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1988

PUBLIC HEARING

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

SENATE BILL 2282

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

May 24, 1988  
Room 424  
State House Annex  
Trenton, 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  
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RANK X. GRAVES, JR.  
Chairman  
AUL CONTILLO  
Vice-Chairman  
DONALD L. RICE  
LOUIS BASSANO  
JOSEPH BUBBA

May 18, 1988

CORRECTED

NOTICE OF A PUBLIC HEARING

the

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

Will Hold A Public Hearing  
On Tuesday, May 24, 1988 at 10:30 a.m.  
In Room 424 of the State House Annex in Trenton

The purpose of this public hearing, which was originally announced on May 11, 1988, is to elicit testimony on the general topic of handgun control and to discuss the following bill.

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

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

Persons who would like to testify or who need further information should contact Aggie Szilagyi, Committee Aide, at (609) 984-0231. Written testimony may be submitted for inclusion in the official transcript of this 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  
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  
State of New Jersey:

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

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

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

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

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

17 2C:39-5. Unlawful Possession of Weapons. a. Machine guns.  
Any person who knowingly has in his possession a machine gun or  
19 any instrument or device adaptable for use as a machine gun,  
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.

b. Handguns. (1) Any person who knowingly has in his  
23 possession any handgun, [including any antique handgun without  
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  
handgun, except for antique handguns determined by the  
27 superintendent to be collectibles, commemoratives or curios, is  
guilty of a crime of the third degree.

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

31 c. Rifles and shotguns. (1) Any person who knowingly has in  
his possession any rifle or shotgun without having first obtained a  
33 firearms purchaser identification card in accordance with the  
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  
 2 knowingly has in his possession any loaded rifle or shotgun is  
 3 guilty of a crime of the third degree.

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

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

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

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

17 2C:39-6. Exemptions. a. Provided a person complies with the  
 18 requirements of subsection j. of this section, N.J.S. 2C:39-5 does  
 19 not apply to:

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

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

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

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

11       (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  
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;

23       (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);

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

33       (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  
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;

(6) A member of a legally recognized military organization  
5 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;

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

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

(9) A railway policeman, at all times while in the State of New  
13 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.

9 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  
 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  
 29 been convicted in this State or elsewhere of the crime of  
 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  
37 permit to carry or possess handguns under the laws of any state,  
district or territory thereof which has licensing requirements  
39 prohibiting the issuance of permits or licenses to persons who  
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  
 2       between the United States and another country or between two  
 3       foreign countries through this State, provided that the handguns  
 4       are transported in accordance with the provisions of  
 5       subparagraphs (a), (b) and (c) of paragraph (2) of subsection a. of  
 6       this section. A person transporting handguns in foreign  
 7       commerce who would be subject to prosecution for possession of  
 8       a handgun under the provisions of section 6 of P.L. 1979, c. 179  
 9       (C. 2C:39-7) shall not be immune from prosecution because of the  
 10       provisions of this section.

11       b. Any person traveling through this State who possesses a  
 12       handgun other than in accordance with the exemptions set forth  
 13       in this section or otherwise specifically set forth in any other  
 14       provision of this chapter or chapter 58 of this Title shall be  
 15       subject to prosecution for violating any of the applicable  
 16       provisions of this chapter and chapter 58 of this Title.

17       (cf: N.J.S. 2C:39-8)

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

19       2C:39-9. Manufacture, Transport, Disposition and Defacement  
 20       of Weapons and Dangerous Instruments and Appliances. a.  
 21       Machine guns. Any person who manufactures, causes to be  
 22       manufactured, transports, ships, sells or disposes of any machine  
 23       gun without being registered or licensed to do so as provided in  
 24       chapter 58 is guilty of a crime of the third degree.

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

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

31       d. Weapons. Any person who manufactures, causes to be  
 32       manufactured, transports, ships, sells or disposes of any weapon,  
 33       including gravity knives, switchblade knives, ballistic knives,  
 34       daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
 35       sandclubs, slingshots, cesti or similar leather bands studded with  
 36       metal filings, [or in the case of firearms if he is not licensed or  
 37       registered to do so as provided in chapter 58.] is guilty of a crime  
 38       of the fourth degree. Any person who manufactures, causes to be  
 39       manufactured, transports, ships, sells or disposes of any weapon  
 40       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,  
 2 or (c) to or from the collector's dwelling, premises or other land  
 3 owned or possessed by him to any rifle or pistol club organized in  
 4 accordance with the rules prescribed by the National Board for  
 5 the Promotion of Rifle Practice; provided that the club has filed  
 6 a copy of its charter with the superintendent of the State Police  
 7 and annually submits a list of its members to the superintendent,  
 8 and provided further that the ammunition being transported shall  
 9 be carried not loaded in any firearm and contained in a closed and  
 10 fastened case, gunbox, or locked in the trunk of the automobile in  
 11 which it is being transported, and the course of travel shall  
 12 include only such deviations as are reasonably necessary under  
 13 the circumstances.

14 g. Firearms and Handguns. Any person who manufactures,  
 15 causes to be manufactured, transports, ships, sells, or disposes of  
 16 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  
 18 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:

22 2C:39-10. Violation of the Regulatory Provisions Relating to  
 23 Firearms: False Representation in Applications. a. Any person  
 24 who knowingly violates the regulatory provisions relating to  
 25 manufacturing or wholesaling of firearms (section 2C:58-1),  
 26 retailing of firearms (section 2C:58-2), permits to purchase  
 27 certain firearms (section 2C:58-3), [permits to carry certain  
 28 firearms (section 2C:58-4)] licenses to procure machine guns  
 29 (section 2C:58-5), or incendiary or tracer ammunition (section  
 30 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  
 32 degree.

33 b. Any person who knowingly violates the regulatory provisions  
 34 relating to notifying the authorities of possessing certain items of  
 35 explosives (section 2C:58-7), or of certain wounds (section  
 36 2C:58-8) is a disorderly person.

37 c. Any person who gives or causes to be given any false  
 38 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  
required by law in purchasing or otherwise acquiring delivery of  
3 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  
2     effective date of this 1988 amendatory and supplemental act  
3     shall surrender that handgun pursuant to the provisions of  
4     subsection a. of this section but shall not be compensated  
5     pursuant to the provisions of subsection c. of this section. Any  
6     person who surrenders a handgun pursuant to this paragraph shall  
7     not be subject to prosecution for any offense under chapter 39 of  
8     this Title. This provision shall not apply if the surrendered  
9     handgun was used by that person in the commission of any  
10    criminal offense.

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

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

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

23    d. Any person in lawful possession of a handgun on the  
24    effective date of this 1988 amendatory and supplemental act,  
25    pursuant to any of the exemptions set forth in either subsection  
26    a. or c. of N.J.S. 2C:39-6 and who ceases to qualify for any of  
27    those exemptions, shall within 10 days thereafter surrender any  
28    handgun in his possession pursuant to the provisions of subsection  
29    a. of this section. Any surrender made pursuant to this  
30    subsection may be subject to the compensation as established in  
31    subsection c. of this section.

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

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

34    2C:58-1. Registration of Manufacturers and Wholesale Dealers  
35    of Firearms. a. Registration. Every manufacturer and wholesale  
36    dealer of firearms shall register with the superintendent as  
37    provided in this section. No person shall engage in the business  
38    of, or act as a manufacturer or wholesale dealer of firearms, or  
39    manufacture or sell at wholesale any firearm, until he has so  
40    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  
superintendent. If hand delivered a receipt shall be given to the  
3 dealer therefor.

Where a sale, assignment or transfer is made to a purchaser  
5 who resides in a municipality having no chief of police, the dealer  
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  
purchaser resides.

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

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

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

21 b. Firearms purchaser identification card. No person shall  
sell, give, transfer, assign or otherwise dispose of nor receive,  
23 purchase or otherwise acquire an antique cannon or a rifle or  
shotgun, other than an antique rifle or shotgun, unless the  
25 purchaser, assignee, donee, receiver or holder is licensed as a  
dealer under this chapter or possesses a valid firearms purchaser  
27 identification card, and first exhibits said card to the seller,  
donor, transferor or assignor, and unless the purchaser, assignee,  
29 donee, receiver or holder signs a written certification, on a form  
prescribed by the superintendent, which shall indicate that he  
31 presently complies with the requirements of subsection c. of this  
section and shall contain his name, address and firearms  
33 purchaser identification card number or dealer's registration  
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  
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.

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  
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:

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

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

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

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

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

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

39 Any person aggrieved by the denial of a permit or  
 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  
2 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  
4 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  
6 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  
8 Jersey, and upon the superintendent in all cases. The hearing  
9 shall be held and a record made thereof within 30 days of the  
10 receipt of the application for such hearing by the judge of the  
11 Superior Court. No formal pleading and no filing fee shall be  
12 required as a preliminary to such hearing. Appeals from the  
13 results of such hearing shall be in accordance with law.

14 e. Applications. Applications for permits to purchase a  
15 handgun and for firearms purchaser identification cards shall be  
16 in the form prescribed by the superintendent and shall set forth  
17 the name, residence, place of business, age, date of birth,  
18 occupation, sex and physical description, including distinguishing  
19 physical characteristics, if any, of the applicant, and shall state  
20 whether the applicant is a citizen, whether he is an alcoholic,  
21 habitual drunkard, drug dependent person as defined in [P.L. 1970,  
22 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  
24 treatment or observation of a mental or psychiatric condition on  
25 a temporary, interim or permanent basis, giving the name and  
26 location of the institution or hospital and the dates of such  
27 confinement or commitment, whether he has been attended,  
28 treated or observed by any doctor or psychiatrist or at any  
29 hospital or mental institution on an inpatient or outpatient basis  
30 for any mental or psychiatric condition, giving the name and  
31 location of the doctor, psychiatrist, hospital or institution and the  
32 dates of such occurrence, whether he presently or ever has been a  
33 member of any organization which advocates or approves the  
34 commission of acts of force and violence to overthrow the  
35 Government of the United States or of this State, or which seeks  
36 to deny others their rights under the Constitution of either the  
37 United States or the State of New Jersey, whether he has ever  
38 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.

j. Firearms passing to heirs or legatees. Notwithstanding any  
13 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.

l. Nothing in this section and in N.J.S. 2C:58-2 shall apply to  
33 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  
13 reasonable form of identification and may require the applicant  
15 to provide any reasonable proof of good character. The Superior  
Court shall refer the application to the county prosecutor for  
investigation and recommendation. A copy of the prosecutor's  
17 report, together with a copy of the notice of the hearing on the  
application, shall be served upon the superintendent and the chief  
19 police officer of every municipality in which the applicant  
intends to carry the machine gun, unless, for good cause shown,  
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.

c. Upon the issuance of any license under this section, true  
33 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.

d. In issuing any license under this section, the court shall  
37 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)

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

13 14. Possession of Firearms by Minors; Exceptions. a. No  
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

25 (3) For the purpose of competition or target practice in and  
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)

39 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

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 This bill prohibits the sale, importation, possession and carrying  
39 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.





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SENATOR FRANK X. GRAVES, JR. (Chairman): Good morning. I'm Senator Frank Graves, Chairman of the Senate Law, Public Safety, and Defense Committee, and this is Senator Ronald Rice, who is a member of the Committee. There are three other members of the Committee. I expect that at least two of them will be participating in some part of this meeting. I will introduce them to you as they come in.

We are not going to vote on this bill today. We are not going to vote on this bill at meeting two, and we are not going to vote on this bill at meeting three. Translated, I have scheduled three public hearings. This will be the first; there will be one in Camden; there will be one in Hackensack. So, we will be able to get a pretty good view of the feelings throughout the State on what would be considered a major piece of legislation.

This will not be the first time that as Chairman I have handled a gun bill. I am the sponsor of what is called the Graves Act, which has to do with mandatory sentencing for those who use guns in the commission of a crime.

You might be interested in knowing that I have had staff put together some statistics concerning this aspect of using a gun. In 1980, 47% of the homicides in the State of New Jersey were committed by guns. In 1986 -- six years after the adoption of that law -- unlike all other categories of crime that have gone up 4% or 5%, that has decreased to 39%. Robberies-- (applause) Please hold all applause. In 1980, there were 7342 robberies with guns, or 33% of all robberies were committed with guns. In 1986, we decreased that, with the Graves Act, to 5600, or 28% of all robberies, another significant decrease in spite of the fact that most crimes in categories have gone up 4% and 5%.

Finally, in aggravated assaults with the use of a gun, in 1980 there were 19,313, or 16% of all the crimes committed with a gun. In 1986, again a substantial decrease in that area of crimes with a gun.

So, it took patience and time to bring forth that particular law. At that same time, I was also Chairman of a hearing on Senator Merlino's bill. At that time, Senator Merlino's bill, which is the same type of legislation as this, was not voted out of the committee.

We are not going to be able to conduct a proper hearing, and give you the attention you should get, if each time someone speaks it is met with boos or applause, depending upon your feelings. I am going to ask you to be as patient as you possibly can, and not to be carried through emotionally with anything you say, because your reaction is not going to necessarily be the basis of how we vote. What you say will have an absolute impact on what the Committee thinks and digests and, in its fourth meeting, makes its decision on what it can do. The Committee could go many ways. It could refuse to let the bill out. It could let the bill out as is. It could let the bill out for a floor vote with no recommendation, meaning that it would just put it on the floor so that everyone would have a chance to vote on it. Or it could possibly restructure the entire piece of legislation, and release it as a restructured Committee substitute.

So, there are about five important areas of traveling that could take place. The most important thing is, please don't smoke, for your own comfort. Please don't meet each thing that is said with some spontaneous impulse that you might want to give. Try to hold it in check. If we lose control of the hearing, then we will just go into a regular meeting, and will miss something that is important to us as members of the Committee. We will miss your input, and that would not be fair. If we miss your input, then we are missing a good part of what we want to know.

So, hold yourselves in abeyance, so we will be able to get your input. Important: If you hear Witness "A" say something two or three times, and it is then your chance to

speaking, don't reemphasize what has already been said over and over again. You may refer, and say, "So and so gave you some statistics, Senators. We support those statistics." That would be enough. Don't recite the whole thing over and over again, for your own benefit. Because of the size of the crowd, think of the fact that a lot of people are standing, crowded in like sardines in the hall and, in fairness to them, I don't think they are going to be impressed by having to listen to the same thing over and over again. Control your emotions; control your inner feelings.

To some of you, this is almost the most second important thing in your lives, one way or another, and you have grown into it with support or hostility. Don't vent yourself here. It won't be necessary. It isn't going to be the basis of what we feel is the necessity or lack of necessity for this legislation. Each of us as legislators are entitled to put laws in, and we are due at least the courtesy of doing that. I can remember when I introduced legislation to raise the drinking age. There were many, many people -- maybe not quite as many -- who felt I was denying people the right. They said, "You're telling me, Senator, that you won't let me buy liquor at 18, but I have to give my life if I go in the Army." And there were a lot of emotions. But I think all of us will agree today that that law works. There are a lot more kids alive today because the drinking age was raised.

