervision or target practice; or

29 (4) For the purpose of hunting during the regularly designated
hunting season, provided that he possesses a valid hunting license
31 and has successfully completed a hunter's safety course taught
by a qualified instructor or conservation officer and possesses a
33 certificate indicating the successful completion of such a course.

c. Notwithstanding any other provisions of law, any person
35 under the age of 18 years who violates any provision of this
section shall be adjudged delinquent.

37 (cf: P.L. 1980, c. 52, s. 1)

14. (New section) Notwithstanding any provision of chapter 39
39 or chapter 58 of this Title to the contrary, a member of a pistol
club whose owner is licensed pursuant to the provisions of section

1 15 of P.L. . c. (C.) (now pending before the Legislature
as this bill) may purchase a handgun for use at the pistol club
3 provided that:

a. The person has obtained a permit to purchase a handgun
5 pursuant to the provisions of N.J.S. 2C:58-3; and

b. The person directs the retail dealer from whom the handgun
7 is purchased to deliver the handgun directly to the pistol club
where the handgun is to be maintained and stored.

9 15. (New section) Licensing of owners of pistol clubs;
Records. a. No owner of a pistol club shall accept a handgun for
11 storage and maintenance from any member unless licensed to do
so as hereinafter provided. The superintendent shall prescribe
13 standards and qualifications for owners of pistol clubs for the
protection of the public safety, health and welfare.

15 Applications shall be made in the form prescribed by the
superintendent, accompanied by a fee of \$50.00 payable to the
17 superintendent, and shall be made to a judge of the Superior
Court in the county where the pistol club is located. The judge
19 shall grant a license to an applicant if he finds that the applicant
meets the standards and qualifications established by the
21 superintendent and that the applicant can be permitted to
operate a pistol club without any danger to the public safety,
23 health and welfare. Each license shall be valid for a period of 3
years from the date of issuance, and shall authorize the holder to
25 accept handguns for storage in a specified municipality.

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

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

(1) The activities of the pistol club shall be carried on only in
37 the building or at the location designated in the license.

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

1 (3) Handguns are stored and maintained in such a manner as to
provide adequate security.

3 c. Every owner of a pistol club accepting handguns for storage
and maintenance shall keep a register in which shall be the name
5 and address of each member storing a handgun and the make,
model, manufacturer's number, caliber and other marks of
7 identification on the handgun stored and such other information
as the superintendent shall deem necessary for the proper
9 enforcement of this section. The register shall be retained by the
owner and shall be made available at all reasonable hours for
11 inspection by any law enforcement officer.

d. The superintendent may promulgate regulations setting
13 forth reasonable limitations on the quantity of handguns stored at
a pistol club and may prescribe the conditions under which those
15 handguns are maintained.

16. (New section) Every case of a theft of a handgun shall be
17 reported within 48 hours of the discovery of the theft to the
police authorities of the municipality where the holder of the
19 handgun resides or to the State Police. Any person who fails to
report the theft of a handgun as provided in this section is guilty
21 of a disorderly persons offense.

17. (New section) The superintendent is directed to conduct
23 and complete a Statewide public information campaign for the
purpose of acquainting the general public with the provisions of
25 this 1988 amendatory and supplementary act especially
highlighting the provisions of N.J.S. 2C:39-12 concerning the
27 surrender of firearms and the provisions of section 16 of this act
with regard to reporting the theft of handguns.

29 18. N.J.S. 2C:58-4 is repealed.

19. This act shall take effect on the 120th day after
31 enactment except that section 8 and any provisions authorizing
the promulgation of regulations or the prescription of rules,
33 practices or forms necessary to effectuate the purposes and
provisions of this act shall take effect immediately.

35 STATEMENT

37
39 This bill prohibits the sale, importation, possession and carrying
of handguns except by certain authorized persons. Antique
handguns and handguns determined by the superintendent to be

1 collectibles, commemoratives or curios are exempted. Anyone
legally owning a handgun prior to the enactment of this bill for
3 which a permit to purchase was obtained may retain the gun, but
this permit must be renewed every 3 years. Anyone legally
5 owning a handgun prior to the effective date of this bill without a
permit to purchase will have 120 days following enactment to
7 obtain a permit, or the handgun must be surrendered. This bill
provides that a permit or registration is required for each
9 handgun owned after the effective date. No registration will be
permitted after that date except for those applications that are
11 pending. Any person possessing a handgun may surrender it
anytime. Compensation will be provided to those whose
13 ownership was lawful pursuant to a schedule to be determined by
the superintendent.

15 Notification of the theft of a handgun must be reported by the
holder within 48 hours of discovery of the theft.

17 The Superintendent of the State Police is required to publicize
the provisions of this act, especially the amnesty provision for
19 surrendering unlawfully possessed handguns and the requirement
to notify the proper authorities of a theft of a handgun.

21 Under the provisions of this bill, any person illegally possessing
a handgun, other than an antique, is guilty of a crime of the third
23 degree. Any person illegally carrying a handgun, including an
antique, is guilty of a crime of the third degree.

25

27 PUBLIC SAFETY

Weapons

29

Prohibits the sale, importation, possession and carrying of
31 handguns except by certain authorized persons.

SENATE SLP COMMITTEE

AMENDMENTS

to

SENATE, No. 2282
(Sponsored by Senator Russo)

REPLACE SECTION 3 TO READ:

3. N.J.S. 2C:39-6 is amended to read as follows:

2C:39-6. Exemptions. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties:

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey:

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L. 1985, c. 439 (C. 40A:14-146.14):

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection b. of this section, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

b. Subsections a., b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or

the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees at his normal place of business and during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L. 1986, c. 150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations; or

(10) A campus police officer appointed under P.L. 1970, c. 211 (C. 18A:6-4.2 et seq.), while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm; or

(11) A person who has not been convicted of a crime under the laws of this State or under the laws of another state or the United States, and who is employed as a full-time security guard for a nuclear power plant under the license of the Nuclear Regulatory Commission, while in the actual performance of his official duties.

d. (1) Subsections c. and d. of N.J.S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S. 2C:58-3.

(3) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on

property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. (1) Nothing in subsections [b.] c. and d. of N.J.S. 2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm other than a handgun, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this ¹[section] paragraph¹, a place of business shall be deemed to be a fixed location.

(2) ¹[Any person] Nothing in subsection b. of N.J.S. 2C:39-5 shall be construed to prevent a person¹ who qualifies for one or more of the exemptions set forth in paragraphs (2), (3), (4), (5), (6), (7), or (8) of subsection a. ¹[.]¹ or in subsections c. or d. of this section ¹[may possess and carry a handgun subject to the limitations set forth in paragraph (1) of this subsection.], or any other person who has obtained pursuant to N.J.S. 2C:58-3 a permit to purchase a handgun from keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, a handgun or from carrying the same from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. A person who qualifies under

subsection l. of this section or a person
handgun for which a permit to purchase
to N.J.S. 2C:58-3 shall carry that handgun
purchase, residence, business, or repair in
subsection g. of this section. For the purpose of
a place of business shall be a fixed location

(c) Nothing in subsection b. of N.J.S. 2C:58-3
construed to prevent a person who is a resident
and who purchases a handgun under section 2C:58-3
(C. 1997-10) (now pending before the Legislature)
keeping that handgun at his place of residence

f. Nothing in subsections b., c. and d.
 be construed to prevent:

(1) (a) A member of any rifle club in accordance with the rules prescribed by the Promotion of Rifle Practice, in going to target practice, carrying such firearms to target practice, provided that the club charter with the superintendent and annual members to the superintendent and provide that firearms are carried in the manner specified in this section:

(b) A member of any pistol club from
and storing a handgun at a pistol club
provided that the owner of the club is in
provisions of section 15 of P.L. 1997-10, as amended
before the Legislature as this bill¹;
chapter with the superintendent¹;
of its members who store handguns at
description of the stored handguns¹; or
directly between his place of residence
or a place of business where handgun
purpose of repair in the manner specified in
section¹.

(2) A person carrying a firearm or knife on land or upon the waters of this State for the purpose of hunting or fishing, provided that the firearm or knife is appropriate for hunting or fishing purposes and the person has in his possession a valid hunting license or, for fresh water fishing, a valid fishing license.

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle [or pistol] club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section:

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk or other similar compartment of the [automobile] vehicle in which [it is] they are being transported, and in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S. 20:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from

possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

j. A person shall qualify for an exemption from the provisions of N.J.S. 2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L. 1961, c. 56 (C. 52:17B-71). A person who is specified in paragraph (1).

(2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

l. (1) Subsection b. of N.J.S. 2C:39-5 shall not prohibit the possession of a handgun for which a permit to purchase was obtained or applied for pursuant to N.J.S. 2C:58-3 prior to the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act.

(2) Subsection b. of N.J.S. 2C:39-5 shall not prohibit the possession of a handgun which is registered prior to the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act. Registration shall be required for a handgun which was possessed prior to the effective date of this act and for which no permit to purchase had been obtained. For purposes of this paragraph, registration shall be accomplished by obtaining a permit to purchase pursuant to N.J.S. 2C:58-3. A separate ¹[purchase permit] registration¹ shall be required for each handgun owned by a person. Registration of handguns pursuant to this paragraph shall cease upon the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act except as to those applications for a purchase permit which are pending on that date.

(cf: P.L. 1987, c. 172)

REPLACE SECTION 8 TO READ:

8. N.J.S. 2C:39-12 is amended to read as follows:

2C:39-12. Voluntary Surrender. a. No person shall be convicted of an offense under this chapter for possessing any firearms, weapons, destructive devices, silencers or explosives, if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrendered the weapon.

device; instrument or substance in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the weapon, device, instrument or substance in question and before any investigation has been

commenced by any law enforcement agency concerning the unlawful possession. Nothing in this ¹[section] subsection¹ shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of such weapons, devices, instruments or substances surrendered as herein provided.

b. (1) Any person in lawful possession of a handgun prior to the effective date of this 1988 amendatory and ¹[supplementary] supplemental¹ act and whose possession is lawful after the effective date, may at any time surrender that handgun pursuant to the provisions of this section and shall be compensated in accordance with the provisions of subsection c. of this section.

(2) Any person in lawful possession of one or more handguns prior to the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act, including but not limited to those in possession of handguns in the circumstances set forth in subsection e. of N.J.S. 2C:39-6, and whose possession is unlawful after the effective date of this act, shall surrender that handgun pursuant to the provisions of subsection a. of this section prior to or on the effective date of this act. Any person surrendering a handgun in this manner shall be compensated pursuant to the provisions of subsection c. of this section.

(3) Any person in unlawful possession of a handgun prior to the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act shall surrender that handgun pursuant to the provisions of subsection a. of this section but shall not be compensated pursuant to the provisions of subsection c. of this section. Any person who surrenders a handgun pursuant to this paragraph shall not be subject to prosecution for any offense under chapter 39 of this Title. This provision shall not apply if the surrendered handgun was used by that person in the commission of any criminal offense.

(4) This subsection shall not apply to any manufacturer of handguns or any retail or wholesale dealer in handguns or the employees of any retail or wholesale dealer or manufacturer of handguns.

c. Any person who surrenders any handgun pursuant to the provisions of paragraphs (1) or (2) of subsection b. of this section shall be compensated in accordance with a schedule to be established by the superintendent.

Regulations governing the surrender of handguns may be promulgated by the superintendent. These regulations may include modification of the written notice provisions of subsection a. of this section.

d. Any person in lawful possession of a handgun on the effective date of this 1988 amendatory and ¹[supplemental] supplementary¹ act¹[.]¹ pursuant to any of the exemptions set forth in either subsection a. or c. of N.J.S. 2C:39-6 and who ceases to qualify for any of those exemptions¹ for reasons other than retirement under "The Police and Firemen's Retirement System of New Jersey," P.L. 1944, c. 255 (C. 43:16A-1 et seq.)¹ shall within 10 days thereafter surrender any handgun in his possession pursuant to the provisions of subsection a. of this section. Any surrender made pursuant to this subsection may be subject to the compensation as established in subsection c. of this section.¹ A person in lawful possession of a handgun who retires under "The Police and Firemen's Retirement System of New Jersey," P.L. 1944, c. 255 (C. 43:16A-1 et seq.), may retain any handgun possessed by him provided the person had obtained a permit to purchase a handgun for the handgun in his possession or obtains within 30 days after retirement a permit to purchase a handgun pursuant to N.J.S. 2C:58-3.¹
(cf: N.J.S. 2C:39-12)

REPLACE SECTION 11 TO READ:

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

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 [section] N.J.S. 2C:58-2a. 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. After the effective date of this 1988 amendatory and supplementary¹ act, a handgun purchase permit shall be issued only to^{1,1} a person who qualifies for one or more exemptions set forth in paragraphs (2), (3), (4), (5), (6), (7), or (8) of subsection a. of N.J.S. 2C:39-6¹ [or; a person who prior to retirement under the "The Police and Firemen's Retirement System of New Jersey," P.L. 1944, c. 255 (C. 43:16A-1 et seq.) qualified for one or more exemptions set forth in paragraphs (3), (4), (5), (7), or (8) of subsection a. of N.J.S. 2C:39-6; a person who qualifies for an exemption set forth in¹ subsection c. of N.J.S. 2C:39-6¹];¹ or¹ a person¹ who is qualified to purchase a handgun pursuant to the provisions of section 14 of P.L. .c. (C.) (now pending before the Legislature as this bill).

No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in [P.L. 1970, c. 226 (C. 24:21-2)] N.J.S. 2C:35-2, 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; or

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

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 [P.L. 1970, c. 226 (C. 24:21-2)] N.J.S. 2C:35-2, 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, 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. (1) The application for the permit to purchase a handgun together with a fee of \$2.00, or the application for the firearms purchaser identification card together with a fee of \$5.00, 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 section 2C:39-10a. 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] an identification card, other than those that are specifically set forth in this chapter.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a permit to purchase a handgun which was issued to a person pursuant to subsection l. of N.J.S. 2C:39-6 shall be valid for a period to be determined by the superintendent, not to exceed 3 years, and thereafter this permit may be renewed every 3 years, provided the person satisfies the requirements of subsection c. of this section. The application for renewal, together with a fee of \$5.00, shall be delivered or forwarded and processed in the same manner prescribed in subsection g. of this section.

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, but 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 and chapter 39 of this Title. 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.

(cf: P.L. 1983, c. 479, s. 4)

REPLACE SECTION 14 TO READ:

14. (New section) Notwithstanding any provision of chapter 39 or chapter 58 of this Title to the contrary, a member of a pistol club whose owner is licensed pursuant to the provisions of section 15 of P.L. . c. (C.) (now pending before the Legislature as this bill) may purchase a handgun for use at ¹[the] any licensed¹ pistol club provided that¹:

a. The] the¹ person has obtained a permit to purchase a handgun pursuant to the provisions of N.J.S. 2C:58-3¹; and

b. The person directs the retail dealer from whom the handgun is purchased to deliver the handgun directly to the pistol club where the handgun is to be maintained and stored.]. The member may store the handgun at the club or may transport it as necessary directly between any licensed club, his place of residence, or a place of business where handguns are repaired for the purpose of repair in accordance with the provisions of subsection g. of N.J.S. 2C:39-6¹.

REPLACE SECTION 15 TO READ:

15. (New section) Licensing of owners of pistol clubs: Records. a. No owner of a pistol club shall accept a handgun for storage and maintenance from any member unless licensed to do so, as hereinafter provided. The superintendent shall prescribe standards and qualifications for owners of pistol clubs 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 \$50.00 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the pistol club is located. 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 operate a pistol club without any danger to the public safety, health and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to accept handguns for storage in a specified municipality.

No license shall be granted to any person under the age of 21 years or to any person who could not qualify to obtain 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.

b. 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 activities of the pistol club shall be carried on only in the building or at the location designated in the license.

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

(3) Handguns are stored and maintained in such a manner as to provide adequate security.

c. Every owner of a pistol club accepting handguns for storage and maintenance shall keep a register in which shall be the name and address of each member storing a handgun and the make, model, manufacturer's number, caliber and other marks of identification on the handgun stored and such other information as the superintendent shall deem necessary for the proper enforcement of this section. ¹The register shall also include the name and address of a member and the make, model, manufacturer's number, caliber and other marks of identification on a handgun stored by the member at his place of residence and transported as necessary by the member between the residence and any licensed club.¹ The register shall be retained by the owner and shall be made available at all reasonable hours for inspection by any law enforcement officer.

¹d. An owner of a pistol club shall immediately notify the superintendent of the name and address and the make, model, manufacturer's number, caliber and other marks of identification on a handgun of a member who ceases to be a member of the club. A person who ceases to be a member of a pistol club shall surrender all handguns in his possession to the superintendent or the chief of police of the municipality in which he resides within 10 days unless that person can show proof to the superintendent that he has become a member of another licensed pistol club.¹

¹[d.] e.¹ The superintendent may promulgate regulations setting forth ¹the standards and qualifications of pistol club owners. the security requirements for the storage and maintenance of handguns on the premises of the club. record keeping procedures, and¹ reasonable limitations on the quantity of handguns stored at a pistol club¹[and may prescribe the conditions under which those handguns are maintained]¹.

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SENATOR FRANK X. GRAVES, JR. (Chairman): Good morning. Please be seated. The hearing is going to take a lot of cooperation on your part--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Talk into the mike.

SENATOR GRAVES: Don't be telling me what to do. We'll start off that way, okay? (comments and rumblings from audience) Get it all out of your systems. Give it all you've got. If you are ready to give all your boos, give it all you've got.

UNIDENTIFIED SPEAKER FROM AUDIENCE: And a whole bunch more.

SENATOR GRAVES: Good, but I will still run the hearing.

My name is Senator Graves. I am the Chairman of this Committee. The gentleman on my right is Senator Bubba.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Speak into the mike, please. Louder.

SENATOR GRAVES: Would it be any better if I tried it this way? (moving closer to microphone) (applause) I'll try all over again.

Good morning.

EVERYONE IN AUDIENCE: Good morning, Senator.

SENATOR GRAVES: I am still going to run the hearing. (laughter) Now let's get the boos; let's go.

On my right is Senator Bubba. On my left is Senator Rice. We will be the three Senators conducting the hearing. We already had one hearing. How many of you were at the first hearing? Will you raise your hands? (audience complies) Okay. So, if you remember, we got along fabulously. There were no problems. We had less speeches than you thought you were going to put up with. We absolutely refrained from smoking. We did not boo Senator Russo, and we did not applaud for him. We listened to him. And, we gave everyone a chance,

and even when you didn't like what they were saying, you cooperated and listened, instead of participating. Loud applause or the clapping of hands isn't going to change anyone's mind. We are trying to factually gather up information, whether there is support for this type of legislation, or there isn't support.

We have a number of ways the Committee can go. The Committee can kill the bill within Committee; the Committee can restructure the bill -- by that I mean, add to it or subtract from it; the Committee can release the bill with support, or it can release the bill without support, to put it onto the floor, to give all Senators a right to be heard on it.

Gun bills are not new to me, because I wrote the bill that is called the Graves Act. That is the bill in New Jersey that says that anyone who uses a gun in the commission of a crime, and is convicted, mandatorily has to go to jail. That bill is working. (applause) I'm sure some of that applause is for Senator Russo, too, because he was a co-sponsor of the bill with me. I wanted to get that point across to you, too.

Please refrain; please help out. If you make it work as good as you did at the hearing in Trenton-- We have one more to go after this. We are going to Hackensack within the next two or three months. Then we come back, and the Committee meets in your presence and makes a decision as to what it wants to do with the bill. At that meeting, the final decision will be made on this. But, that is two meetings away. So, please, if you will, be as cooperative as you were at the hearing in Trenton, and we will all get along fine.

We are going to call, first of all, the sponsor of the bill, so he may explain, or might give some input to his legislation. Please refrain from any comments. Please refrain from yeses or nos, and give him -- he is the Senate President-- Whether you like his bill or not, it is a meaningful piece of legislation. It has been brought forth

because he believes in it. That does not mean that it is going to become a law, but it doesn't mean that it doesn't have a chance to become a law. So, we will all act in that same accord.

Is Senator Russo present? Is Senator Russo in the room? (negative response) The gentleman who is just joining us is Senator Bassano. He is the fourth member of the Committee. There is a fifth member -- Senator Contillo -- but he is tied up today.

SENATOR BASSANO: Tell them Bassano is a member of the NRA.

SENATOR GRAVES: Senator Bassano wants you to know that he is a member of the NRA. (applause) He means the National Republican-- (laughter)

SENATOR BASSANO: No.

SENATOR GRAVES: Oh, you're no longer a member of the National Republican--

SENATOR BASSANO: Both, both.

SENATOR GRAVES: Oh, both, okay. So, he doesn't deny it.

Senator Russo, are you in the room? (no response)

SENATOR BUBBA: What time was the hearing supposed to start?

SENATOR GRAVES: Eleven o'clock.

MS. SZILAGYI (Committee aide): Not yet -- he is not here.

SENATOR GRAVES: Okay. Let's hold on for two minutes. (pause) One more call for Senator Russo.

MS. SZILAGYI: He's not here. They asked that you please wait for him, but if you don't want to--

SENATOR GRAVES: Well, we'll wait five minutes. (pause)

We are going to go to Maryland representative, Senator Howard Denis, who sponsored the Maryland legislation to ban

Saturday-night guns. We also have Delegate Gil Genn, the sponsor in the other house. Good morning, gentlemen.

SENATOR HOWARD DENIS: Good morning, Mr. Chairman.

DELEGATE GIL GENN: Good morning, Mr. Chairman.

SENATOR DENIS: Members of the Committee: My name is Howard Denis. I am a member of the Maryland Senate, representing Montgomery County, which is right outside of Washington, D.C. I am honored to be here at the invitation of this distinguished Committee, to share some thoughts with you.

My bottom line, Mr. Chairman and members of the Committee, is, if you are inclined to support the gun control concept, take heart. We did it in Maryland, and you can certainly do it in New Jersey. We passed what we thought was a very modest, conservative piece of legislation, which had many compromises in it with the NRA. In fact, my committee, the Senate Judicial Proceedings Committee, accepted many of the amendments that were proposed by the NRA.

However, after the bill passed, the deal we thought we had, collapsed, and the NRA instituted a referendum procedure which resulted in the bill being placed on referendum. The NRA then proceeded to pour into our state -- which is about half the size of the State of New Jersey -- the sum of \$6.7 million, which is more money than had ever been spent in any statewide election, either for partisan office or referendum question.

We, on our side, had approximately \$400,000 to \$500,000 to spend. Nevertheless, we prevailed, with 15% of the vote in my county -- Montgomery County -- which is a county of 700,000 people. We carried it with 75% of the vote. In my legislative district, we had the highest percentage in the state -- 82% of the vote. This is the first time that the NRA has ever been defeated in a statewide referendum. Clearly, the states have a responsible role to play, as test tubes for legislation across-the-board. Ultimately, of course, this is a

matter that Congress and the President have to address, if we are going to have comprehensive legislation that deals with all aspects of the gun control problem.

How did we do it in the State of Maryland? I am here to tell you, Mr. Chairman, members of the Committee, that an essential element was bipartisan cooperation. I happen to be a Republican. I was a Bush delegate to the National Convention. I was the highest vote getter, actually, in my county. And my member of Congress happens to be a Republican -- Connie Morella -- and I was her campaign manager. There are only two Republican members of Congress from the State of Maryland out of eight. We both supported this legislation, as did many Republican leaders throughout the state. I am absolutely convinced that this was a significant ingredient in our passage of this legislation.

I believe it is also important, Mr. Chairman, if any legislation of this type is going to pass, that it receive support from the law enforcement community, from the victims' rights community, and from all those who have hands-on experience with the problem. We even got the support of the Maryland Cab Association, which supplied us with financial assistance, as well as a network of supporters.

We had testimony from Sarah Brady. We had an appearance by Jim Brady, Coretta Scott King, and many of the national leaders who helped us to place the bill on referendum. Our Governor, William Donald Schaefer, was a tremendous advocate for the bill, and helped to assure the passage of the referendum.

So, Mr. Chairman, members of the Committee, I would not presume to advise the members of this august body how to vote on a bill that deals with the State of New Jersey. I am simply here to testify on the concept of gun control, and to tell you that it can be done. If there is any reluctance to support this legislation because of some of the opposition that

is evidenced here today, or around the State, I think we have shown that you can marshall support to gain -- significant support around the State, in order to advance the gun control concept.

Thank you, Mr. Chairman and members of the Committee.

SENATOR GRAVES: Isn't your legislation different than this legislation?

SENATOR DENIS: Oh, yes, Mr. Chairman.

SENATOR GRAVES: Okay. So, there is a world of difference. Yours was on the Saturday-night special.

SENATOR DENIS: That is correct; that is correct.

SENATOR BASSANO: May I ask a question?

SENATOR GRAVES: Sure, Senator Bassano.

SENATOR BASSANO: A very fast question for information purposes: Can you tell me how you described a Saturday-night special in your legislation?

SENATOR DENIS: We had a definition that was put into the original legislation, Senator. The definition was struck, at the request of the NRA. That was one of the compromise amendments that we supported in my committee. Many members of the NRA who are members of the Maryland Senate wound up supporting the bill, and voting for the bill on the floor, because we had accepted that particular amendment, along with several others. So, Saturday-night special is not defined. I would be happy to -- or my colleague can describe the details of our legislation, if you are interested.

SENATOR BASSANO: I would appreciate that.

SENATOR BUBBA: A question--

SENATOR GRAVES: Mr. Delegate?

DELEGATE GENN: The Senator has a question.

SENATOR BUBBA: I'll wait.

SENATOR GRAVES: Mr. Delegate, go ahead.

DELEGATE GENN: Yes. Thank you very much, Mr. Chairman and members of the Committee. Distinguished Senators,

we are seeing democracy in action today. Regardless of which side you are on, it is heartening to see that people care about the process. That might be one of the most important things that comes out today.

To address Senator Bassano's question, what happened was-- Of course, Senator Denis is correct. The NRA did not want the terminology "Saturday-night special" in the bill, because they felt you could not define it. But indeed, we found in the "American Rifleman," which is one of the publications of the NRA, that they used the term "Saturday-night special." So, we felt it was disingenuous not to use it. Nevertheless, political reality being what it is, we couldn't get the votes to sustain the language of "Saturday-night special."

So we looked at specific criteria modeled after the BAFT -- the Bureau of Alcohol, Firearms, and Tobacco -- standards of individual characteristics. When you hear these characteristics, you have to keep in mind one thing: There are going to be regulatory hearings held to determine, and flesh in, the meaning of some of these words. For example, the Board. Let me start right there. We have a Handgun Roster Board that is going to sit and determine which guns can be owned and sold in the state. It is a member board in which the NRA sits. The characteristics of the gun will be its concealability, the ballistic accuracy, the weight of the gun, the quality of the materials, the quality of the manufacturer, the reliability as to safety, and the caliber of it. Indeed, we also have language in there that would include handguns predominantly manufactured with plastic. We were ahead of the Federal legislation, so we banned handguns that would get by airports or courthouse security. We will permit handguns used for legitimate sporting activities, self-protection, or law enforcement.

Members of the Committee, I would like to try to address briefly some of the points that the NRA raised, and some of the issues in the State of Maryland. I think the fundamental question before our legislature and, indeed, I believe before New Jersey's, is, does the State have a right to regulate for the health and safety of its citizens? The answer, of course, is, "Yes." We regulate the privilege to drive in the state. You know, those police officers, I assume in New Jersey, as well as in Maryland-- When you go to get your driver's license, you have to go before the police officer, and parallel park. They are going to test your driving skills when you come to a stop sign. The state regulates the safety, because if you are not a safe driver, guess what? The state has a right to ban, or restrict -- but to ban your right to drive in the state. We do the same thing for the safety of automobiles. If you have defective brakes or transmissions, the state has a right to regulate, and can ban those cars from the roadway.

We also have the right to ban controlled dangerous substances -- drugs. You know, in the 1800s, it was very chic and novel to use drugs. In Baltimore, for example -- in our state -- we had probably the cocaine king, and his name was Edgar Allan Poe. What happened was, the state, after a while, and the national government, realized, through physical and empirical medical evidence, that cocaine was bad. So we had sanctions and penalties, and that is what this State has the right to do -- regulate the safety and welfare of its citizens.

Also, in this State, and I am sure in the State of Maryland as well, you determine hazardous wastes, and how those should be transported. I noticed, when briefly looking at your bill, that you are going to require people to contact the State as to the transportation of these guns. Aren't they hazardous products? Can't the State have a right, in certain cases, to say, "These are potentially dangerous items," just like

hazardous waste, which might be boxed properly, but, if improperly used, can cause harm? We regulate pesticides and disease products, as well.

One of the fundamental arguments-- There were some fine gentlemen telling us about their constitutional right to bear arms, and I think you are going to have to address that. I think we all know, I think Senator Russo has testified previously, and I think this Legislature is very well aware, that the Second Amendment only applies to the Federal government. (negative response from audience)

SENATOR GRAVES: You promised. You have already broken your promise. (a great many loud responses from audience at this point) You have already broken your promise. Quiet please; quiet please. Will you please refrain from outside-- Stick with the gun bill, if you will, okay?

DELEGATE GENN: I will; I am trying to do that. (angry response repeated)

SENATOR GRAVES: Please, please, please.

DELEGATE GENN: I was asked to testify on the NRA arguments against the Maryland bill, and I assume that some of the same things will be stated on this bill.

SENATOR GRAVES: Okay. I think what we're doing-- We seem to be getting in a contest here -- NRA or not NRA. I don't think this is the only reason we are talking about this legislation. We are talking about something that has statewide impact. It isn't just the NRA; it concerns seven million people in the State of New Jersey. So, if you will--

DELEGATE GENN: Yes, Mr. Chairman, thank you. But I am sure the Committee is well-aware of the Burton and Sills case, and we have the same situation in the State of Maryland, which says that the Second Amendment does not apply to the states.

What we are dealing with is a NRA that used tactics that, very candidly, were deceptive and distorted. What we are

dealing with in the bill-- In our bill, for example, we only restricted the ownership or sale of firearms. They sent out a statewide circular, saying, "Well, you don't have the word 'gifts' in there." That is because we couldn't get the word in there -- the word "gifts" -- because legislators said, "Well, that would preclude my giving a handgun to my son. That would be a gift." So, we didn't include that, yet they came back and said our bill was deficient in that area.

I think one thing you are going to have to address in the entire ambit of this bill is, will this bill stop crime? Of course, it will not. It is not going to stop crime -- all crime -- but it is going to reduce criminal conduct. (negative response here) It is going to reduce--

SENATOR GRAVES: You are proving to these people that we cannot keep our word, gals and guys. You are proving to the group from Maryland that we don't know how to conduct ourselves in New Jersey. Let's show them-- (angry response from audience) Whoa. Let's show them how we conduct ourselves, please.

UNIDENTIFIED SPEAKER FROM AUDIENCE: His time is up.

DELEGATE GENN: I will put it to them very slowly, Mr. Chairman: This will reduce criminal conduct. There is no question about it. You know the figures. Most of these guns are used in domestic situations, when the victims know each other. You are dealing with a situation in the home, of crimes of passion. You are dealing with a situation where the police officers have the greatest fear of walking into domestic relations situations, because they don't know whether the bullet that is intended for the wife is going to come against that police officer. Guns do not discriminate between race, between sex, or political parties. When that bullet enters and tears muscle and bone, it kills equally.

The key to the bill you are dealing with, is that it is going to reduce the lethal alternatives. If this bill can

save one life, it is well worth it. (negative response from audience) You know, the NRA talks about, "Why don't you do something about criminals?" and you know what they are going to say about this bill. "You are not doing anything about criminals." Well, in the State of Maryland, in 1972, former Governor Harry Hughes introduced legislation that said you would get a mandatory jail sentence for the illegal possession of a firearm. And do you know what the NRA's position in Maryland was? They opposed it. So, be very wary of the NRA and the opponents of this bill saying you are not doing anything about crime, because the reality is, they oppose all forms of regulation.

I would like to just mention a couple more points: You have to talk about the cost to society. Yesterday, in The New York Times, on A16, caption: "Gunshots Cost Hospitals \$429 Million." The cost to society has to be weighed in this legislation. It goes on to say: "The AMA estimates a one billion dollar loss to society for compensation benefits, retirement plans, and everything else for those who are injured." And guess who picks up the tab? Everyone sitting out there, and up on the dais as well, to the tune of 85% -- about one billion dollars. You have to weigh the cost as well.

In fact, what I would like to say is, we have to keep something in mind. We want to keep in mind that this month marks the twenty-fifth anniversary of the killing of John Kennedy, the twentieth anniversary of Martin Luther King and Robert Kennedy, and it marks-- (negative response from audience)

SENATOR GRAVES: Please hold it up.

DELEGATE GENN: And it marks the days and the lost lives of tens of thousands of people since that time. It is important to realize that New Jersey has a chance. It has a chance not to become just another notch on the NRA gun belt. That is important to keep in mind.

Thank you, Mr. Chairman.

SENATOR GRAVES: Thank you. I would like to ask you one question. Do you, in your state, have a law similar to ours, that anyone arrested and convicted of committing a crime with a gun, mandatorily has to go to jail? Do you have a law like that, too?

SENATOR DENIS: Our law, Senator, applies to repeat offenders. (loud negative reaction from audience)

SENATOR GRAVES: Please, please, be fair, will you?

SENATOR DENIS: Our mandatory sentence bill applies to repeat offenders. Speaking for myself, I would support a mandatory sentence bill for first-time offenders, and I have supported stiffer penalties. I think that is part of the solution, but unfortunately, stiffer penalties by themselves, have shown not to solve the problem. That is why we are here.

SENATOR GRAVES: Okay, but we do have a degree of success, because I wrote that bill. As I said, Senator Russo was the co-sponsor of that bill. There has been a 50% reduction in crime in New Jersey because of that particular law. So, look into it.

Okay. We appreciate the fact that you came here and gave us the input of your legislation. It is important for us in our consideration. I know you feel that sometimes you were interrupted, but we are doing our best. Thank you very much.

Does any member of the Committee have a question?
Senator Bubba?

SENATOR BUBBA: How long has your bill been in effect in Maryland?

SENATOR DENIS: The referendum was just approved by the voters on election day. Under our bill, certain provisions will not go into effect for a year and a half. The bill applies to the appointment of the Handgun Roster Panel, which will be meeting for the next year and a half to compile a list of guns. Basically, if a gun is not on that list, it can't be used.

SENATOR GRAVES: Okay, thank you. Any other members of the Committee? (no response) Okay, thank you very much for your time, your effort, and everything else.

Now, again, I think we lost a little bit of control of ourselves at times, and that isn't what you are trying to prove. So, don't have me playing the school professor every five seconds. Why don't we roll back the clock in time? Be like you were in Trenton. Give everyone a chance. You know, if you were going to agree with everybody, and everybody was going to agree with you -- whichever side you are on -- then we wouldn't accomplish much. Let's give each speaker a chance to feel free to say what he wants, without having to worry about a barrage of boos coming down on him. Again, I urge you to cooperate.

The next speaker will be Colonel Leonard Supenski. Colonel Leonard Supenski, are you here, sir? (affirmative response from audience) Good morning, Colonel. Thank you for coming on board. Is there anyone with you, or are you just speaking by yourself?

COLONEL LEONARD SUPENSKI: I am alone.

SENATOR GRAVES: Okay.

COLONEL SUPENSKI: A silent majority, Senator.

Good morning, Mr. Chairman, members of the Committee. I appreciate being invited here this morning. When I got your offer to come up and testify, I asked myself, what is it that I could say on behalf of law enforcement in Maryland that you didn't already know? And I thought to myself, well, not very much. But I think it bears repeating, so we will talk about two things.

The problem of handguns in society today-- We are not just talking criminality. We are talking about deaths; we are talking about injuries; we are talking about saving lives; and the intransigence of the pro-gun lobby.

I could tell this body that there are between 40 million and 60 million handguns in the United States today, but you know that. You know that we have the largest arsenal in private hands in the world. You know that. I could tell you that 22,000 people a year die. Half of the homicides involve handguns. Half of all police officers who are killed in the line of duty, are killed with handguns. There are 1200 fatal accidents a year. There are 90,300 murders committed with handguns. Sixty percent of the people knew or were related to the victim. I could tell you that my primary reason for being involved in any of this, is that each day in this country, a child under 14 years of age is accidentally killed with a handgun. I could tell you that it is 115 times more likely that a handgun will be used to kill someone in the home, a homeowner -- they are used in suicides and murders -- than they are used where most of us fear; that is, with an intruder coming in. Last year, there were 20,000 plus killed with handguns -- 193 burglars.

I could tell you that it is 49 times more likely that you will be killed if you resist an armed robbery with a handgun, than if you don't. You already know that. I could tell you that you can expect, in New Jersey, as we had in Maryland, that the NRA will come after you -- excuse the pun -- with both barrels, but you know that.

Let me tell you why. I am a former NRA member. I am a present target shooter. I own a number of handguns. I think in 30-some years of shooting, I am somewhat qualified on the subject. But in 1972, I left the NRA. I left the NRA because of their opposition, basically, to the '68 Gun Control Act, which was a reasonable piece of legislation. What has happened since then -- since '68 -- was the rollback they had on the McClure-Volkler bill in Congress, which would have literally turned us back to pre-1968 days. They lost on the Teflon bullet bill; they lost on the private sale of machine guns.

What they see happening at the Federal level clearly then, is no more weakening of gun control laws. What they have seen in the Federal courts says basically the same thing. Where does that leave them? It leaves them a strategy that means they now have to go state by state, and that is what they are doing -- Maryland, New Jersey, California, Massachusetts, Florida. Let's talk about Florida, because Florida represents the prototype of the NRA bills. What they want to do today is to go state by state in one creative preemptive log -- meaning that the state can only pass legislation, no jurisdiction can pass legislation more stringent than, and then too, come in behind that with a permissive licensing bill.

What does that mean? It means that if you are 21 years of age and you are not a felon, you get a gun. It is that simple. That is the law in Florida. Handgun sales in Florida have quadrupled in one year -- one year.

Now, the choice we have in law enforcement is to sit back and watch this, or we can do our part to try and stem the ever-growing tide of wasted lives and injuries. That is why we're here. That is why we, very early, got into the bill in Maryland; why the Maryland chiefs, why the Fraternal Order of Police, why the Maryland sheriffs, why the Maryland troopers, and why the benevolent associations got involved, and got behind the bill. We know something from experience, and that is, in those states where the law enforcement community does not back the bill, you have a clear loser on your hands, because the public perceives the police organizations as having every bit as much credibility on this issue as the NRA. That is a lesson we have learned.

I would be glad to take any questions.

SENATOR GRAVES: Any member of the Committee? (no response) Okay, thank you very much, Colonel.

COLONEL SUPENSKI: Thank you, sir.

SENATOR GRAVES: Robert Viden, Coalition of New Jersey Sportsmen? Good morning.

R O B E R T V I D E N: Senator, we are not really prepared to discuss the Maryland gun laws.

SENATOR GRAVES: Okay. You are at liberty-- You have five minutes to say what you want to say.

MR. VIDEN: I would like to have Mr. Osterman speak for a minute, and then I will--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Speak up.

SENATOR GRAVES: They want you to use the microphone for the PA system, if you will.

SENATOR GRAVES: Would you introduce yourself, sir?

C H I E F W I L L I A M E D W A R D O S T E R M A N, J R.: My name is William Edward Osterman, Jr. I am the Chief of Police of Elmer Borough, Salem County, New Jersey.

SENATOR GRAVES: Okay, Chief, please go on.

CHIEF OSTERMAN: I just heard the police officer from Maryland use the words "law enforcement credibility." Before I get to the statement which I prepared, I would like to introduce you gentlemen to "Crime in the United States - 1987." This is a composition done by the FBI, and this is -- if you will pardon my putting it this way -- an attack on the credibility of the officer who just sat here.

According to the FBI, in 1987, there were 17,000 murders in the United States. According to the FBI, there were 7000 of those murders committed by handguns, not 20,000 murders committed by handguns. There were less than 20,000 murders committed in this country, 7000 of which were committed by handguns. That is less than half.

In the State of New Jersey, last year, in 1987, there were 110 handgun murders committed, out of 350. That is 31%. There was 31%, 109 murders, committed with cutting instruments. Twenty years ago, those percentages were a little different. It was 35% committed with handguns. Today, 31% with knives; back then it was 28%. That police officer from Maryland is correct-- I'm sorry, not the police officer, the

gentleman from Maryland earlier, was correct that murder is a crime of passion, but the bottom line is, in a crime of passion, you will pick up and use whatever is available to you at the time.

I am not speaking as an opinion, as a legislator who researched it. I am talking as a police officer who lives it. This bill by Senator Russo is misguided, and is not going to do the law enforcement community in this State any good whatsoever. That is my opinion; that is the opinion of a great many police officers in this State.

From my personal experience, I have not seen where Senator Russo's bill is going to affect my community whatsoever, positively. It is going to remove handguns from legitimate, law-abiding citizens. It is not going to do me any good whatsoever. Senator Russo's bill will create a new class of criminal. He will create a black market in firearms. If you don't believe me, think about it for a second. We have done a great job of removing drugs from society, and that is our single biggest issue right now. (applause)

SENATOR GRAVES: There you go again. Pardon me, Chief, did you say we have done a good job of removing drugs from society?

CHIEF OSTERMAN: I was being sarcastic.

SENATOR GRAVES: Oh.

CHIEF OSTERMAN: I would like to ask--

SENATOR GRAVES: Because I wrote the drug bill, and it is out of control in New Jersey -- out of control.

CHIEF OSTERMAN: Senator, I am aware that you also wrote the Graves Act, and I believe that is the way we should be going in this State. Don't make criminals out of honest, law-abiding citizens. Make criminals go to jail. Keep them in jail. If we ban firearms in this State -- handguns in this State right now -- all we will be doing will be taking them away from the legitimate, law-abiding citizens.

Where else are you going to find a group of people who have had their mental health checked; who have had their backgrounds checked; who have had their criminal records checked? There is no more solid group of citizens in this State, and I don't want your applause. You people in this room are not helping the issue every time you boo one of these people. This isn't a circus. These gentlemen are up here to listen to us, and we are here to try to tell you about a misguided bill that we think is wrong.

SENATOR GRAVES: Chief, let me ask you something, in your professional opinion: I know you don't need the Committee to sit down to describe a Saturday-night special. How do you feel about the ability and the availability of Saturday-night specials?

CHIEF OSTERMAN: First of all, from my experience-- I have three handguns in my weapons locker right now. Not one of them is anything that I would call-- I don't know what a Saturday-night special is. It has been my experience that people use the most expensive weapon they can get their hands on, if they are going to go into crime. Criminals use what is available to them, and they would rather have a good weapon than a bad one. The Saturday-night special is a bad joke. Off duty, I carry, on occasion, a small .25 caliber automatic pistol, and when I carry that small pistol, that would probably fall under somebody's consideration as a Saturday-night special. I call it life insurance.

I would like to ask a question: Was that police officer from Maryland on his own time, or was he on county time?

SENATOR GRAVES: Chief, Chief, please, no, no. If you want to meet with him personally-- We want to get the guts of what this is all about, and that is not part of the gut.

SENATOR RICE: Mr. Chairman?

SENATOR GRAVES: Senator Rice?

SENATOR RICE: Yes. Let me just say a few things for the record, okay? I traveled this morning, like everyone else, and got up early. I don't have to be here, but people elected me to vote. They may not elect me the next time, but I am here to vote. I am a former police officer, Mr. Chairman. You know that. I am a former police officer from the City of Newark. Salem County doesn't even compare to my city when it comes to crime. I am a former investigator. Also, my academic degree is now toward criminal justice planning and administration. I am not going to have anyone discredit that officer from Maryland, because he did not say-- His statistics were not distorted.

I think what happened was that maybe you misheard him, or you distorted the facts by your language. He said there were 20,000 deaths -- not murders, deaths -- caused by handguns, which included the 7000 homicides you spoke of, suicides, and accidents, etc. So, he was not wrong; he was not wrong.

Let me also say, for the record, and for those who are here, I can take a lot of heat. I have no problem with that. Sometimes I don't feel like being badgered and hearing a lot of boos. The Chairman got us here to listen. I am trying to learn something I don't know. I think I know as much about this subject and criminal justice as any law enforcement person here, regardless of their time, etc. But the difference is, I think on this Committee I am unique, because I am a legislator, and the legislators from Maryland spoke, and I wanted to hear what they had to say. I am a former cop, and police officers are speaking. I am also a former member of the NRA, so I understand the issue from both sides. But, if I don't get the opportunity to hear from everyone here, then I am going to miss something in the process, and I am going to vote the way I feel is best.

We have a lot of homicides and accidental deaths taking place in my city. And when you talk about drugs-- You can relate the drugs to guns, and the guns to drugs. Those drug dealers and drug users don't care if they are Saturday-night specials, or whatever they can get their hands on. So, there is no definition whereby we can define Saturday-night specials.

I wanted, Mr. Chairman, to set the record straight, so that you don't come up short a member before this hearing is over today.

SENATOR GRAVES: Okay. I can't afford to lose you, so please stand by.

All right, Chief, is that it?

CHIEF OSTERMAN: I don't suppose I have the opportunity for rebuttal, so I guess I'll--

SENATOR GRAVES: No, no rebuttal.

SENATOR RICE: I can see you outside, if you want to rebut me.

SENATOR GRAVES: Okay, Mr. Viden?

MR. VIDEN: Senator Russo is attacking the NRA. He speaks of the NRA as an outside organization, and not of New Jersey. Well, I am the NRA, and so are 80,000 other members in New Jersey. We, along with the one million other legal firearm owners who have gone through fingerprint and background checks, represent the people who will be hurt if this bill is passed. We do not feel that this bill is going to address the criminal element of society. It is only going to affect the honest people who are legitimately buying handguns in this State.

We are the best people in the State, because we have been proven that by the background checks, the fingerprint checks, the mental health checks. No other organization that is represented here today can boast that none of their members have ever had a criminal record, have ever been judged an alcoholic or mental defective. Even the Methodist Church,

which supports the handgun bill, will accept a repentant sinner. We can't, because a repentant sinner still can't get an I.D. card in New Jersey.

Under this bill, as I understand it, Mr. Russo stated that hunters would not be affected. I hunt with a handgun, not in New Jersey, but in other states and other countries. As I understand this bill, I would not be permitted to take my handgun out of the State for the purpose of hunting legally.

As far as target shooters-- Target shooters would only be permitted to keep their handguns on the range where the gun was stored. No other competition could take place on any other range, because they would not be able to transport that gun. If the gun was in need of repair, would they be able to have the gun repaired, or would they have to have a gunsmith make a house call?

What determines what a target pistol is? That will be determined later. It is not written in this bill. Many people shoot bowling pins with .45 caliber automatics and .44 revolvers. By most standards, they are considered target handguns.

As for collectors-- A collector of art collects Picassos not to be destroyed when he dies. A collector of coins, when he retires, does not have to turn his coin collection in to the State for destruction. Most gun collectors collect for the same reason. They collect for investment, whether it is for their own retirement or as a legacy for their heirs. They collect for the purpose of selling those guns or leaving them to their children. Many collections were started with guns that were passed on from father to son. This would not happen under this bill.

Many modern handguns have increased substantially in value over the years. A Ruger made during the first year of production, that cost \$37 in 1949, is well worth 10 times that much today.

SENATOR GRAVES: Okay, this pertinent information has been given to us. We have all of that from the first hearing.

MR. VIDEN: I'll go on to something else.

SENATOR GRAVES: It is not going to be cast aside. Believe me, when we go into deliberations, we are going to bring up all of these things.

MR. VIDEN: If crime is the main issue, let's go after the criminal. We support mandatory sentencing. We feel we should be looking at the socioeconomic problems that breed crime and the drug problems that face every community in our State. Multi-murderers do not escape if given the death penalty. We must stop plea bargaining for violent offenders. The only revolver that should be banned in New Jersey is the revolving door of justice that lets prisoners out before the police records are finished.

Today, freedom is as important as it was in 1776. Our country was founded by men and women seeking freedom, and not guarantees. England and Japan, which were used a lot for comparison of their firearm laws at the last hearing-- Our forefathers decided that England did not have the answer. If it did, we would not be celebrating the Fourth of July today. We also had the chance to be Japanese in 1941, but we rejected that offer. Our motto is: If you think Japan and England have better gun laws, go there. As for us, we feel that the United States is the greatest country in the world, and we would like to see the liberties and the freedoms we have preserved as our forefathers intended.

SENATOR GRAVES: Thank you. Does any member of the Committee have a question?

SENATOR RICE: I have one.

SENATOR GRAVES: Senator Rice, one question.

SENATOR RICE: In the information we received at the last hearing -- which the Senator alluded to -- you mentioned

that there is a question as to whether or not you could transport hunting weapons -- handguns -- out-of-state.

MR. VIDEN: Hunting handguns, yes.

SENATOR RICE: Presently, doesn't each state govern how you may transport a weapon?

MR. VIDEN: Every state, except New Jersey, permits hunting with a handgun.

SENATOR RICE: That's right, but my point is, even a police officer, with his regular weapon, if he crosses state lines-- There are ways of running in and out. Is that the same with hunting?

MR. VIDEN: We are allowed to transport a handgun unloaded and cased through any state in the Union, for the purpose of sport.

SENATOR RICE: Okay. Are you saying that this bill does not speak to that?

MR. VIDEN: Under this bill, we would be stopped from transporting our handguns.

I also have testimony to turn in from two other people.

SENATOR GRAVES: Please do that, and it will be given to each member of the Committee. All right, thank you both, gentlemen.

Danny Schick, Fraternal Order of Police? Good morning, Dan.

D A N N Y D. S C H I C K, S R.: Good morning. My name is Danny Schick, Sr. I am the State Legislative Chairman for the State Lodge of the New Jersey Fraternal Order of Police.

The State Lodge of the New Jersey Fraternal Order of Police would like to go on record as being opposed to Senate Bill 2282. The State FOB and the National FOB are not now, nor have they ever been in favor of banning or severely limiting the ownership of handguns by law-abiding citizens. The FOB believes that this bill will do just that.

The following are some of the points in the bill that the State FOB opposes. This bill would prevent law-abiding citizens from keeping handguns in their own residences, and would require that if they want to own a handgun, they must join a gun club and store the weapons there. The FOB does not believe that these clubs are the proper places to store guns. First off, there are not many clubs that presently have the space to store a lot of weapons. Also, most of these clubs are located in isolated areas, thus making them prime targets for break-ins. If that were to happen, instead of only getting one or two guns, where a house is broken into, the thief would obtain a large amount of guns. These guns would then wind up on the streets in the hands of criminals, which we are attempting to prevent.

Also, by mandating that people would have to belong to one of these gun clubs, the owners of these clubs would be able to charge exorbitant fees, thus making it difficult, if not impossible, for most law-abiding citizens to belong, and thus denying them the right to own a handgun.

The State FOB does not believe that the requirement of having people who do not belong to one of these clubs turn in their guns and have the State pay for them, is workable. First off, the cost to the State would be extremely high, as some of these guns are very expensive. Also, how do you put a dollar amount on a gun that has been passed down through a family and has great sentimental value? The money that would be spent on this could be better used for such things as giving financial aid to municipalities to hire more police officers and equipment, which they have not been able to do because of the cap law. Also, the money could be used to build more jails, so that when someone is convicted of a crime, there would be a place to send him.

Another requirement of this bill is, police officers who have had to carry guns for their entire careers, and who

are trained in how to properly use and store them, would have to surrender their weapons within 10 days of retiring, unless they joined a gun club. This is totally unacceptable to our membership.

There are other parts of the bill that we oppose. However, those I have mentioned are the most important. We do agree, however, with the intent, or with what we believe to be the intent of the sponsor of this bill, and that is that there are too many innocent people killed or injured by the misuse of handguns in the home. We agree that something has to be done about that, but this bill is not the answer.

The State FOB would support any requirement that prior to persons being issued a handgun permit, they must pass a test to show that they have sufficient knowledge of the laws regarding guns, and also demonstrate a proficiency in the handling of a gun and the proper way to store it.

We would also support a change in the law that would make a person responsible criminally if he were careless in the ownership of a gun which resulted in the injury or death of someone due to his carelessness. This would include, but would not be limited to the proper storage of a gun which would allow a child easy access to it.

In conclusion, the State Fraternal Order of Police would be more than willing to work with Senator Russo, or anyone else, in drafting legislation dealing with this issue.

Thank you.

SENATOR GRAVES: Okay, thank you.

Now, ladies and gentlemen, the next speaker is going to be Senator Russo. Now, again, sometimes you have to think in your mind that motivation is what brings people forward to introduce legislation that you may consider very controversial. You have to understand that about 10,000 bills are introduced in both houses of the Legislature, between the Senate and the Assembly. Very few of those pieces of

legislation get concurrence in both houses, and still fewer last past the Governor's desk. But they usually bring forth and amplify the strong feelings of the person who writes that legislation. And, legislators are entitled to give their input to that legislation, and are entitled to a public hearing on that legislation.

I know Senator Russo on a one-to-one basis. I have been in the Legislature with him for 10 years. He doesn't just throw in legislation for the sake of a cloud. He does it because he has a feeling about that legislation. He has a feeling different than maybe anybody else in this room, because a member of his family was killed. I have worked with him on different legislation -- on drug bills I have written, on the gun bill I wrote -- and he has given input. I also work very closely with the three gentlemen you see up here. There is one who is missing. I know for a fact, from talking with each one of them on a weekly basis-- I think I can clearly say that none of us have made up our minds which way we are going to vote yet. That is why we are here. That is why, for one of the first times in the 10 years that I have been a Senator, we are having hearings at three main places -- first in Trenton, second here, and third in Hackensack -- over a period of months, before we sit down at our Committee hearing and talk among ourselves.

So, there is no predetermined vote on this board. I guarantee that to you. Let us give Senator Russo a chance to give input on his legislation, so you might hear it, without obstructing him and carrying over so that we cannot hear him. We can learn from what he says. Please act the same way you did in Trenton.

Senator Russo? Good morning, Senator.

S E N A T O R J O H N F. R U S S O: Good morning. Thank you very much. Senator Graves, members of the Committee, ladies and gentlemen -- those in support of this proposal and

those opposed to it: I appreciate your kind comments, Senator Graves, although I should point out that I don't have any intention at all of apologizing to anyone who walks this earth for my stands on drugs, on crime, on law enforcement, or any of the things I have done throughout my career. You -- as you have suggested -- know better than most what those stands have been. I do not come to this hearing today, or to this issue, as one concerned about disarming private citizens and making them prey to criminals. I hardly come to this hearing as one who is concerned more only about criminals than about our citizens. I spent 10 years as a prosecutor. I co-sponsored the tough laws that you referred to earlier, that you are famous for, Senator, and properly so. I brought back the death penalty to New Jersey for people who murder.

So, I need no apologies to be made, either by myself or on my behalf. I respect the views of those who disagree with me on this issue. I respect even those who would oppose the issue not on an intellectual basis, but on an emotional basis, as you can see; those who would say that I don't have the right to espouse the view that I believe in, at the risk of extinction. I am prepared for that, and it won't back me down one bit, because I think that is what this hearing and this democracy is all about: for me to say what I believe in, and for those who disagree to say what they believe in, and then the process will work in that manner.

Frankly, I am proud of the process. Whether I win or lose this battle, as any other in government, so long as I do what I believe is the right thing, that is the only motive that is going to guide me.

Now, incidentally, an earlier speaker had suggested that I am battling the NRA; that I am attacking the NRA. Let me make this clear now. That is not true. I disagree with the NRA on this particular issue. I don't have any problems with the organization as such. I think they have done many good

things. I don't have any problems with the members of this organization in this State. Whether they agree with me or not, they have every right to espouse the things that they believe in. This is not a battle against an organization. It is a battle for an issue that I believe in. Hopefully, I am right. I like to win. If I am wrong, I will accept that, or if I win and I'm wrong, I hope I never regret it.

So, it is not an emotional issue. It is an issue about, what do we do concerning a problem? Is this the way to go, or is there another way? I was glad I followed the last speaker, the gentleman from the Fraternal Order of Police, because most of the major concerns he raised will be resolved in the comments I am about to make, because you know, one of the problems-- Or, not one of the problems, but one of the purposes of these hearings, is to hear arguments pro and con, because as you said up there, you have an open mind. So do I. If there is a part of this bill that does not make sense, that isn't the right thing, I want to know about it. As a result of the hearings, and some very fine debates I have had with the NRA officials, on television and otherwise, there are already some changes that I think they brought about which make sense, and I will touch upon them a bit later.

At first, when I heard the Fraternal Order of Police official was going to testify against this bill, I was a bit concerned, because one of the main reasons -- one of my motives in bringing forth this legislation, whether it is good or not -- is because, as a prosecutor, I had occasion to see what happens to police officers from handguns, not just what criminals do, or not what accidents do, but police officers. You know, you only have to go to one or two of those funerals to make you realize, I've got to try to find something. I've got to try to do something. Forget any personal experience I may have had, and forget the fact that perhaps in that case a gun was taken from an innocent, good citizen, like so many in

this room, and was used to commit a murder, police officers throughout the State are the victims of so many of these.

So, when I see that some of them oppose this bill, it causes me concern, because I don't know if there is a better way. I do know that the head of the PBA -- the State PBA -- is in favor of this legislation; the State Police Chiefs Association is in favor of it. That doesn't make it right, as the NRA said. They are opposed to it, and that is their right; that is their position. And law enforcement people who are in favor or against it are entitled to those positions.

It just seems to me as though it is time to stand up and say, "How do we do something about 22,000 people a year who die, whether by murder, suicide, or accidental shootings? Is there a better way? Is there no way? Is it a price we should just be willing to pay so that people can have guns?" Perhaps that is the answer. I don't know. It seems to me, though, that we have to look for a solution, because every day we lose; every hour another citizen. We have almost two million handguns in this State. Someone mentioned that a million of those are registered and about those people having been checked. The other million aren't, and in this country there are untold millions being used, many in a legitimate manner, and many not. Do we just accept this 22,000 as the price to pay?

For those who did not attend the Trenton hearing, let me very briefly recap what the bill does, and then propose, as I said earlier, several amendments which I feel are needed to clarify the intent of the legislation and strengthen some of its provisions, and also reflect some of the good suggestions of the people who have testified in opposition, not only today, but in the rather, I think, intelligent and good debates we have had so far.

First of all, this bill would ban the future sale, ownership, and possession of most handguns by private

citizens. But what does the bill not do, because that is important? It does not take away handguns from private citizens who now legally own them. I think by now we all know that. Current gun owners can keep their weapons for the rest of their lives. But, as has been pointed out, when they die, their heirs would be required to turn the guns in, in exchange for financial compensation. The goal, of course, is to eliminate most handguns in this State over the span of a generation.

Secondly, the bill does not now, nor will it at any time in the future, affect handguns owned by police, military, and law enforcement personnel.

Thirdly, the bill does not now, nor will it at any time in the future, affect private citizens who own antique handguns or target shooting pistols. I will come back to that in a moment.

Fourthly, it does not now, nor will it at any time in the future, affect shotguns, rifles, or other hunting equipment. It affects only handguns, because they are the number one instrument of death in homicides, suicides, and unintentional shootings.

Now, since this Committee held its first hearing in May, my staff and I have been in touch with many of the people who have been involved with the issue, who expressed concern about some aspects of this legislation. As I said, several raised valid points, which I would like to address today by offering, and asking this Committee to make, two amendments:

The first amendment, as I said earlier in a discussion with those opposing the bill, would allow future police officers to keep their handguns after they retire. Now, of course, present police officers, along with all private citizens, are grandfathered by this legislation, and they could, under the present law the way it is, keep their handguns until they die, under the present bill. It was never my

intention, however, to require that future law enforcement officers turn in their handguns once they leave public service. This amendment will clarify that, so there will be no confusion about it whatsoever.

Now, the second amendment pertains to target shooting. Since the first hearing that has caused me concern. I think the officials and the spokesmen for the opposition raised some good points about our proposal that those who use guns for target shooting have to keep them at a range. A point was just made today about security; that if someone breaks in, they will get a whole bunch of guns, rather than the one or two they would get if they broke into a legitimate citizen's home and burglarized his handguns. I think the point does make sense. So, instead of requiring future gun owners to keep their target shooting pistols at practice ranges, I want to amend the bill, Mr. Chairman -- if the Committee will -- to permit handguns used for target shooting to be kept at home, with only the requirement that the owners of these weapons be legitimate and active members of gun clubs -- target shooting gun clubs.

Now, this change is necessary because it would be unfeasible to store all target shooting pistols which belong to private citizens at practice ranges, as the opponents have suggested, and they are right. Too many of these facilities don't have proper storage and, in addition, the original requirement might have placed an unfair financial burden on smaller gun clubs, and it was never my intent to do that.

I realize it may well be that the NRA is still going to be opposed to this legislation, or any gun control effort, even with the amendments. I am also concerned that unless we resolve those legitimate issues and come up with a sensible law, then we are faced with the prospect of either having none, or one that might be unfair to those who own guns. But the truth is, as far as I am concerned, armed citizens are more of

a danger to themselves and their loved ones, than the criminals they are trying to protect themselves against, in the case of those who feel a gun should be used for protection.

We have had many discussions on the use of a gun in self-defense, and I don't think that getting into a lot of statistics makes sense. I quoted the FBI Uniform Crime Report, which shows that in 1986, handguns were used in self-defense to commit a justifiable homicide 193 times, but 22,000 other times, handguns were used in murders, suicides, or accidental fatal shootings.

In Montclair a few weeks ago, police say a father was killed in his own home with one of his own handguns; a weapon that perhaps he kept to protect himself and his family. Police have charged his 26-year-old son with firing the fatal shots.

National study after study has shown that states with stricter gun laws have fewer deaths by firearms, and cities with tough gun control laws have far fewer murders, suicides, and accidental shootings. For example, a scientific study on this issue, reported in "The New England Journal of Medicine" earlier this month, found that handgun murders were five times higher in the City of Seattle, where handguns can be legally purchased for self-defense, than across the border in Vancouver, British Columbia, where self-defense is not a valid legal reason for owning a handgun.

The scientists found that although both cities reported almost identical rates of aggravated assault involving knives, hands, fists, feet, or other weapons between 1980 and 1986, firearms were far more likely to be used in Seattle, where gun laws are lax, than in Vancouver.

You know, it is not an answer to say that if we like the gun control laws of Japan or Canada because only a few people lose their lives, we should move there. There are 22,000 people a year who, if they had known the alternative, probably would have. But that's not the answer. The answer

is, how do we preserve our use of guns if we want to, and still stop this mass slaughter of people? We've got to find that common ground, if it exists. We've got to find it in a reasonable manner.

You know, another study that just came out this month tells us just who is paying for all of these gunshot injuries. A study conducted in San Francisco found that the taxpayers paid 84.7% of hospital costs for the treatment of gun-related injuries. An article in "The Journal of the American Medical Association" concluded that the total cost to taxpayers on a national level is one billion dollars. We are paying a huge price for the proliferation of handguns in this society, and not just in economic terms. We could never put a price tag on the lives of hundreds of New Jerseyans who lose their lives every year from handgun violence.

I urge this Committee to consider the bill -- the amendments offered today, and to continue their discussion. I can assure this Committee, and those in the audience, in favor and in opposition, that any time I learn that there is something in this bill that should, or can be changed to make it better, to make it fairer, so that everyone is protected, I am prepared to do that.

I also want to suggest, Mr. Chairman, to this Committee, one other thing, just so the air is clear on this particular issue. Though we are not hearing today a discussion of the other gun control bill that is pending in the Legislature -- the Haytaian bill, sponsored also in the Senate by our colleague, Senator Zane -- I had asked, or had been asked, early -- when the matter first passed the Assembly and when I filed this bill -- would I, as Senate President, since I have total control over the posting of bills, and could, if I wished, never post that other bill-- Would I treat that bill fairly? I assured the sponsors of that bill that that bill would be treated exactly as this one would; that the two bills

would, subject to your discretion in Committee, be heard -- be heard together, and would be posted together, so there could be no question of unfairness.

You will notice that that bill is not being heard. I don't want anybody to misunderstand why. That other bill -- the bill that would loosen up New Jersey's gun laws -- is not being heard because the sponsors, at the request of the NRA, have requested that it not be heard. But, it should be understood, if that bill is not heard, although I won't -- I won't -- prejudice any other bill, because I post bills and I am the sponsor of this one, neither will I allow anyone else to set the agenda for this Senate. If that bill is not going to be heard, and this is the only one that is, then that bill will not be posted. If, in fact though, the sponsors still ask that that bill be considered, there is still time, subject to your discretion, and we will still treat it exactly as this one -- together -- and will even vote them both, if they both come out of Committee, at the same time, so there can be no charge of unfairness.

Mr. Chairman, I just want to conclude by saying, I proposed this legislation because I believed in it. I have believed in it since 1961, or shortly thereafter, when I first became a prosecutor; probably -- I don't know exactly when -- when I saw my first death scene; and certainly reenforced when I saw the first policeman I knew killed; and maybe other things during my lifetime have reenforced it. It is legislation that I believe in. It is legislation that I present because I think it is the right thing. I accept and respect the views of those who disagree.

I thank you for the opportunity to present this again today to you and to the members of the public.

SENATOR GRAVES: Thank you very much. I direct the staff to accept the amendments for consideration at our next meeting.

Does any member of the Committee have a question? (no response) All right, Senator Russo, thank you very much.

SENATOR RUSSO: Thank you, Mr. Chairman.

SENATOR GRAVES: Frank Genesi will be the next person to testify. Frank Genesi? Is Frank Genesi, State President of the PBA in the room? (no response) We have just been notified by staff that he is ill.

Gary Devine, United Sportsmen's Association of North America? Good morning, Gary. No, I am going to change that. Good afternoon.

Let us, with the list of speakers we have, which is quite lengthy-- If there is something new, then say it. If you are going to repeat what has been said, then just give it to us in writing. Please go ahead, Gary.

G A R Y J. D E V I N E: Chairperson Senator Graves, Senator Bassano, and other members of the Committee: My name is Gary Devine. I am the Political Analyst for the United Sportsmen's Association of North America. USANA has approximately 1200 members and is located in Elmer, New Jersey. Many of our members are present in this room today. We would like to thank you for giving me this opportunity to express our views on this bill.

USANA totally opposes Senator John Russo's bill -- S-2282. On May 24, 1988, during the first Senate hearing in Trenton, Senator Russo and other speakers talked about different cases of innocent victims who were killed by handguns. Freedom and an elected republic has a price to pay. That price may be the death of an innocent person at the hands of a criminal with a firearm. That freedom and that risk is worth taking, in light of the fact that without a citizenry that is armed, we could lose total freedom. We are willing to take the chance and the possibility of being killed. The price of freedom and our liberty historically has cost millions of lives. There isn't anybody in this room who knows how many men

have died in order that we can have the right to follow and obey the supreme law of the land -- the United States Constitution.

We already have some 35,000 gun laws in this country, and there is not one case where it can be shown that one of these laws, or all of them, has in any way reduced crime. Where has a gun law reduced crime? You cannot stop crime in New Jersey with the passage of another gun law. Do you people in this room think criminals will obey a gun law, when they don't mind going out to rob, rape, or even murder? The nationwide fear of criminal violence, particularly in our large cities, has reached hysterical proportions. Americans from our State and across the country are demanding better protection against life and death threats from brutal murderers and criminals. The anti-gunners are saying that defense against crime is a police matter, completely ignoring the fact that law enforcement leaders freely admit that the police cannot protect us. They cannot act until after the crime has been committed. They cannot be everywhere at once.

But, never mind that you have to be a victim before the police can help you. The anti-gunners feel that to meet violence with violence in self-defense is wrong, uncivilized, and even sinful. It continues to elude the anti-gunners that misguided attempts to reduce crime is forcing hundreds of thousands of Americans to become sitting ducks of violent criminals. These radicals totally ignore the fact that crime control, not gun control, is the only practical answer. In spite of the overwhelming evidence to the contrary, powerful forces in this country are determined to deprive law-abiding citizens of their guns, rather than punish the criminals.

You and I cannot risk having gun laws that will give criminals control of our streets, our homes, and our families. In the aftermath of the assassination attempt on President Ronald Reagan, even before the extent of the President's

injuries was known, the anti-gun factions were using this event in their crusade for more gun control laws. No gun control law, however, is going to stop a deranged person who wants to kill one of our political leaders. The thankfully unsuccessful attempt on President Reagan is proof. The alleged assailant then ventured into a heavily armed vanguard of Secret Service agents, in full view of television cameras. He was willing to face certain arrest and possible death, all for one purpose -- to commit murder.

The gun control issue distracts the attention of the people from the real causes of crime, and it diverts money and energy from the real solutions. We ought to be debating what to do with the criminals who misuse the handgun, instead of what to do with the property of the people who commit no crime. Most law-abiding Americans agree on the need for better protection against criminal violence, but are sharply divided on how the protection should be provided. Many citizens agree with me that tougher laws and mandatory sentences for crimes of violence are the most effective ways to help to stop crime. Other well-meaning but, in my opinion, misguided citizens, like Senator Russo, feel just the opposite. They believe the time has come to control the ownership of handguns. This liberal gun-banning idea could lead to the nationwide disarmament of law-abiding citizens in the face of the threat of growing violence.

You and I are the targets, and we have never been more vulnerable, nor our precious constitutional gun rights more threatened, than now. If we let this bill succeed, we will be in bigger trouble than most of us can imagine, because then they could use this precedent-setting decision to take away our rifles and shotguns too.

At the last Senate hearing on May 24, 1988, a female officer, Janet Taylor, of the Morris County sheriff's office, played a recording of an Ohio woman, fearfully telling a police

dispatcher of an intruder in her home. Before the police could get to the home, the woman was raped. There are 12 million women in the United States who own guns. Another fact is, the indoor pistol ranges are packed with women shooting at targets. You can't blame them one bit, with the increase in rape, muggings, purse snatching, burglary, murder, and other crimes which they are forced to live with today. Today, the divorce rate is skyrocketing. More women are alone at night. These same women also play the roles of enforcers and protectors of their families and their homes. With a gun, they experience security and a near absence of fear.

Mussolini's Italy and Hitler's Germany had gun control. Russia, Hungary, Poland, and other Eastern European bloc countries have very good gun control. What separates our country from all other countries in the world is the Constitution of the United States. That Second Amendment of that great document states: "The right of the people to keep and bear arms." This supreme law of the land was written by our nation's great founding fathers. Every President of the United States has sworn an oath to uphold the U.S. Constitution. Every judge and every military person has taken the same oath. Senator Russo also swore an oath to our country's Constitution. His bill -- S-2282 -- is a poor way of showing it.

During more than two hours of testimony on May 24, 1988, in Trenton, there were no cases cited of legally armed New Jersey residents who defended themselves from an intruder. I have listed below cases of law-abiding citizens from New Jersey who defended themselves against criminals.

A 90-year-old Bogota, New Jersey man heard a pair of burglars ransacking his home at 1:30 a.m. He confronted the two, who laughed at his demands to leave until he produced a revolver and opened fire, hitting one of them in the shoulder. Both men then fled. The Record newspaper, Bogota, New Jersey.

Mark Verrill (phonetic spelling) was convinced that the two gunmen robbing his Washington Township, New Jersey coin shop planned on killing him, so he lunged for his .357 Magnum, and shot one four times. The partner fled, but returned, only to be driven off by two more shots fired by Verrill. The Gloucester County Times, Woodbury, New Jersey.

Three men, one carrying a pipe, entered the Newark, New Jersey home of Anthony--

SENATOR GRAVES: If that is all written down, you can give that to us, okay? (noisy negative response from audience) Let me run the hearing, okay? I am still going to run the hearing.

MR. DEVINE: Okay. Senator Russo had 17 minutes, and I am going to--

SENATOR GRAVES: He is the sponsor of the bill. I am not going to give 50 speakers 17 minutes.

MR. DEVINE: Sir, I only have a few more cases, but they are fatal and I want to state them for the record.

SENATOR GRAVES: Then you are taking time away from some other people, who may have some important meat to give to this against it, too. (negative response from audience) Go ahead; you've got two more minutes.

MR. DEVINE: Okay. (angry response from audience again)

SENATOR GRAVES: Okay, we can adjourn the hearing and go home. That will be my next move, okay? The next move will be to adjourn the hearing and go home. Go ahead, sir.

MR. DEVINE: Okay, thank you, Senator.

On his own investigation of what had set off a silent burglar alarm to his Oscar Jenkins Sporting Goods Store in Mullica Hill, New Jersey, 70-year-old Joe Bailey was confronted by a criminal. The robber put a loaded shotgun in Bailey's stomach and told him to get down on the floor. The thief was loading boxes of handguns and ammunition from the showcase. He

then ordered Bailey to help fill the boxes. Bailey was able to get to a loaded handgun by the cash register, and he shot the criminal four times. The Gloucester County Times, Woodbury, New Jersey.

A masked man entered a Point Pleasant, New Jersey jewelry store, displayed a pistol, and ordered the manager, Joe Guita (phonetic spelling), to turn over his cash. Instead, when the manager noticed the holdup man having trouble with his gun, he tripped the alarm to police headquarters, and then pulled out a gun. At the sight of the firearm, the would-be robber fled. The Leader newspaper, Point Pleasant, New Jersey.

Grocer Richard Martinez used a broken bottle to fend off a knife-holding stickup man and his accomplice, until his son, Richard, Jr., who saw the confrontation, drew a registered handgun from under the counter. When young Martinez shot one of the robbers, both fled the Paterson, New Jersey store. A suspect was arrested at a nearby hospital. The Herald News, Passaic, New Jersey.

Grabbing his pistol from a dresser drawer, a Fair Lawn, New Jersey man got out of bed to investigate sounds of breaking glass that awakened him. He soon confronted a burglar, who took one look at the pistol and dove out the window. The Record newspaper, Hackensack, New Jersey.

Chung Kung Lee was alone in his Jersey City, New Jersey stationery store when a man walked in, pulled a revolver, and demanded money. As the proprietor began walking to the back of the store, the gunman struck Lee with the gun. The intruder began to take the money, and Lee grabbed his licensed .38, warning the man to stop. When the criminal replied that he was going to take the money and shoot Lee, he then turned the gun toward him, and the owner fired, wounding the man. With the aid of a customer, Lee held the wounded suspect for the police to arrive. The Jersey Journal, Jersey City, New Jersey.

Hearing a noise in his Camden, New Jersey home--

SENATOR GRAVES: How many more of these cases do you have?

MR. DEVINE: Two more.

SENATOR GRAVES: Okay.

MR. DEVINE: Hearing a noise in his Camden, New Jersey home, Clinton Tab (phonetic spelling) decided to investigate. Arming himself, the homeowner confronted the intruder. He came toward the 42-year-old resident with a sledge hammer. Firing several shots at his approaching assailant, Tab mortally wounded the man. The Camden County Grand Jury cleared the homeowner of the incident. The Philadelphia Inquirer, Philadelphia, Pennsylvania.

A pair of thugs started beating Woodrow Wilson Ganton of Newark, New Jersey. They took his wallet, his money, and his car keys. But the 69-year-old Ganton drew a .25 automatic and opened fire, hitting one of the criminals in the chest and killing him. The Star-Ledger, Newark, New Jersey.

I could continue on and on with cases of New Jersey residents and citizens who defended themselves with a handgun. There are 650,000 cases per year in the United States of law-abiding citizens defending themselves. Who can tell how many times criminals have canceled their plans because their intended victims were armed? The New Jersey legislators in the Senate and the Assembly didn't ban all automobiles in the State because of the misuse by drunk drivers. You made laws for mandatory fines and jail terms against the driver who is intoxicated while driving the vehicle.

We are asking you to do the same with the handgun. Don't ban all handguns. Go after the outlaws, the criminals, and the murderers who misuse the gun with tougher laws, penalties, and mandatory sentences.

I would like to thank the Senate Law, Public Safety and Defense Committee for giving me the opportunity to speak on this bill. Thank you. (applause)

SENATOR GRAVES: Joseph Spicuzzo, Middlesex County Sheriff? Is the Middlesex County Sheriff here? (no response) Is Herbert Tate, the Essex County Prosecutor, here? Herbert Tate, the Essex County Prosecutor? (no response) Dr. Steven Ross, a medical expert from Cooper Hospital, the Trauma Unit Chief. Doctor?

D R. S T E V E N R O S S: Senators, I would like to thank you for the opportunity to speak to you.