So, it wasn't necessary to give emotions. I am using that as an example of the last time I saw such an outpouring of people on legislation as I see here today. You are warmly welcome. Your input is vital and necessary. Your input will not just fly off the top of our heads. It will be digested; it will be written; and for those Senators who do not make some part of a hearing, they are going to read about it. So please don't be repetitious. Please be courteous. You are more than capable of that. You didn't get where you are today by not

having courtesy. You have gotten where you are today because you are courteous.

Senator Russo, are you ready? Is the sponsor of the legislation ready? (no response) I have been told that Senator Russo will be coming in from the back so, if you will, please let him through without any brushing. (pause at this point while Committee awaits the arrival of Senator Russo) Where is Senator Russo? Will you please ask him to come to the hearing? (brief discussion about whether microphones are working all right)

Senator Russo, good morning.

S E N A T O R   J O H N   F.   R U S S O: Good morning, Mr. Chairman.

SENATOR GRAVES: We have explained to the many, many people here the ground rules, and we have asked for the courtesies that should be extended to any of the speakers who are at the microphone.

Senator Russo will now testify on his legislation.

SENATOR RUSSO: Thank you, Mr. Chairman, members of the Committee.

Several months ago, when I first introduced this legislation to outlaw most handguns in New Jersey, I knew then that I was proposing something that was highly controversial, to say the least. I was prepared for a tough fight but, quite frankly, nothing could have prepared me for the viciousness that has been displayed by some -- some -- members of the opposition.

In the past week alone, my office has received more than 600 telephone calls, many of them abusive. My staff has been cursed at and called every vile name in the book. So, before beginning my formal remarks today, I would like to express the hope that we can elevate this discussion above the personal attacks and name-calling that has characterized this debate so far on the part of some people.

Each of us here today in this room deeply believes his or her position is the right one, and each of us deserves the opportunity to express our opinions and be treated with respect and common courtesy by the others in this room.

This past weekend, I was wondering what I might say to you today about the need for gun control that might make a difference, maybe even change a few minds. I found the answer in my Sunday newspaper. The first story was datelined Winnetka, Illinois, when a mentally disturbed woman, armed with several handguns, stormed an elementary school, lined the children up against the wall, and opened fire. She killed an eight-year-old boy and seriously wounded five other second graders before she turned the gun on herself.

The second story -- same time -- came from Pelham, New York. A Federal judge was shot and killed while mowing his lawn, by a man armed with a grudge and a .38 caliber pistol. The gunman later committed suicide.

Four senseless deaths caused by handguns -- just four of the 22,000 deaths that will occur in this nation this year in accidental and intentional handgun shootings. In fact, three or four will occur during this hearing.

The United States is the only industrialized country in the world to allow this proliferation of handgun violence. The chart we have here today illustrates that countries with strict gun control laws have only a fraction of the handgun murders that occur here in the United States annually. It is no accident that there were eight handgun-related murders in Great Britain; 21 in Sweden; 52 in Canada; and, at the same time, nearly 11,000 handgun murders in the United States. Those are just the murders -- 22,000 deaths.

If you look at that chart, it gives you a rather dramatic comparison, by way of a graph, of the difference between the United States and the other industrialized countries in the world where we have -- I don't know the word,

but it's gun control or the fact that guns are not legally owned.

You know, the State of Maryland just made history by being the first in the United States to enact a law banning Saturday night specials. Incidentally, a similar law banning Saturday night specials was proposed in the Legislature some time ago by an Assemblyman named Tom Kean. It did not pass at that time. It is my hope that the signing of this landmark legislation in Maryland will serve as a catalyst here in New Jersey for my own handgun bill, and save countless lives in the process.

Now, there has been a lot of misinformation about this bill, and I would like to use this opportunity, Mr. Chairman and members of the Committee, to set the record straight about just what S-2282 actually does do and, more importantly, as to what it does not do.

For starters, this bill does not take away anyone's legally owned handgun. People who now own handguns can keep these weapons for the rest of their lives. When they die, their heirs will be required to turn these weapons in to authorities, in return for financial compensation. This bill will immediately stop the sale of most new handguns and, over the span of a generation, it will remove most of the one million handguns now in circulation in this State, as we sit here today.

Now, let me emphasize that at no time, now or in the future, will this legislation prohibit the sale or ownership of shotguns and rifles used by hunters, antique guns kept by collectors, or target shooting pistols used by sportsmen. In addition, police officers and military personnel would continue to be able to buy, own, and carry handguns now and in the future.

Now, one of the arguments you are going to hear today from the gun lobby is that people have a constitutional right



to own handguns. That is myth number one. The United States Supreme Court has ruled that the right to bear arms refers to the right of individual states to maintain militias. "There is no right," the Supreme Court says, "under the Constitution, for private citizens to keep Saturday night specials under their pillows."

This brings me to myth number two. People opposed to my bill say that outlawing handguns will not stop outlaws from getting handguns. Does that really make sense? Well, let's stop and consider for a moment how criminals go about getting guns now. Do they go to their local police department to apply for a permit. Rarely. New Jersey law requires strict background checks on all handgun permit applications. Anyone with a criminal record cannot obtain a handgun permit in this State. So, if criminals can't buy handguns legally in this State, how do they get their hands on them? Well usually, they steal them from law-abiding citizens. More often, they buy or rent a handgun from someone else who has stolen a law-abiding citizen's weapon. It is only common sense that if we reduce the number of handguns kept in closets and automobile trunks, we can reduce the pool of available handguns that criminals steal and use to commit crimes.

Just a few weeks ago, a 16-year-old Edison boy committed suicide with a handgun he brought to school. When law enforcement authorities traced the gun, they found out it had been stolen out of a law-abiding citizen's luggage at Newark Airport. Police have since charged the suicide victim's brother with the theft of this weapon.

Now, some people will argue that this 16-year-old was bent on committing suicide, and he would have done it with or without the stolen handgun. Perhaps. I would argue, however, that if this handgun wasn't lying around the victim's house, he might have chosen a less lethal suicide method, a method that might have given others a chance to intervene, and maybe even

save his life. A razor blade or a bottle of aspirin doesn't kill instantly like a handgun does.

This brings me to myth number three, that we need handguns in our homes for self-protection. FBI statistics show that less than 1% of all fatal handgun shootings are legitimate cases of self-defense. The fact is, it is 115 times more likely that a handgun kept in the home for self-protection will end up being used in a murder, suicide, or accidental shooting, than in self-defense against a criminal.

By preventing people from keeping handguns in their homes, we can prevent scores of tragic deaths. Heated family arguments would end more often with a black eye, instead of a fatal gunshot wound. Parents would not shoot children that they mistake for intruders; children would not shoot playmates with guns they mistake for toys. Incidentally, I will never forget -- I don't know the year, but back in high school in Asbury Park -- when Charlie Bowles (phonetic spelling), an All-State quarter miler -- a young black boy -- was in the home of a friend of mine, the son of a police officer -- Anthony Curino (phonetic spelling), a young white boy -- and they were looking at Anthony Curino's father's -- he was a police officer -- .38 caliber weapon. In looking at that weapon, it discharged. The future of a great quarter miler ended that day. That was the first time I realized handguns had very little redeeming social value, at least in my opinion.

In Jersey City, a couple of years ago, a four-year-old shot and killed an eight-year-old playmate with his grandmother's gun. The kids were playing cowboys and Indians, and didn't understand that the weapon was very, very real. The only thing worse than a handgun in the hands of a criminal, is a handgun owned by a private citizen who cannot watch that weapon 24 hours a day to make sure that it never falls into the wrong hands.

Banning handguns will save lives. I don't know if it will save 22,000 lives in this country. I don't know if we ban them throughout this nation if it will save the three or four who will die as this Committee meets today. I don't know if it will save hundreds, thousands, or just one. But I know in my heart that it will save some. I take no pleasure out of depriving any citizen of his right to do what he wants to do, but too many people are dying, and I don't want to go through my legislative career without at least knowing that I gave it a try, hopefully successfully. Hopefully, Maryland was the first step, New Jersey will be the second, and a trend will start throughout this nation that if it will save lives, then we have to take this step.

I would urge this Committee to favorably consider S-2282, because I think it is needed. If just one live is saved, it will have been worth it. If hundreds are, it will have been a dramatic improvement and probably the one thing legislatively we could have done that will have been so important in each one of our lives.

Thank you, members of the Committee. I will answer any questions.

SENATOR GRAVES: Senator, we are going to reserve questions from the Committee until the second and third hearings. What we want to get today is input, first the foundation of your bill itself, and then those who support it and those who feel it is not in our best interest. If you would care to join us and listen to further testimony, you are so invited. Thank you.

SENATOR RUSSO: Thank you, Mr. Chairman, I appreciate that. Thank you.

SENATOR GRAVES: I would ask Lorraine Kulick, George King, and Paul Tighe to please come up and take three chairs there. Good morning. We will start with Lorraine. Please identify yourself, who you represent, and what you wish to put

into the record. The second person next to you may identify himself after you are finished, and then the third person may identify himself. Good morning and, Lorraine, please begin.

L O R R A I N E K U L I C K: Good morning. I am Lorraine Kulick, Executive Administrator of the New Jersey State Association of Chiefs of Police.

On May 18, 1988, law enforcement had its fourth annual memorial service at the Garden State Arts Center. This service honored those officers who have been killed in the line of duty. The New Jersey State Association of Chiefs of Police initiated that program because of its constant concern for all of those men and women in law enforcement.

Senator Russo now has a bill that, if enacted into law, could do so much to protect those officers and perhaps reduce the number to be memorialized next year. The New Jersey State Association of Chiefs of Police supports that legislation. The arguments we hear most often against any prohibition of handguns are: This would be taking the guns out of the hands of the honest people who must protect themselves, and we have a constitutional right to bear arms. That principle was established long before billions were spent for defense. That principle was established long before we had thousands of law enforcement professionals who risk their lives for us.

Statistics state that 35% of the murders committed in New Jersey were with handguns in 1986. Handguns are used in murders, suicides, accidental deaths, assaults, robberies, and forcible rapes. Most of those incidents involved police officers. Do we need handguns? We can protect ourselves by other means. We can hunt with other weapons. We can participate in target shooting sport even with this legislation.

Handguns can be concealed with ease. They can be put into a suitcase or a purse and carried into a public place. Handguns can be brought into schools and placed in lockers.

Handguns have been placed in glove compartments in cars and used to kill police officers. Handguns kill violently, purposely, and unnecessarily.

The New Jersey State Association of Chiefs of Police supports legislation that can curb handguns and reduce those statistics.

I thank you for your time and your consideration.

SENATOR GRAVES: Thank you. You're next, sir.

C H I E F P A U L T I G H E: Good morning, Senator and members of the Committee. My name is Paul Tighe, Police Chief of Millburn, New Jersey; Cochairman of the Legislative Committee for the New Jersey State Association of Chiefs of Police.

On May 5, 1988, the New Jersey State Association of Chiefs of Police voted to support Senator Russo's bill. Recently, the Executive Director of the International Association of Chiefs of Police made the following statement on bills of this nature. He stated it was the right of every citizen to exist in a safe and orderly society, and that as a nation we long ago adopted reasonable regulations for automobiles in order to prevent large-scale carnage, but as yet have been unable to do so with firearms. I think it might be of interest to know that the police chiefs throughout the nation have been polled by the International Association so that we could be rather assured that the position we present is truly the position of the police chiefs. I think some of those statistics would be interesting to this Committee.

The International Association of Chiefs of Police found that police chiefs throughout the country favored a waiting period and a background investigation of applicants for firearms by a margin of six to one. Chiefs did not believe that this investigation subjected them to unreasonable liability by a margin of eight to one. They also supported firearms management legislation by a margin of 19 to one. So I

think you will find that on a national and a State level, the chiefs of police are overwhelmingly on the side of the regulation of handguns.

The police chiefs believe that the best way to deal with the rising crime rate is not for citizens to arm themselves. By a vote of 14 to one, they opposed this approach. The police chiefs nationally, as stated by the President, Joe Casey, believe that we are killing each other with handguns in the United States in an unprecedented rate. In the wake of these tragedies, whether they be homicides, suicides, or accidents, there is a natural tendency to focus on the victim and the offender. Rarely, however, is the firearm which are purchased to perpetuate this crime or needless waste of life that well-documented or investigated as to where or how it was purchased or how it came into the hands of the person who committed the crime. Essentially, we have come to accept the handgun as a natural part of our society, the same as a TV or an automobile. Our daily exposure to the news every night, which Senator Russo brought before you earlier, makes us immune to the handgun as a part of our daily life. However, it is only here, it would seem, that we have this feeling. In other countries it does not exist, and handguns are rather severely legislated.

I think the State Association of Chiefs of Police feels, along with other law enforcement agencies and concerned citizens, that we must work for tougher gun control legislation. We are here today to support Senator Russo's bill.

Thank you very much.

SENATOR GRAVES: Thank you, Chief. Next, sir?

SENATOR BUBBA: Mr. Chairman?

SENATOR GRAVES: Yes, Senator Bubba?

SENATOR BUBBA: I wonder if I may ask a few questions, just from an informational point of view. I don't know if Chief Tighe will be here at the second or third hearing, and I would like to ask some questions, if I might.



SENATOR GRAVES: Okay. What we will do, then, is let a couple of questions come from each of the Senators. But what the format is going to be is, we are going to have three hearings. We are going from here to Camden or Hackensack, and then Camden or Hackensack will be the windup. Then, we will meet ourselves. After we read the testimony, we will invite those people back that we want to question. But, if there are a couple of questions that are burning, shoot. Go ahead.

SENATOR BUBBA: Chief, I can't profess to know all there is to know about either handguns or any guns. Secondly, if we are going to have proper hearings, then I think we ought to bring as many facts as possible to this Committee, and then we can make our final decision.

Would you consider an Uzi -- you know that gun that is about this big (demonstrates), that you see on "Miami Vice" all the time-- Would you consider that a handgun?

CHIEF TIGHE: Would I? I would consider that a machine gun.

SENATOR BUBBA: Okay. Do we have -- and I am not putting you on the spot, because I am sure you don't have this information, but maybe this Committee can dig up the information-- Do we have information that would indicate to us how many murders were committed by guns other than handguns? In other words, that is a very impressive statistic there. However, how many murders were committed by an Uzi or a machine gun or a shotgun or a rifle? And, you know, how many were accidental and how many were murders on purpose. I think that kind of information-- If there is anyone in the room who has that kind of information, I would like to hear that presented before this Committee, as well.

CHIEF TIGHE: I was going to say, I think I have that with me, but I think Chief King will speak at length on the statistics, and I think-- Let's see, the bill specifically-- (witness peruses the bill) Shotguns and rifles were involved in only 4% of the murders in the State of New Jersey in 1986.