I wish to speak, not to the issue of constitutional law, or rights to own guns. I wish to speak purely about the medical effects of handgun abuse, if you will. Injuries are the single greatest killer of Americans under the age of 40, and the third leading cause of death in the United States. Approximately 160,000 Americans die yearly due to injury; 20,000 of them due to homicide. Approximately 12,000 of them involve the use of firearms, and 9000 of them handguns.

These figures only scratch the surface of the problem. For each person killed, there are at least five non-fatal gunshot injuries. These patients suffer significant pain, undergo hospitalizations and operations, and frequently have major permanent disability. These individuals may become complete invalids, unable to care for themselves. The cost to care for these individuals is astronomical, and the cost is borne by the taxpayers, for the most part.

At the Southern New Jersey Regional Trauma Center at Cooper Hospital, we see a patient population primarily of blunt trauma. Camden is a very safe town. Approximately 16% of our patients have penetrating injuries -- stab wounds and gunshot wounds. Over the past two and a half years, we have seen 185 patients with wounds caused by handguns. The victims range in age from three months to 76 years. Eleven of them were under the age of 16, and one of those young people died. In all, 21% of these people died; 105 required intensive care admissions; and their admission stay was significantly longer than those

who have blunt trauma, such as motorcycle accidents and automobile accidents. Their average length of stay in the hospital is longer than those who have other forms of injury. The longest stay in the hospital was 225 days. That is a fairly long stay. Many require massive amounts of blood transfusions and treatment. They deplete the blood reserves of the State for other purposes.

As we only see the more severe gunshot wounds, and the more severe injuries in the area, the magnitude of the problem is greater. But I don't think we can really concentrate purely on those deaths, because that is what everybody concentrates on. We have to talk about the disabilities. At least two dozen of our 145 survivors are permanently disabled, including several who are paralyzed due to spinal cord injury. I was on call last night, and out of eight seriously injured patients, two were caused by handgun injuries. These were two 18-year-old men, apparently not involved in intravenous drug abuse; not intoxicated. Both were shot in the neck. One, luckily, had relatively minor injuries, and it only took some special x-ray studies to determine that he did not require surgery. The other required surgery, and sustained a spinal cord injury which is going to leave him paralyzed from the neck down permanently. His initial hospitalization costs until he is ready to go to a rehabilitation center will be over \$150,000. If he survives the five years that these people survive on average, his care will run into the millions of dollars, all of which are borne by taxpayers in this State.

I believe that for reasons regarding health care, the cost of health care, and injuries to young individuals who really do not deserve to get hurt, that any efforts to reduce the total number of handguns and reduce their availability to everyone -- law-abiding citizens -- thereby reducing the availability of guns to be stolen to be used by non-law-abiding citizens, must be fully endorsed, and I support Senator Russo's efforts in this matter.

SENATOR GRAVES: Thank you, Doctor. We will now have Dr. Garen Wintemute and Stephen Teret. The Doctor is from the University of California. Mr. Teret is a medical expert from Johns Hopkins. Will you please both step up, gentlemen? Good afternoon. Doctor, would you go first?

S T E P H E N P. T E R E T: Senator Graves. My name is Stephen Teret, and if I may, I will go first. I would like to make a couple of prefatory remarks. Number one, I am not a physician, so please don't refer to me as doctor. Number two is what I am hoping to do, and perhaps I speak for my colleague, Dr. Wintemute, also, is not engage in the rhetoric of the issue this morning, but, if we can, provide you with information. I see that as our purpose here, and that is why we responded to the invitation to come.

SENATOR GRAVES: That is what we want.

MR. TERET: Thank you very much. My name is Stephen Teret. I am the Director of the Johns Hopkins Injury Prevention Center, which is located in the Johns Hopkins Medical Institutions. I am an Associate Professor of Health Policy. I have been working for the past 10 years in the fields of injury epidemiology and the policy of injury prevention. I am on the faculty of Johns Hopkins School of Medicine, Department of Pediatrics, and an Adjunct Professor at Georgetown University School of Law, where I am the Co-Director of the Health, Law, and Ethics Program.

What I would like to speak to you about in the time available to me, is the fact that the bill we are here to discuss today, and to critically analyze, from my perspective, coming from a school of public health, deals with a major public health problem; a public health problem of enormous importance in New Jersey, as in every other state of the country.

For the first half of the human life span in the United States, Mr. Chairman and members of the Committee, we

see that death by gunshot wounds competes with death from all other types of diseases and death from motor vehicle crashes. In fact, there are some populations for which -- or subsections of populations for which death by gunshot is the number one cause of death. When we, in doing our research, look at death among young black males, there is no other cause of death that exceeds death by gunshot. As an example, on some work that we recently did in Maryland, we found that if we added up the deaths to young black males in Maryland that came from cancer, from heart disease, from liver disease, from kidney disease, from pneumonia, and from diabetes -- if we combined all of those deaths, guns still kill more than twice as many of the young black males in Maryland, than the combination of deaths from all of those major diseases. So we have a very considerable public health problem, and we have to have a public health response to this.

There is a public health response. The tradition of public health is to look not only at the victim and the perpetrator, but also to look at the products that are involved in injuries and disease. And the public health response to this epidemic, Mr. Chairman, is to look at the product here, too; to look at the gun itself. Just as there are many examples of this over the course of the history of public health, just as more than 20 years ago we used to talk a lot about the nut behind the wheel that caused all of the deaths on the highway-- Twenty years ago, Congress got away from that orientation, and said, "Let's focus on the product itself, and if there is some modification we can make of the products, so we are not always relying upon people to always behave in a prudent fashion, then we are going to save lives." Those product modifications were made, and hundreds of thousands of lives have been saved as a result of that.

What we have to do with regard to gun deaths is try to remove some of the rhetoric, some of the emotionalism from it,

and look at the product itself, and balance whether the risks are outweighing the benefits, particularly with handguns. In doing that, we can look at ways to reduce the number of handgun deaths that occur by homicide, that occur by suicide, and that occur by accident.

I believe that Senate Bill No. 2282 is taking the public health approach here. I think it is axiomatic that if you reduce the availability of handguns, you are going to see a reduction in the number of handgun deaths.

Now, with homicide in particular, there has been a lot of talk this morning about crime. We know that most homicides -- gun-related homicides -- are not committed during the commission of another felony. Obviously, the commission of the homicide itself is a felony, but most of these are impetuous acts, and because there is a handgun -- oftentimes a loaded handgun -- readily available in the home, what was a heated argument turns into a fatal argument. If we remove that handgun from the home, you are going to see a reduction in the number of deaths. Similarly, with suicides, you will see a reduction in the number of deaths.

It has been suggested that people who want to commit suicide would just use another means. There is no data to support that argument. In fact, there are substantial data to say that that is not the case. For instance, when one looked at reducing the lethality of coal gas used in stoves in England-- When that was made so it was not lethal, the number of suicides dropped precipitously from gas, and they did not increase from other means. If you reduce a means of committing suicide, people will not necessarily turn to other means.

Perhaps the most tragic of the deaths, the ones that are unintentional, particularly in the study that Dr. Wintemute and I did -- which perhaps he will speak to more fully -- about kids unintentionally shooting and killing other kids-- The removal of the handgun kept in the house for the mistaken purpose of protection will reduce those most tragic deaths.

I know the argument has been raised, and will continue to be raised, that people feel -- well-meaning people such as the people in this room -- that a handgun is needed in the home for protection. Unfortunately, the best information we have shows, time and time again, that a loaded handgun in the home is many times -- 18 times in one study -- more likely to kill someone in the home than to kill an intruder in the home. The data just did not support the argument that a loaded handgun in the home is protective to those who are in the home.

So, my plea, Mr. Chairman and members of the Committee, is to approach this issue, as any other public health issue ought to be approached, with a measure of reason, with a measure of logic. Look at the information, and make the decision based upon the information. It is the feeling of myself and my colleagues in public health that if you reduce the availability of handguns, you are going to see a sharp reduction in the number of handgun deaths.

Thank you very much.

SENATOR GRAVES: Will you introduce the Doctor, please?

MR. TERET: Dr. Garen Wintemute.

D R. G A R E N J. W I N T E M U T E: Mr. Chairman and members, good afternoon. My name is Dr. Garen Wintemute. I am a practicing family physician on the faculty of the School of Medicine at the University of California at Davis. I am also a trauma researcher on the faculty of the Injury (phonetic spelling) Prevention Research Centers at both Johns Hopkins and UCLA.

I am here to speak to you as a clinician who also has a knowledge about the public health aspects of the problem, some of which have been addressed by Mr. Teret. You are going to see, however, physicians getting more and more involved simply as clinicians, not because they are politically inclined, but because next to the victims and their families, it is physicians and law enforcement personnel who perhaps have the best sense of the magnitude of the problem we face, because they are most directly involved in it.

Mr. Teret has mentioned the advantages of focusing on firearms, and particularly on handguns, as a product. In fact, when you strip the politics and strip the emotion away, a handgun is nothing more than a consumer product. It is marketed at the retail level. It is distributed as other consumer products are. This approach allowed us to identify early last year the risk inherent in a Florida firearms manufacturer's attempt to produce a handgun made almost entirely of plastic, which in the words of the developer, "would be dishwasher safe, available in an array of designer colors, and a (indiscernible) fire weapon." As it happened, that particular product in development, would also have been undetectable by airport security screening systems. That piece of the problem has been dealt with at the national level, but we still, neither nationally nor in New Jersey, have in place a mechanism which would prevent in the near future the introduction of real handguns with the look and feel of toys.

You have heard a lot about the special role of handguns this morning, and I think in your earlier hearing. It is worth reminding all of us that, while handguns make up somewhere between a quarter and a third of all the firearms in circulation in the United States, they are used in 70% of firearm homicides, and 90% of firearm homicides here in New Jersey. They are used in 70% of firearm suicides, and it is worth again reminding us all that there are half again as many firearm suicides in this country every year as there are firearm homicides. And as Mr. Teret mentioned, handguns are also the weapon most commonly involved in unintentional shootings of children, whether by themselves or by others. The research we and others have done has shown that repeatedly the belief that having a loaded gun around the home makes the home a safer place in which to live, leads directly to those shootings, and I will give you just one example.

A five-year-old shot himself in the chest and killed himself with the family's .38 caliber revolver. That revolver was stored loaded during the day in a closet, out of reach, but at night, around six o'clock every evening, it was taken down and put under the head of the household's pillow. It was just after six o'clock that this occurred. The head of the household left the room for a few minutes to watch TV, and the five-year-old got to the revolver first.

It is clearly a key question: Does bringing a loaded gun into the home make the home a safer place or a riskier place? If I believe having a loaded gun makes my home safer, I am more likely to buy a gun in the first place; I am more likely to buy a handgun in particular; and, just as important, I am more likely to keep that gun loaded and easily accessible. And we know, from repeated research, that with the easy availability of a loaded firearm -- a handgun in particular -- there is a common denominator for homicide, which is most often an impulsive act; for firearm suicide, which we learned from talking to survivors appears most often to be an impulsive act; and for accidental shootings, which are, again, a function of access.

The loaded firearm is uniquely capable of translating an impulse to do harm, whether to one's self or to another person, into a fatality. The aggregate impact of the mistaken belief that having a loaded gun is protective, is best demonstrated in research published two years ago from Seattle, where Kellerman and his colleagues reviewed 398 deaths -- firearm deaths -- in the Seattle area, involving a firearm which was kept in the home where the shooting occurred. Of those 398 deaths, precisely two were shootings of intruders, and seven more involved shootings in self-defense by the local criminal authorities, leaving 389 out of 398 firearm -- fatal firearm -- shootings in the home where the gun was kept which were either accidents, domestic homicides, or suicides. Even

with the suicides eliminated, as Mr. Teret mentioned, those guns kept in the home were 18 times as likely to kill a member of the household, as they were an intruder.

I now tell my patients that bringing a loaded gun into the home is like playing Russian roulette with the family's health. In fact, it is actually a great deal worse, because with Russian roulette at least the odds are in the player's favor, and in this situation, they are against it.

The other question is: Would such a law -- a law such as you are contemplating -- work? Would it, in fact, make a difference in reducing injuries and deaths, which, after all, is what, from my point of view as a clinician, ought to be the objective in such legislation? As the sponsor has outlined, we now have good evidence on that question from a comparative study published just three weeks ago in "The New England Journal of Medicine," comparing Seattle and Vancouver, otherwise similar communities, the primary difference being that Vancouver has handgun regulations very similar to those which you are considering today. While there was no difference in the overall assault rate between those two cities, there was a great increase in the firearm assault rate in Seattle versus Vancouver, and in particular a substantial increase in the homicide rate in Seattle as compared to Vancouver, which was attributable entirely, in the author's words, to an increase in handgun homicides.

Of equal note, there was not, if you will, a compensatory increase in non-firearms homicide in Vancouver. The citizens of Vancouver, deprived of handguns as a means for inflicting injury on their fellows, did not resort to other means.

Thank you.

SENATOR GRAVES: Thank you. We are going to take a break until one o'clock. I mean one o'clock on the button --

20 minutes from now. At one o'clock, we will take 20 speakers, and give the 20 speakers between two and three minutes apiece.

(RECESS)

AFTER RECESS:

SENATOR GRAVES: Bishop Mellick Belshaw and Bishop Neil Irons? Please refrain from talking; refrain from smoking; and give the Bishops a chance to be heard on this legislation. Will everybody please be seated?

MS. SZILAGYI: I don't think they are here in person, but their representatives are.

SENATOR GRAVES: All right. Would you introduce yourself, please? (addressed to gentleman at witness microphone) (comments from audience) Would you please refrain from talking, to my right?

FATHER MARTIN CUTWEIN: I am Father Martin Cutwein, representing Bishop Belshaw, who is the Episcopal Bishop for the Diocese of New Jersey, which includes the southern part of the State of New Jersey. I am rector of St. Paul's Episcopal Church here in the City of Camden.

I am not going to speak as a person who would call himself an expert in matters pertaining to guns or gun control, but as a parish priest. That is why the Bishop, I think, asked me -- aside from the fact that he couldn't be here himself -- to speak; because as a parish priest, I can speak as someone who deals -- living in the City of Camden, as I do -- with something of the aftermath, perhaps from a slightly different perspective from the doctors and others who have spoken about the aftermath of gun-related injuries and deaths.

Allow me to state very briefly, we are called-- Unlike the policemen who are probably first there, and the doctors who are there next, we are probably called later,

oftentimes to deal with whatever wreckage in family life and personnel health are left behind. We have to work with them, in an attempt to heal in the situation, in the aftermath of the horror of gun-related injuries.

Now, in this City of Camden, which is where I live with my wife and three small children, I would venture to guess that there are not many people associated with the National Rifle Association or any other sporting club. And yet, I think it is fair to say -- and I am not armed with statistics -- that there are probably a disproportionate number of handguns around this place.

In my experience, most of the situations I have had to deal with have been situations of suicide, situations of bystanders and innocent victims shot, and children getting a hold of guns in the home and doing themselves an injury. The doctors have already alluded to some of the physical problems that occur, but the psychological ones, the spiritual ones, the moral ones are equally bad. We speak, I know, about freedom, and yet freedom without any kind of responsibility seems, to me, to be a thing which leads to fear for many, certainly in the experience I have had here in the City of Camden.

As I say, I live here with my wife and three small children. When my own child came home from school, at age five, in kindergarten, and told me that one of her friend's fathers was shot down in some battle on a public street, right in front of the child, I thought back to my own time as a five-year-old, and I can't imagine -- can't remember ever having known anyone who was shot, never mind, you know, someone being shot right in front of me, nor having known anyone injured by a gun. It would seem to me, and reason tells us, that the increased use and misuse of handguns leads us to look towards some kind of responsible control.

Senator Russo's bill, it would seem to me, is moving in that direction, and it would be responsible and reasonable

for the citizens of New Jersey to consider it. He, himself, has indicated that it may not be the last word, or that there may be things you may want to do to make it more -- to have it address problems that will arise from any kind of gun control bill itself. That is to be worked out by the people and the Legislature in the State of New Jersey, but it does seem to me that it is a reasonable and responsible thing for people to recognize the situation of guns and gun-related injuries and violence, which are getting out of hand. If we are going to have a freedom, then it seems to me it is time to use it responsibly, and begin getting control of the situation and the thing now, before it gets any wilder.

SENATOR GRAVES: Would you please introduce yourself, sir? (addressed to next gentleman to come up to witness microphone)

J O H N J A N K A: My name is John Janka. I am here on behalf of Bishop Irons, who was unable to be here today. I would like to share a prepared statement, if that is appropriate.

SENATOR GRAVES: Sure. Would you like to give us some comments, and then leave us the statement?

MR. JANKA: Well, the statement is very brief.

SENATOR GRAVES: Okay. Please read it then.

MR. JANKA: I would appreciate your hearing it.

I would like to express my thanks to the Committee for affording me the opportunity to address you today on this issue. I appear before you as an officer of the Southern New Jersey Conference of the United Methodist Church. In this capacity, I relate directly to 370 congregations across the southern part of the State of New Jersey, together -- combined holding a membership of 85,000 people. As an annual conference, we are part of a denomination nationally that has a membership of over nine million people. I share that information with you as background, not to indicate that there

is unanimity among United Methodists either nationally or in southern New Jersey, around this issue of gun control.

However, United Methodists have discussed this issue over a long period of time -- a number of years. We have studied it and discussed it in good spirit with various points of view representing a wide diversity of viewpoint, and yet in spite of that diversity, have come out at a point where they have concluded that gun control is clearly in the best interests of the public.

As a denomination, the United Methodist Church has long held the view that with the mounting proliferation of firearms in American society, the safety of our citizens cannot be guaranteed, and that the remedy of this mounting cycle of violence is to be found only in strong gun control laws. As Christians, we are concerned about reverence for life, and care deeply for the victims of gun-related violence, both for those who have been permanently maimed or have lost their lives, and for their loved ones and family members who bear the resultant grief.

Behind the grim statistics of gun-related violence lies great tragedy. Mothers and fathers grieve the loss of their children. Domestic violence claims the lives of family members. Police officers, both on and off duty, are among the most vulnerable potential victims. Suicides and accidental deaths by handgun occur now so close to home, that many of us in this meeting today are likely to be acquainted with victims or their families. It is to our shame that the general public has often been so anesthetized to this violence, that we have come to view it as part of the natural order of things, or as a fact of life, rather than as the intolerable disgrace of a civilized society that it is. As a nation among nations, we must bear the stigma of being among the most violent. The gun-related murder/rape per 100,000 population in the United States is over 100 times greater than in England, and more than

200 times greater than in Japan, where strict gun control laws prevail.

United Methodists in southern New Jersey have expressed their deep concern regarding gun-related violence, and have acted by resolution to call for greater control of handguns, especially, and including Saturday-night specials. They have gone on record in support of Senate Bill No. 2282. I am personally convinced that the time to take decisive action on this issue is now. I am likewise convinced that the people of New Jersey do care about the quality of life in their communities. They care about the well-being of their families, their friends, and their neighbors. Their growing awareness of gun-related violence and the threat which it poses to our well-being has tipped the balance on this issue in favor of handgun control.

New Jersey is in a position now to help to lead this nation toward a more humane, less violent standard of conduct for all of our people. It is my hope that the elected officials of this State will see that to honor the public trust in this matter requires a moral decision, and that a moral decision on this issue is one which is weighted in favor of the victims and potential victims of gun-related violence.

Thank you for your time.

SENATOR GRAVES: Thank you both, and your members.

Okay, from here on in, it will be two minutes apiece. Tom Fuscaldo, and your associate? I am going to take 20 speakers, two minutes apiece. Do you want to come up with him, or don't you? If you want to come up with him, do it. (addressed to a gentleman in the audience)

T H O M A S F U S C A L D O: I am Tom Fuscaldo, for some reason known as "One Eye on Paterson."

J O S E P H G A R A V E N T I: I am Joe Garaventi.

MR. FUSCALDO: I am here to ask our representatives, are you trying to make our streets and homes safer, or leave

things as bad as they are? We are debating an effort to make things much worse, and the entire bill should be shot down without considerations.

To make New Jersey better, we could do it in a very economical way. The expenditure of \$500 on a gold medal for Bernie Goetz would get a message to any attacking bandit. It wouldn't cost us much, and it would make a very uncomfortable climate for street crumbs.

We need streets that are safe and homes that are safe. We talk about foreign countries, like Switzerland. In Switzerland, every house has a gun. We should look for ways to get more guns in more houses, and we would have more safety. This proposal means, if you are an intended robbery victim and you pull a gun, and you prevent the robbery, then you are both equal criminals. It's ridiculous. It should not be considered. It is a sad reflection on our representatives to consider such a bill.

I thank you. If anyone cares, I am Tom Fuscaldo -- "One Eye on Paterson." I intend to put my name on the bottom of the ballot as Governor -- an individual running for Governor.

SENATOR GRAVES: Next speaker?

MR. GARAVENTI: My name is Joe Garaventi. I am a resident of Paterson, New Jersey. The right to keep and bear arms shall not be infringed, is what the Second Amendment to the United States Constitution reads. I believe that this Russo bill is a form of communism. This bill should never have been allowed to get as far as it has gotten, because no one who writes this type of legislation can say that they are pledging allegiance to the United States of America.

This type of a bill is an introduction to communism. Thank you.

SENATOR GRAVES: Thank you, gentlemen. Horace Greeley? Go ahead, sir. You have two minutes.

H O R A C E G R E E L E Y, IV: Sir, my name is Horace Greeley. I am a resident of New Jersey, and a business owner. I have authored numerous articles on collecting. I authored a book which is due out next year. I am here to testify against the Russo bill on behalf of collectors. I will leave with the Committee an article written by an expert on collecting, attesting to the fact that the collecting of fine guns in the State of New Jersey alone could exceed \$500 million. These guns, and the pursuit of them, is a pursuit of Americana. We are just trying to pursue a hobby. I have brought some pictures to show you the disadvantages we face in New Jersey, and what would happen with the Russo bill.

This gun here, pictured on this magazine cover, would be classified as a Saturday-night special. It is a small gun, a .25 caliber. It probably doesn't have much shooting value. That gun auctioned for \$7000. It was just simply a man's interest in engraving that brought it. These guns are all within New Jersey, and not owned by one--

SENATOR GRAVES: Give us a chance to see more of them, okay?

MR. GREELEY: All right. This gun is a Lightning Colt. It is classified by the Federal government as an antique, simply because it was manufactured in 1893.

SENATOR GRAVES: Where, in Paterson?

MR. GREELEY: No. This one was manufactured in Hartford. If it had been manufactured--

SENATOR GRAVES: Remove it. (laughter)

MR. GREELEY: --five years later, it would have been classified as a modern weapon. In New Jersey, it is still classified as a modern weapon.

SENATOR GRAVES: Okay, keep going. I would like to see those pictures.

MR. GREELEY: This is also a gun in the State of New Jersey. This is the original frame for the first commercially

successful .22 pistol manufactured in the United States. It has no serial number. The tag on it just says, "Sample. Received for filing February 1912."

SENATOR GRAVES: Keep going. Show us more, will you please?

MR. GREELEY: This also is a collectable weapon. When you reach the rank of brigadier general in the American Army, you are presented with a pistol. This is the only engraved one ever presented. This is also in the State of New Jersey.

This pistol was presented by a wife to her husband. It is certainly not meant to shoot.

SENATOR GRAVES: Before she shot him? (laughter)

MR. GREELEY: No, he is still alive. It certainly is a modern work of art.

This is one of the rare guns still in New Jersey. This gun in New Jersey has a tremendous value. It is a martial arms collector who would be driven out by the Russo bill.

Again, a conversion of a percussion pistol to a modern pistol by the Colt factory itself. It is considered a modern pistol. It is certainly unsafe. It has only collectable value.

We can go on with the first commercially successful .22 caliber pistol manufactured by Colt. This particular pistol rests in New Jersey now. It is extremely rare. It is one of only 115 pistols ever engraved.

This pistol was just manufactured by Colt Firearms. It contains over 14 and a half feet of 24 karat gold. The pistol is clearly only meant as a collectable, but yet under the Russo bill, this pistol-- You would not be allowed to acquire it or sell it.

Collectors are, in essence, a thought process. We just ask for the right to continue to be able to collect, transport, and sell our weapons. We already cannot display them, which seems-- A great deal of the fun of collecting is

already taken from us. To be able to sell them, or to transport them, is another portion of it. We cannot do that. The Federal government allows a collector's license. There is no such parallel -- for lack of a better word -- license allowed in New Jersey. We ask you to--

SENATOR GRAVES: Thank you. I think you have given us some new input.

MR. GREELEY: Thank you.

SENATOR RICE: I have a question, Mr. Chairman.

SENATOR GRAVES: Mr. Rice.

SENATOR RICE: I have a question for you very quickly. I keep hearing about these collector items, and I get the impression that many people feel that the legislation is going to just destroy, or remove, collector items. That is not what the bill says. The bill may need amending, but the bill basically says right now that the Superintendent -- the Superintendent of the State Police, I guess -- would make a determination of what is collectable. (laughter)

MR. GREELEY: Senator, all that is-- With all due respect--

SENATOR RICE: Hang on a moment, let me just respond. That may be funny, but we are here to learn. We are also here to try to help. You didn't laugh when you said the Federal government made a determination on some items. Maybe we need to amend this bill that way.

Let me remind you of where I come from, and about my background, who I am, and what I represent. It may be totally different. I just want to say, you laughed, but somebody here is trying to learn. If you don't want help, I have no problem with releasing the bill the way it is and letting the floor of the Senate vote it, but you spent a lot of money lobbying -- some of you folks, okay? If you want me to learn and try to be reasonable with this thing, then, as the Chairman said before, try to hold it down. There are other things I can do, too.

My point is, the bill indicates about the Superintendent, etc., but it has no referral to the Federal government guidelines, etc. In other words, my concern would be that the Federal government would say or, for example, recognize those as collector items, and a local determination may not concur. I would be concerned with that. Is that one of the concerns you have?

MR. GREELEY: Thank you for reminding me. It is a tremendous concern. With no disrespect intended, how could the Superintendent of Police tell what is collectable? If he gets a list on his desk of .25 caliber automatics, most of them are not \$7000 engraved guns, but it would be just swept away.

SENATOR RICE: All right.

MR. GREELEY: Now, some of these things-- For instance, this frame--

SENATOR GRAVES: I think you responded to the Senator. He has indicated that he has had it.

SENATOR RICE: Thank you.

SENATOR GRAVES: Senator Bubba?

SENATOR BUBBA: Yes. / You made a comment that you are not allowed to display weapons. What does that mean?

MR. GREELEY: Well, most collectors like to display their weapons.

SENATOR BUBBA: In their homes?

MR. GREELEY: No, at gun shows.

SENATOR BUBBA: So, you cannot--

MR. GREELEY: Almost every state in the Union allows it, except New Jersey. We are not allowed to display them in public, even under locked circumstances. We are not allowed to transport them to a place in which you can display them. I recently had an occurrence where I tried to lend some guns to the Pentagon. We had to go through the machination of taking them to a Federal post to give them to an Army officer on duty. (much applause)

SENATOR GRAVES: Okay, thank you. James Strait, from Moorestown? (continuing applause) You held back so good, even when Russo was speaking, and now you went out and ate so much you are trying to get rid of it. Hold on, will you please? Go ahead. You have two minutes, sir.

J A M E S S T R A I T: Thank you. Senator Graves, members of the Committee, ladies and gentlemen: My name is James Strait. I am a resident of Moorestown, and I represent only myself as a private citizen.

You know, few issues illustrate the irony and paradox of democracy better than the issue of gun control. One of the ironic by-products of our free society, is that we are turning our Constitution affording firearms against ourselves at an alarming rate. In referring to the collective "we," it should be understood that it is the statistically small criminal segment of this "we" that is responsible for gun crime, and for us being here today.

It is further ironic that the legislation against which I am arguing, only produces harm to the law-abiding citizen, and in so doing contributes to the erosion of our constitutional rights. In the absence of those who drafted the Bill of Rights, I am not attempting an absolute interpretation of the Second Amendment, but given the climate of the period during which the Bill of Rights was conceived, I do not believe it unreasonable that our forefathers recognized the need to maintain an armed civilian populace to serve as an intimidating force against both common criminals and governments, one and all. There existed then, and there exists today, an all-important need for each and for all to be able to protect family, country, and property.

In an effort to be brief and still offer a remedy, let me suggest that the time and moneys now directed to displacing or circumventing existing constitutional rights, and the future time and moneys necessary to implement and administer a

firearms traceability or elimination program, would be better spent apportioned throughout the criminal justice system to enforce existing statutes, that are just crime committed with a gun.

I want to encourage the Legislature to empower the judiciary to hand out lengthy penalties, absent parole, for all gun crime. All violent crime, not just all gun crime, is treated much too lightly by our fog-bound legal system. When a criminal shoots his victim, he has conceptually said, "I don't care what degree of damage I inflict." His decision to pull the trigger rapes the concept of sanctity of human life.

I therefore suggest that when a criminal fires his gun during the commission of a crime, that he be prosecuted for a homicide. Let's pull up our bootstraps and punish the criminal, and stop wasting good citizen time by attempting to bully them into compromising legislation because they are easy marks, people who play by the rules.

In closing, it is unfortunate that the gun control controversy has created a destructive riff amongst Americans, who are polarized, yet sincerely concerned. We would better profit by joining forces against the criminal. We live in a unique and marvelous time in human history. Everyone in this room has had the good fortune to be born to, or migrate to the most dynamic free society to ever occupy the surface of this planet. We now enjoy an invaluable moment of freedom, and a key element in the equation that perpetuates our free status is that we remain an armed civilian populace.

Let's not destroy ourselves from within by succumbing to our fears and anxieties. It would be akin to shooting one's self in the foot. Thank you for your time.

SENATOR GRAVES: Thank you, sir. Steven Eckstein and John Donato. Mr. Eckstein and Mr. Donato? Which of the two are you, sir?

J O H N D O N A T O: I am John Donato.

SENATOR GRAVES: Okay. Shelly Kamm and Marty Okum.

MR. DONATO: Chairman Graves and all other Senators, and those who can hear me: I come before you today because of the private detective's license to carry a pistol or firearm that has been denied. I have been in the police and detective business for 51 years. I was in law enforcement -- the City of Philadelphia Police Department -- for 24 and a half years. I retired from the district attorney's office as an acting Lieutenant of Detectives. When I retired from there, I was in charge of narcotic investigations for the State of Pennsylvania for two and a half years. During that time, I had a private detective's license in both New Jersey and Pennsylvania.

About two months ago, in requesting my renewal for my detective license in New Jersey, I was told by a Superior Court judge that a private detective is not allowed to carry firearms. I reminded the judge that I was seeking a renewal. The judge stated that it was not necessary for him to renew my license, and he could not do it. He would have liked to have done it. He appreciated my qualifications. However, he said the Supreme Court states that in New Jersey, the only one permitted to carry a pistol is a guard on an armored truck.

I appeal to you to enter into any bill that you may see concerning gun laws the right for a private detective to carry firearms. During the time I was a private detective, I served over 200 warrants in Pennsylvania. I have conducted investigations in criminal and civil activities where guns were absolutely necessary. There isn't a detective in the United States who can possibly fulfill his duties, wherever they are required. Whether they be for a private citizen, a local government, a state government, or the United States government, he has to be protected. Part of his tools are firearms.

I think it is absolutely disgraceful to be told that, after you have guarded an airplane that was supposed to have been bombed in two airports. You are recommended by the police to guard that plane, and you guard it from 12:40 a.m. until 2:15 p.m. the same day. Then it left that airport, and traveled to Germany, and was bombed within a half hour after it got there. A judge told me that I could have been arrested and put into prison for preventing the police from getting near that plane. Of course, I disagreed with him, but I wasn't allowed to tell him.

I am asking you, please, for the private detectives of New Jersey, to consider the protection of the people who require their services.

SENATOR GRAVES: Okay, thank you. Steve Eckstein? Is Steve Eckstein here? Are you Steve Eckstein? (addressed to gentlemen at microphone)

SHELLY KAMM: No, but I was called.

MICHAEL MARTIN: We were both called.

SENATOR GRAVES: Okay, but I also called Steve Eckstein. Go ahead, gentlemen. You have two minutes.

MR. KAMM: My name is Shelly Kamm. I am Chairman of the Board of Directors of the Private Detectives Association of New Jersey. Our members are owners of private detective agencies. Some of our members have small operations of two or three or four, and we have some members who employ up into the thousands, with security guards and so forth.

I would like to say at this time that although our Association is unanimously in opposition to Senator Russo's bill, I personally know Senator Russo's prior record -- his voting record -- and I have the greatest respect for him. I guess we can't all be perfect all of the time, and I think the Senator is wrong this time, but I do respect his integrity. I believe that he believes he is doing something right, but we disagree with him adamantly.

I direct the Committee and the Senator's attention to the New Jersey Supreme Court decision in the case of Ricardi v. The State of New Jersey, 1971. I am going to leave a copy of this with the Committee. Very briefly what it states is-- This was a theater owner who applied for a gun permit, because he had to go late at night to make bank deposits. He was turned down. The case went all the way to the Supreme Court. The Supreme Court upheld the previous verdict that he would not be given a permit, and told him that there were other options, among which private protection was available. So, they were saying that the licensed private investigators and private security were there to protect him.

We cannot protect people without the use of firearms. We are frequently called upon for protection where a businessperson or a private individual has to go from one municipality to another. If they call on the local police for protection, they are told, "We can only take you to the borderline of our town. If you need protection all the way to the airport, or whatever, you are going to have to call on private security."

One week ago today, I heard Senator Russo interviewed on WABC. At that time, he stated that there would be amendments, and one of them he mentioned was security. I did not hear him say that today. I hope it was an oversight.

Thank you for your attention.

SENATOR GRAVES: Yes, sir. Next?

MR. MARTIN: My name is Mike Martin. I was substituted at the beginning of this hearing for Marty Okum. I am a licensed private detective in the State of New Jersey, belonging to the Private Detectives Association of New Jersey.

I would like to bring out a few points. First of all, it is more difficult to become a private detective in New Jersey than it is to become a police officer. The background check is usually more extensive -- it takes more time -- and there are more requirements.

I personally, of course, oppose this bill, but I want to address some of the issues as a private detective. The bill, as it is written, would prohibit carrying permits to private detectives and their employees -- the thousands there are. It has often been said that public law enforcement is not intended to protect the individual. They respond after the fact. Not only will the bill prohibit citizens from defending their own homes and families, but it will prohibit them from hiring other people to do so.

I have been called out on many occasions in the middle of the night because of threats people have received. They call the police, and the police can't do anything but pass by the house once in a while. These threats have sometimes been carried out, but not during our presence. Citizens do have to have that option.

Armed guards would be eliminated for people making bank deposits. They could not have armed protection, either for themselves or for their employees. Armored cars could not be armed. They would have to carry Mace. I wouldn't want my money riding around in a car protected by Mace. I often go out to serve subpoenas in high crime areas, and to do similar jobs. Armed private detectives and private security, in addition, often back up and support police officers in such things as traffic stops and incidents when they respond to a call. They may not know we are there, but we are there. We stop our cars and we watch and, if we are armed, we will get involved, and do our part to protect that officer and assist in the situation.

In addition to the background check for our PI licenses, we undergo an additional background check for the carrying permit. We must also have a degree of training, and must qualify to obtain those permits.

Considering society's need for armed protection -- in their homes and their businesses -- it would be a crime to take

away their last line of defense, which is private security and private detectives. All we would have left would be our police forces to respond after an incident had taken place and it was too late.

Thank you.

SENATOR GRAVES: Does the other gentleman wish to say something? (affirmative response from audience) You have two minutes, sir.

S T E V E N E C K S T E I N: Gentlemen, by way of introduction, my name is Steve Eckstein. I am a private detective licensed by the State of New Jersey. I have been a private detective for nearly 30 years. I am trained in the use of firearms, and I am licensed to carry one.

I am not going to discuss the details of cases which have convinced me over the past 30 years that I need to carry a firearm, but then I never expected to find myself in front of a panel of adults explaining why a detective requires the use of a firearm. Even the much touted resistance to the use of handguns in Great Britain has not stopped the English from arming their detectives. I spent the last three decades investigating exactly the same kinds of crimes and confronting the same criminals as any local, State, or Federal investigator is likely to encounter. Suffice it to say that for nearly 30 years I have broken cargo thefts, highjackings, frauds, embezzlements, kidnappings, diversions, counterfeiting, and right now, I am in a case that puts me in jeopardy even being here.

But, I came here because I am angry at this misguided and foolish attempt to garner a few votes by jumping on an emotional bandwagon, which is gun control in this country, although S-2282 cannot be construed by any clear-thinking, analytical mind to be a serious attempt at achieving gun control. What it does do is make light of the work that I do. It ridicules the job that this State has licensed me to do.

But most of all, the authors of Senate Bill 2282 have shown a remarkably cavalier disregard for my safety, for my life, and for the lives of the more than a thousand other private detectives licensed in the State of New Jersey. Senate Bill 2282, as you just heard, makes absolutely no provision whatsoever for private detectives to own, let alone carry firearms.

Perhaps Mr. Russo and his colleagues have been misled by Hollywood and TV images, which portray us as undisciplined cowboys.

SENATOR GRAVES: Do you want to stay with the pertinent facts?

MR. ECKSTEIN: The State of New Jersey has the toughest licensing requirements for private investigators of any state in the entire country. To begin with, one can't even apply without first serving a minimum five-year apprenticeship under a licensed investigator or with law enforcement. If you survive that apprenticeship, then you must fill out an application. My application consisted of more than 30 pages detailing every scrap of information concerning my qualifications, as well as my personal, business, and financial life. Appended to that dossier were another 20 pages of personal and business references, interviews with employers from the time I was 15, school records, and on and on and on. That information did not just get filed in a drawer. It was submitted to the Superintendent of State Police, who then investigated every detail I had put down.

When they were finished, we took fingerprint checks and detail pads, filled them out, and sent them to the FBI, and they investigated me. Nowhere amongst the legions of men who serve law and order in the State of New Jersey is there any public law enforcement officer who is more closely scrutinized for his ability and his stability than those who carry a private investigator's license. So, you will forgive me if I

appear a bit miffed at the fact that in 30 pages of exclusions in this bill, we are not mentioned.

SENATOR GRAVES: I think the most important thing is that your presentation makes a lot of sense, without drawing all the other acts to it. It makes a lot of sense. You got your point across. Next?

MR. ECKSTEIN: Good. If I got my point across, I can finish with this point.

SENATOR GRAVES: You got your point across. As far as I am concerned, your two minutes are up. I want to give everybody a chance to talk.

MR. ECKSTEIN: Okay. The only thing I would like to--

SENATOR GRAVES: The representatives of the New Jersey Association of Chiefs of Police? Mr. Eckstein, your points were well taken.

MR. ECKSTEIN: I would like to leave a full copy of my comments with you.

SENATOR GRAVES: That makes a lot of sense. Is there a representative of the Chiefs Association here? (no response) Okay. Is Rich Norton, from the Princeton Armored Service, here?

R I C H A R D N O R T O N: Yes, Mr. Chairman.

SENATOR GRAVES: You have two minutes.

MR. NORTON: Thank you. Mr. Chairman, my name is Richard Norton. I am the General Manager of the Princeton Armored Service, and also the President of the Armored Car Carriers Association of New Jersey.

Currently, the bill before us eliminates permits to carry and makes no provision for armored car companies. As it is presently written, we oppose it because of the fact that it would totally disarm everyone in this industry. Currently, we are the only State I know of that prohibits the use of shotguns and rifles on the trucks. This bill would now take away our handguns, and as far as I know, Mace is illegal in this State.

It is incredulous that this bill could get this far.

SENATOR GRAVES: You know, I am just going to take a minute of somebody's time.

MR. NORTON: Yes, sir.

SENATOR GRAVES: I resent the fact that you keep saying that we should almost be looked down upon because we are having this examination. You evidently do not understand the process of law. It compels us to do this. We are going steps further by going throughout the State. We feel that we want to get statewide input. You just can't take somebody's bill and chuck it away. You can't do that.

So, you know, let's not waste our very important time on something that we feel very differently about. A lot of us traveled quite a far distance today to give you the chance to talk. Let's get the pertinent information. We picked up some very stunning information here today. The last speaker, I think, made a very important impact on all of us. Let's see if you can make half the impact that he did.

MR. NORTON: Well, Mr. Chairman, perhaps I am a victim of the media, and the belief they project that this bill is moving along quite well. Perhaps I am a victim of the fact--

SENATOR GRAVES: You're dreaming, sir.

MR. NORTON: Okay.

SENATOR GRAVES: Don't waste your time on dreams.

MR. NORTON: Very good. We have already had many restrictions placed upon the industry as far as weapons are concerned. If this bill were to pass as is, it would put us out of business, because without weapons we could not obtain certificates of insurance; without certificates of insurance, we would have no customers.

SENATOR GRAVES: Senator Bubba?

SENATOR BUBBA: Yes. Some advice for your organization, and whatever other organizations are here, such as the PIs: When a bill like this comes up, whether it be this

dramatic or not this dramatic, what you should be giving us is verbiage that would allow you to operate within the scope of your day-to-day business. If you did that, then we would know-- Let's presume, for the sake of argument, that this bill does go through. Well at least then we would have an opportunity to say, "Well, we want to assist the armored car businesses in the State. This is what we would have to say, or this is what we would have to do." That's a suggestion.

MR. NORTON: Thank you.

SENATOR GRAVES: Okay, thank you, and thank you. Herbert Bobchin, Central New Jersey Chapter, Safari Club International, Parlin, New Jersey. Good afternoon, sir. You have two minutes.

HERBERT B. BOBCHIN: All right. Chairman Graves and members of the Senate Committee on Law, Public Safety and Defense: I am Herbert Bobchin, President of the Central New Jersey Chapter of the Safari Club International. We appreciate this opportunity to offer testimony in opposition to Senator Russo's bill -- S-2282.

Before I begin my testimony, I would just like to personally thank Senator Graves for his initiative in introducing the Graves Act. It is certainly a step in the right direction. It would probably be to everyone's advantage to strengthen this Act, and bring it still further along, rather than move in the direction of Senator Russo's bill, which I believe to be counterproductive.

When Senator Russo spoke earlier, he amended his bill to allow target shooters to keep handguns in the home. There is also a rather large segment of the community that hunts seriously with handguns, and that is an issue that probably should be addressed, as well.

Most of the testimony in favor of S-2282 refers to control. Nothing could be further from the truth. Webster's New World Dictionary defines control as follows: to regulate;

to exercise authority over. There is another definition I would like to get across: to destroy; to do away with completely; to put an end to. These definitions are quoted from the same dictionary. It is the word "abolish." This is Senate Bill 2282. It is not about gun control. It is about the abolition of handguns. The two words do not equate.

If handguns ceased to exist, there would be a proliferation of sawed-off rifles and shotguns, because today's criminal element is far more industrious than we would like to admit. The teen-aged criminal of the '50s did not have ready access to handguns, but even they were innovative. They built zip guns -- a piece of tubing, a wooden handle, a heavy rubber band, and a makeshift hammer. That was in the 1950s.

Now, let's go to 1988. On page 11 of the November issue of the "FBI Law Enforcement Bulletin," there was an article about a teen-ager in Brunswick, Ohio, who made a "slap-fire" shotgun. This weapon was fabricated from two lengths of tubing, two short steel rods, and one small screw. It is capable of firing a .12 gauge shotgun shell up to 15 feet accurately. It is only 14 inches long.

While we may be able to eliminate handguns per se, we will never eliminate concealable firearms, which is really what this bill is all about. A great many law-abiding citizens will be subject to the catastrophic results of any widespread ban on handguns.

A Mr. John Stamler, Union County Prosecutor, emphatically stated on May 24 that sportsmen do not need handguns. Mr. Stamler stated that handguns are easily concealed. Mr. Stamler further stated that there are precious few target shooters.

I am a serious big game hunter. I hunt big game with a variety of handguns. I also know a great many target shooters and hunters, all of whom use handguns extensively. My hunting handguns and the vast majority of target handguns are

not easily or readily concealed. In point of fact, my hunting handguns would be extremely difficult to conceal. It amazes me that Mr. Stamler, who obviously is not a sportsman himself, can place himself in a position whereby he categorically has decided what sportsmen need or do not need. This would be almost as ludicrous as if I were to tell Mr. Stamler what he needs or does not need in an evidentiary matter.

I have been hunting big game for a number of years. However, my most exciting hunts started three or four years ago when I became a dedicated handgun hunter, and now I have to sit here before this Committee because a non-sportsman, in his infinite wisdom, says that sportsmen do not need handguns.

This year it is handguns. What will it be next year, automobiles? It is a statistical fact that automobiles kill more people annually than all of the firearms combined. Where does it stop? Where does rational thinking take over from hysterical scare tactics?

"Taxation without representation is tyranny." What would we call confiscation without representation? Who are Senator Russo and the Superintendent to determine what we can own, what we can bequeath?

SENATOR GRAVES: We're doing a character assassination. Stay with the points.

MR. BOBCHIN: Oh, I'm sorry. Okay.

Once we allow a dangerous precedent to be set, it can ultimately lead to confiscation of so many things that we take for granted: One, because we allowed this precedent to be set, and two, because the citizenry at large were frightened by a convoluted befogged issue. Confiscation without just compensation-- I use that term, because if you look at section 2C:39-6, subsection (c), there is no mechanism set up to adequately and fairly delineate the value. If a person were to own a one-of-a-kind collector's item, there is no fair way to determine the compensatory value, short of putting that item on a secondary collector's market.

In addition, if these collector's items were destroyed, valuable works of art would be lost forever, because that is what some of these collector's items are.

SENATOR GRAVES: Sum up, sir.

MR. BOBCHIN: Well, what kind of additional manpower would be required to enforce this bill? Where would the funds come from? How would the State fund the additional record keeping needs? And finally, where would the State find the additional hundreds of millions of dollars to pay for these confiscated guns?

Any piece of legislation with the logistical and fiscal implications of S-2282 would normally address itself to these issues, but there is not one word in the entire 31 pages that broaches these critical issues. The bill is ill-conceived at best. The ultimate cost of the entire package would again fall on the overburdened backs of the average taxpayer. The State of New Jersey has some of the most stringent gun control laws in the nation. It is easier to obtain a permit in New York than it is in New Jersey, and when coupled with the deterrent value of the Graves Act, it becomes a very effective one-two punch.

Senate Bill No. 2282 doesn't even come close to the mark. In fact, the deceptive language insults the intelligence of every law-abiding citizen in New Jersey. The bill could cause--

SENATOR GRAVES: I asked you to stay away from characterizations, and stay with the pertinent facts.

MR. BOBCHIN: Thank you for your time and patience.

SENATOR GRAVES: Robert and Julie Seltzer, and Dr. Morton Winner. You each have two minutes. Brother and sister?

J U L I E S E L T Z E R: Father and daughter. My name is Julie Seltzer. I am 16 years old, and a junior at Cherry Hill High School East, in Cherry Hill.

I was trained in the safe use of firearms at a very early age. I feel safer knowing that I have a handgun at home. At my age-- It is very common for people my age to baby-sit. I have a younger brother and sister who I am often home alone with. I have to baby-sit for them. I am only five foot one, approximately 105 pounds. If a man breaks into my house who is six foot tall, 200 pounds, the only means of defense I have for myself--

SENATOR GRAVES: Joe Bubba would never break into your house. (laughter)

MS. SELTZER: The only means of defense I would have would be the handgun, and I have been trained to use it. I have similar concerns, you know, for my future, and for the future of my own children. I am second generation. I have been trained to use firearms. But if S-2282 becomes law, not only would I be denied ownership of a handgun, but according to the amendment -- New Jersey Statute 2C:58-5, section 14b. -- under strict interpretation, I would be denied the right to use any gun for the purpose of protection.

SENATOR GRAVES: Aren't you by age now denied that right?

MS. SELTZER: Well, I understand-- Right now, I understand--

SENATOR GRAVES: I was just asking a question. I don't know the answer.

MS. SELTZER: I don't know exactly either, but as I understand it, if an intruder--

SENATOR GRAVES: You can keep a gun in your home, is what I have just been told.

MS. SELTZER: Yes. If an intruder enters the house--

SENATOR GRAVES: Give your father a chance now.

MS. SELTZER: Okay.

SENATOR GRAVES: Thank you.

D R. R O B E R T J. S E L T Z E R: My name is Robert J. Seltzer. I am an endodontist who practices in New Jersey. I am representing myself. I am also an Assistant Clinical Professor at the University of Pennsylvania.

Most of what I was going to say has been said, so I will skip all of that. I grew up in an area where handguns were restricted, so restricted that I didn't even see one until I moved to New Jersey, other than on a policeman's belt. In New York, where I grew up, my area became known first for the Kitty Genovese murder, where, in case any of you have forgotten, something like 13 people heard a woman being murdered, and no one did anything, because no one had the means to do anything.

After I moved to New Jersey, I returned home. One of my friends from college was murdered. He was a pharmacist. He was killed; he was shot in the head. He did not own a handgun. Since that time -- very briefly -- a cousin in northern New Jersey was hacked to death with a knife, and a friend was beaten to death. I will skip all that.

I am in favor of gun ownership in responsible hands. I don't believe they should be taken away. My own personal problem is this: My professional responsibility, being an endodontist-- If I get a phone call at two o'clock in the morning, the State Board of New Jersey says that I am supposed to offer assistance for infection or bleeding. Fortunately, or unfortunately, we have a large practice. There are several people in my practice. If I get a call, I am supposed to respond, whether or not I know that patient. I cannot go to an emergency room for help. I am there alone. I have been there alone many times at two and three in the morning.

In my efforts, I have also received a shot in the head -- not a literal shot in the head -- but I have been clobbered with a table leg. I have also had people seeking drugs show up in my office, where I am the only one to confront them. I know

they are seeking drugs, and they know they are seeking drugs. As a former customs agent, I can tell you, I know how to bluff a junkie, but that is all it is -- bluff. If he attacked me, I would be in bad shape.

Currently, the way the law reads, if I am correct, if I felt the need to keep a handgun in my office, I could do so. Under the new law, however, I don't believe I could keep a handgun in the office. I know it is almost impossible for me to carry one.

Thank you for your time.

SENATOR GRAVES: Thank you. Dr. Morton Winner? (applause) What's going on? We're winding up, and everybody wants some hand exercise? Hold it down. Give him a chance. Go ahead, Doctor.

D R. M O R T O N A. W I N N E R: Good afternoon, Senator. My name is Dr. Morton Winner. I represent the Iron Horse Rifle & Pistol Club, Incorporated, of New Jersey. I am here in strenuous objection to the Russo measure, and I would like to offer the following comments:

Senator Graves, you seemed a little angry a few moments ago that a representative did not know the legislative process.

SENATOR GRAVES: You're wasting your time. You have two minutes. Stick to the facts.

DR. WINNER: Yes, sir. The fact is, we might not know much about the legislative process, but we trust it even less. We feel the legislators are out of the mainstream of the American patriotic movement. We feel that our rights of defense -- of self-defense -- are part of the certain natural inalienable rights which proceed from the Creator. This is stated in our Declaration of Independence. Our Constitution and our Bill of Rights proceed directly from our Declaration of Independence, and depend upon it for their validity.

English phraseology is really quite precise. We know what the framers meant. We know what their individual intent was. We have the minutes of the debates and "The Federalist Papers" and whatever. We believe that lawyers and legislators have perverted the English language, have raped the Constitution, and now you are trying to sodomize the Bill of Rights, and we are disturbed by this.

Ordinary, self-respecting Americans believe that they have the patriotic right and the duty of self-defense, and if they choose to use handguns, and if they are not felons who have been convicted, they have the right to do so.

We want crime controlled very much more than you want crime controlled, because there is a greater chance that we are going to be victims than you. But we are unwilling to give up our God-given liberties in order to procure a bit more safety. As Franklin said, "Those who give up a bit of safety" -- I'm sorry -- "a bit of liberty to get a bit of safety, soon find themselves with neither." (applause)

SENATOR GRAVES: Tell me something, Doctor.

DR. WINNER: Yes, sir?

SENATOR GRAVES: Did you feel we were restricting the rights of Americans when we stopped you from buying liquor until you were 21?

DR. WINNER: Sir, I could buy liquor when I was 21 because a determination was made at that point in time that I would have reached a psychological educational majority. However, during the great social engineering experiment called "Prohibition," an entire class of Americans became criminals, rather than submit to social engineering.

SENATOR GRAVES: What I asked you was: Do you think we denied Americans their rights when we prohibited them from buying alcoholic beverages until they were 21?

DR. WINNER: I don't feel a restriction on age is an encumbrance or unnecessary. I do feel, however, that this is a

civil liberties issue; an issue of government restriction of civil rights. Had the proposed legislation stated, say, that the constitutional amendment rights of an entire class of citizens was thereby curtailed, say, for reason of gender, or of race, the outcry of outrage would shake the very roots of heaven. We are the gun owners of America. We are an aggrieved class of citizens. We feel you are out of the mainstream of proper thinking, by thinking that you can control crime by controlling us. We are the criminal victims. We are the patriots. We are the guys who go for law and order. Don't look to us. We look to you.

SENATOR GRAVES: Senator Bassano?

SENATOR BASSANO: I want to object to this speaker about those of us up here being out of the mainstream of America. What you are seeing is the American process working at its best right here, giving you, the citizens, the right to speak on a bill before it becomes law, so that we can represent you. I resent that statement very, very greatly.

I also want to mention something to you on your statement about crime. I have been the victim twice of being robbed, the last time at gunpoint in the City of Newark. It is a very frightening experience. I may not necessarily agree with this bill, but that is an experience that I have gone through and will never forget.

DR. WINNER: Senator Bassano, thank you for your comment. You don't give us the right; the right is inherent. We should exercise that right politely, of course. We do not feel you are viewing our objections with the proper emotional detachment. We feel threatened, not by the legislative process, but by the vehemence with which it is being railroaded by the statements that are being made outside of chambers.

SENATOR GRAVES: I resent that, because I'm telling you -- and you have no reason to believe otherwise -- not one of us has made any pronouncement of how we feel about this. I

have learned a lot here this afternoon. Believe it or not, I have learned a lot. I learned a lot at the first hearing. I intend to learn more at the third one. We will take all of the things we learn and further discuss them among ourselves at a meeting which you may be present at -- at a meeting where you may be present.

So, stop giving the indication and feeling in this room that we have predetermined what we are going to do. I have never seen a piece of legislation more, in my 10 years as a Senator, where we did not know what we were going to do with yet, and that's a fact.

SENATOR RICE: Mr. Chairman?

SENATOR GRAVES: Go ahead.

SENATOR RICE: I will just make my comment quickly. This gentleman criticized the legislators. I just want you to know, whether you like it or not, there will always be legislators in this State and in this country. And you know, we sit here and we see all the people who have said, "No," and some others who are in the middle. But I happen to live in this State too. There are a lot of folks out there who happen to think that the legislation is correct. I am not saying whether it is correct or not. But what you're doing-- You're saying what we can't do, what we shouldn't do, and how far out we are. I just want you to know that I don't like being stereotyped. That has been a part of my history. I didn't like it when I was a cop. I don't like it as a minority, and I don't like it as a legislator.

Everybody who has spoken here today has had some reasonable degree of impact on me. But I also want to let you know that I can be as arrogant as anyone else, and I want you to know that you had no impact whatsoever in the positive on me. So your comments-- I won't even entertain them.

SENATOR GRAVES: The final speaker will be the Reverend Jack Johnson.

The next meeting will be in Hackensack. Anyone who has not had a chance to speak here will be given a chance to speak in Trenton.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Will you repeat that about Hackensack?

SENATOR GRAVES: Hackensack will be the next hearing. We will give you at least a month's notice before we meet -- at least a month's notice.

REVEREND JACK JOHNSON: Senator Graves, Committee members: My name is Jack Johnson. I am the Cochairman of a new coalition here in the State of New Jersey, called the New Jersey Citizens to Ban Handguns.

I wish to make only two statements for the record. I never thought I would be sitting here saying that I represent the silent majority. That is a term I have had some problems with over the years. But, in fact, I would like to believe -- and I do believe -- and I think we can confirm that view as you seek to make the decision, that the majority of people in this State of New Jersey are seeking, in fact, some sort of reasonable handgun control legislation. I think to that end we, as the New Jersey Citizens to Ban Handguns, are going to seek to inform you, as legislators, where your constituency stands on this issue.

We would hope that we would be able to inform you, as legislators, that your constituency, in fact, the majority of your constituency, would like to see some kind of reasonable handgun control legislation here in the State of New Jersey. We represent several organizations. We are a new coalition. We just got our act together, if you will, about three weeks ago, and for the record I would like you to know the organizations which we represent.

We represent the United Methodist Church of the Southern New Jersey Conference. We represent the American Jewish Congregation. We represent the National Council of

Jewish Women. We represent the National Organization for Women. We represent the National American Association of New Jersey Women. We represent New Jersey SANE-Freeze. We represent the New Jersey Council of Churches. We represent the Episcopal Diocese of New Jersey. We represent the New Jersey State Policemen's Benevolent Association. We represent the New Jersey State Policemen's Benevolent Association, Local 2. We represent prosecutors in the counties of: Somerset, Middlesex, Bergen, Union, Cape May, Cumberland, Essex, Ocean, Hunterdon, Monmouth, Sussex, and Camden. We are also representing the Communications Workers of America, Local 1038. We are representing the Coalition of Crime Victims' Rights Organization of New Jersey. We are representing the National Federation of Temple Sisterhoods. We are also representing the Union of American Hebrew Congregations.

SENATOR GRAVES: Thank you.

REVEREND JOHNSON: I heard many speeches today from one organization, and I just want you to know that there are other organizations, in fact, which are concerned about the issue of handguns here in the State of New Jersey, and the violence which they perpetuate. We have a new President-Elect who has called for a kinder and a gentler nation, and we believe -- we believe -- that this would be one step moving toward that direction.

Thank you very much, Senator.

SENATOR GRAVES: Thank you very much. You really gave us a chance to hear the pertinent information.

This hearing is adjourned until we reconvene in northern New Jersey.

(HEARING CONCLUDED)

APPENDIX

**REMARKS BY SENATE PRESIDENT JOHN F. RUSSO
PUBLIC HEARING ON HANDGUN CONTROL LEGISLATION
CAMDEN, NEW JERSEY
NOVEMBER 30, 1988**

Good morning. Before I begin my formal remarks I would like to thank all the people who have taken time off from work, and in many cases travelled great distances, to be here today at this public hearing.

I particularly want to express my gratitude to the members of the New Jersey Citizens to Ban Handguns for all the work they have done and continue to do on behalf of this issue. The dedicated religious, civic and labor leaders involved in this statewide grass roots organization have been working tirelessly on behalf of handgun control and they have my deepest appreciation.

In just a few moments, you will be hearing from a few of the Maryland legislators, public officials and citizens' groups who proved it is possible to withstand the National Rifle Association's threats and intimidation. These leaders showed tremendous courage by enacting a law to ban Saturday Night Specials in Maryland. More recently, they held their ground against the NRA when it put a referendum on the ballot asking voters to repeal that new gun control law.

Even in the face of a \$7 million dollar NRA advertising blitz aimed at turning public opinion against this law, these Maryland legislators, state officials and concerned citizens didn't give up. It was a long, bitter struggle. And when the dust cleared, the *people* of Maryland had the last word. The *people* of Maryland handed the NRA a crushing defeat by voting

overwhelmingly to uphold the gun law that their legislators had enacted.

There is a lesson here for the members of this committee and all members of the New Jersey Legislature. That lesson is this: The NRA is not invincible. The NRA doesn't represent the views of all - or even most - of our constituents. It's time to stand up for what is right. It's time to stand up for the 22,000 people who are killed each year in this country in murders, suicides and accidental shootings caused by handguns. A senseless death occurs every hour, every day, because of the proliferation of handguns in our society.

For the benefit of those who may not have attended the first public hearing on this issue, I would like to very briefly recap what this bill does and then propose several amendments which I feel are needed to clarify the intent of this legislation and strengthen some of its provisions.

Number one. This bill bans the future sale, ownership and possession of most handguns by private citizens.

Now here's what this bill does *not* do. It does *not* take away handguns from private citizens who now legally own them. Current handgun owners can keep their weapons for the rest of their lives. When they die, their heirs would be required to turn the guns in in exchange for financial compensation. The goal is to gradually eliminate most handguns in this state over the span of a generation.

Number two. The bill does *not* now, or at any time in the future, affect handguns owned by police, military and law enforcement personnel.

Number three. The bill does *not* now, or at any time in the future, affect private citizens who own antique handguns or target shooting pistols.

Number four. The bill does *not* now, or at any time in the future,

affect shotguns, rifles, or other hunting equipment.

The bill affects *only* handguns - the *number one* instrument of death in homicides, suicides and unintentional shootings.

Since this committee held its first hearing on S. 2282 in May, my staff and I have been in touch with numerous citizens and special interest groups who expressed concern about some provisions of this legislation. Several raised valid points which I would like to address today by offering two amendments.

The first amendment would allow *future* police officers to keep their handguns after they retire. Of course, current police officers - along with all private citizens - are "grandfathered" by the legislation and allowed to keep their handguns until they die. It was never my intention, however, to require *future* law enforcement officers to turn in their handguns once they leave public service. This amendment will clarify that oversight in the original bill.

The second amendment pertains to target shooting.

Instead of requiring future gun owners to keep their target shooting pistols at practice ranges, I want to amend the bill to permit handguns used for target shooting to be kept in homes with the requirement that the owners of these weapons be legitimate and active members of gun clubs.

This change is necessary because it would be unfeasible to store all target shooting pistols that belong to private citizens at practice ranges. Too many of these facilities, it turns out, do not have the storage capacity or the security arrangements that are needed. In addition, the original requirement might have placed an unfair financial burden on smaller gun clubs and it was never my intent to do that.

I realize the National Rifle Association is still going to be vehemently opposed to this legislation or any sensible gun control effort. The NRA would have you believe that a handgun ban in New Jersey would hurt law-abiding citizens more than it would hurt criminals. But they couldn't be more wrong.

The truth is armed citizens are more of a danger to themselves and their loved ones than to the criminals they are trying to protect themselves against. A national FBI Uniformed Crime Report shows that in 1986 handguns were used in self-defense to commit a justifiable homicide 193 times. But 22,000 *other* times, handguns were used in a murder, suicide or accidental fatal shooting.

In Montclair a few weeks ago, police say a father was killed in his home with one of his own handguns - a weapon he probably kept to protect himself and his family. Police have charged his 26-year-old son with firing the fatal shots.

National study after study has shown that states with stricter handgun laws have fewer deaths by firearms. And cities with tough gun control laws have far fewer, murders, suicides and accidental shootings.

For example, a scientific study of this issue reported in the New England Journal of Medicine earlier this month found that handgun murders were five times higher in the City of Seattle - where handguns can be legally purchased for self-defense - than across the border in Vancouver, British Columbia, where self-defense is *not* a valid legal reason for owning a handgun.

The scientists found that although both cities reported almost identical rates of aggravated assault involving knives, hands, fists, feet or other weapons between 1980 and 1986, firearms were far *more likely* to be used in Seattle where gun laws are lax, than in Vancouver.

Another disturbing study out this month tells us just who is paying for all these gunshot injuries. A study conducted in San Francisco found that the taxpayers paid 85.7 percent of hospital costs for the treatment of gun-related injuries. An article in the Journal of the American Medical Association concluded that the total cost to taxpayers on a national level is \$1 billion.

We are paying a huge price for the proliferation of handguns in this society - and not just in economic terms. How can we even put a price tag on the lives of hundreds of New Jerseyans who lose their lives every year in handgun violence? I urge this committee to approve S. 2282 along with the amendments I have proposed to clarify and strengthen the legislation.



New Jersey Senate

TRENTON

MEMORANDUM

TO: Interested Parties

FROM: John F. Russo
New Jersey State Senate President

DATE: November 30, 1988

RE: Handgun ban--Legislation & Discussion

New Jersey currently has the strongest firearms control law in the country, primarily due to the background check and lengthy waiting period before a purchaser's identification card is issued. No other state has banned handguns but several cities have, with positive results (Washington, D.C., New York City- with its long-standing Sullivan law, and Chicago). Similarly, almost every other country in the world has outlawed handguns.

DESCRIPTION OF LEGISLATION

This bill, with my amendments, would prohibit the sale, importation, possession and carrying of handguns except by certain authorized persons. The persons who shall be authorized to possess handguns under this bill are those exempted under current law (eg. law enforcement and military personnel).

Under this bill:

--Current handgun owners would be "grandfathered" and permitted to keep their weapons. Registration for handguns lawfully possessed prior to the effective date of this bill would be required. A separate registration card for each handgun would also be required. Once the bill becomes effective, no new purchases of handguns will be permitted. Renewals of the current permits to purchase handguns, which in effect are permits to possess handguns, would have to be renewed every three years. This enables the authorities to keep track of handguns in the State. Current owners would not be permitted to pass their handguns to their heirs.

--Permits to purchase handguns for target shooting purposes would be granted provided the purchaser is a member of a pistol club.

--Permits to carry handguns would be abolished. (Currently, these permits are strictly limited to those who demonstrate a "need in the interest of public safety.")

--Antique handguns deemed collectible, commemorative or as curios would be permitted.

--Amnesty would be granted for handguns which are illegally possessed and turned in.

--Compensation by the State would be afforded to those lawful handgun owners and their heirs who wish to turn in their weapons. This compensation will not apply to any manufacturer or dealer of handguns.

--Transportation of handguns would be restricted for those nonresident citizens who enter the State.

--Loss of a handgun must be reported within 48 hours.

--Any handgun in the possession an exempted person permitted under this bill to possess a handgun would be required to be surrendered within 10 days if such person loses his/her exempt status.

--The Superintendent of the State Police would be authorized to establish regulations for manufacturers and dealers of handguns which may set reasonable limits on the quantity of handguns possessed in this State.

--The penalty for illegal possession or sale of a handgun would be a crime in the third degree (3-5 years and/or \$7500). The suggested penalty for failure to notify police of the knowing loss of a handgun would be a disorderly persons offense (maximum of 6 months or up to \$1000).

--The Superintendent of Police would be required to conduct a public information campaign.

--The provisions would be effective 120 days after enactment.

WHAT THE BILL DOES NOT DO

This bill:

--DOES NOT take handguns out of the hands of anyone who currently possesses them lawfully.

--DOES NOT affect active or retired law enforcement personnel, either at the present time or in the future.

--DOES NOT affect collectors of antique guns.

--DOES NOT prohibit target shooting.

--DOES NOT apply to museums or historical societies.

--DOES NOT constitute an "unlawful taking" since compensation is provided.

--DOES NOT violate Constitutional authority of "right to keep and bear arms." This language applies solely to a state's ability to maintain militias.

ARGUMENTS FOR LEGISLATION TO BAN HANDGUNS

There are many arguments that support the promotion of legislation to ban handguns. Generally, however, three arguments are paramount. These arguments center on the:

- reduction of crime (i.e., murder, rape, robbery,...);
- reduction of suicides; and,
- reduction of accidental deaths.

Despite the fact that New Jersey's firearms control laws are the strictest in the nation, the number of crimes and deaths that involve handguns is still unacceptably high. The above cited arguments have significant meaning and, in most cases, are compelling for New Jersey due to crime and death statistics that have been compiled for the state.

Crime

In 1987, approximately 18,000 murders were committed in the United States. Of these murders, 44% (7,807) were by handguns. (59% of all murders were committed with a firearm of some sort; 10% were committed with either a rifle or a shotgun.)

New Jersey reported 350 murders in 1987. Of these murders, 31% (110) were by handguns. (35% of all murders in New Jersey were committed with a firearm of some sort; 4% were committed by either a rifle or a shotgun.)

The handgun has been the preferred method for committing murder both nationally and in New Jersey. Nationally, the second most popular method for committing a murder has been by use of cutting instruments. The use of cutting instruments, however, occurs less than half as often as the use of firearms. In New Jersey, the second most popular method for committing a murder in 1987 was by use of cutting instruments (31%).

The justification for banning handguns goes far beyond the desire to decrease the murder rate. Armed assaults, rape and armed robberies all heavily rely on the proliferation of handguns.

In 1987, New Jersey witnessed the number of rape incidences increase from 2,531 to 2,548; the number of robbery offenses was 17,772; and, incidences of aggravated assaults (20,623) increased by 3%. While the statewide Uniform Crime Report does not break out the number of incidences of handgun or firearms use in rape, it is reasonable to believe that a significant percentage involves handguns. The report does indicate that firearms were used in 23% of all robberies in New Jersey and 14% of all aggravated assaults in New Jersey. Although the types of firearms used are not detailed, it is safe to assume that a vast majority of those employed were handguns.

Thus, these figures bear out the fact that firearms, specifically handguns, are used in the commission of most violent crimes. These statistics further demonstrate a need to address the issue of illegal use of handguns. The need is not only one that should be addressed at the national level, but a need that continues to require attention at the state level for New Jersey. It is unrealistic to believe that society will ever be free from violent crime. It is realistic, however, to believe that incidences of violent crime can be significantly reduced by further limitation of the available pool of weapons that can be used to commit violent acts.

Suicides

Although murders with handguns have been the focal point for debate on banning handguns, these account for far fewer incidences than other deaths caused by handguns. It is estimated that 14,000 suicides involving firearms occur annually in the United States. Of this number, a staggering 12,000 suicides involve the use of handguns.

Current statistics for New Jersey indicate that 33% of all suicides in New Jersey involve firearms. For 1985, there were 220 suicides involving firearms in the state.

While it is argued that desperate persons will simply find other means to commit suicide if handguns are banned, the bottom line is that the banning of handguns reduces the lethal options available to potential suicide victims. By reducing the available options, potential suicide victims are afforded additional time to contemplate their suicide so that the act is not made so rashly.

Accidental Deaths

More compelling than suicides is the senseless loss of life that occurs as a result of accidents with firearms.

In 1986, more than 1,650 accidental deaths occurred as a result of firearms in the United States. Of this total, more than 1,000 accidental deaths involved handguns.

Generally, these accidental deaths occur while firearms are being cleaned. However, 20% of all accidental firearms deaths involve children playing with loaded weapons. Statistics indicate that firearms injuries are the fourth leading cause of accidental death for children. This loss of life is truly tragic and senseless.

ARGUMENTS AGAINST LEGISLATION TO BAN HANDGUNS

There are a number of arguments against legislation to ban handguns.

Firstly, opponents argue that a ban on handguns is not constitutional because it violates the Second Amendment to the U.S. Constitution which guarantees each American citizen the right to keep and bear arms. The U.S. Supreme Court has interpreted this amendment on four occasions to mean that the federal government cannot interfere with the maintenance of a state militia. The amendment neither guarantees nor denies the right of individual citizens to carry guns or keep guns in their homes.

Secondly, opponents argue that law abiding citizens need access to handguns for self-protection. This argument has not been substantiated. In fact, the handgun is rarely an effective means against a burglar or robber. A burglar typically avoids confrontations by entering an unoccupied home, and a robber surprises and overwhelms a victim before the latter can mobilize a weapon in self-defense. Furthermore, it is more likely that the burglar will steal any available firearms or that holdup victims will find their own weapons used against them.

Opponents state that any recall or confiscation of handguns would result in undue bureaucratic regulation or violations of Constitutional guarantees against unwarranted search and seizure. This bill would establish an administrative procedure to recall at-large weapons that would not be overburdensome.

Opponents also argue that gun control is misdirected crime control and have suggested mandatory prison sentences for gun crimes as a solution. This argument is seemingly moot given the fact that New Jersey already has in place a law that requires mandatory terms of imprisonment for crimes with guns. Despite the existence of laws requiring mandatory prison terms, the number of crimes with guns in this state continues to be significant.

Senator Russo is attacking the N.R.A. He speaks of the N.R.A. as an outside organization and not from New Jersey.

I am the N.R.A. and so are 80,000 other N.R.A. members in New Jersey and together with over 1 million legal firearms owners are the people that will suffer if S 2282 is passed into law.

We are the good guy, the white hats. We as a group are among the best citizen in New Jersey. We have all been checked out, fingerprinted, background and mental health checked. How many other organizations can boast that, none. In their group none has ever been convicted of a crime, judged mentally defective or is an alcoholic, even church groups that support handgun control will accept a repented sinner, but not our group. We must remain pure if you wish to keep your firearms I.D. card.

Yet we are the ones that have been selected to have our Liberty removed and be reduced to second class citizens.

We as sportsmen do not want to be second class citizens to the rest of the country.

We have been told that S 2282 will not effect target shooters, collectors or hunters.

I hunt with a handgun but not in New Jersey but in other states except New Jersey. As I understand this bill, if passed, would prohibit the transportation of a handgun anywhere including taking it out of state for hunting.

Target shooters would only be permitted to keep their handguns at an approved range. What is an approved range? There are none now. There could be no competition at a range other than the range, where the handguns are stored. What type of security or liability would these so called approved ranges have? If a firearm at a range was in need of repair, would a gunsmith have to make a house call? Who will determine what is a target handgun? I shoot bowling pins with a .45 cal. semi-auto handgun and a .44 cal. revolver.

As for collectors -- does an art collector collect Picasso's to be burned when he dies? Does a coin collector save coins all of his life so he can turn this over to the state when he retires?

Must people that collect firearms do so for the same reason others collect art or coins, for an investment for their retirement or as a legacy for their children or heirs. Many collections were started with trophies that were inherited from a father or grandfather.

Many modern handguns have increased in value substantially over the years. A Ruger made during the companies first year in production sold for \$37.00, today it is worth 10 times that amount. A Colt single action ~~that~~ had been owned by a famous western lawman was sold at auction a few years ago for over \$30,000.00. Anyone that tells a true collector that he must turn in his collection for destruction should be the one to have a mental health check NOT THE GUN COLLECTOR.

A few years ago a man named Gustav Glock developed a new handgun, the frame of the new gun was a polomor plastic, although the slide had over 19 ozs. of metal more than any existing handgun, there was a cry of Band the plastic gun from the anti gun press. Many pieces of new legislation were quickly written. A bill in New Jersey was aimed at the Glock --- today the New Jersey Fish and Game and many other police departments are carrying the Glock handgun.

If crime is the main issue, let's go after the criminal. We should be looking at the social economic conditions that breed crime and the drug problems that face every community in our state.

We support mandatory sentencing and believe that violent criminals belong in jail.

Multi murders don't escape if given the death penalty. We must stop plea bargaining for violent offenders. The only revolver that should be banned is the revolving door of justice that puts criminals back on the street before the police department is finished with their paperwork.

Today freedom is as important as it was in 1776. Our country was founded by men and women seeking Freedom not guarantees.

England and Japan were used a lot for comparison of there firearm laws. Our forefathers did not believe that England had the answer. If they did we would not be celebrating the 4th of July. We all had the opportunity to be Japanese in 1941 but we rejected that offer as well. Let those that think England or Japan is better move there.

There are many of us that feel we have the best country in the world and we want to keep it with all of the Freedoms and Liberty our forefathers gave us in our constitution.



Yours truly,

TO: MEMBERS OF THE SENATE

FROM: DANNY D. SCHICK SR.
STATE LEGISLATIVE CHAIRMAN
N.J. STATE FRATERNAL ORDER
OF POLICE

DATE: NOVEMBER 30, 1988

SUBJECT: SENATE BILL 2282

Dear Members of the Senate

The State Lodge of the New Jersey Fraternal Order of Police wish to go on record as being opposed to Senate Bill 2282.

The State F.O.P. and the National F.O.P. is not now, nor has it ever been in favor of banning or severely limiting the ownership of handguns by law abiding citizens. The F.O.P. believes that this bill will do just that.

The following are some of the points in this bill that the State F.O.P. oppose.

- 1) This bill would prevent law abiding citizens from keeping handguns in their own residences, and would require that if they want to own a handgun they must join a gun club and store the weapons there. The F.O.P. does not believe that these clubs are the proper place to store guns. First off there are not many clubs that presently have the space to store alot of weapons. Also most of these clubs are located in isolated areas, thus making them prime targets for break-ins. If that were to happen, instead of getting only one or two guns, the thief would obtain a large amount of guns. These guns would then wind up on the streets in the hands of crimminals. Also by mandating that people would have to belong to one of these gun clubs, the owners would be able to charge exhorbant fees, thus making is difficult if not impossible for most law abiding citizens to belong and thus deining them the right to own a handgun.
- 2) The State F.O.P. does not believe that the requirement of having people who do not belong to one of these clubs turn in their guns and have the State pay for them is workable. First off the cost to the State would be extremely high as some of these guns are very expensive.