SENATOR BUBBA: All right. One other question, and then I won't hold up this Committee. If handguns, by some means, were eliminated from society -- completely eliminated from society -- do you believe that suicides or murders or holdups could be accomplished by shotguns or rifles or Uzis, or anything like that?

CHIEF TIGHE: Could they be accomplished by them, yes, certainly.

SENATOR BUBBA: Or murders committed by--

CHIEF TIGHE: Certainly, yes.

SENATOR GRAVES: Thank you. Next?

C H I E F   G E O R G E   H.   K I N G: My name is George H. King. I am Chief of Police in the Borough of Watchung in Somerset County. I am here as Cochairman of the New Jersey State Association of Chiefs of Police's Legislative Committee.

It is my belief that Senate Bill 2282 would create a realistic gun control law, which has long been overdue in our nation. All surveys -- the latest in November of '87 by Gallup -- show that the majority of the American public supports stricter gun control. New Jersey has always been in the forefront with such legislation, and this bill would continue that leadership.

I had some statistics, but Senator Russo very ably gave most of those. I think perhaps one that wasn't touched on is, there are approximately one million gun incidents in the United States annually, and approximately 1900 of those are accidental deaths. I think that was a question from Senator Bubba.

Reduction of the number of handguns readily available, in my opinion, would lessen the opportunity for a disgruntled person reaching for a weapon in the heat of passion. There is not a day that goes by that a "responsible" person is not an actor in a gun death. You could ask the families of those mentioned by Senator Russo, both in Illinois and in New York.

If what we do if we pass this bill -- if this bill is passed-- The question is, what value do we place on human life? If this bill saves even one, it is our opinion that it is well worth all the effort.

Thank you, Senator.

SENATOR GRAVES: Thank you. Will you be available sometime in the beginning of July for our final wrap-up?

CHIEF KING: Surely one of us will, yes, sir.

SENATOR GRAVES: In the meantime, if any of the members of our Committee have any questions, they will give them to our secretary, and she will pose them to you so we can get answers beforehand. Do we have an address for all involved? (affirmative response)

Reverend Jack Johnson, New Jersey Council of Churches. Reverend Johnson?

REVEREND JACK JOHNSON: Senator Graves, Senator Russo, and colleagues--

SENATOR GRAVES: I would like to introduce two Senators. They didn't just join us; they have been here for some time. The gentleman on the far right there is Senator Joseph Bubba, and the Senator next to him, closest here to me, is Senator Bassano. Please go ahead, Reverend.

REVEREND JOHNSON: Let me take this opportunity to express my appreciation to appear before you today as a representative of the New Jersey Council of Churches, which wishes to record its support for Senate Bill 2282, which would prohibit the sale, importation, possession, and carrying of handguns, except by certain authorized persons in the State of New Jersey.

As an ordained United Methodist minister, a member of the New Jersey Council of Churches' Public Policy Board, and as one, too, who has served as an elected public official, and as a lifelong citizen of our State, I feel compelled to stand before you this morning to reflect the values of my faith

community and the sentiments of my fellow citizens who, while not gathered here in great numbers do, I suspect, continue to hold their longstanding support for gun control.

First, let me say I found it of interest to note that public opinion polls in 1938 indicated that 79% of the United States public favored gun control, and that it is my understanding today that a majority of persons living in the East which, of course, includes New Jersey, and those high crime areas which are in our large cities, favor banning handgun possession by anyone except police or authorized persons.

Need I remind you today that these persons are individuals who you, too, represent as you make this critical decision of supporting or not supporting Senate Bill 2282.

But I did not come to you to argue the issue of public opinion, but rather I come to appeal to you to consider the moral value of the issue before us. We have heard over and over again that you cannot legislate morality, somewhat like the saying that, "Guns don't kill people; people kill people." But in fact, Senators, I would argue that your legislative agenda would, in fact, grow out of your understanding of basic moral values and principles. Those basic moral values and principles, with sensitivity and integrity, would, in fact, be incorporated into the laws which govern the people of the State of New Jersey.

The truth of the matter is, people kill people with handguns. The handgun is the most efficient and effective tool the general public possesses for murder, assault, and apparently suicide, not to mention the most deadly instrument that has accidentally killed countless people.

For the faith community -- and as a representative of the New Jersey Council of Churches, and there are some 16-member denominations -- the highest value we hold is the sacredness of life. We, like you, grieve when we hear of the

innocent victim who is murdered on our streets; the family member who is killed in a moment of passion. We, like you, are perplexed and pained when one of our young people takes his or her own life, and we, like you, are perhaps most touched when we hear of a child who accidentally kills himself while playing with a loaded gun.

Unlike you, we have all too often been called by families to be present in their grief, when such a tragedy occurs, as part of our pastoral ministry. For myself personally, one of the most painful days of my ministry was the occasion of calling on two grief-stricken parents after their daughter had taken her life by a handgun. To hear their pain, as they entered their home at the end of the day to find their daughter, whose body lay on her bedroom floor, was a scene and a moment of ministry that I shall never forget. The question in my mind, and the minds of her parents, no doubt for the rest of their lives, was, could this tragedy been averted?

While we will never know, I found these statements about suicide to be of interest from the "New England Journal of Medicine," and I quote: "The suicide rate has been rising over the past 25 years mainly among the relatively young. Studies of different types of suicide have shown that suicide by the means of firearms accounts for most of the rise." Then I quote from a letter in the Mayo Clinic publication, which says: "In the United States, the use of firearms is both the preferred and the most certain method of suicide. As noted earlier, suicidal individuals usually have mixed feelings about their impending death. The lack of ready access to a weapon would certainly prevent some suicides. Many medical and law enforcement experts believe that limiting access to this most lethal means of self-destruction is the single most practical way to reduce the tragic loss of life from suicide."

Nearly 3500 youths commit suicide each year with firearms. Could we affirm the sacredness of our young people's

lives by removing this instrument of death? We, too, know that the ready availability of handguns in the home appears to contribute to their involvement in both unintentional shootings and homicides. Therefore, efforts to reduce firearms availability might best be focused on handguns.

We come before you today to seek affirmation of a law that we perceive will affirm the most important value of the sacredness of life. We believe the time has come and, in fact, is long overdue, to tackle this issue by enacting legislation that would ban the handgun. In a publication of the National Academy of Sciences, entitled, "Injury in America," it was reported: "Non-fatal assaultive injuries and homicides have been subject to little prevention-oriented research. Typically they have been regarded as a crime problem, rather than a health problem, and the blame and punishment of the perpetrators have been emphasized, rather than measures to reduce the frequency and the severity of such injuries."

How can we fail to respond to an epidemic of handgun deaths is a question you face as legislators, and we face as concerned citizens. The United States can slow down or prevent deaths from cancer, heart disease, and tuberculosis, but it cannot seem to do anything about the rising rate at which people kill each other and themselves. We believe that special controls should be applied to the handgun, for it is the most deadly and least utilitarian weapon in American society. Because the handgun is concealable, it is the weapon of crime. Because the handgun is available, it is the instrument used in suicides and crimes of passion.

We urge you as our Senators to support this legislation that would, in fact, eliminate an instrument that brings brokenness and tragedy to life. We, as Christians concerned about the sacredness of life, care about what is happening to the victims of murder, suicide, and accidental deaths by handguns. In the name of Christ who came that

persons might know abundant life, we call upon you, our elected legislators, to affirm with us the sacredness of life through the enactment of Senate Bill 2282.

Thank you.

SENATOR GRAVES: Thank you, Reverend.

SENATOR BASSANO: I have a question.

SENATOR GRAVES: Senator Bassano, one question.

SENATOR BASSANO: One fast question, Reverend. You threw a figure out at us about 35,000 young people killed by handguns each year.

REVEREND JOHNSON: Thirty-five hundred, yes.

SENATOR BASSANO: Thirty-five hundred. I thought it was 35,000. Okay, thank you.

SENATOR GRAVES: Thank you, Reverend.

The next person to testify will be the Prosecutor of Union County, John Stamler. Mr. Stamler -- good morning, Prosecutor.

P R O S E C U T O R J O H N S T A M L E R: Good morning, Senator. I wish I had the same support that the Reverend had sitting next to him when he spoke.

Senator Graves, members of the Committee, good morning. My name is John Stamler. I am the Prosecutor of Union County. I asked to testify today not so much because I fully support S-2282 -- I do not -- but because I admire Senator Russo's courage in bringing before this great body the issue of handgun control. If there were some practical way to remove every handgun from our State, except those used by police officers in the performance of their duties, I would support such a proposal as radical as that. Sportsmen do not need handguns. Target shooting of handguns is engaged in by such a small number of persons is not to be a legitimate basis for opposition to further handgun controls. Most persons who possess handguns, who are not law enforcement officers or legitimate collectors, do so for only two reasons -- to protect

themselves and their families from criminal attack in their homes and businesses, or to commit crimes.

The problem is, the one class -- the honest, law-abiding citizens who possess handguns for protection -- are not always home or at their places of business. Burglars have told us that after money and jewels, the next most valuable item to a thief is a handgun. Cases occur every week in our county where a handgun is stolen during the course of a robbery or a burglary. What is so frightening is the large number of unregistered handguns possessed by law-abiding citizens that are never reported as stolen to the police who investigate the burglary, because the law-abiding citizen does not want to admit to what he thinks may be a criminal act.

I am not happy with some of S-2282. I am satisfied that Senator Russo, as the bill's sponsor, as he indicated last week, would entertain reasonable compromise or concessions to reach his goal, and mine, of stronger, stricter handgun control. But this is an issue that must be removed from partisan debate. I am as conservative as any of Assemblyman Haytaian's constituents, or as any member of the NRA. Handgun control is not a Republican or Democrat, urban/suburban issue. It is a recognition that handguns are easily concealed, that they can cause death or serious bodily injury, without the user being near the victim, and that they do kill or maim by criminal act, by accident, by suicide thousands of Americans every year.

As the chief law enforcement officer in my county, I am concerned about the lives and safety of our 1350 police officers. I don't want to go to another 200 Club Valor Awards luncheon and see some grieving widow get a check and a medal, and then have to go home and tell her fatherless kids that their dad was a hero. When you are a teacher or a dentist or a clerk, you don't go to work wearing a gun. You don't wear a bulletproof vest. You don't worry about being shot or killed.



But that is what a police officer faces at the start of his or her eight-hour shift. You just cannot appreciate what a danger handguns are until you live with someone who has to put on a bulletproof vest to go to work. I do. I have a 23-year-old son who is a police officer. I have another son who will graduate from the Police Academy next week. I don't want to ever know the hurt that I have seen on the faces of parents and wives of police officers in Union County who were killed or shot in the line of duty -- seven from Union County in the 19 years I have been in the prosecutor's office.

If this bill is not the answer, then I urge you to come up with one that is, but let us all work toward getting rid of every handgun that is not owned by a legitimate collector or used by a law enforcement officer.

Thank you.

SENATOR GRAVES: Thank you, Prosecutor.

Sandy Horowitz, Coalition to Ban Handguns.

S A N D Y H O R O W I T Z: Thank you, Mr. Chairman. Michael Beard, the Executive Director of the National Coalition to Ban Handguns, who was supposed to testify, could not be here this morning. I am the National Policy Advisor of the National Coalition to Ban Handguns. With your permission, I would like to submit Mr. Beard's statement for the record, and make some short remarks of my own.

SENATOR GRAVES: Give us a synopsis of what it is.

MR. HOROWITZ: The National Coalition to Ban Handguns represents 34 national religious, educational, and professional organizations, and I would just like to name a few of them: The American Psychiatric Association, the American Public Health Association, the B'nai B'rith, the United Methodist Church, the Church of the Brethren, the Jesuit Conference -- Office of Social Ministries, the National Council of Negro Women, the National Urban League, the Presbyterian Church, the United States Conference of Mayors, and the YWCA. So, we have

a broad coalition of groups, all concerned with this uniquely American problem of handgun violence.

We fully support Senator Russo's bill to ban the sale of handguns. We hope this is the beginning of a historic ending here in New Jersey, as there was a historic day yesterday in the State of Maryland. On the front page of this morning's Baltimore Sun is a photograph of Governor Schaefer and President Reagan's press secretary, Jim Brady, at the signing of historic legislation in Maryland banning the sale of Saturday night specials. There were scores of police from five states, including Maryland, who came to that ceremony to show their support of the legislation and, I hasten to add, of similar efforts in other states.

But on the flip side of the front page of the Baltimore Sun this morning, there is another photograph. That photograph is of Nicholas Corwin, eight years old, who was buried yesterday in Winnetka, Illinois. He was the young boy in the second grade class who was the victim of a deranged woman who started shooting with her handgun.

I used to live five minutes from Winnetka, Illinois. It was a five-minute drive to the north from my house in Evanston. I know that neighborhood well. I also lived a five-minute drive to the west from Glenview, where, based on press reports, Laurie Dann bought her handguns, apparently legally. I would like to think that legislation such as Senator Russo has proposed here, if it had been in effect in Illinois, at the minimum that handgun would not have been so easy to purchase. It wouldn't have been a five-minute ride away.

So, to those who say, "State-by-state legislation will not solve the problem," I say that every bit of legislation that makes the availability of handguns more difficult -- as Senator Russo testified this morning -- is an important step in the right direction. That is why the legislation passed in

Maryland -- signed into law yesterday by Governor Schaefer -- is extremely important, and why it has received national attention. That is why if Senator Russo's bill were to become law in New Jersey, it, too, would receive national attention, and rightfully so. It would not only help to save lives here in New Jersey, but it would send the kind of message around the country that we so urgently need.

This spring, the National Coalition to Ban Handguns is sponsoring a special project called, "A Time to Remember -- A Time to End Handgun Violence." Twenty years ago, in the spring, we lost two leaders -- Dr. Martin Luther King in April, and this June 6, it will be 20 years since Robert Kennedy was shot to death with a Saturday night special. Ethel Kennedy and Coretta Scott King have joined, as co-chairs, the National Coalition's special project. We will be having a ceremony on the anniversary of Senator Kennedy's death, June 6, on the east side of the U.S. Capitol.

SENATOR GRAVES: If you will, just give us the statistics.

MR. HOROWITZ: Yes, well, I invite Senator Russo, if he has a chance, to please come and be part of that ceremony, and anyone else on this Committee. If we can cooperate and help in any way in the passage of this legislation, including returning for future hearings, we would be pleased to do so.

Thank you very much.

SENATOR GRAVES: Thank you. Will you please leave the paper and the statement from your Executive Director, Michael Beard, with our secretary.

Charles Ticho, survivor of a victim. Charles Ticho, good morning. Please sit down.

C H A R L E S T I C H O: Senator Graves, Senator Russo, Senators: My name is Charles Ticho. I have been a resident of Woodcliff Lake in New Jersey for 22 years. I am very much concerned about the quality of life we could, and should enjoy

in the United States in general, and in New Jersey in particular, if it could be made a safer place to live. Therefore, I very much appreciate this opportunity to address you and express my full support of Senate Bill 2282.