Also how do you put a dollar amount on a gun that has been passed down through a family and has great sentimental value. The money that would be spent on this could be better used for such things as giving financial aide to municipalities to hire more police officers and equipment that they have not been able to do because of the Cap Law. Also the money could be used to build more jails, so that when someone is convicted of a crime there would be a place to send them.

3 The requirement that police officers, who have had to carry guns for their entire career, and who are trained in how to properly use and store them would have to surrender their weapons within ten days of retiring unless they join a gun club is totally un-acceptable to our members.

There are other parts of this bill that we oppose, however those mentioned are the most important.

The State F.O.P. however does agree with what we beleive is the intent of the Sponsor of this bill, in that there are to many innocent people who are killed or injured by the misuse of handguns in the home. We agree that something has to be done about that, but this bill is not the answer.

The State F.O.P. would support any requirement that prior to a person being issued a handgun permit, that person must pass a test to show that they have sufficient knowledge of the laws regarding guns and also that they demonstrate a profficiency in the handling of guns and the proper way to store them. We would also support a change in the law, that would make a person responsible crimminially if they were careless in the ownership of a gun which resulted in the injury or death of someone due to their carelessness. This would include but not be limited to the improper storeage of a gun, which allows a child easy access to the gun.

The State Fraternal Order of Police would be more than willing to work with Senator Russo or anyone else in drafting legislation dealing with this issue.

Fraternally,

Danny D. Schick Sr.
State Legislative Chairman

United Sportsmen's Association of North America

Marksmanship Training Center

RD3 Box 144 Sewell New Jersey 08080

AFFILIATED WITH

National Rifle Association
Citizens Committee for the
Right to Keep and Bear Arms
Association of NJ Rifle & Pistol Clubs
NJ Federation of Sportsman
Del Val JR Rifle League
South Jersey Pistol League
Tri-County Rifle League

November 30, 1988

Testimony of Gary J. Devine, Political Analyst-USANA
Before the Senate Law, Public Safety and Defense Committee
On the Russo bill S.2282

Hello, Chairperson Senator Graves, Senator Rice and other members of the committee. My name is Gary J. Devine and I'm the Political Analyst for the United Sportsmen's Association of North America. USANA has Approximately 1,100 members and is located in Elmer, N.J. Many of our members are present in this room today. We would like to thank you for giving me this opportunity to express our views on this bill. USANA totally opposes Senator John Russo's bill S.2282.

On May 24, 1988 during the first senate hearing in Trenton, Senator Russo and other speakers talked about different cases of innocent victims who were killed by handguns.

Freedom and an elected republic has a price to pay. That price may be the death of an innocent person at the hands of a criminal with a firearm. That freedom and that risk is worth taking in light of the fact that without a citizenry that is armed we could lose total freedom. We are willing to take that chance and the possibility of being killed.

The price of freedom and our liberties historically has cost millions of lives. There isn't anybody in this room who knows how many men have died in order that we can have the right to follow and obey the supreme law of the land the United States Constitution.

We already have some 35,000 gun laws in this country and that there is not one case where it can be shown that one of these laws or all of them have in anyway reduced crime? Where has a gun law reduced crime?

You cannot stop crime in New Jersey with the passage of another gun law. Do the people in this room think criminals will obey gun laws when he doesn't mind going out to rob, rape or even murder?

The nationwide fear of criminal violence particularly in our large cities is reaching hysterical proportions. Americans from our state and across the country are demanding better protection against the life or death threat from brutal murderers and criminals.

The anti-gunners are saying that defense against crime is a police matter-- completely ignoring the fact that law-enforcement leaders freely admit that the police cannot protect us. That they cannot act until after a crime has been committed. That they cannot be everywhere at once. But never mind that you have to be a victim before the police can help you. The anti-gunners feel that to meet violence with violence in self-defense is wrong, uncivilized, even sinful.

It continues to elude the anti-gunners that misguided attempts to reduce crime is forcing hundreds of thousands of Americans to become sitting ducks for violent criminals.

These radicals totally ignore the fact that "Crime Control" not "Gun Control" is the only practical answer. In spite of overwhelming evidence to the contrary powerful forces in this country are determined to deprive lawabiding citizens of their guns rather than punish criminals. You and I cannot risk having laws passed that will give criminals con-

USANA is a nonprofit organization dedicated to promoting marksmanship

trols over our streets, our homes and our families.

In the aftermath of the assassination attempt on President Ronald Reagan, even before the extent of the President's injuries was known, the anti-gun factions were using the event in their crusade for more gun control laws. No gun control law, however is ever going to stop a deranged person who wants to kill one of our political leaders.

The thankfully unsuccessful attempt on President Reagan is proof. The alleged assailant ventured into the heavily armed vanguard of Secret Service agents in the full view of television cameras. He was willing to face certain arrest and possible death all for one purpose to commit murder.

The gun control issue distracts the attention of the people from the real causes of crime and it diverts money and energy from real solutions. We ought to be debating what to do with the criminals who misused the handgun instead of what to do with the property of people who commit no crime.

Most law-abiding Americans agree on the need for better protection against criminal violence but they are sharply divided on how this protection should be provided. Many citizens agree with me that tougher laws and mandatory sentences for crimes of violence are the most effective way to help stop crime. Other well meaning (but in our opinion misguided) citizens like Senator Russo feel just the opposite. They believe that the time has come to rigidly control the ownership of handguns.

This liberal "gun banning" idea which could lead to the nationwide disarmament of law-abiding citizens in the face of the threat of growing violence.

You and I are the targets. And we've never been more vulnerable and our precious constitutional gun rights more threatened as now. And if we let this bill succeed, then we're in bigger trouble than most of us imagine. Because now they can use the precedent-setting decision to take away our rifles and shotguns too.

At the last senate hearing on May 24, 1988 a female officer, Janette Taylor of the Morris County Sheriff's Office, played a recording of an Ohio woman frantically telling a police dispatcher of an intruder in her home. Before the police could get to the home the woman was raped.

There are 12 million women in the United States who own guns. Another fact is that the indoor pistol ranges are packed with women shooting at "men" targets. You can't blame them one bit with the increase in rape, mugging, purse snatching, burglary, murder and other crimes of violence that they are forced to live with.

Today with the divorce rate skyrocketing more women are alone at night. These same women also play the roles of enforcers and protectors of their families and their home. With a gun they experience security and near absence of fear.

Mussolini's Italy and Hitler's Germany had gun control. Russia, Hungary, Poland and all the other eastern European block countries have very good gun control.

What separates our country from all the other countries in the world is the Constitution of the United States. The second amendment of this great document states "the right of the people to keep and bear arms." This supreme law of the land was written by our nation's great founding fathers. Every President of the United States has sworn an oath to uphold the U.S. Constitution. Every Judge and service person has taken the same oath. Senator Russo also swore an oath to our country's Constitution. His bill S.2282 is a poor of showing it.

During more than two hours of testimony, on May 24, 1988 in Trenton, there wasn't any cases cited of a legally armed New Jersey resident who defended himself or herself from an intruder. I have listed below 12 cases of law-abiding citizens from New Jersey who defended themselves against criminals.

1. A 90-year-old Bogota, N.J. man heard a pair of burglars ransacking his home at 1:30 a.m. He confronted the two, who laughed at his demands to leave until he produced a revolver and opened fire, hitting one of them in the shoulder. Both men then fled. (The Record, Bogota, N.J.)

2. Mark Fera was convinced the two gunmen robbing his Washington Twp., N.J. coin shop planned to kill him. So he lunged for his .357 Mag. revolver and shot one four times. The partner fled, but returned, only to be driven off by two more fired by Fera. (The Gloucester County Times, Woodbury, N.J.)

3. Three men, one brandishing a pipe entered the Newark, N.J., home of Anthony Carroll and demanded money. Carroll 68 yrs. old responded with a blast from his .38 cal. revolver which wounded the pipe-carrier and put the other would be robbers to flight. (The Star-Ledger, Newark, N.J.)

4. On his own investigation of what set off the silent burglar alarm to his Oscar Jenkins Sporting Goods Store, in Mullica Hill, N.J. 70 yr. old Joe Bailey was confronted by a criminal. The robber put a loaded shotgun into Bailey's stomach and told him to get down on the floor. The thief was loading boxes with handguns and ammunition from the showcase. He then ordered Bailey to help him fill the boxes. Bailey was able to get to his loaded handgun by the cash register and shoot the criminal four times. (The Gloucester County Times, Woodbury, N.J.)

5. A masked man entered a Pt. Pleasant, N.J., jewelry store, displayed a pistol and ordered manager Joseph Guinta to turn over his cash. Instead, when Guinta noticed the hold-man having trouble with his gun, he tripped an alarm to police headquarters, then pulled out a gun. At the sight of the firearm, the would-be robber fled. (The Leader, Pt. Pleasant, N.J.)

6. Grocer Richard Martinez used a broken bottle to fend off a knife-wielding stickup man and his accomplice until his son Richard, Jr. saw the confrontation and drew a registered handgun from under the counter. When young Martinez shot one of the robbers, both fled the Paterson, N.J. store. A suspect was arrested at a nearby hospital. (The Herald News, Passaic N.J.)

7. Grabbing his pistol from a dresser drawer, a Fair Lawn, N.J., man got out of bed to investigate sounds of breaking glass that awakened him. He soon confronted a burglar who took one look at the pistol then dove out the window. (The Record, Hackensack, N.J.)

8. Shu Kum Lee was alone in his Jersey City, N.J. stationery store when a man walked in, pulled a revolver and demanded money. As the proprietor began walking to the back of the store, the gunman struck Lee with the gun. The intruder began to take the money, and Lee grabbed his licensed .38 warning the man to stop. When the criminal replied he was going to take the money and then shoot Lee, and then turned his gun toward him, the owner fired, wounding the man. With the aid of a customer, Lee held the wounded suspect for police. (The Jersey Journal, Jersey City, N.J.)

9. Hearing a noise in his Camden, N.J. home, Clinton Tabb decided to investigate. Arming himself, the homeowner confronted an intruder, who came towards the 42-year-old resident with a sledgehammer. Firing several shots at his approaching assailant, Tabb mortally wounded the man. A Camden County grand jury cleared the homeowner in the incident. (The Inquirer, Philadelphia, Pa.)

10. A pair of thugs started beating Woodrow Wilson Glanton of Newark, N.J.; they took his wallet, his money and his car keys. But the 69-year-old Glanton drew a .25 automatic and opened fire, hitting one of the criminals in the chest, killing him. The other robber was wounded by an irate relative of the dead man when he reported the crime and killing. (The Star-Ledger, Newark, N.J.)

11. A homeowner in Mount Lucas, N.J., discovered a burglar breaking into his home and responded by firing a warning shot from his firearm, causing the intruder to flee. Later captured by police nearby, the suspect was charged with burglary. No charges were filed against the homeowner. (The Trentonian, Trenton, N.J.)

12. When a burglar began climbing into Sherman Thomas' bedroom window early in the morning the Camden, N.J. resident forced the man back outside. When the intruder again tried to push through the window, Thomas took up his pistol and fired. A wounded suspect was soon arrested and charged with burglary. (The Courier-Post, Camden, N.J.)

I could continue on and on with cases of New Jersey citizens who defended themselves with a handgun. There are 650,000 cases per year in the United States when a law-abiding citizen defend themselves. And who can tell how many times a criminals has canceled his plans because his intended victim was armed?

The New Jersey legislators in the Senate and Assembly didn't ban all the automobiles in the state because of the misuse from the drunk drivers. You made laws for mandatory fines and jail terms against the driver who was intoxicated while driving the vehicle. Were asking you to do the same with the handgun. Don't banned handguns go after the out-laws and criminals who misuse the gun with tougher laws, penalties and mandatory sentences.

I would like to thank the Senate Law, Public Safety and Defense Committee for giving USANA and I this opportunity to speak on this bill.

Sincerely,

Gary Delme

Gary Delme
Political Analyst
United Statesmen's Association
New York America

cc. N.J. Senate
N.J. Assembly



Gentlemen, by way of introduction, my name is Steve Eckstein. I am a private detective licensed and bonded by the State of New Jersey. I have been a private detective for nearly thirty years. I am trained in the use of firearms and I am licensed to carry one.

I'm not going to discuss the details of cases which have convinced me over the past thirty years that I have a need to carry a firearm... but then I never expected to find myself trying to explain to a panel of adults the reasons why a detective should carry a gun. Do any of you folks know of any detective in the local or state police forces who doesn't carry a gun? Even the much-touted resistance to the use of handguns in Great Britain hasn't stopped the English from arming their detectives.

I've spent the last three decades investigating the same crimes and confronting the same criminals as any local, state or federal investigator is likely to encounter. Suffice it to say that for nearly thirty years I've broken cargo thefts, hijackings, fraud, embezzlement, kidnapping, diversion, counterfeiting...and right now I'm involved in a case that has ~~its roots embedded in the bowels of an Asian crime syndicate. I've put myself~~ at risk to come here today...but I've come here because I'm angry. I'm angry at a group of misguided politicians and at ~~their~~ foolish, inept attempt to garner a few votes by jumping on the emotional bandwagon of gun control. Bill #2282 can not be construed by any clear-thinking, analytical mind to be a serious attempt at achieving gun control. but what it does do is to make light of the work I do... ridicule the job that this state has licensed me to do... But, most of all, the authors of bill #2282 have shown a remarkably cavalier disregard for my safety ... for my life and the lives of more than a thousand other private detectives licensed in the state of New Jersey...because Bill #2282 makes absolutely no provision for private detectives to own, let alone carry fire arms.

Perhaps Mr. Russo and his colleagues have been misled by Hollywood and TV images which portray us as undisciplined "shoot-em-up" style cowboys... or worse yet, as seedy, disreputable characters who peep in windows and lurk on street corners. Perhaps Mr. Russo and company have convinced themselves that one doesn't need to be terribly disciplined or professional or stable to become a private investigator one need only stop shaving, buy an old raincoat and learn how to talk through a cigar butt. Well...let me set you straight...

The State of New Jersey has the toughest licensing requirements for Private investigators of any state in the entire country. To begin with, one can't even apply without first serving a minimum five year apprenticeship under a licensed investigator or with law enforcement. And, if you

survive that apprenticeship then you must fill out an application...My application consisted of more than thirty pages ...detailing every scrap of information concerning my qualifications as well as my personal, business and financial life. Appended to that dossier were another twenty pages of personal and business references, financial statements, physical and mental health records, credit data, character references, interviews with employers from the time I was fifteen years old, school records and on and on... That information didn't just get filed in a drawer. It was submitted to the superintendant of State Police who then investigated every single detail I had put down. Then there were finger print checks and detail cards sent to the F.B.I. and they conducted their investigation of me.

Gentlemen, nowhere amongst the legions of men who serve law and order in the State of New Jersey is there any public law enforcement officer who is more closely scrutinized for his ability and stability than those who carry a Private Investigator's license...So, you will forgive me if I appear somewhat miffed by the fact that Private Detectives are not even mentioned in the thirty pages it took to list those who are exempted from the controls imparted under #2282.

we are detectives ... that is the business we are licensed by this state to conduct. We investigate crimes no different and no less dangerous than those investigated by public law enforcement agents. We confront criminals no less vicious than those confronted by public law enforcement agents...and our license is no less a mandate than any policeman's badge to enter those dark alleys... and all the other places where angels have no need to tread.

Sen. Russo's gun control bill #2282 demands that men like myself face those very real dangers armed with nothing more than our good intentions and a piece of paper from the state police. As I look around me I have to wonder how many of those who sit in judgement here today would be quite so bold.

We live in an age when public law enforcement, of it's own volition, has begun to admit that it is being overwhelmed by crime. In the face of the tide, Public law enforcement officials have begun to examine the possibility of incorporating private detectives and private security personnel into the law enforcement network. Here (read the announcement)

If indeed the gap between the public and private security were ever bridged, the result would be an army of investigators and detectives the likes of which no country on this earth has ever assembled...an army whose only objective is to ferret out and eliminate crime and to further the concept of law and order.

This country has upwards of four thousand private detective agencies with more than a million employees and payrolls in excess of 21 billion dollars annually. In short gentlemen, in terms of personnel and resources, the private security industry is larger than all the local, state and federal police forces in this country combined. That is the army that decent, knowledgable law enforcement professionals are seeking to mobilize in the public war against crime...and while such noble efforts are going on, Senator Russo ~~and his~~ ~~give hand of politicians~~ are busily plotting to disarm and disperse that army so that the gates to the kingdom can remain open to the criminals ... who are not even mentioned, let alone affected by bill #2282. Sooner or later someone is going to ask Senator's Russo, Feldman, Lipman and Lesniak just whose side are they on ?

But I'm getting a little carried away with the future... we're here to discuss the present. And, the truth of the present is that I am not a policeman. I don't have all that backup and coordinated police communications and swat teams and what-not at my beck-and-call. No sir,... when I walk down those dark alleys I'll most likely be alone ...Senator Russo won't be there...nor will Feldman, or Lipman or Lesniak. No indeed... the only friend I'll have is the one I carry in a holster. And...if that is not to be ...then you might as well take my P.I. license too ...because it won't be worth any more than a ticket to the grave.

I'd like you folks to consider that...and I'd like you to also give some thought to the lives and safety of more than a thousand other New Jersey P.I.'s just like me, but who couldn't be here to express their thoughts today. .

I understand and I share Senator Russo's anger that criminals can get and often use guns with impunity. I can understand and sympathize with the deep personal tragedy that sparked his passion for gun control. But I also understand that Bill #2282 grew not out of a lifelong conviction for the benefits of gun control ...but out of outrage and, perhaps a desire for revenge. So while in one sense I share the Senator's anger...I am not prepared to pay for it by giving up my life or my constitutional rights.

Thank You



CENTRAL NEW JERSEY CHAPTER

Safari Club International

P.O. BOX 291, PARLIN, NEW JERSEY 08859 • (201) 238-1128

November 30, 1988

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To: New Jersey Senate, Law & Public Safety Comm.

From: Herbert B. Bobchin, President

Subject: Senate Bill #2282

Chairman Graves, and Members of the Committee on Law, Public Safety, and Defense:

I am Herbert B. Bobchin, President of the Central New Jersey Chapter of Safari Club International. S.C.I. is the largest organization of it's kind, dedicated to foster conservation of our wildlife, and protect the rights of hunters. S.C.I. has more than 16,000 members in 85 Chapters. We appreciate this opportunity to offer testimony in opposition to Senator Russo's Bill S.2282.

Before I begin my testimony I would like to thank Senator Graves for his initiative in introducing The Graves Act. It is certainly a step in the right direction, and it would probably be to everyone's advantage to strengthen this Act and bring it still further along, rather than to move in the direction of Senator Russo's Bill, which I believe to be counter productive.

In order to properly present my own testimony there is a certain amount of relevancy in the following short comments that I have regarding specific testimony given at the May 24, 1988 Hearing.

Senator Russo alludes to S.2282 as a Gun Control Bill. Most of the testimony in favor of S.2282 refers to "control". Nothing could be farther from the truth. Webster's New World Dictionary defines "control" as follows: to regulate, to exercise authority over. There is another definition I'd like to read: to destroy, to do away with completely, to put an end to; These definitions are quoted from the word "abolish". This Bill S.2282 is not about Gun Control, but rather the abolition of hand guns. The two words do not equate.

Chief Tighe of the Milburn Police Dept. admitted that murders could still be accomplished with rifles, shotguns, and Uzis, etc., even if handguns were completely eliminated.

COMMENT: If handguns cease to exist there would be a proliferation of sawed off rifles, & shotguns, because today's criminal element is far more industrious than we would like to admit, and they will not be denied. In addition, when I grew up, as a teenager, my generation had neither the financial or logistical resources of today's teenaged criminal. The teenaged criminal of the 50's did not have ready access to handguns, but even they were innovative. They built "zip guns". A piece of tubing, a wooden handle, a heavy rubber band, and a makeshift hammer. That was in the mid 1950's, now let's go to 1988. On page 11, of the November issue of FBI Law Enforcement Bulletin, there is an article about a teenager in Brunswick, Ohio who made a "Slap-Fire" shotgun. This weapon is fabricated from two lengths of tubing, two short steel rods, and one small screw. It is capable of firing a 12 gauge shotgun shell up to 15 feet, accurately, and it is only 14 inches long.(see encl.)

While we may be able to eliminate hand guns per se, we will never eliminate concealable firearms (which is really what this is all about). As I stated before, the criminal element will not be denied, and as a direct result of The Russo Bill, a great many law abiding citizens will be subject to the catastrophic results of any widespread ban on handguns.

At this time I would like to begin my testimony. Mr. John Stamler, Union County Prosecutor emphatically states that "Sportsmen do not need handguns". Mr. Stamler states that hand guns are easily concealed. Mr. Stamler further states that there are precious few target shooters. I am a Big Game Hunter, a serious Big Game Hunter, and I hunt with a variety of handguns. I also know a great many target shooters, and hunters, all of whom use handguns extensively. My hunting handguns, and the vast majority of target handguns, are not easily concealed. In point of fact my hunting handguns would be extremely difficult to conceal. It amazes me that Mr. Stamler, who obviously is not a sportsman himself, can place himself in a position whereby he categorically has decided what sportsmen need, or do not need. This is almost as ludicrous as if I were to tell Mr. Stamler what he needs or does not need in an evidentiary matter.

I do not know the exact number of States, but most of our States do in fact allow handgun hunting. Many foreign countries as well do allow handgun hunting. I have been hunting Big Game for a number of years, however my most exciting hunts started about 3 or 4 years ago when I became a very dedicated handgun hunter. Now I stand here before this committee because a non-sportsman, in his infinite wisdom, has decreed that "Sportsmen do not need handguns".

Years ago in these United States, there were many enclaves where select small groups of law abiding citizens decided that certain books were too dangerous to keep in our libraries, too dangerous to keep at home, too dangerous period. They had the solution, the problem was solved, they burned the books. This year it's handguns. What will it be next year ? Automobiles ? . Because we all know that automobiles kill more people annually than all of the firearms combined. Where does it stop ? Where does rational thinking take over from hysterical scare tactics.

According to Mr. Dominick Porko, (on page 64, May 24, 1988) ; cutting instruments did in fact account for 122 murders/138 by handgun. (31% vs. 35%) Why then did Senator Russo not include cutting instruments in his bill. Danger is where you look for it, and if we were really to go off the deep end, we could add, and add, and add. Where does it end ? The problem is not guns, hand or other. The problem is crime, drugs, and the rights of criminals as opposed to the rights of the average law abiding citizen.

These issues are all peripheral to the main one. When I studied American History, one of the phrases I remember most is, "Taxation without representation is tyranny". If this is still true, what would we call confiscation without representation ? Who is Senator Russo, or the superintendent to determine what you or I can own, or bequeath ? At least until someone changes The Constitution of The United States. This situation can become like Pandora's Box, because once we allow a dangerous precedent like this, it can ultimately lead to confiscation of so many things that we take for granted, and all because; a. we allowed a very dangerous precedent to be set, and b. someone frightened the citizenry with a convoluted, befogged issue. Secondly, it becomes "confiscation without just compensation", because there is no attempt in N.J.S. 2C:39-6, subsection c, of this piece of legislation to fairly, adequately delineate a mechanism for just and fair compensation.

If a person were to own a "one of a kind" collectors item, there is no fair way to determine a compensatory value, short of putting the item on the collectors secondary market. In addition if these confiscated collectors items were destroyed, valuable works of art (because that's what some of these are) would be lost forever. It's even conceivable (if you stretch your imagination) that some of these confiscated collectors items might somehow find their way into someone else's collection.

What kind of additional manpower would be required to enforce this Bill ? Where would the funds come from ? How would the State fund the additional record-keeping needs ? And finally, how and where would the State find the additional hundreds of millions of dollars to pay for the confiscated guns ? Any piece of legislation with the logistical and fiscal implications of S.2282 would normally address itself to these issues, but there is not one word in the entire 31 pages that broaches these critical subjects. This Bill is ill conceived at best, and would undoubtedly create far more problems than it would solve. The ultimate cost of the entire package would again fall on the over burdened backs of the average taxpayer.

It is a commonly accepted fact that The State of New Jersey has some of the most stringent gun control laws in the nation. It is easier to obtain a permit to carry a concealed weapon in New York City than it is in The State of New Jersey. When coupled with the deterrent value of The Graves Act, it becomes a very effective 1, 2, punch. Stiffer penalties for the commission of a crime, while using a firearm would give us an even greater deterrent. S.2282 doesn't even come close to the mark. In fact the deceptive language insults the intelligence of every law abiding citizen in New Jersey. This Bill could cause otherwise law abiding citizens to break the law by virtue of refusing to give up their handguns, or to even move out of the State to protect, and maintain their civil rights.

Thank you for your time, and your patience.

**Dr. MORTON A. WINNER
TESTIMONY**

NJ SENATE COMMITTEE HEARINGS, NOVEMBER 30th 1988, CAMDEN, NJ
Committee for Law, Public Safety, and Defense, Senator Graves, Chairman

S-2282 - THE N.J. HANDGUN BAN

I am Doctor Morton A. Winner, Legislative Liaison Officer of Iron Horse Rifle & Pistol Club, Incorporated. I appear on behalf of my organization and other gun-owners to present strenuous objection to proposed legislation S-2282.

I am able to stand here before you today because I was able to successfully use handguns to defend myself on several previous occasions. The taking of human life is a terrifying experience but it was necessary to choose whether I would live or if I would perish. I chose life then as I will ever choose, if it comes to that point again.

Gun-Owners as patriotic Americans, are very concerned with the effect on the populace of the passage of a law which would be perceived as a totalitarian attempt to implement fascism masquerading as people control. Patriots are especially law-abiding and especially concerned with good citizenship, but they too have their limits and cannot abide demolition of their natural inalienable rights which, bestowed by our Creator gave birth to our American Declaration of Independence and eventually to our Constitution.

We are concerned that this legislation will result in wide-spread defiance, as was the case during a previous attempt at social engineering called Prohibition. Because of the American patriotic passion regarding their individual ability to defend life, family, home, property, and liberty, otherwise law-abiding citizens will ignore repressive laws emanating from a government perceived as running amok with evil intent. Legislators must concur with the philosophical foundations of ordinary American citizens.

Three principles govern the average American patriotic fervor.

1.0 : Certain rights are natural, inalienable, and proceed from the Creator, as stated in our Declaration of Independence.

2.0 : Our Constitution and Bill of Rights proceed directly from that Declaration and depend upon it for their validity.

3.0 : English phraseology found in the original documents including our Declaration, Constitution, and Bill of Rights, is quite precise as to intent, because The Framers' arguments are enshrined in minutes of the debates, The Federalist Papers, and other documents preserved for posterity.

Ordinary Americans believe that lawyers and legislators have perverted the English language, raped the Constitution, and are now trying to sodomize our Bill of Rights.

The proposed legislation S-2282 merely proves the point.

Ordinary self-respecting Americans cannot accept perversion or man-made destruction of their natural inalienable rights. Such legislation as S-2282 merely creates criminals out of those who would defend life, liberty, and property.

Such efforts are an affront to the dignity and sovereignty of every American citizen regardless of their feelings about personal private use of firearms.

We ask those who support S-2282, and similar legislation, to consider the price. Indeed:

What price the blood shed by American Veterans in all wars to protect fundamental principles of our American Democratic Republic.

What price "CRIME CONTROL" through "PEOPLE-CONTROL" ?

The foundation for our beliefs is contained in the attached legal brief which is submitted for inclusion in the transcripts of this hearing.

Dr. MORTON WINNER
BRIEF IN SUPPORT OF TESTIMONY
NEW JERSEY SENATE HEARINGS, NOVEMBER 30th 1988, CAMDEN, NJ
Committee for Law, Public Safety, and Defense, Senator Graves, Chairman

S-2282 - THE N.J. HANDGUN BAN

This brief is submitted pursuant to official notification dated 04 NOV 1988, "Notice of Public Hearing" wherein written testimony for inclusion in the Official Transcript may be submitted. It is hereby requested that this brief be made part of these official records.

As a citizen of New Jersey and a gun-owner I believe that regulation or prohibition of firearms, as well as registration of gun owners or their firearms, is contrary to fundamental American principles founded in the US Constitution and Bill of Rights, enforceable upon states pursuant to Article III of the Constitution in conjunction with the 2nd, 4th, 5th, 8th and 14th Amendments.

I believe that attempts to disarm ordinary law-abiding civilian citizens are part of organized efforts to completely disarm all ordinary Americans and contrary to the fundamental intent of American principles providing a government of, by and for the people. Evidence presented at Assembly Hearings in September 1987 abundantly demonstrated the point.

Legislation proposed by S-2282, and the manner of proposed enforcement, clearly follows the pattern developed by certain special interests to unilaterally, and totally disarm all ordinary citizens of the entire country and make America vulnerable to totalitarian excesses rampant in police states of the world both past and present.

Briefly, Bills under consideration propose the following:

1.0 S-2282: Prohibits sale, manufacture, importation, possession, and carrying of any handgun except by certain authorized Police & Military personnel. Objective: To eliminate handguns from possession and ownership of private "civilian" citizens in the State. Sponsor: Senate President RUSSO (D-10).

2.0 S-1474: Provides for issuance of a "Lifetime Handgun Purchaser Card". Objective: To prevent arbitrary procedures prevalent in processing applications for "Handgun Purchase Permits" in certain sections of the State. Sponsor: Senator Zane (D-3).

3.0 A-594: Provides for issuance of a "Handgun Purchaser Permit Card" with a lifetime of 5-years. Objective: To

prevent arbitrary procedures prevalent in processing applications for "Handgun Purchase Permits" in certain sections of the State. Passed Assembly vote - presently in Senate Law & Public Safety Committee. Amended to comply with Law-Enforcement requests. Sponsor: Assemblymen Haytaian (R-24) / Foy (D-7).

NEW JERSEY PEOPLE CONTROL

Hearings on September 22nd 1987, before an investigative sub-committee chaired by Assemblyman Stuhltrager, exposed an "anti civilian" attitude, prevalent among New Jersey Criminal Justice and Law Enforcement officials - which has been and continues to be - the cause of considerable abuse under the color of State Law, local procedure, custom and usage, long suffered by ordinary New Jersey citizens acting in good faith.

Superintendent of State Police, Colonel Pagano, supported the "Legal Brief" submitted by Attorney General Edwards by stating the following: "New Jersey does not control Firearms. New Jersey Controls People". The brief and testimony suggests that mere possession of firearms by ordinary American citizens is a "privilege" subject to State sanction and control. Deputy Attorney General Victoria Branson testified:

"But this right of the people has always been interpreted by the Federal courts and the United States Supreme Court, to be a right of the people in connection with a well-regulated militia, meaning that this Second Amendment right to bear arms is not a right. The Second Amendment is a right of the people in connection with a Militia. That is generally accepted as the National Guard these days."

This argument is clearly controverted by acts of congress and decisions of the United States Supreme Court :

Delivering the US Supreme Court opinion in Presser v Illinois, 116 US 615 (1885), Justice Woods reviewed US v Cruikshank 92 US 542 (1875) and clearly described Second Amendment Militia functions including the responsibility of every able bodied male citizen. Viz:

"The right specified is that of "bearing arms for a lawful purpose. This is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence"

-- Cruikshank Supra., Waite, Chief J.

"...all citizens capable of bearing arms constitute the reserved military force or reserved Militia of the United States... and in view of this prerogative of the General Government, as well as of it's general powers, the States cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms..."

-- Presser Supra., Woods, J.

The arms described were firearms, required to be owned, maintained and kept by ordinary American individuals, not subjected to arbitrary regulation by state law. In fact, the often cited case of US v Miller, 307 US 174 (1939), allowed regulation of "Sawed Off Shotguns" pursuant to 1934 firearms control laws, solely because they were alleged as not reasonably related to Militia arms. Additionally, the Court reflected at great length on the historical duty of ordinary citizens to individually keep and bear personal arms.

Congress, under the National Defense - Act of 1916, and pursuant to Article I of the US Constitution, expanded the roll of citizens in connection with the Militia under Titles 10 & 32 of the United States Code; 39 Stat. 166 et Seq. as follows:

"...the Militia, which hitherto had been an almost purely state institution, was brought under the control of the National Government. The term "Militia of the United States" was defined to comprehend "...all able-bodied citizens of the United States and all other able-bodied males who have... declared their intention to become citizens..."

See: US Constitution Annotated 1987, at 363.

Special Interest groups and those who would subject ordinary American Citizens to the arbitrary whim, caprice and brutality of a Police State through "civilian disarmament", often argue that these US Supreme Court decisions were made 100 years ago. We remind them that our Constitution is 200 years old, and together with the Declaration of Independence and Bill of Rights, still represents the most concise declaration of individual rights for freedom loving people anywhere on this earth.

These groups suggest disarming ALL persons of any and ALL weapons they deem dangerous. While leading arguments claim that government must protect ordinary people from themselves in the interests of "public health, safety, and welfare",

all proposed legislation excludes Police and Military personnel. Why? Such arguments were used by every tyrant in history. There are Court decisions in every United States federal and State jurisdiction clearly enunciating that ordinary citizens have no "constitutional right" to police protection, no matter how negligent police efforts may be.

See: Fox v Curtis, 712 F2d 84 (4th Cir.1963);

Rieff v Philadelphia, 471 F.Supp 1262 (3rd Cir.1979).

The principle that every American citizen has a right to protect Life, Liberty, and Property, with a firearm if they so choose, is reflected in the New Jersey Constitution, Article I Paragraph 1, as well as constitutions of every other state. They are declared "Natural, Unalienable Rights" Viz:

"All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness".

New Jersey Ranks dead last in protection of natural individual rights of ordinary citizens. Not until November 12th 1980, did New Jersey legislators accept principles of 14th Amendment (1868) guarantees of Equal Protection and Due Process of law for ordinary American citizens over 120 years after ratification, and then, only by non-binding concurrent Legislative Resolution No. 128.

Present day alleged fear of firearms in the hands of ordinary citizens has set the stage for unprecedented attacks on individual Americans by any criminal element. Only those persons who would crack the US Constitution asunder to increase national vulnerability, advocate unilateral "civilian" disarmament. We believe such attempts if not treasonous, are clearly un-American. Similarly, "registration" of the citizen and/or his firearms represents government actions clearly contrary to founding principles of American society. Such "registration" has been the forerunner of firearms confiscation and civilian disarmament in every country ever subjected to totalitarian government.

FUNDAMENTAL FREEDOMS AT RISK

On 24 May 1988, while waiting to testify at previous Senate hearings on S-2282, proposing to ban handguns from New Jersey forever, testimony of a local gunsmith stirred forgotten fears with his description of personal experiences in Hungary immediately after WW-II :

"In 1946, under Stalin's tyrannical Soviet regime, all military style firearms were immediately confiscated and citizens were required to keep sporting firearms at gun club armories. Within six months club armories were considered unsafe and firearms were kept at police stations. Within another six months, firearms disappeared. Citizens who failed to follow the dictum and kept firearms at home also disappeared - by the thousands".

-- Steve Acel, NJ Gunsmith

Small wonder that Hungarian citizens were forced to fight soviet tanks with rocks in 1956.

COMBINED INFLUENCES

Immunity of "gun-control" legislation cannot be preserved by consideration isolated from other laws and court cases impinging on fundamental individual rights of every American citizen. Indeed, historical evidence is replete with objectives stipulated by the Founding Fathers requiring our first ten Amendments as an individual Bill of Rights. Protection of those rights is enshrined as the duty of every American citizen. The means for this individual protection of life, liberty and property, including protection against tyrannical government, abuse by standing armies, suppression of civil unrest, and protection from foreign invasion, was enshrined in the Second Amendment.

The US Supreme Court has clearly made known its decision that all fundamental individual rights enumerated in the Bill of Rights are of equal importance. Yet, pressures by special interests have been felt by Supreme Court justices as declared in their decisions. Viz:

"There have been powerful hydraulic pressures throughout our history that bear heavily on the Court to water down constitutional guarantees and give police the upper hand. That hydraulic pressure has probably never been greater than it is today".

TERRY v OHIO, 392 US 1 (1968), DOUGLAS, J.

On 26 May 1987, the US Supreme Court in US v SALERNO, Slip: 86-87, (2d cir.1987) ruled upon certain provisions of the 1984 Bail Reform Act stating that certain persons charged with crimes could be incarcerated without bail pending trial. Indeed, New Jersey presently has Bill A-2177, "Bail Act of 1986", pending to incorporate such legislation into state law. Direct attacks on every ordinary citizen's 8th Amendment right to reasonable bail and the 5th & 14th Amendment guarantees of substantive Due Process of Law, provoked the following dissent by Supreme Court Justices. Viz:

"This case brings before the Court for the first time a statute in which Congress declares that a person innocent of any crime may be jailed indefinitely, pending trial of allegations which are legally presumed to be untrue." *** "Such statutes, consistent with the usages of tyranny and the excesses of what bitter experience teaches us to call a police state have long been thought incompatible with the fundamental human rights protected by our constitution." -- MARSHALL and BRENNAN, JJ.

New Jersey Criminal-Justice and Law-Enforcement officials have bid "Happy 20th Birthday" to this infringement of every American Citizen's Constitutional Rights.

"Our Constitution, whose construction began two centuries ago, can shelter us from the evils of such unchecked power." *** But, it cannot protect us if we lack the courage and self restraint to protect ourselves. Today a majority of the Court applies itself to an oninous exercise in (Constitutional) denolition". - MARSHALL and BRENNAN, JJ.

"Inprisonment to protect society from predicted but unconsummated offenses is... unprecedented in this country and... fraught with dangers of excesses and injustice..."

WILLIAMSON v UNITED STATES, 95 L.Ed. 1379,1382 (1950) - JACKSON, J. (in chambers).

On 26 May 1987, in HILTON v BRAUNSKILL, a companion decision, Slip: 86-108, (3d cir. 26 MAY 1987), the Court upheld abrogation of most Habeas Corpus procedures. This right, found in Article III of the US Constitution, to federal court review of procedures which caused any prisoner to be incarcerated, was abrogated in part only once previously, at the beginning stages of the Civil War, by President Lincoln. Viz:

Under today's decision a federal court can... authorize the indefinite detention of a successful (Habeas Corpus) petitioner without a full-blown adversary hearing, without counsel, without immediate appellate review, without satisfying any elevated burden of proof.

-- MARSHALL, BRENNAN, and BLACKMUN, JJ.