Let me state at the outset that I do not come before you representing any specific organization or political party. I wish I had the eloquence and the power to speak to you on behalf of the more than 20,000 Americans who became victims of handguns last year, or could speak to you on behalf of the hundreds of thousands of others who were injured by handguns, or could raise my voice on behalf of the 400 children who are no longer among the living because their days were ended by a handgun. I wish I could, but I can't. I would not know how. The assignment is much too monstrous, since every year millions of Americans are added to the rolls of victims of handgun violence.

Senators, I come here not even to speak on my own behalf, though I, too, am a victim, nor on behalf of my brother, nieces, grandnieces, my sister-in-law, or other members of the family, all of whom are victims of handgun violence. I am here to speak for the one person who cannot speak for himself -- my brother -- who died with a bullet in his brain, just another victim of the handgun war raging in this country.

About 10 years ago, two murderers entered my brother's apartment one night. They entered his bedroom. He was alone and asleep. Perhaps he woke up from a noise, perhaps he didn't, perhaps he never knew what hit him. One of the murderers put a gun to his head and killed him.

The murderer who pulled the trigger was caught, brought to trial, and is now serving a 35-year sentence. Testimony at the trial brought out the fact that the murderer had a previous criminal record, and that the gun was a cheap Saturday night special brought into the State from another state that had very lax handgun laws.

The other murderer is still at large, stalking Americans all over the country and constantly adding more and more victims to the death toll. This murderer has been pacing the halls of statehouses and Congress fighting against legislation that would have banned Saturday night specials and might have saved my brother's life. This same guilty party has been loose in Washington fighting against mandatory background checks, that might have prevented my brother's murderer from obtaining a gun. And this same party has spent millions to keep the channels open that allow guns to flow freely throughout the country.

There were at least three different ways that that lethal weapon could have been kept out of the hands that pulled the trigger. But over and over again, the money, the coercion, the lies, the deception, the policies, and the pressure emanating from this sinister source made certain that the gun found its way into my brother's bedroom and the bullet into his head. This second murderer, Senators, in my opinion, is as guilty of my brother's death as the one who actually pulled the trigger.

Rest assured, you, too, will meet up with this party, if you have not done so already. He will come before you and claim that S-2282 is unconstitutional, but Senator Russo has already exploded that myth. He will claim that S-2282 prevents a homeowner from defending his home, but will ridicule the findings published in the "New England Journal of Medicine," which stated that of the homicides which occurred in the residence where the firearm was kept, "only 1/2% involved an intruder shot during an attempted entry." The same article went on to state at its conclusion: "The advisability of keeping arms in the home for protection must be questioned."

He will claim that handguns are as American as apple pie and a product of our democratic principles. They are needed to defend our democratic way of life. But Senator Russo

has already pointed out that there are dozens of democracies throughout the world that seem to survive without killing 20,000 of their citizens every year. He will claim that guns are a product of our pioneer background, our frontier days.

SENATOR GRAVES: Sir, sir--

MR. TICHO: Yes, sir?

SENATOR GRAVES: Let him claim what he wants to claim. Suppose you just stay with the statistics, if you want to give any input, please. Go ahead.

MR. TICHO: I will be happy to. Many of these statements have been amplified already by those who have preceded me. Perhaps you have already met this party, as he walks up and down the corridors of the State House, twisting an arm here, promising financial support there, threatening dire consequences in one place, and flooding your mailbox in another, wrapping himself in an American flag, while all along--

SENATOR GRAVES: Sir, I repeat to you, if you have statistics you want to give us-- You have already given us the important part, the emotion, the loss of your brother. If you have some statistics-- Let us make our own decision on what we hear, okay?

MR. TICHO: I did not prepare a statistical study on this matter. I am trying to transmit to you the feelings of an individual--

SENATOR GRAVES: And you have done it very well.

MR. TICHO: --who has lost someone who was very dear and near to him. I beg you, Senators, on behalf of my brother, to have the courage and the foresight to stand up to this threat. Don't let him tell you that you are depriving the citizens of New Jersey of an opportunity to defend their homes, when there are already enough legal and illegal handguns in this State to defend every home and business. If he points out to you that New Jersey will be the first State in the union to pass a law such as S-2282, tell him that you will do so with

pride and with determination, and point the way for the rest of the country to follow.

I would like to remind you, Senators, that New Jersey passed a law about chewing tobacco at one point, and the same arguments were made at that time -- why are we pioneering this type of legislation? Today, that legislation governs the rest of the country. The time has come to take out the handcuffs and to end the reign of terror which is gripping this nation. We have created a nation where stockbrokers must fear major declines in the market, where Federal judges aren't safe as they decide the cases before them, where parents must tremble as they send their children to school, where business managers must fear for their lives when discharging a worker, where airline passengers are endangered by a smoldering grudge, where any minor argument can lead to sudden death, and where any mental defective can act out his or her wildest fantasies through the barrel of a gun.

Senators, what kind of a "Clockwork Orange" society have we created in this country, where arguments, insults, and disputes can be settled by a gun, and where grievances, insults, injustices -- whether real or imagined -- can be rectified by a bullet?

Opponents of handgun control like to state their arguments in terms of them and us. Us -- we are the law-abiding citizens who can be trusted with any weapon. Them -- they are the mental cases, the would-be suicides, the criminals. As long as the gun owner obeys the law, he is one of us, but the moment he misuses his weapon, he becomes one of them, and we are no longer responsible for his actions. The fact is, it is our actions, our policies, that have flooded this country with millions and millions of handguns, and that is not our concern. We will go to any extreme to fight and defend the right of the us's, but if the ready availability of handguns turns so many users to them's, well, that is your

problem, not ours. If you can't solve the problem that you have created, then perhaps the solution to the problem of too many guns is more guns. This perverted logic has been the battle cry of handgun control opponents. There are even forces active in Washington today who insist that if more guns are not the answer, then privately owned machine guns are. This misguided thinking has shaped our lives for almost a century, and has gotten us into the mess that we find ourselves in now. Obviously, this policy has not worked. The time has come to reverse the flow and S-2282 is a step in the right direction. It is a message to the people of New Jersey and to the citizens of this country that New Jersey is ready to point the way in the right direction through its saner, safer handgun policies.

But, Senator Graves, all of the arguments, all of the statistics, and all the debates, the cartoons, the newspaper articles, the editorials, and the letters to the editor are meaningless next to that telephone call. The voice at the other end is halting, "Charlie, it's Jean," your wife says. There is a long pause. "Charlie," she finally says, "Steven died last night." Another long pause. Finally, you manage to say, "How? What? What happened?" "He was shot." Another long pause. "Charlie, are you all right?" "Yeah, I'm all right; I'm okay," you answer.

SENATOR GRAVES: Okay, sir, sir.

MR. TICH0: I'm almost finished, sir.

SENATOR GRAVES: No, we've got your input. We appreciate it. We know how deep it comes from you.

MR. TICH0: I am almost finished, sir. And, of course, you're lying. My hope and my wish is that S-2282 will succeed and will become law in New Jersey. If it will keep one family from becoming a group of victims like us, the law will be a success. I trust that the next time I visit my brother's grave I can tell him that his death has gained new meaning.

Thank you.



SENATOR GRAVES: Thank you. We have been under way for an hour and five minutes. We are going to take a one-minute break. Don't be fooled, I mean one minute. It will give you a chance to stand up and stretch. One minute from now we will be under way again.

(RECESS)

AFTER RECESS:

SENATOR GRAVES: Okay, if you will, the minute is up, so let's get under way. The next individual will be Roger Iverson, Chairman, Coalition of New Jersey Sportsmen. Good morning, the microphone is yours.

R O G E R I V E R S O N: Good morning, Senator. I want to thank the Committee for allowing the opportunity for us to be here today to present our point of view. I would also like to thank the people who are out in the hallway for putting up with this whole ordeal. I am considerably disappointed in the State of New Jersey that we do not have a facility sufficient enough that the representatives and the people of the State of New Jersey have an opportunity to be able to see firsthand what is occurring in the State of New Jersey, thus preserving their part of democracy by being involved. I would hope that this is something the Legislature and this Committee will certainly consider at subsequent hearings, so we won't have people stranded in elevators and out in the hallways, with no place to get to to see what is going on, and see democracy in action.

SENATOR GRAVES: Okay. Please get to the information you want to give us.

MR. IVERSON: I would like to speak to the sponsor of this legislation's motives -- S-2282. The Coalition of New Jersey Sportsmen, an organization of some 500,000 members, which I represent in the State of New Jersey, is very concerned

about the ideas and the ideals of this legislation. The legislation is so restrictive, it becomes more restrictive than the Soviet Union, and that is rather horrendous when you think of it. This is the United States of America, and we have people belittling the Constitution; we have people belittling, in legislation that is presented to us -- belittling people's rights in this nation. If a foreign power came into this country and said, "You, the people, give up your guns," would you not expect a reaction from the people of this nation? Wouldn't it be a reaction quite similar to what we have right here in the hallways and on the staircases of this State House?

People are concerned about this issue. Now, we have gone through a lot of rhetoric about this thing, but we haven't even begun to talk about the bill. We have gone into a lot of sensitive situations. Charles Ticho -- I am very disappointed about his ideals. His brother was killed by a prostitute in a Chicago room. I mean, do we get rid of prostitutes, or do we get rid of guns? I don't understand where this whole thing comes from, but let's get to the action here.

I would like to read a quote from The Times: "The sponsors' motives are well-intentioned. They believe that imprisoning people who are only suspected of having committed a crime will better protect society from future crime. But, in their zeal, they have lost sight of the distinction between protecting society and trampling upon the legal rights of individuals. The people must not be punished for potential crimes."

Senator Russo, I'm glad you walked into the room. I'm sure you recognize that quote. That is a quote of yours from The New York Times of November 30, 1986. I wonder what has changed your mind and your ideals and attitudes towards America and its society and its people, to a degree that we would leave law-abiding citizens to be held hostage to the criminals of this State and this nation?

SENATOR GRAVES: Your references will go through the Chair.

MR. IVERSON: To get away from the rhetoric of some of the emotion we have gone through, I would like to get to the guts of what this legislation is all about.

The bill, as it now stands, and as drafted and designed, would ban the possession of handguns and the transportation of handguns throughout the entire State of New Jersey. I am told the legislation is designed so that if you can prove you owned the handgun and prove that you have the paperwork for it -- that you own it legitimately, you may still possess that handgun -- if you license it on an annual basis, and if you keep it locked in a range facility capable of maintaining the necessary security requirements to maintain vast, large firearms collections. You may not, as an individual, transport a firearm through the State of New Jersey. You may not, as an individual, have a firearm in your home.

But yet, I am told that this legislation does not affect us. It doesn't affect legitimate ownership of firearms. Competitive shooters across the nation take their firearms from one range facility to another. They cannot maintain a firearm at a range facility without jeopardizing their competition. The ranges in the State of New Jersey-- I know of none that are capable of handling even a small quantity of firearms to be locked and stored and secured at a range facility. So the legislation we have before us will close down virtually every range in the State of New Jersey.

The bill also calls for the licensing of the owners of a range facility, with a \$50 fee to be renewed annually. How does a club of 300 or 500 or 1000 members who are all joint owners of that club license themselves and register their club according to this legislation? If a club is 1000 members, as I understand it, it will take 1000 \$50 bills from that club in order to maintain that facility.

Ladies and gentlemen, this destroys our Olympic competition. It destroys our sport. It destroys our heritage.

Another facet this bill contains is, no one, not even a law enforcement officer will be able to maintain a firearm in his home to protect himself or meet the obligation of protecting and defending his family.

Senator Graves, I applaud you for your legislation in the past that gave us that law; that gave us the right to protect and defend ourselves in our homes. Now, we are not asking to walk these guns down the streets and highways and byways. We're saying there needs to be the means to protect ourselves and our families in our homes. It means, as Federal law criteria is, that there is a safe and proper way to transport firearms from one place to another. Federal law requires that they be unloaded, secured in a locked container, and locked in the trunk of your vehicle or in a compartment. Law-abiding citizens follow that criteria. The legislation in the Russo bill addresses only the law-abiding, legitimate citizens of this nation. It strips the law-abiding, legitimate citizens of this nation. It does nothing to deter crime.

With the reading of this legislation, I am not sure if Mr. Russo even understands what this bill is doing, Mr. Graves, because what this bill actually does is place the law-abiding citizen in jeopardy and gives the criminal element of this nation the whole town to themselves, because they are the only ones who will be armed. Is this the way for Americans to think of their people, that they can't be trusted? Do we disarm Americans? No. The answer to that is no.

This bill will disarm our law enforcement community within 10 days of giving up their badge. Law enforcement officers could have 20 years, or 25 years, or whatever the case may be, of dedicated service, but be they disabled, be they retired, they will have no means to protect themselves after 15 or 20 or 25 years of putting away the criminal element of this

nation, the very people that we want put away. This legislation, as it is drafted, will even disarm our law enforcement officers, and we are concerned about that.

We would strongly oppose this legislation in any shape or form. New Jersey has strong laws on the books today. They are designed to stop the criminal element, without impeding too much upon law-abiding citizens, and that is what the design was supposed to be in the laws of this nation, and that is what it should be.

Thank you. (applause)

SENATOR GRAVES: Please, so far you have been very supportive to the ground rules. You have been very supportive of them. Let's not lose one partial way.

Officer Jeanette Taylor, Morris County Sheriff's Office.

OFFICER JEANETTE TAYLOR: Mr. Chairman, Committee members: I would first like to introduce Lieutenant Joseph Walsh, also of the Morris County Sheriff's Department, and Sergeant Gordon Breed.

I will make my remarks brief this morning. I believe the 90-second video I am about to show you explains why I support the private ownership of handguns better than I could ever hope to do.

First, however, let me introduce myself. I am a 15-year veteran of the Morris County Sheriff's Office, looking forward to retirement in the next few days. I am also the Region II Director for the International Association of Women Police. It is with this unique perspective that I view the issue of handgun ownership. Please pay close attention to the following video. It is real, and it is frightening. (Video tape is shown depicting a crime. Intruder breaks into a woman's home.)

Shocking, Mr. Chairman. I can quote you statistics. However, I think the video says it all.

As a sheriff's officer, as a woman, and as a person who soon will retire, I am against this bill. It is seeking to

denounce the registration of handguns in New Jersey. I have been trained in the use of weapons, and believe this entitles me to the legal use of a weapon.

The Russo bill states that handguns must be outlawed, but will the criminals respect this bill? I, and many others, think not. Will this bill protect the very ones we love? I think not. What of the law enforcement community, which collects commemorative weapons? Our right and heritage under the Constitution allows us to pass these weapons on to our children and our children's children. What will the State of New Jersey do with them? As a woman alone in my house I could defend myself, but what if I were incapacitated? What of all those thousands of women and men alone who cannot defend themselves? Must they suffer the indignities of criminal behavior because they are not allowed to buy a handgun to protect themselves?

As an officer who has worked in the correctional system, must I always look over my shoulder after I am retired? I hope not. There will always be criminals in our society, and I am sure they will not buy handguns legally. We have the most restrictive firearms laws in the nation, and our laws regarding illegal weapons are good. It is a foregone conclusion that the criminals will not surrender to this bill. Therefore, I respectfully request that the Russo bill -- S-2282 -- be voted against.

Thank you, sir. (applause)

SENATOR GRAVES: Please, it has been working so well for the first hour and a half.

You showed us a very good film. Are there any records of anyone you know of in your county who had a handgun in his or her home who was able to successfully defend himself or herself?

OFFICER TAYLOR: None that I know of, sir, but I am sure there are some somewhere.

SENATOR GRAVES: Okay. Thank you very much. Gentlemen, are you adding to, or are you all together?

L I E U T E N A N T J O S E P H W A L S H: Senator, I would like to say a few words. Thank you.

My name is Joe Walsh. I am with the Morris County Sheriff's Office. I have been a law enforcement officer for over 20 years, and a firearms instructor for the same amount of time.

I am really surprised at some of the legislation that comes before the different committees. I always think of one particular time in ancient Egyptian history when they were building the pyramids. At that particular time, if a rock had fallen on a worker and killed the worker, the rock was actually tried in the court of their law and, if found guilty, was destroyed. We seem to blame the object.

I'm sorry the charts left here. I wanted to point out something also, that the country of Switzerland wasn't on the charts. It is mandatory for every male in that country to own a machine gun, from the age of 16 to 60, and the crime rate is extremely low over there.

Another thing, if we are this concerned about saving lives, I think we should ban automobiles or lower the speed limit, and impose the death penalty for drug pushers. This bill is going to cost the taxpayers of New Jersey at least \$100 million. I also believe this legislation was instituted to prevent the gun owners of the State from continuing their effort to ease up on the restrictive laws we now have.

I have nothing further. Thank you for hearing me.  
(applause)

SENATOR GRAVES: Hold on; hold on. Yes, sir?

S E R G E A N T G O R D O N B R E E D: Mr. Chairman, my name is Gordon Breed. I have been working in law enforcement for the last 10 years; the last five to six years of that in corrections.

Guns and the law-abiding citizen are part of the American way. I mean, this is where we come from. Russia -- the Soviet Union countries -- granted, they can have that, we can't.

But getting back to what you said earlier, in "American Rifleman," April, 1988, there is a list of incidences where armed citizens in their houses were prepared, and the intruders were, in most instances, shot, and then charged with-- If I may quote it here: "A Myrtle Beach, South Carolina woman was prepared when a burgler forced his way into her apartment. When the knife-wielding intruder threatened her, the armed resident opened fire. The wounded suspect was also charged with an assault in an earlier incident. Police said the shooting appeared to be in self-defense, and expected that no charges would be filed against the woman." That was also in The Sun's News, Myrtle Beach, South Carolina, on November 10.

I am against the Russo bill. That is the end of my statement. Thank you.

SENATOR RICE: Mr. Chairman?

SENATOR GRAVES: Senator Rice?

SENATOR RICE: Yes, just a quick question, since I may not see the gentleman later. This is not a pro or a con on the bill. I am a former police officer. Criminal justice has been my studies academically. But I missed something about Switzerland. You said that every male is required to have a machine gun. Could you tell me where I can look that up, because, once again, coming from that--

LIEUTENANT WALSH: Every male from the age of 16 to 60 is considered part of the military in Switzerland. That means that if there is a father and three sons -- whoever happens to be in the house--

SENATOR RICE: No, no. You said it was mandatory that every person -- it was required that every male have a machine gun.



LIEUTENANT WALSH: That's right. I'm getting to that. I'm telling you that every male from the age of 16 to 60 is part of the military, and is required to have a machine gun in their home -- to maintain the machine gun and the ammunition for such.

SENATOR RICE: As part of the military?

LIEUTENANT WALSH: Right.

SERGEANT BRADY: Correct.

SENATOR RICE: Oh, well, that's--

LIEUTENANT WALSH: That machine gun is in their home, under their control.

SENATOR RICE: --all right. You had me a little confused. I understand that. That is no different than the militia in New Jersey or someplace else. You had me a little confused.

LIEUTENANT WALSH: It's a lot different. We are not required to keep a machine gun in our homes.

SENATOR RICE: I just wanted to know, because there is a difference.

SENATOR GRAVES: Okay. Thank you very much.

LIEUTENANT WALSH: Thank you very much.

SENATOR GRAVES: Officer Bill Machio and Captain Norbert Langer, both of the Creskill Police Department. Good morning, gentlemen.

OFFICER BILL MACHIO: Good morning, Senator.

SENATOR GRAVES: I have a news bulletin: Good afternoon, gentlemen.

OFFICER MACHIO: Just for the record, my name is Bill Machio. I am a police officer with the Creskill, New Jersey Police Department.

Mr. Chairman, Committee members, Senator Russo: It has come to our attention that PBA President Frank Chianese (phonetic spelling) has pledged PBA support of Senate Bill 2282 concerning private ownership of handguns. President Chianese

has not portrayed the feelings of the entire rank and file of the PBA. In fact, I, as a 10-year member of the PBA, have not met one police officer who was in favor of Senator Russo's bill.

It is the belief of the membership of PBA Local 180, Creskill/Tenafly Police Officers in Bergen County, that it is a 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 counterproductive to all law enforcement personnel, who spend their lives fighting crime and protecting citizens, and is an affront to all PBA members.

In my 10 years of law enforcement work, part of which was the processing of applications for firearm I.D. cards and permits to purchase firearms, I have never responded to a prowler call or burglar call -- and I have had many -- where I had any problem with the homeowner, many of whom I knew to be legally in possession of a firearm.

When I retire, I would like the opportunity to continue to protect individuals with the 25 or more years' experience I will have acquired, and to continue to carry a weapon in order to do so. Presently, we are not allowed to do so in this State, and this bill is a giant step back from that possibility.

In referring to the passing of firearms to heirs, let me read this brief paragraph: "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, provided that such firearm is in the custody of the chief law enforcement officer of the municipality, or the superintendent, during such period." That seems to make police departments middlemen -- retail firearms dealers. To expect us to store

guns for a 180-day period while the heir of the gun may want to show the gun to a prospective buyer, is not reasonable. We do not have the means to store these guns, nor should we be obliged to take the responsibility for these guns for that 180-day period.

In closing, let me just state: There is no doubt in my mind, or in the minds of the members of PBA Local 180, that the passing of this bill will only disarm the innocent from protecting themselves and their families, and will keep guns in the hands of criminals to be used against such families.

Let's concentrate on making tougher laws against the criminals using the guns, and put the money that would have been spent collecting the guns -- the legally owned guns -- towards building more wings in our prisons to house, without parole, the criminals who use guns against our innocent citizens.

Thank you, sir. (applause)

SENATOR GRAVES: Hold it. Go ahead, sir.

CAPTAIN NORBERT LANGER: I am Captain Norbert Langer, from the Creskill Police Department. I have been a member of the force for 25 years.

One of the things that was bandied about this morning was suicide. In my 25 years in Creskill, I have seen approximately 35 to 40 suicides, of which five were done by guns -- two by handguns, and five by rifles. In those instances, in some of those houses there were guns available to commit suicide with. But the person elected to take the pills or hang themselves. In fact, we had one case where the person used an electric carving knife. Should we go ahead and ban all these things?

Not to beat a dead horse, but as Officer Machio said, being a law enforcement officer for 25 years, looking forward to retirement in the near future, this law goes ahead and says to me that 10 days after I walk out the door, I have to turn in any weapon I own.

I thank you.

SENATOR GRAVES: Thank you. Bill Hoboken, Federation of New Jersey Sportsmen's Clubs.

B I L L -- H O B O K E N: Senator Graves, members of the Committee: I appreciate the opportunity to testify here today.

I would like to start off by saying, Senator Graves, that when you introduced the Graves Act, we were the first ones to jump on the bandwagon and support it. The statistics you gave this morning about the decrease in crimes with weapons show that the Graves Act is working. Maybe it needs a little more strengthening to go even further, but we appreciate what you have done, and we have commend you for what you have done in the Graves Act.

We also testified in the self-defense -- the right to keep and bear arms for self-defense -- in front of your Committee. You asked before if we knew of anyone who had used a weapon in self-defense? I believe you were the one who brought a person down from your hometown -- a woman. I can't remember her name. If I remember the case, it was that someone came in with a lead pipe. There were several women sitting around. She shot off a shot into the ceiling of the wall, and he ran away. Then, after the other women left -- if I remember it correctly -- he came back. He said, "All you've got is a starter pistol." He kept coming forward, and he found out that it wasn't a starter pistol. So, yes, there was a case in your own hometown that showed that the right to keep and bear arms -- that there are instances where they are used.

We fought for that deadly force bill. We supported it. I believe Senator Russo voted for it twice, if I remember correctly -- the right to keep and bear arms to protect one's self and one's property. I don't understand how we are going to be able to do this under this particular bill that Senator Russo has now introduced? As someone said before, I am curious what the change of heart is? Perhaps he believes in deadly

force, but we are going to have to use a screwdriver or a knife to protect ourselves.

I represent the Federation of Sportsmen's Clubs. We have a lot of pistol shooters and, as was mentioned before, pistol shooters -- target shooters -- travel from range to range. We have people coming from out-of-state into New Jersey to shooting competitions. We have ranges in New Jersey where they train for the Olympics -- the International Olympics -- and it seems to me that all of this would be eliminated, if not in the first generation, certainly in the second generation, because you would not be able to buy any more firearms even for target practice. If you did buy them, they would be delivered directly to the range, according to this bill, and you would not be able to take them anyplace else to practice or to shoot.

We have out-of-staters who come into New Jersey and take part in competition. Reading this bill, the out-of-staters would have to notify, in writing, the Superintendent of the State Police every time they wanted to come in for a competitive match. That is all included in this bill.

I would like to point out that people are continually saying that a pistol or a handgun is not a hunting firearm. Let me say that both Pennsylvania and New York allow hunting with pistols and handguns. In New York, it is limited to New York State residents, but in Pennsylvania -- and we have Jerseyites who go over to Pennsylvania, go to Wyoming, Colorado, and so on -- with handguns to shoot big game. So, handguns are a legitimate weapon in the sporting -- a legitimate firearm in the sporting field.

One other thing: I heard a reference -- it was mentioned twice so far -- to a woman in Illinois. With the laws in New Jersey-- I would doubt very much that she would have been able to obtain a handgun permit under the present laws in New Jersey. And, by the way, we are not trying to

weaken those laws. There was a reference before-- We are not trying to weaken the laws. We still feel that what is here is perfectly all right with us, except that the repetitive aspect of it is not necessary.

So, Senator Graves, you have done a great job, as far as the Graves Act goes. We think your statistics show that that is working. It may have to be carried a little further. When the Graves law was passed, the drug trafficking was not as bad as it is now. We may need something in that respect.

With reference to the self-defense law, we don't say that everybody should have a firearm in their house. Perhaps that woman that you heard before, if she lived in New Jersey, might decide not to have one. I would say this-- By the way, she was raped, and the police have not caught the perpetrator. But, I would say this: I would be willing to bet right now that she has a firearm in her house, maybe under her pillow or under her bed. But if she lived in New Jersey and the Russo bill passed, she wouldn't even have that right. We don't say everybody should have firearms. That is a personal preference. But we do say that we should have the right to have them if that is our preference.

The other things I had in mind have already been said, Senator Graves and Committee.

SENATOR GRAVES: Thank you. Steven Acel, from Burlington County. (brief discussion about microphones) Okay, go ahead, sir.

S T E V E N A C E L: My name is Steve Acel, and I live in Burlington County. I represent myself.

The reason I wanted to talk today was because this Russo bill brings up very, very bad memories. I was born in Hungary. In 1946, there was a similar law passed. It started out with first turning in your handguns to the clubs. After about one year, the guns were no longer safe to be kept at the sporting clubs, and they were moved to the police station.

Within six months later, shotguns and rifles had to be kept at the police station. When the owners went to the police station to check out their guns and go to a range, oh, suddenly, after about a year, there were no guns at the police station. Eventually, that is when the bad times started.

We had a regime -- it was during the Stalinist era -- that was probably more bloody than Joe Stalin himself. The penalty for having firearms in your home, or in your possession, was a labor camp for an unlimited amount of time. Ladies and gentlemen, people still disobeyed that law. A lot of people disobeyed that law, went to labor camps, disappeared, and were never seen again.

When I hear about a bill in this State that is almost a blueprint of what I saw over there, it makes me extremely upset and suspicious of the person who is sponsoring the bill. I understand that Senator Russo is not naive.

SENATOR GRAVES: Okay. I don't think it is Senator Russo who is before us. It is a piece of legislation. Contain yourself to the legislation, with any pertinent facts, so we might move on.

MR. ACEL: The pertinent fact here is, number one, enforcement of the bill. People will disobey. They will not say, "Okay, here is my gun." How are you going to get the guns away from those people? The State Police has a record of all registered guns. They are going to have to go and get them. Then there is the rough estimate of how many guns are out there that are not registered. Well, they are still out there, so you are going to have to go get them. What are you going to do, send out the police with search warrants to every home to find the guns? Or, go around with metal detectors and check the walls, back yard, etc? Who is going to pay the freight? There would be an enormous cost in terms of money, and there might be in terms of human life, because some people would take that issue very seriously, much more than if you were to confiscate their car.

That is all I wanted to say. Thank you very much.  
(applause)

SENATOR GRAVES: We skipped someone by mistake because we had heard he wasn't here. Now we understand he is here. Mr. Ira Marlowe, Legislative Director of the Tenaflly Rifle and Pistol Association. Good afternoon, Ira.

I R A M A R L O W E: Thank you, Senator Graves; thank you, Senators.

My name is Ira Marlowe. I am the Legislative Director for the Tenaflly Rifle and Pistol Association. I am here as a competitive shooter. My understanding of the Russo bill would be that my competitive firearms would now be locked in our clubhouse -- which we have no facility to do -- as if it were an armory. Most of the people that I have discussed this particular piece of legislation with are absolutely opposed to it.

While I was here listening to the testimony earlier, what dawned on me was, I am now being looked on as if I am a criminal. We hear talk of people and the problems they have had through their families with murders and homocides, but I am a law-abiding citizen. I have never done anything to violate any laws of this State or any state. I feel that with Senator Russo's bill, I would be looked on, and put into the category as a criminal. That is something I have to have strong opposition against.

There was some reference to the amount of funds it would take this State to collect or compensate for the 950,000 or one million handguns in the State. If you base that on the average cost of \$250, which is very low, because most of my guns run about \$700 or \$800, you're looking at \$250 million. I think those funds would better go into -- as one of the officers from Creskill said -- the restructuring of our prison system, or be put back into the system for law enforcement to go after the criminals, not the law-abiding citizens.



Senator Russo, I think your bill has good intention, but it is misdirected. Basically, that is all I would like to say. Thank you.