The Bill of Rights has been under attack since it's inception. Never before has such a concerted attack sought to abrogate so many individual rights in such a short period of time. The opinion of police chiefs, law enforcement executives, or legislators is not the arbiter of our Constitutional rights. Some police executives criticize the exclusionary rule; they claim that a strong 4th Amendment

causes crime. Some police executives criticize the grand jury system and claim that a strong 5th Amendment causes crime. Some police executives say that a strong 2nd Amendment causes crime. In a nationwide survey of all the nation's chiefs of police and sheriffs, 59% said such gun-control measures are ineffective in reducing crime.

Our Second Amendment Right to Keep and Bear Arms was included in the Bill of Rights to prevent excesses of a despotic, tyrannical, police state form of government. But, we rarely hear this fundamental argument presented publicly or offered to rebut proposed legislation. A sad commentary to what once was a truly free society where individual citizens were not afraid, and indeed encouraged, to speak out against tyrannical government policies. It is emphasized by legislator's reactions to statements of Colonel Pagano contained twice in official notes of testimony from aforesaid hearings on 22 SEP 88 referring to "...those people behind me".

The US Supreme Court in BRISCOE v LANUE, Slip: 81-1404, (7th cir. 07 MAR 83) held :

*"The Civil Rights Acts do not authorize a convicted state defendant to assert a claim for damages against a police officer for giving perjured testimony at the defendant's criminal trial". *** "Subjecting government officials, such as police officers, to damages liability for their testimony might undermine not only their contributions to the judicial process but also the effective performance of their other public duties".*

The only conclusion ordinary citizens can reach in review of the aforesaid, is that New Jersey Criminal-Justice and Law-Enforcement Officials have placed ever greater restrictions on ordinary law-abiding citizens for purposes of "PEOPLE-CONTROL", rather than purposes of "CRIME-CONTROL".

Generally, gun owners and sportsmen are reasonable individuals, willing to back any legislation favorable to American society. They are patriots and many have served their country well in time of war. Their average age is closer to 50 years than 30, and most are responsible citizens whether they live in New Jersey or Alaska. They were taught in school that the Bill of Rights is their protection against tyranny from without or within the country. Recently, one NJ citizen was murdered by a criminal resisting arrest by two New Jersey police officers when he attempted to assist them in their duty. Not long ago such persons were awarded medals for exemplary citizenship. What happened this time ?

Taken Together, all "GUN-CONTROL" legislation in New Jersey has done little to increase effectiveness of CRIME-CONTROL. Arguments presented at hearings tend to substitute questionable statistics for reason, and emotional, sensational, testimony by victims, is used to create a strong cause for "PEOPLE-CONTROL". In reality, such arguments are merely twists of language - disinformation - to propagate propaganda for purposes of complete unilateral civilian disarmament. That such arguments find themselves the subject of sensational propagandized story themes on popular television programs and overemphasized, isolated, incident reports on TV news, serves to prove the point. Every prospective totalitarian dictator throughout history has used similar techniques, with whatever communication means available, to subjugate citizens. Recent memories include Hitler of NAZI Germany and Stalin of today's USSR.

Comparison of Pennsylvania's definition of Firearm with that of New Jersey well proves the point. (See pg.5)

Not since the mid 1950's, when Soviet Premiere Nikita Khrushchev removed his shoe and pounded the heel on a United Nations lectern as he addressed the General Assembly stating: "We will bury you from within your own country.", has the American Constitution and fundamental principles of American government been more overtly threatened.

Recent overzealous prosecutions of ordinary New Jersey citizens by County Prosecutors for mere possessory offenses illustrate much of the "attitude" problem. In State v Haroon, NJ Supreme Court, A-134, (14 OCT 86), brandishing an inoperative BB-Pistol caused prosecution of a young NJ citizen for the 2nd degree offense of "willful disregard of human life". The case was remanded for retrial. Another recent case involved criminal prosecution for the 2nd degree offense of a young NJ citizen for bouncing a BB off a road stop sign. No criminal intent was manifest in either case, but still the offenses resulted in prosecution for crimes carrying a mandatory minimum 3-year incarceration penalty. Gubernatorial clemency was required to prevent this abuse of New Jersey Firearms and Weapons Laws.

Moreover, the United States Supreme Court has long ago settled the inability of any state to require disclosure of membership lists as required by present New Jersey Firearms and Weapons Laws, state police regulations and proposals in S-2282. Additionally, S-2282 mandates that ordinary NJ citizens who happen to be members of ordinary gun clubs must meet only at their respective club properties which would be police controlled. These attempts have often proven contrary to First Amendment guarantees of free speech, assembly, and petition. NAACP v ALABAMA, 357 US 49 (1958); BATES v LITTLE ROCK, 361 US 516 (1968); HEALEY v JAMES, 408 US 169 (1972).

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F I R E A R M
as defined in
PENNSYLVANIA and NEW JERSEY

PENNSYLVANIA

18 PA 6102 'FIREARM'

Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

NEW JERSEY

2C:39-1(f)

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

NOTE:

The obvious attempt to regulate juvenile mischief and vandalism by including such items as sling shots and bb-guns in the Criminal Code with NJ Firearms and weapons laws is a travesty of criminal justice commensurate with the "attitude" prevalent in the office of the Attorney General. While a case may be made for the destructiveness of such weapons, punishment should be regulated by the act and age of any defendant. It is not cost effective to use State Police to enforce prosecutions requiring 5-year sentences, with mandatory 3-year provisions against vandals.

Moreover, Pennsylvania has no greater record of criminal activity with such "weapons" (sic) than any other state including New Jersey.

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State legislators are confronted with constitutional principles every time legislation is conceived, created, introduced, debated, and enacted. "Gun-Control" legislation introduces a controversial issue with polarized popular sentiments.

Often, such legislation is enacted to create a situation which will challenge the courts, in this case the US Supreme Court, to rule with regard to fundamental constitutional issues. Unfortunately, citizens caught in the maelstrom can be severely damaged during this process of "Social Engineering". The abusive effects of such efforts are often not halted for generations, or until the US Supreme Court considers circumstances ripe for consideration.

Now therefore, in light of the aforesaid, I beseech New Jersey legislators to consider all the facts when debating this "gun-control" legislation and defeat proposals such as S-2282 which serve to unbalance fundamental principles of American government. Such efforts are an affront to the dignity and sovereignty of every American citizen regardless of their feelings about personal private use of firearms.

We ask those who support S-2282, and similar legislation, to consider the price. Indeed:

What price the blood shed by American Veterans in all wars to protect fundamental principles of our American Democratic Republic.

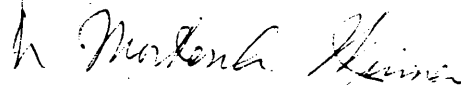
What price "freedom, liberty and justice for all" ?

What price government "of the people, by the people and for the people" ?

What price "CRIME CONTROL" through "PEOPLE-CONTROL" ?

S-2282 and similar legislation fails to comprehend the American citizen's fundamental inalienable rights and fails to serve the best interests of all ordinary, law-abiding American citizens. It presumes ordinary citizens are guilty of some offense and requires that they prove their innocence before being allowed to pursue natural inalienable rights inherent in their individual sovereignty. It presumes that many Americans who served this country in time of war are "dangerous". They are to be denied fundamental rights they fought so hard and gave their lives to protect.

Respectfully Submitted,



Dr. Morton A. Winner
22 Brandywine Drive
Berlin, NJ 08009

Additional support for the position expounded by testimony supported by this brief is provided by the following groups who will contact the committee directly:

Gun Owners of America

Gun Owners of New Jersey

Disabled American Veterans

Viet Nam Veterans Association

American Legion

Dr. Morton A. Winner
22 Brandywine Drive
Berlin, NJ 08009
Date: 27 NOV 1988

The Honorable
Francis X. Graves, Jr.
NJ Senator (Dist.35)
100 Hamilton Plaza
Paterson, NJ 07505
Tel: (201) 881-7684

Ref: Notice of Public Hearing, 30 NOV 1988

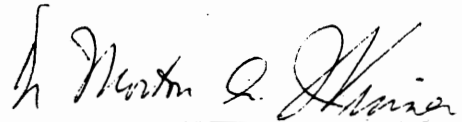
Sub: S-2282, New Jersey Handgun Ban
S-1474, Lifetime Handgun Purchaser Card Bill
A-594, 5-year Handgun Purchaser Card Bill

Dear Senator Graves:

Thank you for the notice regarding public hearing on subject legislation and for allowing me to present brief testimony for my associated gun club members and other gun-owners who share my feelings.

Attached please find a copy of my testimony and the legal brief upon which it is based. We hereby request that it be made part of the public record transcript of the hearings.

Respectfully,



Dr. Morton A. Winner
Berlin, New Jersey



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

November 30, 1988

Dear Senator:

Recently, Maryland passed a handgun ban law under the guise of a "Saturday Night Special" ban.

Now, Senator John Russo is attempting to sell the idea that the time is right for a similar proposal in New Jersey.

The fact is that the Maryland bill is so conceptually flawed that it is doomed to failure.

Let us assume that the bill would work as its proponents claim, and "Saturday Night Specials" would be eliminated from society. Let's further assume that an "SNS" is a small calibre, inexpensive handgun, as it is frequently described in the media.

The question which must be asked is simple -- will criminals be deterred from getting the means to commit violent acts by virtue of the successful banning of these handguns?

The answer is no! In fact, Professor James Wright, University of Massachusetts at Amherst, found in a study of felons which he conducted for the U.S. Department of Justice, that violent criminals already are rejecting small calibre handguns in droves -- opting instead for premium weaponry.

The actual effect of the Maryland law, if it works, will tragically be to force gun wielding criminals to utilize more lethal weapons rather than abandon their criminal tendencies.

However, Marylander's need not fear, because the law is doomed to failure for another simple reason -- criminals will still have the same black market access to every type of weapon as they always have had. Consequently, the bill will only affect honest citizens access to these handguns.

It is important to challenge another assumption which permeates the Maryland law. Getting away from media titles for a minute -- the New Jersey Senate needs to examine if the private ownership of small, inexpensive is inherently bad.

A rhetorical question may help shed light on this dilemma. What honest New Jersean's are most likely to own small, inexpensive handguns - the affluent of Cherry Hill or the low income dweller in Camden? Obviously, a Maryland-type law would deny both the rich and the poor the option of buying a small, inexpensive handgun. However, the rich can always purchase a fancier and more expensive handgun for self-protection purposes, but the honest - but economically disadvantaged - are effectively denied handgun (and indeed firearm) ownership as a means of self-defense.

It seems patently unfair to deny any honest New Jersean the right to make a choice of whether to purchase a handgun for self-protection simply due to the size of their bank account. Yet, this is exactly the effect of a "Saturday Night Special" ban.

The final question which the Senate should examine is the claim that only "unsafe" handguns will be eliminated under a Maryland-type law.

The obvious fact is that current product liability laws clearly protect the consumer from an unsafe product. If a firearm is structurally unsound and fails to perform as designed as a result -- the manufacturer should and in fact is, held financially liable in civil court. Potential tort liability has effectively eliminated poorly made firearms from the marketplace, and provides the mechanism for eliminating any future firearms which cause injury due to their failure to perform as designed.

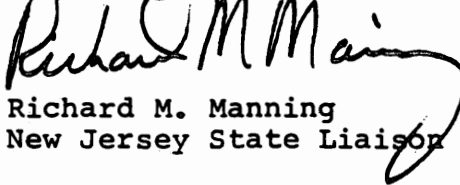
So, when representatives of the Maryland Attorney General's office try to tell you that a Maryland-type ban will stop the legal selling of guns which blow up in your hand, ask them where they went to law school and send them back to Introduction to Torts for a refresher course.

In summation, I urge you to reject a Maryland-type handgun ban because it is conceptually flawed. If it worked, criminals would still get firearms -- only more lethal models. However, does anyone honestly believe that criminals won't get any type of weapon which they desire whatever the legality? The law is unfair, because it singles out the economically disadvantaged and denies them the ability to choose whether

to own a firearm for self-protection. Finally, current product liability already bans "unsafe" firearms, so a Maryland-type law is unnecessary for this purpose.

Thank you for your interest and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Manning". The signature is fluid and cursive, with a large loop at the end of the last name.

Richard M. Manning
New Jersey State Liaison

REMARKS PRESENTED TO
THE SENATE LAW, PUBLIC SAFETY, AND DEFENSE COMMITTEE
BY CONGRESSMAN JIM COURTER

NOVEMBER 30, 1988

I appreciate the opportunity to submit a statement on S. 2282, Senator Russo's gun control legislation.

The United States Congress has dealt with several gun control issues in recent years. Some of these measures, such as restrictions on the sale of plastic guns, have been carefully crafted as to help prevent guns from falling into the wrong hands without infringing on the rights of law-abiding citizens.

Several legislative proposals have been introduced, however, that go beyond these reasonable measures. Some Members of Congress want to federally prohibit any private possession of handguns -- guns that are used by many law-abiding citizens for self-protection. Many of my constituents have contacted me to express their concerns about these bills -- and rightly so. Luckily, the Congressional committees overseeing gun legislation and the Congress as a whole have had the good sense to refuse action on these proposals.

I urge the Senate to oppose S. 2282, which would ban the sale of handguns to all private citizens and abolish handgun carrying permits in New Jersey. I know Senator Russo introduced this legislation in order to address the serious crime problem in New Jersey. That is, of course, a commendable goal. As a former County Prosecutor, I am terribly aware of the violence and crime that unfortunately exists in our State, and I share Senator Russo's commitment to stopping crime in our communities. I have serious objections, however, to Senator Russo's approach to solving this problem.

S. 2282 goes far beyond restrictions such as waiting periods and registration requirements, which are already provided for in New Jersey law: it denies law-abiding citizens the opportunity to go through legal channels to buy a handgun for legitimate purposes, such as self-protection. The bill also prohibits a current gun owner from passing his handgun down to an heir.

By introducing this proposal, Senator Russo appears to assume that everyone who possesses a handgun in New Jersey is going to use it for unlawful purposes, even if the person is willing to undergo extensive background checks and meet tough registration requirements. While my constituents are understandably concerned about crime in the State, most are not comforted knowing that if Senator Russo's bill is enacted, the only private citizens in the State with guns will be the criminals.

Congressman Jim Courter
November 30, 1988
Page Two

In fact, many residents of my District have likened this proposal to hanging signs on all houses announcing to thieves that the homes are unprotected.

Yes, we need to address the problem of violent crime -- address it by passing tougher laws, imposing longer sentences, and building more prisons -- not by refusing to give law-abiding citizens the right to self-protection. I oppose Senator Russo's handgun ban proposal, and I urge the Senate to prevent its enactment.



Camden County Sheriff's Department

Esau Washington
President

November 22, 1988

Dear Senator,

Enclosed please find a letter to Senator Russo stating our opposition to his Senate Bill S 2282. We hope that you will not support this bill in any form, and will write to Russo's office expressing your dissent.

Thank you,

Esau Washington-President

Esau Washington

R. Wisenauer-Vice President

W. Coleman

W. Coleman-2nd Vice President

Paul E. Vickery

P. Vickery-Secretary

J. Charles

J. Charles-Treasurer

J. Fahy

J. Fahy-Financial Secretary

F. Schillig

F. Schillig-Sergeant at Arms

gev

cc: File

Washington

Charles

all Congressional Members



Camden County Sheriff's Department

Esau Washington
President

November, 22. 1988

Senator John F. Russo
616 Washington St.
Toms River, N.J. 08753

Dear Senator Russo,

It has come to our attention that P.B.A. State President Frank Genesi has pledged P.B.A. support for your Senate Bill S-2282 concerning private ownership of handguns. Furthermore President Genesi claims to have the undivided support of his membership. Be advised, this is not true. P.B.A. Local 277, which represents over three hundred active members, does not, and will not, support your bill.

It is the belief of this organization that it is the constitutional right of every private citizen to own a legally registered handgun. Furthermore, taking legally registered handguns from career law enforcement personnel upon retirement will not deter crime. In fact, your bill seems to be counter productive to all law enforcement personnel who spend their lives fighting crime, and is an affront to all P.B.A. members.

A copy of this letter will be sent to every New Jersey State Senator and Assemblymen, the N.R.A. Legislative Action Committee and Governor Kean and it is this organizations intention to contact and inform as many brother P.B.A. members in the State of New Jersey, as possible, about this legislation.

We strongly urge you to reconsider your position in this matter.

Respectfully yours,

Esau Washington-President

Esau Washington
R. Wisenauer-Vice President

W. Coleman
W. Coleman-2nd. Vice President

Gail E. Vickery
G. Vickery-Secretary

J. Charles
J. Charles-Treasurer

J. Fahy
J. Fahy-Financial Secretary

F. Schillig
F. Schillig-Sergeant at Arms

gev

cc: file

Washington

Charles

all Congressional members

all P.B.A. Locals

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TALK TO BE GIVEN Nov. 30, 1988
AT RUTGERS UNIVERSITY CAMDEN CAMPUS
RE: RUSSO'S S>2282

I. SELF INTRODUCTION

- A. I'm William E. Sassaman, Target shooter & Hunter for 64 years. I'm 70 years young and have never had a Firearms Injury Accident nor inflicted one on a Fellow Human Being.
- B. Retired Aug. 5, 1988 the day before my 70th Birthday.
- C. Husband of 48 years, Father and Grandfather.
- D. One year Rotc 1936, Two years WWII U.S. Army Air Force.
- E. Earned Private Pilots Rating, becoming active again in retirement.
- F. Leader of a 25 family Marlton NRA Junior Rifle Club for 21 years where Young People 10 to 20 years are trained by myself and our fifteen Instructors. I am a certified Rifle, Pistol and Shotgun Instructor and a Training Councilor to train other Instructors.
- G. I speak from experience, not just statistics and for myself not as an Endowment Life Member of the NRA which I am!

II. SAFETY

- A. From the 21 years of founding and running the Junior Rifle Club and having been an Adult Scouting Leader for 18 years (Cubmaster 5 yrs. with Ribbon, Assistant and Scoutmaster for 5 yrs. with Woodbadge and Beads and a Commissioner with District Award Of Merit) I can state that we never had a child injured with a firearm but I have many incidents where a Cub, Scout or Explorer has been injured.
- B. My Insurance this year, for our Junior Club, was the Minimum Policy Written (Covers 40 Girls and Boys) was \$168 for a Half Million Dollars. The Minimum for Scout Insurance is \$150. Comparing these actuaries to either Baseball, which is about a three month program, or Football, with a two month program with the little leagues shows how safe our sport is!
- C. Looking at National Safety Council's Statistics for a year shows 103,500 deaths from all All Accidents: 51,900 from Motor Vehicles, 13,000 from Falls, 6,600 from Drowning, 5,800 from Fires and Burns, 4,900 from Various Poisons, 3,200 by Suffocation, 1,800 from Firearms also 16,000 from all Other Types. (Moral: I'd rather Shoot on a range than Drive!)

III. LEGALITY OF FIREARMS

- A. Second Amendment to the Constitution - Read from the Supt. of Documents.
- B. Read definition of Militia from Webster's New World Dictionary.
- C. The Laws on the books since I was a kid were sufficient, Eliminating Felons, Drug Addicts, Alcoholics and Mental Cases.
- D. Criminals want "Cold Pieces" that is ones that are stolen from the Police or Military not ones that are in legitamate shooters hands due to the risk they run in stealing from a marksman. They also, many times, manufacture their own.

over

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IV. FREEDOM

- A. History of the People's Freedom always includes their Right to Bear arms (ONE OF THE REASONS FOR THE AMERICAN REVOLUTION AGAINST THE KING)
- B. The first thing Hitler did was to confiscate all civilian firearms but only after all People were required to register their firearms! (In Europe, during WW II, the U.S. dropped hundreds of cheap, stamped metal, single shot .45 cal. Pistols to underground groups trying to overthrow or at least sabotage the Nazi troops.)
- C. When it looked as though Hitler was going to invade England, there was an urgent call for all U.S. gun owners to send England weapons for the British Civilians for they were allowed very few even to the Wealthy. Our shooters in this country shipped thousands of their Personal guns.
- D. Who in this World today will ship these to us in our hour of need??

V. WHY S.2282? WHAT DOES IT DO?

- A. Read from Flier.
- B. Nowhere do I see anything referring to Criminals except those Honest and Decent Citizen's who would like to keep a handgun for defense!
- C. Why is this Mister Russo?
- D. Mr. Dukakis who placed the banning of Handguns in Massachusetts on the Ballot on a Referendum was defeated by 74%. In California they tried to do same thing and were defeated by 70%. Delaware's passing a "Saturday Night Special" bill thinking possibly this would shut up the Anti Gun Crowd but will find it to be only the first step.
- E. I firmly believe the only reason a politician tries to push through an Anti Gun Law is because he knows that no free thinking citizen wants to give away any of his or her rights! Therefore, he will try to legislate it through, ramming it down the Public's throat!

End

CONFISCATION OF HANDGUNS DON'T LET THIS HAPPEN IN AMERICA



FIGHTING FOR YOUR RIGHTS



State Senate President John Russo has declared war on the honest gun owners in New Jersey! He is pulling out all stops to secure the passage of S. 2282 — to ban the sale of virtually every handgun in the state — and only you can stop him! The Russo bill would:

- * **BAN THE SALE** of ALL handguns in the state, old and new alike except for some unspecified "target" pistols and some antique handguns;
- * require that all handguns be stored at an approved range — the penalty for possessing your handguns at your home, place of business or other private property is a 3-5 year jail term.
- * establish a set of criteria for the Superintendent of State Police to approve ranges, including necessary security requirements to store handguns, and would require that the names and addresses of each member of the shooting club be annually submitted to the State Police. Under Russo's criteria every range in the state would be forced to close eliminating shooting opportunities and trapping handgun owners in a legal catch-22: even if you legally owned your handgun, you would be unable to store it anywhere in the state and must either turn it in to state authorities with "compensation," or face felony charges for possession.
- * create a bureaucratic nightmare by requiring handgun owners to re-register their handguns every three years;
- * eliminate the few licenses to carry concealed which exist in the state;
- * prohibit you from bequeathing any handguns — regardless of their sentimental or monetary value — to your heirs. Your handguns would be confiscated from your estate when you die, with the state providing some as yet unspecified "compensation."
- * require that a law enforcement officer store his/her handguns at a certified range facility, if any existed, within 10 days of leaving the law enforcement profession.

YOUR FIREARMS RIGHTS HAVE NEVER BEEN IN MORE JEOPARDY! Senator Russo is using the full weight of his office as Senate President to promote his bill because he says that it is YOU — the law-abiding citizen who owns handguns — who is the root of the crime problem. Moreover, the media is giving Senator Russo plenty of free advertising. They want you to think that S.2282 is a crime control measure designed to get guns out of the hands of criminals.

Nothing could be further from the truth! S. 2282 is a complete handgun ban — designed to eliminate the lawful private ownership of handguns in New Jersey in a single generation.

ATTEND ! HEARING'S Hearings to be held november 30 1988 at Rutgers in Camden Campus multi purpose room at the College Center Corner of North Third street and Lawrence ST.

Make No mistake this is a showdown between New Jersey Sportsmen and the anti gunners! It is important that you recruit your family, friends and fellow sportsmen to help and be there if you care. If there is no right to a hand gun then there is no right to any gun! Make no mistake all guns for all reasons are in jeopardy.

This is your fight to preserve FREEDOM we can't handle it with out you and your friends
Coalition Of N.J.Sportsmen

Stephen Acel
7 Overhill Road
Mt. Holly, N.J. 08060
609-866-1874

The Honorable
Francis X. Graves, JR., Chairman
N.J. Senate Law, Public Safety and
Defense Committee
Trenton, N. J. 08626

Ref: Notice of Public Hearing, 30 November 1988

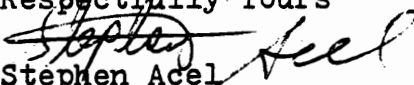
Subject: S-2282, New Jersey Handgun Ban.

Dear Senator Graves:

Thank you for the notice regarding public hearing on subject legislation and allowing me to participate in the proceedings.

It is requested the attached brief be made part of the public record of this hearing.

Respectfully Yours


Stephen Acel
Legislative Officer
Shooter's Ten Rifle and Pistol Club
Member National Police Marksman
Association

Honorable Memmners of the
N.J. Senate Law, Public Safety
and Defense Committee.

Before commenting on S-2282, I would like to point out to the Committee the appearance of partiality of this hearing. The place for this hearing is a liberal, anti-gun oriented University. Rutgers University of Camden is a fine institution of learning, but as a former student and alumni, I am very well aware of it's anti-gun sentiment. My knowledge is first hand as I was one of the members of the student Veterans Organization that fought long and hard against faculty, administration and liberal student groups to arm campus police to protect the institution against frequently occuring violent crimes.

If for no other reason but for the appearance of impartiality wouldn't it be more appropriate to hold the hearing in a city owned civic auditorium?

The date picked for the hearing does not look any cleaner or neutral. After several changes in the proposed date for the Camden hearing in the last six moths, 30 November 1988 was announced. Honorable Members of the Committee, in case you did not know, this is the most important week for all sportsman. This is the opening week for the annual deer hunting season all over the North East. Thousands of New Jersey hunters have left the state and cannot be here to voice their opinion on S-2282. Month of advance preparations, reservations with deposits and out of state hunting licenses costing from \$50.00 to \$100.00 have been paid in advance long time befor the 15 days notification of the hearing, making cancellation of their plans to prohibitive.

The hunters are the sigle largest group of citizens who have a vested interest in this bill, but their ranks will not be well represented.

The people of New Jersey are greatfull to the Committee for the opportunity to express their views to the legislators on the pending bills, but the presence of the State Police sitting up there alongside of the ellected representatives, facing the people is intimidating. Citizens testifying in front of the committee feel like the chickens in the barn-yard airing their grievance to the farmer concerning the perils of rural life while he is flanked by the fox. Watching, listening and taking notes. We come to these hearing to have a candid talk with

our elected lawmakers and not for the amusement of a enforcement agency. These observations were noted by many people in attendance. My objective in pointing it out to you is not to criticize, but to give you a picture on how it looks from the peoples side.

S-2282 - THE N.J. HANDGUN BAN.

We are totally in opposition with S-2282. This bill is an insult to the citizens of New Jersey. The basic assumption by the sponsor of this bill, despite having the strictest gun control laws in the nation, is that law-abiding civilians can't be trusted with owning a handgun. After 200 years of responsible and lawful ownership the sponsor and his supporters seek to void our 2nd Amendment Rights purly out of misguided fear that every privately owned handgun will end up in the wrong hands.

The handgun is a weapon of defense by it's nature. The bill will prohibit the people of this state from having a handgun in their home. Therefore, the choice of self defense in our home is denied. The right to protect life, liberty and property as guaranteed by the New Jersey Constitution in Article I. is no longer recognized.

The National Crime Survey, covering the period 1979 to 1985, indicated the presence of firearms caused 58 percent fewer successful robberies and rape, and 8 percent fewer injuries in homes using firearms for defense.

National Association of Chiefs of Police in 1986 declared in a survey that a handgun ban would result in more citizens being targeted for armed violence.

The bill would remove the currently owned firearms from the homes of the owners and be placed at private gun clubs approved and under the control of State Police. These private clubs must register it's members and all firearms stored at their facility with the State Police. The firearm can only be used at it's registered facility. This portion of the bill limits access of citizens to their personal and private property.

The registration of gun club members and objects is a clear violation of First Amendment guarantees of Free Speech and Assembly.

Presently very few, if any, gun club could meet the security standards of State Police. They were not designed to be armories, The enormous cost of converting, building special vaults, alarm systems, guards and administration of records would place unfair financial burdens upon the members, gun owners and the club. Most of all these places of storage would become

a very attractive targets for criminal elements wanting to obtain large cache of firearms in a single operation.

The prohibition of bequeathing any handguns to heirs and confiscation of private property from the estate is in violation of individual rights to property and inheritance. How much compensation would the State of New Jersey pay heirs for a 1906 Russian Luger valued \$8,500.00 or a Colt Single Action Army - Martial Marked valued at \$7,950.00 ?

The thousands of competitive pistol shooter's could not practice their legitimate sport because the bill has no provision to allow the removal of the firearm from the "approved" gun-club in order to participate in interstate or nationwide matches. Olympic shooter's will not be able to practice, freely attend elimination matches and attend the Olympic events with their firearms. Sportsmen will face a 5 year sentence for weapon possession if they attempt to practice this world wide sport.

The enforcement of this bill is a vision of totalitarian dictator techniques used by Hitler and Stalin to expedite their control over the people.

Realistic look at the enforcement problem indicates that people would not rush to remove their means of self protection from the home and turn it in. There are 3 groups of citizens who opted to have a handgun in their homes:

The first is the law-abiding citizens whom obtained a handgun through the current licensing and registration procedures. They will be the easy and first target of the State Police to insure compliance. If the law-abiding citizen proclaims that he no longer owns the weapon because he sold it, give it away or removed it from the State is he believed by Superintendent Pagano? I don't think so. He will issue search warrants and tear-up homes for hidden weapons. He may even do it without search warrant since the State Police feel they have more power than a magistrate as evidenced by the current warrantless stop, search and seize operations on the N. J. Turnpike.

The second group of citizens are those who legally obtained their firearm prior to the current licensing and registration law. The State Police does not have records or knowledge of these guns. Will there be a house-to-house search made to find these guns using a blanket administrative warrant issued by the Attorney General?

The third group is comprised of people who obtained their guns illegally

This group is the only one that may have the criminal element present and gun control legislation should seek them out. But how? The State Police does not have records of their firearms. This group will not turn their guns in because it would place them in jeopardy of prior firearm laws and regulation.

The enforcement of this bill can only be effectively handled in a totalitarian regime. It seems we are coming to that in New Jersey for the sake of law and order as it was pointed out in hearings on September 22, 1987 before an investigative sub-committee chaired by Assemblyman Stuhltrager. It exposed an "anti civilian" attitude and trend among State Officials.

Never in the history of New Jersey has a bill insulted the integrity, intelligence and character of it's citizens with such a magnitude. No single bill abridged so many Constitutional guarantees as in Senator Russo's proposed S-2282.

Senator Russo's bill will prevent citizens from acquiring firearms for legal use through legal means. People want to have the means of self protection, therefore, they will obtain it through illegal means. In the real world, one cannot legislate away the strong feelings of it's citizens after 200 years of gun ownership nor can eliminate legislatively undesirable objects. Case in point is the joint efforts of law enforcement did not stop the flow of tons of illegal drugs into the country nor it's manufacture within our borders. Top level Government Officials admitted they are losing the war on drugs. The same way as drugs, guns will flow into New Jersey to fill the vacuum or will be manufactured in home shops as there will be a very lucrative market for it. Law-abiding citizens will be turned into law-breakers.

How strong is the feeling of people to have the means of self protection? The recent incident on June 16, 1988 involving Carl Rowan, Washington D.C. columnist and avid anti-gun advocate, chose to have an illegal handgun in his home and used it for self defense.

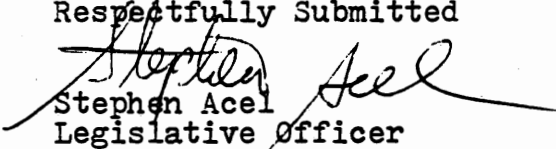
In Europe under Hitler and later under Stalin's rule the penalty for possession of firearms was imprisonment for life in a labor camp and in many cases execution. Yet, thousands elected to take that risk. I was a witness to these events and observed many families in my community removed for ever. Amazingly enough guns survived in civilian hands that we were able to give a good account of ourselves in Hungary during the 1956 revolution. The revolution was lost but life in Hungary changed

so drastically that it is now closer to Western Style democracy than any other government in the Communist-Block. Must history repeat it's self? Why dont we learn from it? It must be political greed for power.

As a 26 year resident of this state I have obeyed all of it's laws. Served in the Armed Forces on active duty for 10 years and 16 years in the Reserve Forces. Graduated from Rutgers University with honors and worked for Ford Motor Company in management capacity for 20 years in this State. I am actively involved in community programs. I think I fall within the criteria of a rational and solid citizen. I am just one among many millions in this state who meet the same qualifications. Do you think I would give up my rights for self protection? Will Senator Russo's bill make a criminal out of me and millions of others?

I respectfully urge the committe members to consider all the facts in a realistic light when debating S-2282 and similar legislation and defeat proposals that attack the Constitutional Rights of the people, the Bill of Rights, and the natural, unalienable right to protect life, liberty and property guaranteed by the New Jersey Constitution in Art. I. The community, the State and the Country is facing a bigger threat from those who would like to legislate away freedom and rights guaranteed by the Constitution then any small threat that may exist from a legally obtained handgun ^{that} will end up in the wrong hands.

Respectfully Submitted


Stephen Acel
Legislative Officer

Shooter's Ten Rifle and Pistol Club.

To Whom It May Concern.

This statement is being made in response to Senator Russo's hand gun-controll bill. In it he states that hand guns are made and used primarily to kill people. He is wrong. I and others I know have used handguns for most of our lives and have never killed or attempted to kill anyone. We use them for hunting and other shooting sports. They are also used for self-defense when and if the need should develop. The Second amendment of the Constitution gives us the right to keep and bear arms. All arms, not just rifles and shotguns. Our forefathers made that amendment #two because they considered it very important for the people to be able to defend their lives, property and their country if need be.

The problem in New Jersey is that it is easier to put restrictions on the law-abiding citizen than it is to punish the criminal. If all the criminals were punished for the crimes they commit and not allowed to be released with just a minor sentence or probation we would not have the crime rate that we have. Maybe the death penalty would stop some of the crime?

Guns do not kill people, people kill people.

Taking away our guns is not the answer to the problem. A gun is a tool to be used correctly and not abused. If there were no guns, the criminal would find other weapons to use to commit their crimes. By taking away our guns leaves us to the mercy of the criminal with no way to defend our selves. If we use a handgun to defend our selves, than we become the criminal. New Jersey has some of the toughest gun control laws in the country. We do not need more laws, what we need is enforcement of the ones we have. A criminal does not buy a firearm legally. He buys it illegally or he steals it. The law abiding citizen buys a firearm legally, does not use it for criminal purposes but is attacked by our lawmakers for having them and told we cannot have them and to surrender the ones we have.

I think the priorities of some of our lawmakers are backwards. They should be making laws to help the law abiding citizen and punish the criminal and not the other way around. Thank you.

Respectfully yours,

Joseph Rizzo
41 Vernon St.
Sewaren, N.J. 07077

201-634-0214

Copy for
Frank & Dave Jr.
Chamman

NOVEMBER 30, 1988

TESTIMONEY BEFORE THE
SENATE LAW AND PUBLIC SAFETY COMMITTEE

SENATOR GRAVES AND MEMBERS OF THE COMMITTEE. MY NAME IS KEN HAMPTON FROM EATONTOWN, NEW JERSEY. I DO NOT REPRESENT ANY ORGANIZED GROUP, BUT I'M SPEAKING FOR MYSELF AND MANY OTHERS IN NEW JERSEY THAT FALL IN THIS CATEGORY OPPOSING S-2282.

IN AN EFFORT TO SUPPORT HIS BILL, SENATOR RUSSO HAS QUOTED MANY STATISTICS. SOME OF THESE ARE NATIONAL FIGURES, AND SOME ARE NEW JERSEY FIGURES. HE HAD ALSO GIVEN SOME TRAGIC EXAMPLES OF DEATH BY HAND GUNS.

I WANT TO STICK TO THE NEW JERSEY STATISTICS BECAUSE THE PEOPLE OF NEW JERSEY ARE THE ONES TARGETED BY THIS PROPOSED LEGISLATION. MORE SPECIFICALLY THE TARGET IS THE REGISTERED HAND GUN OWNER AND THE FUTURE HAND GUN OWNER IN NEW JERSEY. ONE OF THE FIRST STATISTICS QUOTED WERE THE NUMBER OF MURDERS COMMITTED IN NEW JERSEY IN 1968 FROM THE STATE POLICE UNIFORM CRIME REPORT. THERE WERE A TOTAL OF 397, OF THIS 138 WERE COMMITTED WITH A HAND GUN. THE 1987 REPORT HAS BEEN PUBLISHED AND THERE WERE A TOTAL OF 350 MURDERS COMMITTED IN 1987. OF THIS 110 BY HAND GUN AND 109 BY A CUTTING INSTRUMENT. FOR WHAT IT IS WORTH ONE MORE BY HAND GUNS THAN BY KNIVES.

I HAVE A VERY BASIC PROBLEM WITH THESE STATISTICS. RUSSO IS, WITH HIS BILL, AIMING TO REMOVE ALL OF THE LEGALLY REGISTERED HAND GUNS AND PREVENT ANY FURTHER LEGALLY REGISTERED GUNS TO BE OBTAINED, IN EFFECT, IN HIS MIND, ^{THIS} IS THE IDENTIFIABLE CAUSE OF THE PROBLEM OF DEATHS BY HAND GUNS. WE HAVE NO FIGURES AVAILABLE TO SHOW THE NUMBER OF MURDERS OR CRIMES WITH REGISTERED HAND GUNS. RUSSO DID CITE A CASE OF A SUICIDE WITH A REGISTERED HAND GUN. HIS REASON FOR INCLUDING THIS TO BAN HAND GUNS ESCAPES ME. THIS WAS A YOUNG MAN IN EDISON, NEW JERSEY THAT KILLED HIMSELF WITH A GUN ACQUIRED FROM HIS OLDER BROTHER WHO WORKED AS A BAGGAGE HANDLER AT NEWARK AIRPORT. INSTEAD OF GOING TO THE SOURCE OF THE PROBLEM. LIKE A GOOD PROSECUTOR, HE WANTS TO THROW THE BABY OUT WITH THE BATH WATER. THIS HAND GUN,

ACCORDING TO FEDERAL REGULATIONS, WAS IN LUGGAGE MARKED WITH A LABEL IDENTIFYING IT AS CONTAINING A GUN. I HAD A PERSONAL EXPERIENCE AT THIS AIRPORT AND HAD OVER \$1,800.00 WORTH OF PROPERTY STOLEN FROM MY LUGGAGE. AT THE TIME I CONTACTED SOME OF MY FRIENDS AT THE FBI TO GET SOME IDEA OF THE VOLUME OF THIS TYPE OF CRIME. I ASSURE YOU IT IS HIGH. IF THIS LUGGAGE HAD BEEN GIVEN POINT TO POINT SECURITY, BECAUSE IT DID HAVE A GUN, THIS YOUNG MAN WOULD HAVE USED SOME OTHER MEANS TO TAKE HIS LIFE. BY THE WAY ON JUNE 2, 1988 ANOTHER EDISON YOUTH COMMITTED SUICIDE---- HE USED PRESCRIPTION PILLS.