SENATOR GRAVES: Thank you. Chief Harry Creveling, Lebanon Township? Chief, are you here? (no response) Okay, Larry Pratt, from Springfield, Virginia, representing the national organization, Gun Owners of America. Is Robert Wigand, Jr. with you? (affirmative response from audience) Would you come up with him, please? Good afternoon.

L A W R E N C E D. P R A T T: Good afternoon, Senator and members of the Committee. Thank you for the opportunity to be here. I represent Gun Owners of America. We are a national organization of over 100,000 American citizens who are interested in protecting their constitutionally guaranteed right to keep and bear arms.

Senator Russo's measure, if it were to pass, would represent a step toward the open declaration that the civil government is not bound by any law above itself. In other words, S-2282 is a step toward official lawlessness. This would be true both because S-2282 is unconstitutional, and because it would provide an open door through which criminals could penetrate the defenses of the law-abiding and prey on them with impunity.

In Senator Russo's view, there is no legitimate use for a handgun. He only sees the people who are murdered by a handgun. Senator Russo has not considered what would have happened if those victims had had a handgun when they were attacked. The question needs to be asked, because we know from the work of Florida State University criminologist, Dr. Gary Kleck, that over 650,000 Americans each year use a firearm -- usually a handgun -- to repel a criminal attack. Most of these statistics never get into the FBI reports because they never get into the police blotters, because people just don't want to get themselves involved with the paperwork that would be

involved in reporting that they chased off a criminal, but never fired the gun. Two-thirds of these people never fired their guns among that 650,000 when they repelled a criminal attack. But those are the numbers of people who would be affected -- whatever group there are in New Jersey -- were the Senator's bill to pass.

Who is going to protect those people if the bill does pass? There are a lot of people in New Jersey who have not reported it to the police, but who, nevertheless, did defend themselves, with a handgun especially. If they begin to use rifles to defend themselves, a rifle bullet has a much greater velocity, and that bullet is much more likely to injure an innocent bystander than a handgun bullet, which does not have the same penetrating capabilities.

In a 1986 study done for the United States Department of Justice by Dr. James Wright of the Department of Sociology at the University of Massachusetts, Wright found that among the incarcerated armed felons he had interviewed, 90% would saw off the barrel of a shotgun if a handgun were not available. In other words, an effective handgun ban -- if that were really possible -- would drive criminals to use the most lethal kinds of firearms available for their crimes.

Wright's study sheds light on the effectiveness of keeping handguns out of the hands of criminals whether or not S-2282 were to be enacted into law. Nearly all of the felons interviewed indicated that they would be able to get a handgun quickly and easily, no matter what the law was.

In light of the huge benefits private individuals derive from possession of firearms for self-defense, as well as the ability of criminals to get guns no matter what the prohibitions are, passage of S-2282 would represent a catastrophe for the citizens of New Jersey.

The depth of the tragedy that would come in the wake of S-2282 is compounded by the inability of the police to

protect individual citizens. Nor is that their job. In fact, the courts have repeatedly ruled that even for cases of gross negligence resulting in harm to private citizens, the police are not responsible for failure to provide security for private individuals. The police are only responsible for providing for the safety of society as a whole through enforcement of laws that have been broken by criminals. The most recent case of this sort of which I am aware is Warren v. District of Columbia.

Passage of S-2282 will place citizens in an intolerable position. On the one hand, they will be denied access to handguns for self-defense. On the other hand, the government that is depriving them of the right to keep and bear handguns has no compensating responsibility to protect the citizens from criminal attack. Self-defense is an unalienable right, and it is not a matter to be left to a few professionals, nor can it be.

Senator Russo has pointed to England and Japan as examples of how well gun control laws work. The example of those countries proves no such thing. The Japanese people themselves do not use firearms to attack other people as a general rule. Even second generation Japanese living in the United States have the same low violent crime rates that the Japanese have in Japan. It should be pointed out that the Japanese have a suicide rate, though, of five times that of the American handgun murder rate. In other words, the Japanese are at least as violent as Americans are, but the deadliness of their character manifests itself in a different way from that of American criminals, and it has nothing to do with the presence of firearms.

The British government imposed strict gun controls on its citizens many years ago. As English police inspector Colin Greenwood found when he reviewed the data, crimes involving firearms increased after gun control was imposed. It had actually gone down slightly before. Englishmen immigrating

to the United States exhibit a pattern of low firearms crime rate similar to the Japanese in the United States and Englishmen in England. Clearly, a cultural factor is at work here, rather than the presence or absence of guns and gun control.

The British case has to be questioned further as one that supposedly shows that gun control works when we remember that Ireland is in Great Britain, and gun control in that country has only consigned the general population to the role of passive victim in the face of the criminal assaults of rival political gangs. Ireland is a clear case proving that when guns are outlawed, only outlaws will have guns.

Senator Russo has said that more guns mean more murders, and we have already heard a discussion of the situation in Switzerland. There are 600,000 men involved in that citizen army, and they are required to keep automatic weapons in their homes. Similarly, the militias of Denmark, Sweden, and Norway require those men to keep machine guns in their homes.

The same lack of correspondence to the presence of weapons and crime rates pertains to the United States, as we find in these foreign examples. For instance, the State of Vermont has no gun control laws. People can own any gun they choose, and they can carry it openly or concealed anywhere they go. Vermont certainly enjoys a more favorable crime rate than does New Jersey. The same could be said for many other states in the country which have much less restrictive gun control laws than does New Jersey -- and they also have much lower crime rates.

Senator Russo has said that there is no constitutional right for individuals to keep and bear arms; that it is only a states' rights provision. If that were so, the framers of the Constitution had ample opportunity to prevent the "right to keep and bear arms" language from getting into the Second

Amendment. For example, Roger Sherman of Connecticut, one of the delegates who participated in the drawing up of the Bill of Rights, had his own draft of 11 provisions for a Bill of Rights.

Included in Sherman's version was a provision for a militia that did not include the right to bear arms. Obviously, the states' rights view did not prevail in the final drafting of, and in the ratification of, the Second Amendment. The intent of the amendment is made clear when we examine the words of a leading supporter of the Second Amendment in the First Congress, Senator Richard Henry Lee -- this was just prior to the vote on these amendments: "To preserve liberty, it is essential that the whole body of the people always possess arms." And then the Senate voted in favor of the Second Amendment.

The common law tradition of the framers was part of their legal education. That tradition includes another Bill of Rights that was imposed on a British monarch in 1688 as a condition for his accession to the throne. In the 1688 Bill of Rights, there is an explicit guarantee of the right to keep and bear arms.

SENATOR GRAVES: That is all very pertinent, but can you direct yourself to the law that is before us?

MR. PRATT: Yes, sir. I would like to comment on some of the police representatives that you have heard from, who purport to speak for the rank and file, and yet they support this gun ban bill. The fact of the matter is, you have already seen some of the rank and file, and even some of the officers--

SENATOR GRAVES: That would be redundant. We heard officers speak who said it is not representative for all of them.

MR. PRATT: Yes, sir, I would like to make a point on that. Since we have seen this here, it deserves to be brought out that the national and State organizations' leadership who come out regularly to hearings like this and speak for gun

control and for gun banning, have never polled -- never canvassed -- their members. So, really they are speaking for themselves, as we have seen here today.

Another reference was made to crimes of passion. I would like to bring to the Committee's attention that in Kansas City, over a decade ago, a survey was done of the calls that are made to homes with domestic violence reports. It was found that before a murder occurred in those homes, there had been five visits by the police responding to calls for a domestic disturbance.

Now, the point of that is, a domestic disturbance that ends with a murder doesn't happen in a momentary fit of passion. In fact, the culprit thinks for a long time about what he is going to do and whether or not he really -- he or she really wants to do away with the offending spouse. So, the presence of handgun control legislation is certainly not going to stop what amounts to a very long time that people consider these kinds of crimes of passion. They may be crimes of passion, but they are not instantaneous or spontaneous crimes of passion.

Thank you very much for this time. I urge the Committee to vote against the bill.

SENATOR GRAVES: I think it is kind of important -- that research you did. Would you please leave a copy of that with us?

MR. PRATT: I would be happy to, Senator. Thank you.

SENATOR GRAVES: I am only going to go into one thing. I am not going to go into a dialogue on it. One thing, when you refer to the Supreme Court-- That has come up three times. I am going to ask you for a little bit of clarification on it. We were told, in the writing, that 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 an individual citizen to carry guns or to keep guns in their homes. Is that your interpretation of what the Supreme Court said?

MR. PRATT: Senator, the Supreme Court has spoken on both sides of the issue. The Supreme Court has most recently said that individuals have a right to keep weapons which they would consider to be militia weapons. The point they were making was, individuals have the right to possess a wide range of weapons, and the only question open was, what is a militia weapon? Since the defense didn't appear in that particular trial, the question never got addressed.

There was another time when the Supreme Court ruled in a very famous case -- about 100 years ago -- that an individual did have a right to keep and bear arms. However, that was the Dred-Scott decision, and I am sure that the more famous aspects of that case would not be supported by anyone in this room. So obviously, there are times when the Supreme Court can make a decision that is so contrary to the common notions of decency, humanity, and the Constitution, that nobody would take it seriously.

SENATOR GRAVES: We are going to have to lean on you a little bit to give us some of your research, though. I think it would be kind of important to us. Within the next 30 days, if you can do it.

MR. PRATT: I would be happy to do that. Thank you.

SENATOR GRAVES: Okay. Good afternoon, Robert.

ROBERT JAMES WIGAND, JR.: Good afternoon, Senator, Senator Russo, and distinguished panel.

Gentlemen, distinguished legislators: My name is Robert James Wigand, Jr., and I live in Salem County, New Jersey. I am a Vietnam veteran. I consider myself to be pro handgun but, even more important, I am pro Constitution. I did not serve in Vietnam in 1965 and 1966 to protect the Constitution of the United States and the Constitution of New

Jersey, only to lose my constitutional rights 23 years later, at the hands of legislators who wish to protect me and the citizens of New Jersey by banning handguns.

Gentlemen, guns are dangerous. They are supposed to be dangerous. The key to reducing the danger is knowledge. I have been around weapons all of my adult life, both as a shooter and a firearms instructor. By the New Jersey Constitution, Article 1, a person has the right to acquire property, live in peace, and protect said property, with a handgun, if they so desire. While the giants fight it out to decide what is best for the people, who is going to protect me and my family -- the average citizen -- from the drug-crazed killer who has invaded my home? Shall I wait for law enforcement, or just surrender, and leave my family to be raped and murdered? It is not the average handgun owner who only wishes to protect himself and his family from harm who is the problem. The problem in this country is hard-core criminals and drugs. The drug problem in this State is out of control, as it is in the whole country.

At this point, the lawmakers do not run this country; the drug lords do. I would make a challenge to all legislators in this State, as well as in the nation: If you want to end 90% of the problems, end drugs. No society in the world can legislate human behavior. The people of this State have lost enough constitutional rights in the name of crime prevention. It is a documented fact that the State of New Jersey has more crime than states with less restrictive firearms laws.

The Legislature did a grave injustice to the citizens of New Jersey in 1965 when it passed 2C:39-5, which makes it a crime in the third degree to possess a handgun, which is punishable by three to five years in prison, or a \$7500 fine. This penalty is stronger at times than the penalty for drug possession.



The question today, gentlemen, is not to ban or not ban handguns. The question at hand is, are the members of this great body of lawmakers ready to violate the public trust and the constitutional rights by banning anything that the people do not want banned? For several years now, gun owners all over the State have complained to their legislators about New Jersey's complex and ridiculous gun laws. Last September it all came to a head when Assemblyman Gary Stuhltrager chaired a committee to investigate and hold public hearings on New Jersey gun laws. The facts presented were clear and concise. New Jersey gun owners were at the mercy of a poorly written, broadly based law that was being enforced as the Attorney General saw fit. The only word they know is "confiscation."

When the 1988 Legislature convened, Senator Ray Zane introduced Senate Bill 1474, handgun card for life, and S-1989, the sportsmen's bill of rights. These bills are reasonable and just for everyone concerned. They cut down on red tape and clarify the gun laws so that everyone can understand them. But the most important part of this legislation, is that an elected representative heard the voice of the people and responded to the people. Both bills were doing well, when law enforcement decided to rear its head in the form of Senator Russo, to ban all handguns, close all private clubs, deny people the right to freedom of assembly, and deny people their basic rights under the Constitution.

Gentlemen, there was no outcry from the people to ban handguns. The only outcry was from the Attorney General's office via Senator Russo. Senator Zane is a leader among men. He has set the example -- we the people, government by the people, not government by a power-hungry group of appointed officials.

Each legislator in the State Capital has a responsibility to his or her constituents. We are not stupid. We will refuse to be herded around like cattle. Legislators

are elected by the people to do the people's will, not to pass laws to protect the people. Each elected representative in this State is responsible--

SENATOR GRAVES: Thank you very much. Would you leave your statement with us?

MR. WIGAND: Would I leave it?

SENATOR GRAVES: Yes.

MR. WIGAND: If I can copy it, I will leave it.

SENATOR GRAVES: Would you allow us to copy it?

MR. WIGAND: Yes, sir.

SENATOR GRAVES: Okay. We are going to have a hearing down your way, too--

MR. WIGAND: Yes, sir, I know.

SENATOR GRAVES: --and maybe you will want to add to it. Thank you very much. Will one of the staff take it and then give it back to him? (member of staff complies) We want to get a copy of this. Thank you both, gentlemen.

Robert Harvey, Gun Owners of New Jersey. If the red light is on, you're on.

R O B E R T H A R V E Y: Mr. Chairman, members of the Committee, my name is Bob Harvey and I represent Gun Owners of New Jersey. Thank you for allowing me to testify on behalf of our membership. Our statement is brief.

I would like to digress for a moment from the planned testimony and, at least in part, answer your question about the Constitution.

SENATOR GRAVES: I would ask, in fairness -- some of the Senators have stepped out of the room -- would you just submit your statement so we can get it on the record.

MR. HARVEY: Certainly.

SENATOR GRAVES: Okay, just leave it with us. Please go on with your testimony.

MR. HARVEY: Generally, New Jersey gun owners and sportsmen are reasonable individuals, willing to support any

legislation favorable to American society. Many are patriots and served this country well in time of war. Their age is closer to 50 years than 30. Their interests cut across the usual delininations of sportsmen's groups, and we take pride in our independence.

As you might expect, the recent flurry of activity concerning gun legislation was the subject of considerable debate at many meetings. Within 60 days, our grass-roots membership replied with 2000 signatures of New Jersey citizens opposed to this legislation. We reviewed the proposed bill very carefully, and considered it in light of New Jersey's history of gun control over the past 21 years. Our deliberations took into account:

Testimony at hearings last September, both in transcript and video tape, reviewing enforcement of present New Jersey gun control laws, and written statements from criminal justice and law enforcement, proposing even more restrictive measures.

Additionally, we considered recent media rhetoric, which seemed to surround a national effort by anti-gun special interest groups to ban all civilian ownership of firearms in the entire country -- beginning with this New Jersey handgun ban.

Again, we reviewed this bill now before the public, noting with interest that many new provisions which supersede all others, are contained at the end. They were not underlined, nor included in the statement, in the usual manner.

This new matter would:

Proscribe traditional American rights of New Jersey citizens to bequeath their property to rightful heirs.

Proscribe traditional American rights to freedom of association, by limiting the place where club members may gather, to licensed, taxed, police-controlled facilities.

Proscribe traditional American rights akin to free speech, assembly, and petition, by requiring that clubs submit membership lists to State Police, thus establishing a data record of personal and private information, in cross-linked computer systems, over which New Jersey citizens have no control, or even the ability to review and change false, misleading, or vindictive information. In short, without adequate safeguards.

Worst of all, this bill, contrary to the intent of Article I of our New Jersey Constitution, proscribes the New Jersey citizens' natural, inalienable right to protect life, liberty, and property, with a handgun, if they so choose.

In summary, taken together with present and proposed legislation, and in light of historical experience during the past 21 years of New Jersey gun control, this bill -- S-2282 -- proposing to ban handguns from civilian ownership in the State of New Jersey, sets dangerous precedents, not merely in the realm of gun control -- which are open to abuse -- but it is a reprehensible, comprehensive attempt at people control, so foreign to the nature of American citizens as to appear un-American. It creates a population of second-class citizens, who happen to be gun owners, through enforcement of yet-to-be promulgated, potentially arbitrary regulations.

We believe that fundamental, natural, unalienable rights denied to any one citizen are denied to all citizens. We believe that any legislature or individual legislator unresponsive to a majority of their constituents, no longer serves the best interests of our unique American democracy. None of our membership, in good faith, can support such legislation. We respectfully point out that effective government is obtained in cooperation with the people, not through suppression and people control of ordinary citizens acting in good faith.

Thank you. (applause)

SENATOR GRAVES: Thank you. I think that for our record, just one thing would be brought forth. In other words-- You said you represent about 2000 people.

MR. HARVEY: We have 2000 signatures, yes.

SENATOR GRAVES: That is important, because it gives us--

MR. HARVEY: I'm sure there are many out there we couldn't reach within the 60-day period.

SENATOR GRAVES: So, the majority of those who signed it were the majority who voted -- who favor--

MR. HARVEY: That is correct.

SENATOR GRAVES: --your points of view.

MR. HARVEY: The deliberations were hot and heavy -- everybody on both sides. It was incredible the amount of interest this stirred up. The gentleman from Hungary who testified--

SENATOR GRAVES: Was there a split vote within your organization?

MR. HARVEY: No. It was unanimous.

SENATOR GRAVES: How many members are there altogether?

MR. HARVEY: Our guess is about 3000.

SENATOR GRAVES: Thank you very much.

Ray Long and Dr. Gary Meier -- Ray Long, the International Paintball Players Association, and Dr. Gary Meier, a competitive shooter. Good afternoon. Please introduce yourselves.

D R. G A R Y A. M E I E R: I am Gary Meier. I am a resident of New Jersey.

SENATOR GRAVES: Is Ray Long here? (no response) All right, Doctor. Please go ahead.

DR. MEIER: Currently, I am a finalist in the selection process for the 1988 United States Olympic Team in two of the pistol events that are included in the Summer Games. I previously participated in the final selection

process for the 1984 United States Olympic Team, and was invited to try out for the Pan American Team in 1983 and 1987. I feel that this background qualifies me to address the devastating effects that this bill banning handguns would have on competitive shooting in the State of New Jersey.

Some background information about this sport might be useful. More than 6500 pistol tournaments were held in the United States in 1987, attracting over 101,000 individual entries. More than 20,000 pistol shooters are serious enough to have earned current competitor classification cards.

Competitive pistol competition is hardly an American phenomenon. Our U.S. International Championships are only one stop on the World Cup circuit. Pistol competition is a vital part of the Pan American Games, the European Championships, the Championship of the Americas, as well as the Olympic Games. Indeed, in the Olympics, the shooting sports rank third in the number of nations participating, and first in the number of individual entries of all the sporting events. In 1896, at the first Olympiad of the modern era, pistol marksmanship was accorded the honor of being designated as the opening event, and to this day it remains the first event of the Summer Games.

New Jersey has always had its share of dedicated competitors. The State is consistently well-represented at the national championship matches, and a significant number of citizens qualify each year for the United States International Championships. These athletes deserve New Jersey's support and encouragement. The proposed legislation, however, would strip competitive marksmen in New Jersey of rights that are enjoyed by shooters in all other states in the Union.

I object to the proposed legislation for a number of reasons. First, the bill would prevent New Jersey's competitors from participating in virtually all pistol events. Because the bill would prohibit transportation of handguns within the State, citizens would be barred from taking part in

State, regional, national, and international matches. To remain competitive, shooters must travel. Only regular competition against other shooters, at other ranges, and under varying conditions can hone a championship marksman. Members of the U.S. Training Team, for example, routinely travel more than 20,000 miles a year to compete.

Second, the ban on further sales of handguns is unacceptable. Target pistols wear out and must be replaced. In addition, as new firearms technologies emerge, shooters must constantly upgrade their equipment in order to stay competitive. Perhaps more important, competitors must train the next generation of competitors. Law-abiding citizens who wish to take up the sport should have the same right to purchase a handgun that currently established competitive shooters have. However, exempting only certain specialized target pistols from a proposed handgun ban would not be an acceptable solution. Top competitors, indeed, may compete almost exclusively with very sophisticated handguns costing thousands of dollars each, but such handguns are both too expensive and too demanding for a novice to use and to learn with. Less specialized handguns, as well as models suitable for world class competition, must remain available.

Furthermore, I object to provisions in this bill that, if enacted, would require any handguns remaining in the State to be stored at a State-approved range. The security risk that this would pose is obvious. Storing a large number of handguns at a central, well-known location would make that location a prime target for burglary.

Furthermore, competitive shooters routinely tune, change, and rework components of their firearms on a weekly, if not a daily basis. This work typically cannot be done on the range. It requires the facilities of a home workshop or the services of a professional gunsmith. In addition, when practice at the range is not possible, shooters spend endless

hours at home working on non-firing exercises. These exercises are as important for a competitive shooter -- some members of the U.S. coaching staff would say more important -- as time actually spent on the range, and prohibiting this type of off-hours practice would ensure that New Jersey shooters would be unable to compete with the rest of the world.

SENATOR GRAVES: You have given us a brand-new dimension. It is kind of important that you leave that information with us, too. We are quite honored that you took the time out to come here to see us.

DR. MEIER: You have eight copies of this text up on the desk somewhere. I dropped them off previously.

SENATOR GRAVES: Okay, good. Thank you very much for your testimony.

DR. MEIER: I have a bit more to say, if I may.

SENATOR GRAVES: Okay, but be brief, if you will, because there are so many people standing out there.

DR. MEIER: Certainly. In any given year, 99.6% of all handguns will not be used in any criminal activity. How logical is it to attempt to eliminate the 99.6% of handguns that are not part of the problem? The same criminal subculture that can import and distribute thousands of tons of illicit drugs nationwide with frightening efficiency will have no trouble supplying handguns to meet the criminal demand.

Further, this bill would also prohibit a legitimate firearm owner from passing on any handgun to a legal heir. I find this attempt at governmental intrusion into the very private area of property disposition to be particularly repugnant.

Like thousands of other shooters, I own handguns which may have no great historic or monetary value. However, these firearms are precious to me because my father handed them down to me and, in some cases, his father left them to him. Some day I hope to pass these family heirlooms on to my children,



and I fervently maintain that so long as the members of my family continue to meet all of the already stringent Federal requirements for firearms ownership, then the State of New Jersey has no business dictating what items of private property I can or cannot pass to my heirs.

Mr. Chairman and members of the Committee, I ask that you summarily reject S-2282, for the reasons I have just presented, and for the reasons that you have already heard today

Consider, if you will, one final scenario. The Olympic finals in the pistol events in which I compete will, in all likelihood, be a match-up of American athletes versus athletes from the East Bloc. Sporting use of handguns for competitive shooting is actively encouraged and heavily subsidized by the communist governments. How tragically ironic it will be if S-2282 becomes law. My counterparts in the Soviet Union will continue to enjoy the freedom to pursue their sport and represent their nation in international competition, while I, as a resident of the State of New Jersey, could not.

Thank you. (applause)

SENATOR GRAVES: We allow the applause because of who Dr. Meier is. (laughter) Thank you. Good luck at the Olympics.

DR. MEIER: Thank you.

SENATOR GRAVES: You bring great credit to our country. (applause)

Robert Trouts and Dominick Porko, please come forward.

R O B E R T T R O U T S: Mr. Chairman, Senators: I will be brief, due to the time already allotted.

SENATOR GRAVES: Which are you, sir?

MR. TROUTS: I am Robert Trouts.

SENATOR GRAVES: Robert Trouts. Please go ahead.

MR. TROUTS: I am a high school student at Cranford High School. I am not here representing any group or organization. I am here today to tell you my feelings on the bill that Senator John Russo is so desperately trying to pass.

I was always told by my teachers and parents that if I didn't like what the government was doing, or in this case trying to do, that I should tell them. That is why I am here today -- to urge the Senate and the Assembly of the New Jersey Legislature to vote against this bill.

As you know, if this bill is passed in its entirety, the sale and purchase of all handguns in the State will be banned, except for some unspecified target and antique pistols. The bill also states that all handguns be kept at a State-approved range and, upon the owner's death, the firearm will be relinquished to the State for a monetary value.

I am not sure -- and correct me if I am wrong -- but I was always told that the Constitution said: "We the people have the right to bear arms." It does not say we only have the right to bear some antique and target pistols.

At this point, I have a question for the author of the bill. All right?

SENATOR GRAVES: No. In fairness to others, they were not permitted that. Give your testimony, and we will appreciate it.

MR. TROUTS: Your constituents, the law-abiding, tax-paying citizens of the State are the people this bill is affecting. Rather than penalizing the criminals, this bill prohibits the law-abiding citizen the right to lawfully purchase a firearm for recreation and/or self-defense.

At this point, I sound like all the other con speakers on the bill, and to some of you I am even sounding repetitive. But I feel that this point is important enough to be heard.

It was only a few short weeks ago when I, myself, was here in the State House participating in the Model Youth and Government Program. For those of you who are not familiar with this, it permits -- allows -- high school students throughout New Jersey to act as State legislators trying to pass their bills.

I sat in the temporary Senate chamber and listened to Senator Russo say to us, the assembled body of students, that we are the youth of America and the leaders of tomorrow, and I would like to thank him for encouraging me to get involved with State affairs, although he might not appreciate the way I have chosen to go about it today. (laughter)

More recently, out of curiosity, I asked 55 high school students their opinion on the proposed bill. Out of those 55, 51 would not support the passage of this bill, and disliked it enough to sign a letter to the Governor. In my opinion, that is an overwhelming percentage. Remember, ladies and gentlemen, these so-called children are the voters of tomorrow.

I have two basic problems with this bill, the first being that I can't see how the State can tell someone they can't leave something to an heir, something maybe of great personal value, an heirloom, or the simple fact of the monetary value, and I am sure the State is not willing to pay the full value of the gun. What price will the State access for sentimental value? There is no price for sentimental value; therefore, the State cannot pay the full worth of the item.

The second problem I have with this bill is the simple fact that the bill serves only to deprive respectable, law-abiding citizens, whose only uses for their handguns are for recreation or self-defense -- the protection which we are guaranteed in the Constitution. It allows the criminals the handgun owners are trying to protect themselves from a feeling of security, which will lead to more violence. We must face the facts, ladies and gentlemen. Criminals, for the most part, don't have licensed guns, and I will bet that not one will register it or turn it over to the State if this bill is passed. So, the question is: Who is this bill really protecting?

Finally, there was a place and time in another country where a similar bill was passed. The time was 1937; the place was Nazi Germany.

Thank you.

SENATOR GRAVES: Please introduce yourself.

D O M I N I C K P O R K O: I am Dominick Porko, representing the River Vale Sports Club.

I was pleased that when we came into this chamber we weren't searched nor put through magnometers, which attests to your confidence in the law-abiding citizens who are in this room.

The comments I have are addressed in Senator Russo's memorandum to the Legislature regarding the legislative proposal and background information for this handgun control bill. There were several errors of fact, and one very serious omission in many of the newspaper accounts that reported the Senator's comments. Of the 397 murders committed in New Jersey in 1986, 35%, or 138, were by handguns. What was omitted in many of the reports was that in New Jersey, the second most popular method for committing a murder in 1986 was by the use of cutting instruments -- 31%, or roughly 122 murders. So, for a differential of 16 murders, and three or four percentage points, the State would incur a huge expense, a nightmare to enforce, and, I believe, certainly a gross violation of our civil liberties, which would surely come from this proposed legislation.

Senator Rice earlier asked the question about the armaments in Switzerland and whether it is militia or army or civilians. An interesting point -- a fact -- is that in 1815, when Switzerland gained its independence through the defeat of Napoleon by other outside powers, they, because of their diverse peoples, adopted the United States Constitution as their own, and it still stands today. However, unlike our U.S. Supreme Court, their supreme court ruled that their second

amendment, which is our Second Amendment, applies only to the militia and is not an individual right. Therefore, the issuance of fully automatic submachine guns and assault rifles, together with 16-shot automatic 9 millimeter pistols, together with live ammunition therefor, is kept in the home of every able-bodied man from age 18 until the day he retires from his individual job.

I have been in Switzerland several times. The story is the same and identical. In fact, when you land in an airplane, generally you will see two armored cars, particularly if it is a United States craft, accompany it down the runway. The people are militia, not regular army. Moreover, when you come into the airport, their concept of a militia is that every able-bodied person will serve. They devote "X" number of days per month. They are released by their employers, and you will see them walking around the airport with loaded submachine guns, loaded pistols, and/or assault rifles on their backs. They do not take their independence very lightly.

To add to Switzerland's rules, we have the State of Israel, which requires--

SENATOR GRAVES: If you will, we are not an international group.

MR. PORKO: No, but-- Okay, I'll bring it to a point.

SENATOR GRAVES: Bring it to New Jersey.

MR. PORKO: The point is, in countries having roughly three to four million citizens each, with the proliferation of fully automatic machine guns and pistols -- loaded-- The newspapers and the media have attested to the fact that both countries have the lowest murder rate, or homicide rate, by firearms in the world.

Coming back to the number of murders committed with handguns as opposed to knives-- Assuming that all handguns are eliminated, we still have this huge 31% of homicides remaining which are committed with a knife. Therefore, all of the

remaining homicides now will not be committed with a handgun, assuming that that goal is ever attained. How do we eliminate knives, screwdrivers, ice picks, fists, and stones?