MY POINT HERE IS NOT TO PENALIZE WE WHO FOLLOW ALL THE LAWS, BUT REVIEW THE WEAK SPOTS AND PUT TIME AND EFFORT IN FIXING WHATS BROKEN AND NOT SOMETHING THAT IS NOT BROKEN. I KNOW THERE IS NO SPOTLIGHT ON THIS TYPE OF SERVICE AND IT IS NOT MUCH GOOD FOR A POLITICIAN TO SPEND HIS TIME ON THIS, BUT IF THIS HAD BEEN DONE THE EDISON YOUTH WOULD NOT HAVE KILLED HIMSELF WITH A HAND GUN. THE REGISTERED HAND GUN IS NOT THE CAUSE OF RUSSO'S PROBLEM. CASE IN POINT ----- MORE STATISTICS. IN 1987 WE HAD 110 MURDERS COMMITTED WITH A HAND GUN. ACCORDING TO REPORTS, IN NEW JERSEY WE HAVE ALMOST ONE MILLION REGISTERED HAND GUNS. LEAVING OUT THE ESTIMATED ONE MILLION PLUS UN-REGISTERED HAND GUNS ----- IF MY ESTIMATES ARE CORRECT NO MURDERS ARE COMMITTED IN NEW JERSEY WITH AND BY REGISTERED HAND GUNS. LET US PUT OUR SIGHTS ON THE CRIMINAL AND THE DRUG PROBLEM IN ANALYZING THESE HAND GUN DEATHS, THEN WE CAN DO A PRODUCTIVE JOB OF PREVENTIVE MANAGEMENT OF THIS HAND GUN DEATH PROBLEM.

RUSSO USED ANOTHER EXAMPLE OF A TRAGEDY IN EXPLAINING THE DANGERS OF HAND GUNS. THIS WAS THE SON OF A POLICE OFFICER IN ASBURY PARK THAT ACCIDENTLY SHOT HIS FRIEND(NOT KILLED) WHILE SHOWING HIM HIS FATHERS SERVICE PISTOL. MUST WE CONCLUDE FROM THIS THAT NO POLICE OFFICER SHALL HAVE A GUN. I DON'T THINK SO. IT WOULD MAKE ME QUESTION THE NEED IN MY FORCE FOR A TRAINING PROGRAM SO THAT THIS TYPE OF ACCIDENT WILL NOT HAPPEN. AND THIS LEADS ME TO MY CLOSING POINTS.

SENATOR RUSSO HAS GIVEN THREE ARGUMENTS TO SUPPORT LEGISLATION TO BAN HAND GUNS. REDUCTION OF CRIME(ie; MURDER, RAPE ROBBERY. REDUCTION OF SUICIDES, AND REDUCTION OF ACCIDENTAL DEATHS. I WOULD LUMP ALL OF THESE TOGETHER AND SAY THAT INROADS CAN BE MADE BY THE STATE WITH A TRAINING AND EDUCATIONAL PROGRAM. THE SENATOR HAD SAID AT ONE OF HIS DEBATES HE WAS WILLING TO SIT DOWN AND LISTEN TO A MORE REASONABLE APPROACH TO SAVING LIVES.

WE DON'T NEED CONFISCATION, WE NEED EDUCATION. S-2282 IS COUNTER PRODUCTIVE TO LAW AND ORDER AND WE WOULD, WITH EXPERT HELP, PROVIDE A TRAINING COURSE PAID FOR WITH MONEY EARMARKED BY THE SENATOR FOR COMPENSATION IN GUN CONFISCATION. I HATE RAW STATISTICS BUT I HAVE ONE MORE. UNFORTUNATELY WE HAD ONE POLICE OFFICER MURDERED IN 1987. HIS DEATH DOES NOTHING TO HELP THE ANTI-GUN PEOPLE: HE WAS STABBED TO DEATH.

AGAIN DON'T CONFISCATE-----EDUCATE.

I HAVE COPIES OF A NEWS PAPER ARTICLE WRITTEN BY JAMES J. KILPATRICK:
THE TITLE IS "GUN CONTROL LAWS TOO OFTEN RESULT IN JUDICIAL ABSURDITIES"

KENNETH R. HAMPTON
P.O. BOX 123
EATONTOWN, NEW JERSEY 07724
(201)-542-0713

I HAVE A SUPPLEMENT TO THIS WHICH IS BRIEF.

DURING THE FIRST HEARING SENATOR RUSSO STATED, THEN ASSEMBLYMAN TOM KEAN ATTEMPTED TO GET A BILL PASSED BANNING THE " SATURDAY NIGHT SPECIAL ". I CONTACTED THE OFFICE OF THE GOVERNOR FOR HIS POSITION ON THIS HAND GUN ELIMINATION LEGISLATION. ATTACHED IS A LETTER DATED AUGUST 1988 OVER HIS SIGNATURE STATING THE GOVERNOR'S POSITION. DURING A DISCUSSION WITH JAMES FOX, ASSISTANT TO SENATOR RUSSO, HE STATED THAT GOVERNOR TOLD SENATOR RUSSO THAT HE WANTED TO STRENGTHEN OUR PRESENT GUN LAW. I SENT A LETTER TO GOVERNOR KEAN DATED OCTOBER 18, 1988 (SEE ATTACHED) COVERING THIS QUESTION. A LETTER DATED NOVEMBER 1988 (SEE ATTACHED) WAS RECEIVED AND THERE IS NO CHANGE IN GOVERNOR KEANS OPPOSITION TO THIS PROPOSED LEGISLATION.

I KNOW THE SENATOR AND HIS STAFF WOULD LIKE TO PUSH THIS BILL BY US, BUT I WOULD HOPE THE ATTEMPTS COULD BE DONE WITHOUT ANY FALSE IMPLICATIONS AND MIS-STATEMENTS.

POX

October 18, 1988

State of New Jersey
Office of the Governor
125 W. State Street
Trenton, New Jersey 08625

Dear Governor Kean:

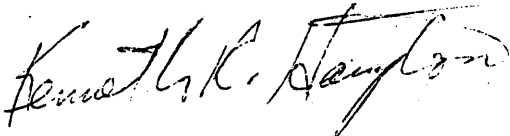
In August 1988 you sent me a letter on the subject of handguns. Quoting your letter in part you said; "I have not supported laws either strengthening or weakening them."

Today during a discussion with James Fox, assistant to Senator Russo, he stated that about a month ago you told the Senator you wanted to strengthen our present gun law. This conflicting information disturbs me and I hope you can set the matter straight insofar as your position on our present gun laws and any comments made to Senator Russo on this subject.

A recent article by syndicated columnist, James J. Kilpatrick, was the most logical, sensible and clear approach to this subject. (see enclosed)

Thank you for supporting the National position on this and I look forward to your answer on the Russo discussion.

Sincerely,



Kenneth R. Hampton
P.O. Box 123
Eatontown, New Jersey 07724
(201) 542-0713

Enc.

cc: Senator Frank X. Graves
Senator S. Thomas Gagliano
James Fox



THOMAS H. KEAN
GOVERNOR

STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR
TRENTON
08625

August 1988

Mr. Kenneth R. Hampton
Box 123
Eatontown, New Jersey 07724

Dear Mr. Hampton:

Thank you for writing to oppose restrictions on the sale or possession of handguns.

I support our present firearms laws. If administered fairly, they provide a national model. I have not supported laws either strengthening or weakening them. Our laws have been effective in limiting the incidence of crimes committed with guns. In fact, our state is substantially below the national average in the percentage of murders, robberies and aggravated assaults committed with firearms.

I appreciate your sharing your opinions on this subject.

Sincerely,

A handwritten signature in dark ink, appearing to read "Th H Kean", written in a cursive style.

Thomas H. Kean
Governor

82X

To: The New Jersey Senate Committee on Law, Public Safety and Defense
Re: Testimony to be given at the November 30, 1988 public hearing on
Senate Bill Number 2282

Members of the Committee, fellow citizens, ladies and gentlemen, my name is John Borden. I am a resident of Beverly City in Burlington County. I am here today as a vitally concerned citizen to speak against the adoption and enactment of S-2282. In this capacity I am speaking for the Ankokas Rifle-Man's Society, a rifle and pistol club of which I am President, and myself.

It is not very often that a member of the media and I share similar thoughts. However, that is the case with this bill. The Burlington County Times editorial dated May 15, 1988 stated that "no bill guarantees safety" and "it won't work, nor should it". A second editorial dated May 26, 1988 stated that "Russo seeks the impossible" and that "the senator and his followers seek to penalize thousands of responsible New Jersey residents out of a misguided fear that every privately owned handgun will end up in the wrong hands". A third editorial dated this past Sunday echoed the previous sentiments adding "it is far too restrictive and should not become law in this state". I heartily agree! A poll conducted by the Times this past week confirmed their position by a ratio of 53.1% to 38.6%. These editorials and the poll appearing in a publication like the Burlington County Times which usually supports any gun control legislation, are unheard-of. Obviously, members of the media are concerned about the ramifications of this proposed legislation.

It is my contention that this bill could be the prelude to a succession of laws nationwide that would leave the people of this country defenseless and unable to protect themselves from violence and aggression. Right now all over this nation people are watching to see what is going to happen in New Jersey. If this bill becomes law, most certainly similar

measures will be attempted in other states, the possible end result being the total abolition of handguns in the United States. Unfortunately, it will not end there because after a short period of time it will be obvious that these laws, like hundreds already in existence, are not working! The next logical step then is the abolition of rifles and shotguns with the resultant total disarmament of the American people. At this point, we would no longer be able to defend ourselves against domination by criminals, anarchists, and other tyrannical powers. In this regard I would like to mention that in April, 1988 the California Assembly's Public Safety Committee passed bill number AB-4545 that would outlaw all new listed semi-automatic rifles and would require old ones to be licensed under a new system. Please note that these are semi-automatic rifles, not machine guns! This is the first step of phase two on the anti-gunner's agenda to totally disarm America and make her vulnerable to takeover by the forces of anarchy and tyranny!

We have only to recall the relatively recent events in Hungary and Poland and the plight of the weaponless, unsuspecting Jews of Europe during World War II to appreciate the value of a segment of the population that can become the armed nucleus of a militia in time of dire necessity. In my opinion and that of numerous others, this was the intent of the "founding fathers" when they drafted the Second Amendment to the Constitution. The resistance to Russian Aggression in Afghanistan is a perfect example of what can be accomplished when a society is not rendered defenseless by virtue of disarmament!

Earlier I mentioned that there are currently hundreds of "gun laws" nationwide. These laws, like S-2282, were presumably originally proposed to control crime. Obviously, they are not effective because crime is still rampant and we continually hear cries for even more gun legislation. As I see it, most existing gun legislation and the subject proposed bill address the control of a particular weapon

sometimes used in the commission of crimes rather than addressing the perpetrator of the crime. It is only he that can be held accountable for his actions--not the inanimate weapon used regardless of its nature. It has yet to be proved that any handgun or weapon of any type wounded or killed anyone without the assistance of a human being. The slogan "guns don't kill people, people kill people" is often declared fallacious, however, I challenge anyone to dispute the fact that it was the person behind the gun that committed the crime; not the gun. I've yet to learn of any firearm or weapon of any type being charged with a crime, convicted by a jury of its peers and sentenced to a term in prison.

We are a nation of people and a nation of laws enacted for people. Any legislation that addresses itself to an inanimate object rather than the criminal perpetrator is doomed to failure. If every handgun in New Jersey was in some mystical manner taken out of circulation, it would be only a short time before the criminal element was again armed. These weapons could be obtained in a variety of ways, such as:

1. Theft from police officers, National Guard Armories and the U.S. Military.
2. Black market or illegal sales by organized crime that will undoubtedly find gun-running to be as profitable as their current narcotics operations.
3. Garage-type machine shops that can illicitly turn out both semi and fully automatic weapons with a relatively small investment in machine tools.
4. Conversion of semi automatic rifles and shotguns into effective handguns by not much more than making two saw cuts. (This is already an established practice and is one of the current sources of highly dangerous illegal handguns.)

A similar law was enacted a number of years ago involving the abolition of alcohol in this country. As you know, that was such a dismal failure, it was repealed. Today New Jersey is a major segment of the narcotics pipeline between Florida and the "northeast". Our success in stopping narcotics traffic is also another dismal failure. Consequently, I have no reason to believe that our law enforcement agencies would have any more success in thwarting the criminal element in New Jersey while attempting to execute S-2282.

Criminals by nature are law breakers. They do not and will not obey the law. The law-abiding citizens of New Jersey are the only ones who will be affected by gun legislation such as we are discussing today. By singling out handguns, this discriminatory bill has totally ignored the thousands of people killed each year by a variety of other weapons or implements not the least of which are knives. The "anti handgun" people would like everyone to believe that to commit a murder using a knife the chances of success are slim. I assume then an instance in New York City must really be the exception that proves the rule since within an eight hour period in a 20 block area an obviously deranged man stabbed to death four out of five of his intended victims. This is certainly not an example of slim success!

In conclusion, I strongly recommend the defeat of this bill and the subsequent initiation of rational, logical legislation that will have a significant effect upon crime in our state. In this regard I suggest the enactment of criminal control measures that will take criminals off the street, put them in prison and keep them there. I feel that for all felonious crimes stiffer sentences must be meted out by sterner judges and that less plea bargaining and fewer paroles must be the order of the day. Without measures such as these we can legally penalize the law-abiding citizenry until judgement day, but we will have accomplished nothing

meaningful in our battle against rampant crime.

Please see the attached exhibits relating to the above testimony.

SEND A GUN TO DEFEND A BRITISH HOME

British civilians, faced with threat of invasion,
desperately need arms for the defense of their homes.

**THE AMERICAN COMMITTEE FOR DEFENSE
OF BRITISH HOMES**

has organized to collect gifts of

**PISTOLS—RIFLES—REVOLVERS
SHOTGUNS—BINOCULARS**

*from American civilians who wish to answer the call and aid in defense
of British homes.*

These arms are being shipped, with the consent of the British Government, to
**CIVILIAN COMMITTEE FOR PROTECTION OF HOMES
BIRMINGHAM, ENGLAND**

The members of which are Wickham Steed, Edward Hulton, and Lord Davies

YOU CAN AID

by sending any arms or binoculars you can spare to

**AMERICAN COMMITTEE FOR
DEFENSE OF BRITISH HOMES**

C. Suydam Cutting, *Chairman*

ROOM 100

10 WARREN STREET, NEW YORK, N. Y.

Note: The full page ad reprinted above appeared in the November, 1940 issue of the American Rifleman magazine.

THOSE WHO IGNORE HISTORY ARE DOOMED TO REPEAT IT

**If the American public allows restrictive legislation to deprive them of their constitutional rights to "KEEP AND BEAR ARMS" --
to whom will they turn for guns of defense the day their homes are threatened?**

X86

ARMORED MOTOR SERVICE

C O R P O R A T I O N



Reply To: S-2288

Statement by Charles S. Allen, Jr.
November 30, 1988

My name is Charles Allen, Jr. I am President and Chief Executive Officer of Armored Motor Service Corporation, a New Jersey corporation with headquarters in Ewing Township, New Jersey. I am also Chairman of the Board of the Independent Armored Car Operators Association, an association of armored car companies throughout the United States. I am presently a Director and Past President of the National Armored Car Association, whose membership includes companies throughout the free world.

Armored Motor Service Corporation was founded in 1946 and presently has besides its corporate headquarters in Ewing Township, an office in Absecon, NJ, an office in Vineland, NJ and an office in Loveland, CO. We employ approximately one hundred and thirty-eight persons in the state of New Jersey and another twelve in Colorado. Our main office is equipped with two bank type vaults and our Absecon office is equipped with two small vaults. Our customers range in size from a small vending company, picked up once a week to national corporations, casinos, the Bureau of the Mint, the U.S. Treasury, the Bureau of Engraving and Printing and the Department of Agriculture.

Main Office: 160 Ewingville Road — Trenton, New Jersey 08638-2491 (609) 883-1100
Absecon Office: 65 Fire Road — Absecon, New Jersey 08201-9309 (609) 484-1796

99X

Page Two

We are a full service armored car company, maintaining Money Rooms in Trenton and Absecon. Through our relationship with the Bank of Boston, we are a supplier of money to banks in the State of New Jersey. We are contracted with the Federal Reserve of Philadelphia to transport money for the Federal Reserve to their customer banks in New Jersey. Literally every single piece of currency or coin, that you presently have in your pocket, has been transported numerous times by armored car companies operating in the state of New Jersey. The armored car industry provides a service of protecting a company's monies between their location and their banks and by so doing, is a vital part of the financial structure of the United States.

Our armed employees at our company, are thoroughly trained in the classroom and on the firing range, before they are ever allowed to carry a weapon on the street. They must maintain their proficiency with their firearm. They must requalify a minimum of three times a year. They must also go through a retraining and testing once a year. The pre-employment investigation is done by an outside agency and includes numerous tests, in addition to a physical with a drug screen. After passing our training and qualification, their applications are submitted to the State Police for further investigation and licensing to carry a hand gun. At the present time, this license must be renewed every two years. The licensing procedure has been averaging six months, from the time of application to the time of permit issuance.

Page Three

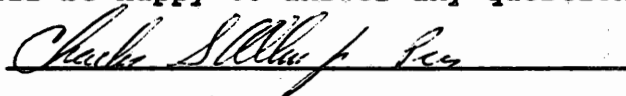
This by itself, has created a nightmare for the Armored Car Industry in The State of New Jersey. This six months is not just for the initial application. Every two years, we go through the same procedure, with the same six months average for renewal. Weapons carried by our personnel, are owned and maintained by Armored Motor Service Corporation. These weapons are issued out at the beginning of the tour of duty and must be returned at the end of the tour of duty. This bill, S-2288, creates another hardship for the Armored Car Industry; in that if it is passed, it will mean that every three years, we have to relicense the firearms that we presently own. I can see this as being another bureaucratic nightmare.

But unfortunately, that is not my main concern. My main concern is that if this bill, S-2288, is passed as written; the elected officials of the State of New Jersey have completely abolished the armored car business in the State of New Jersey. On page 30 of the draft, line 29; N.J.S. 2C:58-4 is repealed. This is the permit to carry section. This state will have the distinction of being the only state in these United States of America, whose citizens do not have the availability, for armored car services to protect their valuables to and from their bank. Let's take this one step further. If this bill is passed and the armored car industry is abolished in the State of New Jersey, then the legislators from the smallest municipality up to the state level will have a moral responsibility to provide the citizens of New

Page Four

Jersey with protection for the transportation of their valuables. This means that every small community that has a police department, all the way up to the cities and the state, will have to increase their police department tremendously to take up the slack.

Personnally, it would mean the end of a thirty-six year career in this industry and I and one hundred and forty-nine other employees at Armored Motor Service, would have to find other work. I can assure you that the criminal element of this state and the surrounding states are probably watching the outcome of the bill and hoping it will pass. I am sure if it does and it becomes law, that they will have a tremendous celebration. They have never abided by existing laws and they will certainly never abide by this law. It is a fact that the police in this state or any other state can not physically protect the innocent law-abiding citizen from robbery, rape and murder. I am not saying that they do not do the best that they possibly can, but it is just physically impossible. This bill takes away the innocent law abiding citizen's last bit of protection against the dope addict and the criminals, for their valuables. In my opinion, it does nothing other than punish the law abiding citizen and reward the criminals. I thank you for the opprotunity to express my views and I will be happy to answer any questions.



CSAJr/ja

Charles S. Allen, Jr., Armored Motor Service Corp.

Response to N.J. State Legislature's
Senate Law, Public Safety and Defense Committee's Bill S 2282

With only a couple of minor traffic violations to mar my life's record, due to present legislation I have felt like a criminal for about twenty years now every time I have had to be fingerprinted and investigated in order to purchase a firearm merely to enjoy my chosen sport or enhance the teaching of my children how to shoot. I wonder how many of those convicted criminals that are let loose on society get the same depressed feeling?

I've thanked God many times for the free America we had when I was young. Because at that time, without any inhibitions, I was able to teach myself about firearms and how to shoot them. I believe this ability contributed more to my survival of World War II than the meager thirty shot army orientation program we had.

Now we are faced with still another crusader, Senator Russo, who wants to place additional restrictions on the law-abiding citizen. I am sure that Senator Russo's Bill S 2282 will not impair the criminal's activities because the criminal will just ignore the new law, as he ignores all of the old ones.

Per the dictionary, a crusade is a remedial enterprise undertaken with zeal. A crusader, logically, then must be a zealous person and per the dictionary that individual is termed a zealot--a fanatical partisan--a member of a fanatical sect. One of the inherent problems with a crusader is that he/she invariably wear blinders and cannot see all of the possible ramifications of his/her actions. For example, John Brown and his ilk within a decade cost the country four years of civil war and a half a million dead. Another misdirected crusade led

by Carry Nation and her followers, favoring prohibition, provided the circumstances for organized crime to get firmly entrenched and we all can see the result of that today, for it is they who violate most if not all of the present laws including gun laws.

It seems to be paradoxical that a politician from New Jersey, which prides itself on being the first state to ratify the Bill of Rights 200 years ago, would be the first to start chipping away at our freedoms. Of course, that would sure make him bigger than either John or Carry and might even make him Governor.

It is difficult to understand the logical reasoning behind Senator Russo's Bill. Is it the number of deaths? Just the other day (11/26/88 6:10 a.m.) the U.S. Secretary of Transportation, Jim Burnley, in an advertisement stated "more of our people have died on the highways due to alcohol and drugs than were killed in all the wars which we have fought". So if it is the number of deaths that is Senator Russo's motivation, why isn't he advocating banning the automobile or alcohol or drugs or all three? But that would be too tough a nut to crack. So, instead, he pursues the more emotionally popular cause of penalizing the law abiding gun owning citizen.

What is more perplexing in this issue, is that all of this type of proposed legislation is apparently presented with the full support of the press which should be "the guardian" for all of us against those who want to whittle away at the Bill of Rights. I see no instance of where a news media is on the sportsmen's side of the issue.

Therefore, my fellow sportsmen and I are forced to fight Russo's Bill S 2282 and similar rights infringement cases through our lobby, The National Rifle Association (N.R.A.). It is also

interesting to see the press's presentation of the N.R.A. as the big boogey man while other lobbies such as the NJEA (the teachers' union) are justly presented as spokesmen for their respective members. Incidentally, the Gun Control advocates apparently are not even presented as lobbyists by the press when in reality they are.

I see Russo's Bill S 2282 as a totally inappropriate approach to the problem. Why doesn't he follow the example of the Mothers Against Drunk Driving (MADD) coalition and strike out at the offender making the punishment fit the crime, since we all should be responsible for our individual actions.

William Bodenschatz

William Bodenschatz

219 N. Hannevig Ave.

Brooklawn, N.J. 08030

T E S T I M O N Y

of

Howard A. Kirkwood, Jr.
20 Dewberry Court
Mount Laurel, New Jersey 08054

RE: S-2282

Mr. Chairman, ladies and gentlemen, my name is Howard A. Kirkwood, Jr., and I am a resident of Mount Laurel Township, Burlington County, New Jersey. I am the manager of the Life Support Training Center at Cooper Hospital/University Medical Center in Camden, and I am a second year student in the Rutgers University School of Law.

I rise today to speak in opposition to S-2282, which would effectively ban the private ownership of handguns in the State of New Jersey. I am a handgun owner and recreational shooter who believes that "gun control" legislation is an inappropriate and ineffective response to the problems that its proponents purport to solve through the enactment of legislation such as that which we are here to discuss today.

My opposition is based on the following considerations:

FIRST, I have never known a handgun to commit an illegal act, nor to injure a person, of its own volition. Inanimate objects are neither good nor evil, they simply are. Only under the control of individual human beings do they participate in an act, be that

a harmful act or, more often, a beneficial act.

SECOND, I believe that it is the constitutional right of law abiding citizens to "keep and bear arms" for any lawful purpose, including the lawful right to defend person and property from wrongdoers. Whether legislators or others approve or disapprove of a specific decision of a citizen to arm his or her self against the possibility of violent crime is irrelevant. The law has since time immortal acknowledged the right of citizens to take reasonable steps toward security of life and property. It has become quite clear in recent years that the citizens of this state cannot depend on organized law enforcement to protect them from criminals, and in several states courts have held that in fact there is no duty on the part of police departments to respond to calls for help or to protect specific persons from specific acts. It is held, rather, that municipalities and their police departments have only a "general duty" to provide their services to the community. Thus the private citizen is left to his or her devices at the instant that violent crime raises its ugly head.

THIRD, I do not believe, and data developed by the United States Department of Justice support my belief, that legislation such as that proposed will correct any portion of the "crime problem" we presently confront. Professors James D. Wright and Peter H. Rossi, formerly advocates of strong gun control legislation from the Social and Demographic Research Institute of the University of Massachusetts, in a study of over eighteen hundred criminals

imprisoned for various felony violations, have concluded, among other things, that "....an outright ban on handguns, as proposed by the National Coalition to Ban Handguns, would have nightmarish consequences. Outlawing handguns would simply make career criminals turn to ..bigger, more lethal, weapons," such as sawed off shotguns or rifles. In this same study, a majority of the criminals surveyed indicated that "one reason burglars avoid houses when people are at home is that they fear being shot." This, from two social scientists who were former advocates of strong gun control, who as scientists were forced to deal with hard data in arriving at their conclusions.

FOURTH, I believe that legislation such as is proposed here constitutes a feeble, token gesture at addressing the real problems which confront our state and our country. We are politically unwilling to correct the social conditions which feed our "crime wave", nor are we willing to pay the price of incarcerating those who commit violent crime. Our efforts should be concentrated on real solutions to our problems, not on tokenism which can have no effect at all, which might in fact serve to exacerbate our existant problems.

Mr. Chairman, ladies and gentlemen, this particular voting citizen is tired of being "pushed around" by ineffective government. My ownership of firearms, and the ownership of handguns and long guns by thousands of law-abiding citizens like me, contributes not one iota to violent crime and accidental death, and in fact may be a deterrent or a defense to the victimization of myself or my

family by the perpetrators of violent crime. The "accidental death", "crime of passion", and "suicide" arguments are not borne out by hard data. To eliminate such deaths, in any meaningful numbers, we would have to outlaw children's bicycles, baseball bats, rope, and automobiles. All have in common the fact that they are inanimate objects which harm no one except under the control of some person. The solution to the problem, Mr. Chairman, is to deal with human beings who make unlawful use of inanimate objects-- not to "do away" with those objects, irrespective of the valuable part they may play in the lives of law-abiding citizens.

You may get the idea that I feel strongly about this matter. If that is the impression I have left with you, then I have accomplished that which I set out to do. My feelings are such that I am willing to vote this issue, as I am certain that a large number of my fellow New Jerseyans will do. I cannot in good faith cast my ballot for someone who actively infringes on my personal rights while at the same time working to enact an improvident piece of legislation.

I urge that you take whatever steps are necessary to afford S-2282 the speedy demise that it deserves.

Thank you.

R. L. Wilson

HADLYME CONNECTICUT 06439
FAX 203 526-9514

SAMUEL COLT PRESENTS (1961)
ARMS COLLECTION OF COLONEL COLT (1963)
L. D. NIMSCHE, FIREARMS ENGRAVER (1965)
THE EVOLUTION OF THE COLT (1967)
THE RAMPANT COLT (1969)
COLT COMMEMORATIVE FIREARMS (1969 & 1974)
THEODORE ROOSEVELT — OUTDOORSMAN (1970)
THE BOOK OF COLT FIREARMS (1971)
THE BOOK OF COLT ENGRAVING (1974)
THE BOOK OF WINCHESTER ENGRAVING (1975)
ANTIQUE ARMS ANNUAL (EDITOR)
COLT PISTOLS (1976)
PATERSON COLT PISTOL VARIATIONS (1978)
THE COLT HERITAGE (1979)
THE 'RUSSIAN' COLTS (1979)
COLT ENGRAVING (1980)
COLT HANDGUNS (JAPANESE, 1980)
RARE AND HISTORIC FIREARMS (1981)
WINCHESTER: THE GOLDEN AGE (1983)
COLT'S DATES OF MANUFACTURE 1837 - 1978 (1984)
THE DERINGER IN AMERICA (1985)
WINCHESTER ENGRAVING (1985)
COLT: AN AMERICAN LEGEND (1985)
RARE FIREARMS — A BENEFIT AUCTION (1985)

HISTORICAL CONSULTANT
COLT FIREARMS, HARTFORD
AND TO
"FINE GUNS" — FILM & VIDEO
"THE ART OF AMERICAN ARMS"
— MUSEUM LOAN EXHIBITION
THE MUSEUM OF HUNTING & THE HORSE
"SON OF A GUN" — BBC-TV
"COLT FIREARMS LEGENDS" — SONY
"THE ARMS OF TIFFANY & CO."
— MUSEUM LOAN EXHIBITION
"WINCHESTER FIREARMS LEGENDS" — SONY
"AFRICAN GAME TRAILS" — FILM & VIDEO

November 25th 1988

Mr. Horace Greeley IV

██████████
Ft. Lee, NJ 07024

Dear Mr. Greeley:

Enclosed a reprint of the magazine article "Gun Collecting's Stately Pedigree", which dwells on the grand tradition of the study, interpretation and collecting of firearms, a pursuit which, in America, dates back to such distinguished citizens as George Washington and Thomas Jefferson.

Toward the end of the article, reference is made to collectors who — increasingly — prefer to remain anonymous. There is also a long list of contemporary celebrities who have been more public about their firearms enthusiasms. It is an indisputable fact that a number of very influential persons are keen on firearms collecting, whether the rare and beautiful in antiques, or the finely made modern sporting arms: A pair of Purdey shotguns just sold by Christie's in New York, 23 November, went for a total of \$187,000. An antique Colt for \$242,000.

Well-meaning, but innacurately written, firearms control laws have a negative impact on the collector, and the value of his objects. These are not guns that will ever be used for crime, and most collector's firearms will never even be shot (if they are, their value usually is immediately diminished).

Sweeping laws which fail to exempt collectors' items discourage investment in fine guns, a market which the writer estimates at one billion dollars (\$1,000, 000,000) annually in America. A market in which Christie's, Sotheby's and most of the other leading auction houses participate, and a field which is represented in such august institutions as The Metropolitan Museum of Art, The Art Institute of Chicago, the Smithsonian Institution, and the newly opened Gene Autry Western Heritage Museum — where, indeed, the firearms are the stars of the show.

These are wonderful objects of decorative art and craftsmanship, mechanically fascinating, historically important, and with immense romantic association from our history. These factors are important in gun legislation.

R. L. Wilson
110X

OPPOSITION TO SENATE BILL 2282

BY

DONALD RAY

Gun Laws do not reduce crime as evidenced by the following examples:

1. Insurance companies in the State of New York tried to have the Sullivan law repealed after the first year because insurance rates were being raised so much that the companies were finding it difficult to sell insurance. Killings were up by 18% and burglaries were increasing that rates had to be raised if they wanted to stay in business. After 77 years of amending, the law still has not worked.
2. Killings of New York City residents is such a common occurrence that killers are seldom caught. If a citizen reacts and kills a criminal, the citizen is hunted down with a fanatical zeal never before seen as in the Benhard Goetz case. Criminals can kill citizens but citizens are not allowed to defend themselves.
3. Washington, D.C. is considering having an amnesty period every two years to allow people to register illegally possessed handguns. The city council is not too happy with this idea because it would be an admission that their law is not working.
4. The State of Illinois tried to regulate the possession of handguns in the 1920's. It was such a common thing for a citizen to not have any means of defense but any criminal could get a permit for \$50.00. Fortunately the legislators realized the error of their ways and repealed the law.

The final question to be asked by such a poor track record for gun laws is "Where has a gun law reduced crime?"

The Supreme Court has ruled that criminals are not required to incriminate themselves in filling out a firearms purchase permit. The net result is that only law abiding citizens are required to get purchase permits.

Why don't we make criminals pay for their crimes? Philadelphia, more than once, has turned criminals free because their jails are full and lawyers are allowed to plea bargain for drug dealers. Lets go after the real cause, the

criminal, and not create a smoke screen by saying guns are the problem.

We are told that people have too many guns and if a gun is kept in the home for defense, we are more likely to hurt a family member rather than being able to use it for defense. This false statistic usually includes suicides and people are not made aware of the fact that if a person has suicidal tendencies he will use another method if a gun is not readily available.

We are told that modern day police are able to protect us better than ever, but are they? Washington D.C. police were sued because they were not able to protect two citizens who reported a burglary in process. The Supreme Court ruled that the police are required to protect society in general but are not required to protect individuals. Again, another anti-gun lie.

Why does the government have to interfere with our private lives in protecting us from ourselves (such as gun accidents)? Why aren't we allowed to suffer our own hurt as told by these passage from the book "Yeager" on page 5 which describes the accidental shooting death of a 2 year old sister. Does the government have to tell us how to live our lives?

We lived in a three-room house across from the grade school. Roy and I slept in the family room on a studio couch that open into a bed. By then we had a two-year-old baby sister, Doris Ann. Shortly before Christmas, when I was the four-and-a half and Roy was six, we were sitting on the floor in the family room playing with Dad's 12-gauge

shotgun. Roy found some shells and loaded the gun; he accidentally fired and the baby was killed. For our little family it was a time of terrible shock, loss, and suffering. I suppose some parents would've locked away any guns following such a tragedy, but Dad didn't. Shortly after the funeral, he sat down with Roy and me. "Boys," he said, "I want to show you how to safely handle firearms." I'm sure Roy carried this heart-break with him until his own early death from a heart attack at age forty-one. He and I never again discussed it, nor did my parents. Years later, Glennis asked my mother about the accident, but she just didn't want to talk about it. That's the Yeager way; we keep our hurts to ourselves.

There is a sign on the New Jersey side of the Calhoun Street Bridge in Trenton which says "Welcome to New Jersey, the first state to sign the Bill of Rights." Senator Russo does not believe in the 2nd Amendment of the Bill of Rights (the right to keep and bear arms) because the Supreme Court has not made a ruling on this Amendment. Does the Supreme Court have to make a ruling on all the Amendments of the Constitution for Senator Russo to believe and enforce them?

Senator Russo believes, and rightly so, that we should protect the rights of accused criminals. What crimes have gun owners committed that they should be found guilty and deprived of their right to purchase a handgun?

Senator Russo has stated he has no political motives with this bill but let me state my own observations. It is possible that Alan Karcher is the motivating force behind this bill. If Senate Bill 2282 is passed, Senator Russo could command the backing of Assemblyman Karcher and the

liberal vote of New Jersey in his quest for the Democratic nomination for governor of New Jersey.

Senator Russo says we must stop this senseless killing by handguns. Then, we should also ban automobiles because more people are accidentally killed by automobiles than handguns.

As a nation we have succumbed to the philosophy that antisocial behavior can somehow be curbed by simply passing more laws. Laws which are often times toward the symptoms or instruments of crime and not toward the disease itself--the criminal.

I wish to express opposition to Senate Bill 2282, as proposed by Senator Russo and his three cosponsors. No evidence has been presented to show that such laws reduce crime. Seven enclosures (Exhibits I thru VII) are presented to show that such laws do not reduce crime.

Senator Russo claims a cause and effect relationship between the ownership and lawful use of firearm by our citizens and escalating crime rates. There is a further claim that criminality will lessen if still greater restrictions are placed on gun ownership and use. It is my contention that this proposed legislation is a political smoke screen that hides the problem and does not into solve it.

The Book "Your Guide to Firearm Regulations" is the most authoritative and complete compilation of firearm laws in the United States which is distributed to all gun dealers

by the Department of the Treasury. Only state and local laws are included--federal statutes are covered in a supplement. Now, Senator Russo and his cosponsors want to enact still another law for inclusion in this book. Before giving your answer, a review of the effectiveness of current regulations is in order.

So as to accurately compare the incidence of crime in various regions the F.B.I. has developed a Crime Index. The index is simply the quantity of crimes by category per 100,000 people in the reporting area. Crime has been divided into two broad groups. One is entitled Violent (comprising personal crimes such as murder, assault, forceable rape, and the like) and Property (such as larceny and author theft). Years of research by F.B.I. technicians indicates that the mix of crime differs with population density. For this reason, each of the two general groups of activity is further segmented into three separate groups--large cities and their suburbs, small independent cities and rural areas. The Crime Index for each subgroup is reported separately. The F.B.I. issues one further caution to users of this data. Comparisons should only be made between nearby localities. This restriction assures that the same (or nearly the same) ethnic mixtures and socio-economic conditions prevail in the two areas under review.

Using the F.B.I. reports as my source, I have compared the criminal activity in three pairs of states. In each pairing, the first state (Massachusetts, New Jersey, and

South Carolina) is a heavy regulator of firearms ownership and use, while its neighbor places far few firearms related restrictions on its citizens.

Here you see two principal divisions of reported crime as well as the three subgroups under each. Remember, the first state in the pair is a heavy regulator of firearms. For your convenience, the higher crime rates are underlined. You can see that in 1986, the latest year for which there is complete data, the more heavily regulated states have higher crime indexes--in almost every category. Now, take a look at 1980 through 1985. The numbers are different but the story they tell is the same. These seven years of information are not a fluke. The reports of 1975 through 1979 also show that the states with the strictest gun laws display the highest rates of crime.

Experience shows that laws are obeyed by honest people and ignored by criminals. Restrictive gun laws are no exception to the rule. Legislation that does not attack the disease, the criminal, is certainly useless and may be dangerous to the well being of the community. As you do your "soul searching" and consider the enactment of additional strict gun laws, I hope you will remember these charts. One last thought--crime rates will fall only when it becomes more dangerous to be a criminal than a victim. I sincerely believe S.B. 2282 should not be voted out of Committee.

President Reagan is still against gun control.

INDEX OF CRIME - U.S. 1980

STATE	VIOLENT ²			PROPERTY ³		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>590</u>	<u>416</u>	<u>280</u>	5156	<u>7240</u>	2146
CONN.	446	183	161	<u>5792</u>	3800	<u>2478</u>
N.J. ¹	<u>638</u>	<u>243</u>	<u>173</u>	<u>5818</u>	<u>5877</u>	<u>2673</u>
PENN.	424	150	93	3620	2844	1867
SO. CAR. ¹	<u>762</u>	<u>891</u>	<u>398</u>	5816	<u>6058</u>	<u>2662</u>
GA.	727	390	198	<u>6205</u>	4614	1857

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

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INDEX OF CRIME - U.S. 1981

STATE	VIOLENT ²			PROPERTY ³		
	STD. MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>608</u>	<u>394</u>	<u>166</u>	4780	<u>5761</u>	1775
CONN.	<u>485</u>	154	218	<u>5697</u>	3833	<u>2500</u>
N. J. ¹	<u>667</u>	<u>249</u>	<u>172</u>	<u>5592</u>	<u>5330</u>	<u>2763</u>
PENN.	427	142	82	3551	2569	1770
SO. CAR. ¹	<u>704</u>	<u>830</u>	<u>405</u>	5408	<u>5825</u>	<u>2492</u>
GA.	668	407	221	<u>6123</u>	4419	1736

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

186X

INDEX OF CRIME - U.S. 1982

STATE	VIOLENT ²			PROPERTY ¹		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>551</u>	<u>384</u>	<u>308</u>	4558	<u>4927</u>	1625
CONN.	432	143	189	<u>5322</u>	3479	<u>2298</u>
N. J. ¹	<u>643</u>	<u>231</u>	<u>163</u>	<u>5102</u>	<u>4918</u>	<u>2744</u>
PENN.	417	138	72	3317	2551	1592
SO. CAR. ¹	<u>821</u>	<u>917</u>	<u>440</u>	5350	<u>5966</u>	<u>2515</u>
GA.	603	357	161	<u>5870</u>	4311	1606

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

157X

INDEX OF CRIME - U.S. 1983

STATE	VIOLENT ²			PROPERTY ¹		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>578</u>	<u>269</u>	<u>379</u>	4211	3217	2079
CONN.	<u>393</u>	<u>140</u>	<u>196</u>	<u>4787</u>	<u>3300</u>	<u>2127</u>
N. J. ¹	<u>553</u>	NO N.J. DATA		<u>4610</u>	NO N.J. DATA	
PENN.	<u>384</u>			<u>3614</u>		
SO. CAR. ¹	<u>685</u>	<u>793</u>	<u>384</u>	4775	<u>5339</u>	<u>2241</u>
GA.	<u>553</u>	<u>380</u>	<u>163</u>	<u>4782</u>	3821	1364

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

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INDEX OF CRIME - U.S. 1984

STATE	VIOLENT ²			PROPERTY ³		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>525</u>	<u>275</u>	<u>382</u>	3857	<u>3266</u>	1542
CONN.	414	128	186	<u>4413</u>	2989	<u>1854</u>
N. J. ¹	<u>528</u>	NO. N.J. DATA		<u>4328</u>	NO N.J. DATA	
PENN.	350			2908		
SO. CAR. ¹	<u>688</u>	<u>835</u>	<u>391</u>	<u>4568</u>	<u>5308</u>	<u>2290</u>
GA.	484	339	143	3808	2976	1083

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

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INDEX OF CRIME - U.S. 1985

STATE	VIOLENT ²			PROPERTY ¹		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>534</u>	<u>321</u>	<u>163</u>	<u>3991</u>	<u>3363</u>	<u>706</u>
CONN.	423	168	<u>177</u>	<u>4475</u>	<u>3659</u>	1892
N.J. ¹	<u>544</u>	NO N.J. DATA			<u>4555</u>	NO N.J. DATA
PENN.	369				2880	
SO. CAR. ¹	<u>688</u>	<u>800</u>	<u>428</u>	4725	<u>5554</u>	<u>2464</u>
GA.	610	387	195	<u>5331</u>	4170	1605

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

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INDEX OF CRIME - U.S. 1986

STATE	VIOLENT ²			PROPERTY ²		
	STD MET	OTHER CITIES	RURAL	STD MET	OTHER CITIES	RURAL
MASS. ¹	<u>553</u>	<u>311</u>	157	3905	3475	812
CONN.	442	258	<u>237</u>	<u>4576</u>	<u>3533</u>	<u>1912</u>
N.J. ¹	<u>572</u>	NO N.J. DATA			NO N.J. DATA	
PENN.	401					
SO. CAR. ¹	<u>736</u>	<u>837</u>	<u>460</u>	5029	<u>5653</u>	<u>2469</u>
GA.	707	537	223	<u>5807</u>	4708	1764

1. HEAVY REGULATOR

2. INDEX: NO. OF CRIMES BY CATEGORY DIVIDED BY POPULATION (100,000)

3. SOURCE: CRIME IN THE U.S. - UNIFORM CRIME REPORT BY FBI

RUSSO HANDGUN BAN BILL S. 2282

President Carter, during his presidency, had gone farther than any other president of the United States was willing to go in abolishing the rights of all American Citizens to own private property. President Carter on October 5th signed two treaties, at the United Nations, that cancelled the right for Americans to own private property. President Truman refused to have the United States sign these treaties unless they contained Article 17 of the Universal Declaration, which states:

"Everyone has the right to own property
as well as in association with others.
No one shall arbitrarily be deprived of
his property."

Presidents Eisenhower, Kennedy, Johnson, Nixon, and Ford also supported President Truman's Article 17. The Soviets strongly objected to this article 17 written in 1948. In 1960, the United Nations moved against the United States and adopted covenants without Article 17. The Soviets and other communist nations have tried to get us to sign the treaties ever since. President Carter signed the two treaties on October 5th. There was very little notice of this in the media. If the Senate ratifies these treaties, then free enterprise and the ownership of private property, in the United States is in jeopardy.

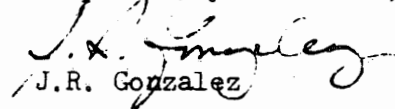
The right of every American to own property and the right to own property free from government confiscation or seizure, without just compensation, are guaranteed to us under the Fourth and Fifth Amendments, but our Constitution specifically states that treaties become the Supreme Law of the land. Therefore, if treaties are signed, you are no longer covered under the Fourth and Fifth Amendments and you can lose your property. There is little doubt in my mind that these treaties are being used as the groundwork for a World Government under the United Nations. The United Nations officially sanctions expropriation of nationalization of any property deemed "Necessary or Desirable" by the government of any member state.

Constitutional Lawyers have described the U.N. attitude toward property as legalized theft. Can this happen here? Sure. Create a national crime problem and rile the population...then introduce a bill like BILL S. 2282

Touting it as a cure all bill to eliminate crime. The media hype it, other states follow through, and in a short while all citizens are banned from owning a firearm. The Senate the ratifies the treaties, all citizens lose control of their properties, and freedoms that were once guaranteed under the constitution. I am sure that our forefather's visioned tyranny, even over here, and made provisions, in our constitution, to counteract this by stating that all citizens have the right to bear arms. Without arms to protect their property they are helpless...remember Hungary, etc. There will^{be} no treaty signing as long as the citizens possess firearms for the simple reason that should the treaty be signed ~~there~~ would be uncontrolled revolution in the streets. The real plan, as I see it is...disarm them first then take their properties and freedoms and their protection will come from the United Nations, not the Constitution.

In closing , I feel this committee is honestly trying to resolve a serious crime situation but by taking a simple approach and unilaterally banning ownership of firearms, without really making a serious in-depth study of its effect and consequences concerning our Constitution, our freedoms, and these treaties waiting to be ratified....our laws and freedoms are in serious jeopardy. Thank you for allowing me to present my views.

Respectfully submitted,


J.R. Gonzalez

POSITION PAPER

Presented to

New Jersey State Legislature
Senate Law. Public Safety and Defense Committee

by

Richard Medrala
712 Campe Street
Egg Harbor City. N.J.
08215

DEFEAT S 2882

The purpose of any gun law should be to protect the members of society from the criminal element, not to disarm the honest citizen. Senate Bill S 2282 will have just the opposite effect--it will disarm the honest citizen, not the criminals. By prohibiting the sale of handguns and requiring the surrender of handguns upon the owner's death, this bill will eventually lead to the elimination of handgun ownership by the honest citizens of the state. Criminals do not obtain their guns as the laws require. The criminals do not subject themselves to background checks that are required now because they know they would not pass. This law will not stop criminals from obtaining handguns, it will encourage them to perpetrate their crimes on a defenseless population.

An armed populace will give the criminals cause for concern. For many reasons the handgun is the weapon of choice for home defense.

First, handguns are easier to handle than a long gun in a confined space such as a home. Second, because of their short sight radius and the distance they are held from the eye, they are easier to sight for people who are farsighted. This includes all those over 50 years of age. Hunters of this age group normally would use a scope on their rifle but a scoped rifle is useless at the close ranges encountered in a house. Next, handguns are easier to handle for women because of their size. Most women have difficulty handling the weight and recoil of any but the smallest caliber rifle. Finally, handguns are easier to conceal around the house so they would not be as readily seen by a criminal upon entering the house. There have been many cases where home-

owners were able to retrieve a handgun even after being confronted by an armed intruder by using an appropriate ruse. This is almost impossible to do with a long gun because of its greater visibility.

The surrender aspect of Senate Bill S2282 is ~~most~~ reprehensible. In most cases, it is the man of the house who purchases the gun. Upon his death, the wife would have to turn in her husband's handgun, leaving her defenseless during a time when she is in most need. This bill sends the criminals the message that it is all right to prey on widows since the state will have disarmed them.

I would strongly urge the Senate members to stand with the honest citizens of New Jersey and vote against Senate Bill S 2282.


Richard Medralla

TO:
THE HONORABLE
FRANCIS X. GRAVES JR.
CHAIRMAN SENATE LAW,
PUBLIC SAFETY AND
DEFENSE COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, N.J. 08625

FROM:
ALAN B. HOWE
242 REDSTONE RIDGE
CHERRY HILL, N.J. 08034
11/28/88 P1

DEAR SENATOR GRAVES:

THE FOLLOWING IS MY TESTIMONY IN OPPOSITION
TO SENATOR RUSCO'S BAN THE HANDGUN BILL
S. 2282 AND FOR THE RECORD, IS SUBMITTED
FOR INCLUSION IN THE OFFICIAL TRANSCRIPT.

THIS ILLCONCEIVED BILL (2282) IS UNLAWFUL.
IT IS A LEGISLATIVE INSULT TO THE LAWABIDING
CITIZENS OF NEW JERSEY. IT VIOLATES THE
PRECEPTS OF LEGISLATIVE FAIRNESS, JUSTICE,
TRUTHFULNESS AND APPROPRIATENESS. IT WILL HAVE
ABUSIVE IMPACT ON THE LAWABIDING CITIZEN BUT
WILL NOT PREVENT ACQUISITION OF HANDGUNS
BY THOSE WHO CHOOSE TO VIOLATE THE LAW. IT
VIOLATES THE PRECEPTS OF FREEDOM AS
CONSTITUTIONALLY MANDATED IN OUR BILL OF
RIGHTS.

IF THIS BILL IS ENACTED INTO LAW, IT IS LOGICAL
TO BELIEVE THAT HANDGUNS WILL BE SUPPLIED
THROUGH ILLEGAL UNCONTROLLED SOURCES TO THOSE
WHO CHOOSE TO VIOLATE THE LAW. CONSIDERING
PAST EXPERIENCE WITH ATTEMPTS TO BAN
ALCOHOL AND NARCOTICS AND THE HORRENDOUS
PROLIFERATION OF CRIME RESULTING THEREFROM,
IN MY VIEW, BANNING HANDGUNS WOULD BE
SILLY AND COUNTER PRODUCTIVE.

P2
IN JEOPARDY HERE IS THE CITIZENS BILL OF RIGHTS, WHICH BASICALLY IS THE KEYSTONE OF OUR CONSTITUTION. THE CITIZENS' RIGHTS ARE NOT BARGAINING CHIPS TO BE TRADED OFF BY MISGUIDED AND DISINFORMED POLITICIANS. HOPEFULLY THIS PROPOSED MISCARRAGE OF JUSTICE WILL BE SET ASIDE SO THAT APPROPRIATE SOLUTIONS CAN BE DETERMINED FOR THE REAL PROBLEMS.

THE ROOT CAUSE OF HANDGUN CRIME IS EXPOSURE TO CRIMINAL BEHAVIOR - NOT TO OWNERSHIP OF SPECIFIED ITEMS OF PERSONAL PROPERTY.

IN CONCLUSION, LAWS WHICH ARE INCOMPATIBLE WITH THE PRECEPTS OF FAIRNESS, JUSTICE, TRUTHFULNESS AND APPROPRIATENESS WITH RESPECT TO THE CITIZENS RIGHTS MUST NOT BE ENACTED

SINCERELY AND RESPECTFULLY:

Alan B. House
ALAN B. HOUSE



Gun Owners of New Jersey

Bob Harvey
NJ Representative,
Gun Owners of America
17 Maine Trail
Medford, NJ 08055
Tel: (609) 953-1081
Date: 24 NOV 1988

The Honorable
Francis X. Graves, Jr., Chairman
NJ Senate Law, Public Safety
and Defense Committee
State House Annex, CN-068
Trenton, NJ 08626
Tel: (609) 984-0231

Ref: Notice of Public Hearing, 30 NOV 1988

Sub: S-2282, New Jersey Handgun Ban
S-1474, Lifetime Handgun Purchaser Card Bill
A-594, 5-year Handgun Purchaser Card Bill

Dear Senator Graves:


Thank you for the notice regarding public hearing on subject legislation.

Attached please find our amicus curiae brief concerning what Gun Owners of America and Gun Owners of New Jersey consider as the most important constitutional issues surrounding the controversy. You will recall your remark to Mr. Larry Pratt, our Executive Director, during testimony at the previous hearing on 24 MAY 1988, to keep the committee informed regarding constitutional issues.

We request the attached brief be made part of the public record of this hearing.

Many other organizations concur with our opinion regarding the restrictions imposed by Senator Russo's S-2282 bill to ban handguns in New Jersey. They will contact you directly. This brief is submitted now in the interests of expediency.

Respectfully,


Bob Harvey, Medford
NJ Representative,
Gun Owners of America



Gun Owners of New Jersey

AMICUS CURIAE BRIEF NEW JERSEY SENATE HEARINGS, NOVEMBER 30th 1988, CAMDEN, NJ Committee for Law and Public Safety, Senator Graves, Chairman

S-2282 - THE N.J. HANDGUN BAN

This brief is submitted pursuant to the request of Committee Chairman, Senator Graves, at hearing on 24 MAY 88, to inform the panel regarding certain Constitutional issues and contravert testimony of record presented by New Jersey Department of Criminal Justice, Law-Enforcement officials, and Special Interest Groups, supporting complete elimination of handgun type firearms in possession of ordinary law abiding New Jersey Citizens - FOREVER.

Gun Owners of New Jersey believes that regulation or prohibition of firearms, as well as registration of gun owners or their firearms, is contrary to fundamental American principles founded in the US Constitution and Bill of Rights, enforceable upon states pursuant to Article III of the Constitution in conjunction with the 2nd, 4th, 5th, 8th and 14th Amendments.

We believe that attempts to disarm ordinary law-abiding civilian citizens are part of organized efforts to completely disarm all ordinary Americans and contrary to the fundamental intent of American principles providing a government of, by and for the people. Evidence presented at Assembly Hearings in September 1987 abundantly demonstrated the point.

Legislation proposed by S-2282, and the manner of proposed enforcement, clearly follows the pattern developed by certain special interests to unilaterally, and totally disarm all ordinary citizens of the entire country and make America vulnerable to totalitarian excesses rampant in police states of the world both past and present.

Briefly, Bills under consideration propose the following:

1.0 S-2282: Prohibits sale, manufacture, importation, possession, and carrying of any handgun except by certain authorized Police & Military personnel. Objective: To eliminate handguns from possession and ownership of private "civilian" citizens in the State. Sponsor: Senate President RUSSO (D-10).

2.0 S-1474: Provides for issuance of a "Lifetime Handgun Purchaser Card". Objective: To prevent arbitrary procedures prevalent in processing applications for "Handgun Purchase Permits" in certain sections of the State. Sponsor: Senator Zane (D-3).

3.0 A-594: Provides for issuance of a "Handgun Purchaser Permit Card" with a lifetime of 5-years. Objective: To prevent arbitrary procedures prevalent in processing applications for "Handgun Purchase Permits" in certain sections of the State. Passed Assembly vote - presently in Senate Law & Public Safety Committee. Amended to comply with Law-Enforcement requests. Sponsor: Assemblymen Haytaian (R-24) / Foy (D-7).

NEW JERSEY PEOPLE CONTROL

Hearings on September 22nd 1987, before an investigative sub-committee chaired by Assemblyman Stuhltrager, exposed an "anti civilian" attitude, prevalent among New Jersey Criminal Justice and Law Enforcement officials - which has been and continues to be - the cause of considerable abuse under the color of State Law, local procedure, custom and usage, long suffered by ordinary New Jersey citizens acting in good faith.

Superintendent of State Police, Colonel Pagano, supported the "Legal Brief" submitted by Attorney General Edwards by stating the following: "New Jersey does not control Firearms. New Jersey Controls People". The brief and testimony suggests that mere possession of firearms by ordinary American citizens is a "privilege" subject to State sanction and control. Deputy Attorney General Victoria Bramson testified:

"But this right of the people has always been interpreted by the Federal courts and the United States Supreme Court, to be a right of the people in connection with a well-regulated militia, meaning that this Second Amendment right to bear arms is not a right. The Second Amendment is a right of the people in connection with a Militia. That is generally accepted as the National Guard these days."

The fallacy of this argument is clearly represented by decisions of the United States Supreme Court :

Delivering the US Supreme Court opinion in Presser v Illinois, 116 US 615 (1885), Justice Woods reviewed US v Cruikshank 92 US 542 (1875) and clearly described Second Amendment Militia functions including the responsibility of every able bodied male citizen. Viz:



Gun Owners of New Jersey

"The right specified is that of "bearing arms for a lawful purpose. This is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence"

-- Cruikshank Supra., Waite, Chief J.

"...all citizens capable of bearing arms constitute the reserved military force or reserved Militia of the United States... and in view of this prerogative of the General Government, as well as of it's general powers, the States cannot, even laying the constitutional provision out of view, prohibit the people from keeping and bearing arms..."

-- Presser Supra., Woods, J.

The arms described were firearms, required to be owned, maintained and kept by ordinary American individuals, not subjected to arbitrary regulation by state law. In fact, the often cited case of US v Miller, 307 US 174 (1939), allowed regulation of "Sawed Off Shotguns" pursuant to 1934 firearms control laws, solely because they were alleged as not reasonably related to Militia arms. Additionally, the Court reflected at great length on the historical duty of ordinary citizens to individually keep and bear personal arms.

Congress, under the National Defense Act of 1916, and pursuant to Article I of the US Constitution, expanded the roll of citizens in connection with the Militia under Titles 10 & 32 of the United States Code; 39 Stat. 166 et Seq. as follows:

"...the Militia, which hitherto had been an almost purely state institution, was brought under the control of the National Government. The term "Militia of the United States" was defined to comprehend "...all able-bodied citizens of the United States and all other able-bodied males who have... declared their intention to become citizens..."

See: US Constitution Annotated 1987, at 363.

Special Interest groups and those who would subject ordinary American Citizens to the arbitrary whim, caprice and brutality of a Police State through "civilian disarmament", often argue that these US Supreme Court decisions were made 100 years ago. We remind them that our Constitution is 200 years old, and together with the Declaration of Independence and Bill of Rights, still represents the most concise declaration of individual rights for freedom loving people anywhere on this earth.

These groups suggest disarming ALL persons of any and ALL weapons they deem dangerous. While leading arguments claim that government must protect ordinary people from themselves in the interests of "public health, safety, and welfare",

all proposed legislation excludes Police and Military personnel. Why? Such arguments were used by every tyrant in history. There are Court decisions in every United States federal and State jurisdiction clearly enunciating that ordinary citizens have no "constitutional right" to police protection, no matter how negligent police efforts may be.

See: Fox v Curtis, 712 F2d 84 (4th Cir.1963);

Rieff v Philadelphia, 471 F.Supp 1262 (3rd Cir.1979).

The principle that every American citizen has a right to protect Life, Liberty, and Property, with a firearm if they so choose, is reflected in the New Jersey Constitution, Article I Paragraph 1, as well as constitutions of every other state. They are declared "Natural, Unalienable Rights" Viz:

"All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness".

New Jersey Ranks dead last in protection of natural individual rights of ordinary citizens. Not until November 12th 1980, did New Jersey legislators accept principles of 14th Amendment (1868) guarantees of Equal Protection and Due Process of law for ordinary American citizens over 120 years after ratification, and then, only by non-binding concurrent Legislative Resolution No. 128.

Present day alleged fear of firearms in the hands of ordinary citizens has set the stage for unprecedented attacks on individual Americans by any criminal element. Only those persons who would crack the US Constitution asunder to increase national vulnerability, advocate unilateral "civilian" disarmament. We believe such attempts if not treasonous, are clearly un-American. Similarly, "registration" of the citizen and/or his firearms represents government actions clearly contrary to founding principles of American society. Such "registration" has been the forerunner of firearms confiscation and civilian disarmament in every country ever subjected to totalitarian government.

FUNDAMENTAL FREEDOMS AT RISK

On 24 May 1988, while waiting to testify at previous Senate hearings on S-2282, proposing to ban handguns from New Jersey forever, testimony of a local gunsmith stirred forgotten fears with his description of personal experiences in Hungary immediately after WW-II :



Gun Owners of New Jersey

"In 1946, under Stalin's tyrannical Soviet regime, all military style firearms were immediately confiscated and citizens were required to keep sporting firearms at gun club armories. Within six months club armories were considered unsafe and firearms were kept at police stations. Within another six months, firearms disappeared. Citizens who failed to follow the dictum and kept firearms at home also disappeared - by the thousands".

-- Steve Acel, NJ Gunsmith

Small wonder that Hungarian citizens were forced to fight soviet tanks with rocks in 1956.

COMBINED INFLUENCES

Immunity of "gun-control" legislation cannot be preserved by consideration isolated from other laws and court cases impinging on fundamental individual rights of every American citizen. Indeed, historical evidence is replete with objectives stipulated by the Founding Fathers requiring our first ten Amendments as an individual Bill of Rights. Protection of those rights is enshrined as the duty of every American citizen. The means for this individual protection of life, liberty and property, including protection against tyrannical government, abuse by standing armies, suppression of civil unrest, and protection from foreign invasion, was enshrined in the Second Amendment.

The US Supreme Court has clearly made known its decision that all fundamental individual rights enumerated in the Bill of Rights are of equal importance. Yet, pressures by special interests have been felt by Supreme Court justices as declared in their decisions. Viz:

"There have been powerful hydraulic pressures throughout our history that bear heavily on the Court to water down constitutional guarantees and give police the upper hand. That hydraulic pressure has probably never been greater than it is today".

TERRY v OHIO, 392 US 1 (1968), DOUGLAS, J.

On 26 May 1987, the US Supreme Court in US v SALERNO, Slip: 86-87, (2d cir.1987) ruled upon certain provisions of the 1984 Bail Reform Act stating that certain persons charged with crimes could be incarcerated without bail pending trial. Indeed, New Jersey presently has Bill A-2177, "Bail Act of 1986", pending to incorporate such legislation into state law. Direct attacks on every ordinary citizen's 8th Amendment right to reasonable bail and the 5th & 14th Amendment guarantees of substantive Due Process of Law, provoked the following dissent by Supreme Court Justices. Viz:

"This case brings before the Court for the first time a statute in which Congress declares that a person innocent of any crime may be jailed indefinitely, pending trial of allegations which are legally presumed to be untrue." *** "Such statutes, consistent with the usages of tyranny and the excesses of what bitter experience teaches us to call a police state have long been thought incompatible with the fundamental human rights protected by our constitution." -- MARSHALL and BRENNAN, JJ.

New Jersey Criminal-Justice and Law-Enforcement officials have bid "Happy 20th Birthday" to this infringement of every American Citizen's Constitutional Rights.

"Our Constitution, whose construction began two centuries ago, can shelter us from the evils of such unchecked power." *** But, it cannot protect us if we lack the courage and self restraint to protect ourselves. Today a majority of the Court applies itself to an ominous exercise in (Constitutional) demolition". - MARSHALL and BRENNAN, JJ.

"Imprisonment to protect society from predicted but unconsummated offenses is... unprecedented in this country and... fraught with dangers of excesses and injustice..."

WILLIAMSON v UNITED STATES, 95 L.Ed. 1379,1382 (1950) - JACKSON, J. (in chambers).

On 26 May 1987, in HILTON v BRAUNSKILL, a companion decision, Slip: 86-108, (3d cir. 26 MAY 1987), the Court upheld abrogation of most Habeas Corpus procedures. This right, found in Article III of the US Constitution, to federal court review of procedures which caused any prisoner to be incarcerated, was abrogated in part only once previously, at the beginning stages of the Civil War, by President Lincoln. Viz:

Under today's decision a federal court can... authorize the indefinite detention of a successful (Habeas Corpus) petitioner without a full-blown adversary hearing, without counsel, without immediate appellate review, without satisfying any elevated burden of proof.

-- MARSHALL, BRENNAN, and BLACKMUN, JJ.

The Bill of Rights has been under attack since its inception. Never before has such a concerted attack sought to abrogate so many individual rights in such a short period of time. The opinion of police chiefs, law enforcement executives, or legislators is not the arbiter of our Constitutional rights. Some police executives criticize the exclusionary rule; they claim that a strong 4th Amendment



Gun Owners of New Jersey

causes crime. Some police executives criticize the grand jury system and claim that a strong 5th Amendment causes crime. Some police executives say that a strong 2nd Amendment causes crime. In a nationwide survey of all the nation's chiefs of police and sheriffs, 59% said such measures are ineffective in reducing crime.

Our Second Amendment Right to Keep and Bear Arms was included in the Bill of Rights to prevent excesses of a despotic, tyrannical, police state form of government. But, we rarely hear this fundamental argument presented publicly or offered to rebut proposed legislation. A sad commentary to what once was a truly free society where individual citizens were not afraid, and indeed encouraged, to speak out against tyrannical government policies. It is emphasized by legislator's reactions to statements of Colonel Pagano contained twice in official notes of testimony from aforesaid hearings on 22 SEP 88 referring to "...those people behind me".

The US Supreme Court in BRISCOE v LAHUE, Slip: 81-1404, (7th cir.) 07 MAR 83 held:

*"The Civil Rights Acts do not authorize a convicted state defendant to assert a claim for damages against a police officer for giving perjured testimony at the defendant's criminal trial". *** "Subjecting government officials, such as police officers, to damages liability for their testimony might undermine not only their contributions to the judicial process but also the effective performance of their other public duties".*

The only conclusion ordinary citizens can reach in review of the aforesaid, is that New Jersey Criminal-Justice and Law-Enforcement Officials have placed ever greater restrictions on ordinary law-abiding citizens for purposes of "PEOPLE-CONTROL", rather than purposes of "CRIME-CONTROL".

Generally, gun owners and sportsmen are reasonable individuals, willing to back any legislation favorable to American society. They are patriots and many have served their country well in time of war. Their average age is closer to 50 years than 30, and most are responsible citizens whether they live in New Jersey or Alaska. They were taught in school that the Bill of Rights is their protection against tyranny from without or within the country. Recently, one NJ citizen was murdered by a criminal resisting arrest by two New Jersey police officers when he attempted to assist them in their duty. Not long ago such persons were awarded medals for exemplary citizenship. What happened this time?

Taken Together, all "GUN-CONTROL" legislation in New Jersey has done little to increase effectiveness of CRIME-CONTROL. Arguments presented at hearings tend to substitute questionable statistics for reason, and emotional, sensational, testimony by victims, is used to create a strong cause for "PEOPLE-CONTROL". In reality, such arguments are merely twists of language - disinformation - to propagate propaganda for purposes of complete unilateral civilian disarmament. That such arguments find themselves the subject of sensational propagandized story themes on popular television programs and overemphasized, isolated, incident reports on TV news, serves to prove the point. Every prospective totalitarian dictator throughout history has used similar techniques, with whatever communication means available, to subjugate citizens. Recent memories include Hitler of NAZI Germany and Stalin of today's USSR.

Comparison of Pennsylvania's definition of Firearm with that of New Jersey well proves the point. (See pg.5)

Not since the mid 1950's, when Soviet Premiere Nikita Khrushchev removed his shoe and pounded the heel on a United Nations lectern as he addressed the General Assembly stating: "We will bury you from within your own country.", has the American Constitution and fundamental principles of American government been more overtly threatened.

Recent overzealous prosecutions of ordinary New Jersey citizens by County Prosecutors for mere possessory offenses illustrate much of the "attitude" problem. In State v Harmon, NJ Supreme Court, A-134, (14 OCT 86), brandishing an inoperative BB-Pistol caused prosecution of a young NJ citizen for the 2nd degree offense of "willful disregard of human life". The case was remanded for retrial. Another recent case involved criminal prosecution for the 2nd degree offense of a young NJ citizen for bouncing a BB off a road stop sign. No criminal intent was manifest in either case, but still the offenses resulted in prosecution for crimes carrying a mandatory minimum 3-year incarceration penalty. Gubernatorial clemency was required to prevent this abuse of New Jersey Firearms and Weapons Laws.

Moreover, the United States Supreme Court has long ago settled the inability of any state to require disclosure of membership lists as required by present New Jersey Firearms and Weapons Laws, state police regulations and proposals in S-2282. Additionally, S-2282 mandates that ordinary NJ citizens who happen to be members of ordinary gun clubs must meet only at their respective club properties which would be police controlled. These attempts have often proven contrary to First Amendment guarantees of free speech, assembly, and petition. NAACP v ALABAMA, 357 US 49 (1958); BATES v LITTLE ROCK, 361 US 516 (1968); HEALEY v JAMES, 408 US 169 (1972).



Gun Owners of New Jersey

F I R E A R M as defined in **PENNSYLVANIA and NEW JERSEY**

PENNSYLVANIA

18 PA 6102 "FIREARM"

Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

NEW JERSEY

2C:39-1(f)

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

NOTE:

The obvious attempt to regulate juvenile mischief and vandalism by including such items as sling shots and bb-guns in the Criminal Code with NJ Firearms and weapons laws is a travesty of criminal justice commensurate with the "attitude" prevalent in the office of the Attorney General. While a case may be made for the destructiveness of such weapons, punishment should be regulated by the act and age of any defendant. It is not cost effective to use State Police to enforce prosecutions requiring 5-year sentences, with mandatory 3-year provisions against vandals.

Moreover, Pennsylvania has no greater record of criminal activity with such "weapons" (sic) than any other state including New Jersey.



Gun Owners of New Jersey

State legislators are confronted with constitutional principles every time legislation is conceived, created, introduced, debated, and enacted. "Gun-Control" legislation introduces a controversial issue with polarized popular sentiments.

Often, such legislation is enacted to create a situation which will challenge the courts, in this case the US Supreme Court, to rule with regard to fundamental constitutional issues. Unfortunately, citizens caught in the maelstrom can be severely damaged during this process to alter or confirm fundamental sociological positions. The effects of such efforts are often not felt for generations, or until the Court considers circumstances ripe for consideration.

Now therefore, in light of the aforesaid, we beseech New Jersey legislators to consider all the facts when debating this "gun-control" legislation and defeat proposals such as S-2282 which serve to unbalance fundamental principles of American government.

We ask those who support S-2282, and similar legislation, to consider the price. Indeed:

What price the blood shed by American Veterans in all wars to protect fundamental principles of our American Democratic Republic.

What price "freedom, liberty and justice for all" ?

What price government "of the people, by the people and for the people" ?

What price "CRIME CONTROL" through "PEOPLE-CONTROL" ?

Reasonable, unemotional, non-sensational, balanced compromise for amendment of New Jersey Firearms and Weapons Laws is proposed in the attached:

NJ GUN OWNERS BILL OF RIGHTS.

We believe S-2282 and similar legislation fails to comprehend citizen's feelings and fails to serve the best interests of all ordinary, law-abiding American citizens.

Respectfully Submitted,

Larry Pratt
Larry Pratt, Executive Director,
Gun Owners of America

Bob Harvey
Bob Harvey, NJ Representative,
Gun Owners of America
Editor,
Gun Owners of New Jersey

Additional support for the position in this brief is provided by the following groups who will contact the committee directly:

Disabled American Veterans

Viet Nam Veterans Association

American Legion

Specific Gun Clubs

NJ Citizens Action League

TO : Division of Law & Public Safety

As a citizen and veteran, I felt compelled to speak up against another meaningless political bill. Owning guns are part of the fabric of life today. People use them for hunting shooting collecting and protection. Fortunately, our 2nd Amendment provides us the right to do so, with the forthought that an unarmed society could be very vulnerable.

Our society in general is very over regulated, with ~~some~~ a premise that the more rules the better. Laws should be designed to put more responsibility on the citizens, not into jelly fish to follow directions with out will.

Lets concentrate on refining the existing framework of law so that whether one or one million gun owners can enjoy their rights with out having to waste their time and money on foolish bills like S.2282.

I suggest you work with legitimate groups like the NRA or N.J. Federation of Sportsman, who can supply valuable and accurate data toward the decision making process. Unfortunately a lot of well meaning people take a negative approach toward guns through his information from various sources and their runaway emotions. Clearly these groups (NRA N.F.S.M.) I mentioned would not exist if the thousands of their members were not interested in representation.

Please note the ATTACHED PETITION WAS OBTAINED IN A COUPLE OF DAYS BY ME. WITH OUT DOUBT MANY ADDITIONAL SIGNATURES COULD HAVE BEEN OBTAINED.

THOSE WHOSE NAME APPEAR ARE ALL PERSONALLY KNOWN TO ME AND IF ADDRESS'S ARE NEEDED - WILL BE EASILY SUPPLIED.

PLEASE NOTE THESE CITIZENS REPRESENT A CROSS CUT FROM OUR SOCIETY. THEIR BACKGROUNDS RANGE AS FOLLOWS:

- 1 - ELEVEN DO NOT OWN ANY GUN
- 2 - ONE WOULD NEVER OWN A GUN
- 3 - WORK BACKGROUNDS INCLUDE:

BLUE COLLAR WORKERS

HOUSE WIVES

EXECUTIVES

OWNERS OF SMALL COMPANIES

ATTORNEYS

DOCTORS

Gary Parker

MEMBERS:

NRA

N. J. FED OF SPORTSMAN.

CHERRY RIDGE GUN CLUB

UNITED BOW HUNTERS

GARY PARKER

14 PINE BLVD

NORTH CALDWELL NJ 07006

14PX

RUSSO HANDGUN BAN

NOVEMBER 30 1988

The undersigned cannot attend Senator Russo's hearing on his bill S.2282. Please be advised we oppose the bill to ban ownership of handguns in New Jersey. Citizens of New Jersey must retain their rights to own guns, if they want to, as provided by the Second Amendment. Furthermore, criminals do not buy guns under the existing 20,000 gun control laws.

<u>Gary Palmer</u>		<u>PAUL TOMERO</u>	
<u>Julia Montone</u>		<u>Maria Palmer</u>	
<u>Raymond Montone</u>		<u>George Kennedy</u>	
<u>Edward W. Nicholas</u>		<u>Jeff Winton</u>	JEFF WINTON
<u>William S. Nicholas</u>		<u>Richard Hesne</u>	X
<u>Maria Mattia</u>	X	<u>Billy Tronelli</u>	
<u>Ronald R. Rasmussen</u>		<u>George Tronelli</u>	
<u>Donna Avanti</u>		<u>Wesley Winkler</u>	X
<u>Anthony Livolsi</u>		<u>DR. DONALD DI STASCI</u>	
<u>Linda Kyriakou</u>	X	<u>Robert Rouse</u>	
<u>Anthony Brucchiari</u>	X	<u>ANTONETTE DAVIS</u>	X
<u>Grace M. Brucchiari</u>	X	<u>STEVE SAMNICK ESQ</u>	
<u>Margaret F. Fendi</u>	X	<u>Beverly Guthrie</u>	X
<u>BEN DE CANTO</u>	X	<u>Dr. Andrew Galanti</u>	X

149X
X = Those who do NOT own a gun of any type.

CONFISCATION OF HANDGUNS DON'T LET THIS HAPPEN IN AMERICA



FIGHTING FOR YOUR RIGHTS



State Senate President John Russo has declared war on the honest gun owners in New Jersey! He is pulling out all stops to secure the passage of S. 2282 — to ban the sale of virtually every handgun in the state — and only you can stop him! The Russo bill would:

- * **BAN THE SALE of ALL handguns** in the state, old and new alike except for some unspecified "target" pistols and some antique handguns;
- * **require that all handguns be stored at an approved range — the penalty for possessing your handguns at your home, place of business or other private property is a 3-5 year jail term.**
- * **establish a set of criteria for the Superintendent of State Police to approve ranges, including necessary security requirements to store handguns, and would require that the names and addresses of each member of the shooting club be annually submitted to the State Police. Under Russo's criteria every range in the state would be forced to close eliminating shooting opportunities and trapping handgun owners in a legal catch-22: even if you legally owned your handgun, you would be unable to store it anywhere in the state and must either turn it in to state authorities with "compensation," or face felony charges for possession.**
- * **create a bureaucratic nightmare by requiring handgun owners to re-register their handguns every three years;**
- * **eliminate the few licenses to carry concealed which exist in the state;**
- * **prohibit you from bequeathing any handguns — regardless of their sentimental or monetary value — to your heirs. Your handguns would be confiscated from your estate when you die, with the state providing some as yet unspecified "compensation."**
- * **require that a law enforcement officer store his/her handguns at a certified range facility, if any existed, within 10 days of leaving the law enforcement profession.**

YOUR FIREARMS RIGHTS HAVE NEVER BEEN IN MORE JEOPARDY! Senator Russo is using the full weight of his office as Senate President to promote his bill because he says that it is YOU — the law-abiding citizen who owns handguns — who is the root of the crime problem. Moreover, the media is giving Senator Russo plenty of free advertising. They want you to think that S.2282 is a crime control measure designed to get guns out of the hands of criminals.

Nothing could be further from the truth! S. 2282 is a complete handgun ban -- designed to eliminate the lawful private ownership of handguns in New Jersey in a single generation.

ATTEND ! HEARING's Hearings to be held november 30 1988 at Rutger's in Camden Campus multi purpose room at the College Center Corner of North Third street and Lawrence ST.

Make No mistake this is a showdown between New Jersey Sportsmen and the anti gunners! It is important that you recruit your family, friends and fellow sportsmen to help and be there if you care. If there is no right to a hand gun then there is no right to any gun! Make no mistake all guns for all reasons are in jeopardy.