The other subject that was discussed greatly here, and at length, was the thousands of accidental firearm deaths. In every year since 1983, when I became aware of the National Safety Council's Accident Report, the numbers ran somewhere between 90,000 to 100,000 accidental deaths a year. They never list accidental deaths by firearms, because the statistic is a non-statistic and is so low. For instance, the great concern for our children -- and we all have them-- Three thousand children die annually from poisons that are generally obtained from household cleaners in the kitchens and bathrooms of our homes. I have never seen any legislation anywhere in the country trying to come up with something to address the subject of, how do we save our children? Yes, we came up with child-proof caps, which many adults can't handle, so they leave the caps off on the kitchen table and in the bathroom, and the child gets to it.

We have 6600 deaths a year by drowning, and not one safety course or class required, as we require with firearms carry permits in New Jersey. Fire kills 4600 in the State. We only recently came around to requiring the installation of smoke alarms, and even that is not mandatory on a statewide basis. And of course, automobiles. We all need automobiles. I daresay we also need handguns. For instance, many of the bills and proposals that are put forth indicate that we want to eliminate the cheap, small, easily concealable Saturday night special. How do our parents, how do our women, how do our daughters handle a monstrous and what I consider to be an overpowered pistol or a revolver, when they can't even hold it or grasp it? How do we, when we reach the age when arthritis starts to set in, manage to hold monstrous pistols of the type that you seem to be proposing in lieu of a Saturday night special?

I daresay that homicide is a matter of choice, not weapons. Accordingly, I am opposed to S-2282.

SENATOR GRAVES: Thank you. Thank you, too, to our student representative. It clearly indicates that a good message is being given in New Jersey. We appreciate it, and we hope you tell your fellow students.

Ladies and gentlemen, many of you have been standing here for three hours, and the rest of you have been sitting here. We want to thank you very much. We are going to have two more hearings. One will be in Camden; it will not be for a month. And the one in Hackensack won't be for at least two months. Your Senators here have also been very patient. I have just asked them if they wanted to make any sum totals of today. Rightfully, we all say that wouldn't be the fair thing to do at this point, if we are going to get all of the information. I can guarantee you one thing: Every one of us is leaving here with a lot more info than we had before we got here. A lot more of us know a lot more about the significance of your feelings than we did three hours before this began.

I can't describe to you what a cooperative audience you have been. I think we all learned by you today. I think we all learned a lot about who you are and what you stand for, and about how you presented yourselves here today. Even though emotions ran high one way or another, suffice to say you were able to hold it within. So, you all deserve a good round of applause.

I am going to do something in fairness. We are not going to let Senator Russo rebut everything that was said here today. That would destroy what we said we were holding back one way or another. But I am going to give him a chance to address you for a couple of minutes. Then, we will give you a lot of advance notice, either by ad or through communications, especially those of you who want to make sure that you know exactly where the next hearing will be. It undoubtedly will be

Camden, and it will undoubtedly not be for at least a month. Then in the month of July, in fairness, since so many people are going to be watching both conventions on a presidential basis, we won't have our hearing in Hackensack until either August or September.

So again, thank you. We will just give Senator Russo two minutes without trying to rebut everybody.

SENATOR RUSSO: Thank you, Mr. Chairman. In respect for your and the Committee's feelings, I won't rebut anything at all today, because you have asked that that be held, and I will do so. If necessary, I will do so at some future time.

First of all, I want to thank and commend you for the way you have run this hearing, and the members of the Committee. It is an emotionally charged issue, no question about it. A lot of people feel very strongly about it, as I do, but yet it was run with decorum and dignity.

The only message I have -- it's not rebuttal -- I think sums up what I want to say, not on the merits of the issue, but on the procedure. That is by commenting on what the young fellow from Cranford High School said. I meant what I said that day in the chambers, about getting involved. You don't do me a kindness when you suggest that I am upset by the way you have chosen to show it. I'm not; I'm not at all. I said before -- and I'll say it again -- I respect your view and the views of those who disagree with me. You presented most of these arguments today with logic, intelligence, and dignity, as I hope I have. I encourage that opposing view. I may win or I may lose this battle. It doesn't matter. What matters is, I did my best, as you are doing your best in what you believe in.

I think that is what democracy is all about. If this battle goes on and I don't succeed, I will go on to another issue. I only hope that you respect my right to present what I believe in, as I do yours. I have no personal animosity or bitterness toward any one of you. Some of you may have toward



me. Hopefully in time you won't, because I am just doing what I think is right, as you are. We just happen to disagree. This is America, and this is the way we disagree. Under the supervision of a Committee Chairman such as Senator Graves, we bring all of our views forth, and then we resolve it in the democratic fashion -- by a vote -- whether in this Committee, on the floor, or whatever. You will find-- I hope to win the battle, but if I lose it, I will be able to lose it, hopefully, graciously, and commend you for winning if you do win, as I hope you will do to me if I win.

Thank you.

SENATOR GRAVES: Thank you. I would just like to point out to you, in case you want to address-- Some of you may want to address a personal note about something. Gentlemen, if you will please stand. Senator Joseph Bubba (applause); Senator Lou Bassano (applause); and Senator Ronald Rice (applause).

Thank you, and we'll see you in about a month, some of you in Camden, and some of you in Hackensack.

(HEARING CONCLUDED)

## APPENDIX





ME TO  
EMBER...  
ME TO  
HANDGUN  
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**National Coalition to Ban Handguns**  
100 Maryland Avenue, NE, Washington, DC 20002

# **ional Sponsors**

iel Kennedy  
-chairperson  
retta Scott King  
-chairperson  
ar Chavez  
am E. Colby  
y Collins  
signor John J. Egan  
ter E. Fauntroy  
Dorothy Height  
Barbara Jordan  
nmissioner George Napper  
ry Nilsson  
gory Peck  
Alvin F. Pouissant  
bi David Sapperstein  
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TESTIMONY OF MICHAEL K. BEARD  
EXECUTIVE DIRECTOR

NATIONAL COALITION TO BAN HANDGUNS

Before the

NEW JERSEY SENATE  
COMMITTEE ON LAW, PUBLIC SAFETY & DEFENSE

ON

MAY 24, 1988

Chairman Graves, members of the Committee on Law, Public Safety and Defense:

I am Michael Beard, Executive Director of the National Coalition to Ban Handguns. NCBH is a coalition of thirty-four religious, medical and professional organizations dedicated to reducing the level of handgun violence in the United States. The coalition appreciates the opportunity to testify today on behalf of the handgun ban legislation introduced by Senate President John Russo.

Every year, handguns account for the deaths of 22,000 Americans. Twelve-thousand people commit suicide with a handgun annually. Public health researchers have estimated that up to 60 percent of these suicides would not occur if it were not for ready availability of a handgun -- a weapon which basically guarantees a quick death. Other methods of suicide offer a second chance, some precious minutes to reconsider and get help, but a handgun is unforgiving.

Every year, 1,000 people are killed unintentionally with a handgun. Many of these are children, victims of a parent's misguided concern. To feel safer, parents may bring a loaded handgun into the house and then leave it where it will be accessible to them, like in a nightstand or under the bed. These are places where that loaded handgun is also accessible to a curious child. In fact, one child under the age of fourteen is killed every day in this country with a handgun. One child a day.

Every year, there are 9,000 murder victims of handguns. Of those, a startling 44 percent were the result of an argument. In contrast, less than 20 percent were committed during a felony activity.

All total, 22,000 people were killed brutally, senselessly. However, there were some people who used their handgun to kill in self defense in 1986. Indeed, there were 193 of them nationwide. That's all. 193 justifiable homicides by an armed civilian compared to 22,000 handgun deaths. In New Jersey, there was one civilian justifiable homicide. There were 13 cases in which a police officer killed under justifiable circumstances. The other 134 handgun homicides that occurred in this state? Family arguments, barroom brawls, squabbles over unpaid debts. And probably some drug or other felony related killings. But the common denominator in each of these cases is that the availability of a handgun increased the level of violence to a deadly one.

New Jersey has taken some serious steps to reduce easy accessibility to handguns. With its strict waiting period, New Jersey is frequently referred to as "the gun owner's hell" in gun publications. Let's look at the statistics. Nationwide, the average handgun murder rate is 3.6 per 100,000 population. New Jersey ranks 32nd, with a handgun murder rate of 1.7 per 100,000. Compare that with neighboring New York which ranked 8th, with a handgun murder rate of 4.6 per 100,000 population.

Tough laws have helped the homicide rate in New Jersey, but that should not be reason for complacency. You have before you the opportunity to be the first state to ban outright the future sale of handguns. There would be exemptions for police, collectors, target shooters, those who have a legitimate purpose for owning and using a handgun. You have before you the opportunity to save lives, through reducing the pool of the easiest and most successful weapon of

suicide, and ensuring that several years from now, youngsters playing in the parents' closets won't find that handgun that can turn into a tragic game of "Cowboys and Indians."

On behalf of the thousands of members of the coalition, in New Jersey and throughout the country, hoping to see this state set a precedent, I urge you to vote in favor of Senator Russo's bill.



STATEMENT ON

BEHALF OF

BILL S 2282

by

Charles Ticho

May 24, 1988

May 24, 1988

Senators;

My name is Charles Ticho and I am a resident of Woodcliff Lake in Bergen County. I've been a resident of New Jersey for over 22 years and I am very much concerned about the quality of life we could and should enjoy if the United States in general and New Jersey in particular could be made a safer place to live.

I therefore, very much appreciate this opportunity to address you and express my full support for Bill # S 2282. Let me state at the outset that I do not come before you representing any specific organization or political party. I wish I had the eloquence and the power to speak to you on behalf of the more than 20,000 Americans who became victims of handguns last year --- or if I could speak on behalf of the hundred's of thousands that were injured by handguns last year --- or if I could raise my voice on behalf of the more than 400 children who are no longer alive because a bullet ended their days on earth last year. I wish I could, but I can't.....I would not know how. The assignment is much too monstrous since each year millions of Americans are added to the rolls of victims of handgun violence.

Senators, I come here not even to speak on my own behalf --- though I too am a victim --- nor on behalf of my brother, nieces, grand-nieces, sister-in-law or other close family members --- who are also all victims. I am here to speak for the one person who cannot speak for himself --- my brother --- who died with a bullet in his brain --- just another victim of the handgun war raging in this country.

About ten year ago two murderers entered my brothers apartment one night. They entered his bedroom. He was alone and asleep. Perhaps he woke up from a noise --- perhaps he never knew what hit him. One of the murderers put a gun to his head and killed him.

The murderer who pulled the trigger was caught, brought to trial and is now serving a 35 year sentence. Testimony at the trial brought out the fact that the murderer had a previous criminal record, that the gun was a cheap "Saturday Night Special" brought into the State from a State that has very lax handgun laws.

The other murderer is still at large --- stalking Americans all over the country and constantly adding more and more victims to the death toll. This murderer has been pacing the halls of State Houses and Congress fighting against legislation that would have banned "Saturday Night Specials" and might have saved my brother's life. This same guilty party has been loose in Washington fighting against mandatory background checks --- that might have prevented my brother's killing. And this criminal has spent millions to keep the channels open that allow guns to flow throughout the country.

There were at least three different ways that the lethal weapon could have been kept out of the hands that pulled the trigger. But over and over again, the money, the coercion, the lies, the deception, the policies and the pressure emanating from this sinister source made certain that the gun found its way into my brother's bedroom and the bullet into his head. This second murderer is as guilty of my brother's death as the one who pulled the trigger.

Rest assured, you too will meet up with this cunning creature --- if you have not already.

He will come before you and claim that S 2282 is unconstitutional --- a violation of the Second Amendment to the Constitution --- and blithely ignore the six occasions when the United States Supreme Court refused to review lower court's approval of restrictive gun legislation---

He'll claim that S 2282 prevents a home-owner from defending his home --- but will ridicule findings published in the New England Journal of Medicine which stated that of the homicides which occurred in in the residence where the firearm was kept "only 1/2% involved an intruder shot during attempted entry." This same article went on to state: " The advisability of keeping arms in the home for protection must be questioned."

You'll recognize this character when he'll claim that handguns are as American as apple pie and are a product of our democratic principles --- they are needed to defend our democratic way of life.....of course, he'll ignore Great Britain, France, Sweden, Australia, Japan, Italy, and dozens of other democratic regimes who have somehow managed to survive without killing over 20,000 of their citizens each year.

Watch for him, when he claims that guns are a product of our pioneer background --- our frontier days --- our conquest of the continent, but disregard that Canada's yearly toll of handgun deaths can be often counted on the fingers of two hands.

He, or one of his accomplices will come before you and claim that all you are doing is depriving honest law-abiding citizens from obtaining weapons while criminals can always get a gun --- but

he'll never mention the fact that the majority of handguns used in crimes were originally purchased legally and that (according to a recent Department of Justice study, "The Armed Criminal in America") 21% of criminals nationwide obtain their weapons from handgun dealers, another 21% from private citizens and most of the rest from burglarized homes.

-----  
He'll come before you and claim that your bill is thwarting the will of the people who are demanding more guns all the time and will claim that last year's Gallup poll which proved the opposite is all wrong. In this poll (published in October 1987) 60% demanded stricter handgun laws, another 60% wanted stricter control of handgun sales and, outside of the deep South, more people favored a ban on handgun possession (49%) than opposed the ban (43%).

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He'll have the nerve to claim that he is trying to protect the citizens of New Jersey from criminals --- but will claim that the opposition of virtually all law-enforcement agencies in the State is a distortion created by the leadership of these organizations and does not represent the rank and file.

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A criminal mind like this is clever --- and should you mention the 5200 teen-age suicides that occur each year --- he'll smugly say: "You can't blame guns. If someone wants to kill himself badly enough, he'll find a way to do it." But, what about the fact that only 10% of attempted suicides are successful --- but over 70% of those attempted with guns, succeed.

-----  
Don't be surprised if he'll claim that legally purchased handguns by law-abiding citizens are in safe hands --- but will fight tooth and nail anything that suggest mandatory training and retraining,

regular relicensing, mandatory waiting periods to purchase handguns, mandatory additional liability insurance for owners of handguns, liability laws for misuse of weapons, the ban on plastic handguns, a ban on sale of machine guns and, of course, any curb on the sale of hand guns in New Jersey.

Oh yes, this accomplice in my brother's murder will not be hard to recognize. Perhaps you've already met him as he stalks up and down the corridors of you State House --- twisting an arm here, promising financial support there, threatening dire consequences in one place, flooding your mail box in another, wrapping himself in the American flag while, all along simply protecting the market of manufacturers, distributors and dealers of handguns and ammunition.

I beg you, on behalf of my brother, have the courage and the foresight to stand up to this threat. Don't let him tell you that you are depriving the citizens of New Jersey an opportunity to defend their homes --- when there are already enough legal and illegal handguns in the State to defend each home and business --- and if he points out that New Jersey will be the first State in the Union to pass a law such as S 2282 --- tell him that you will do so with pride and with a determination to point the way to the rest of the country to follow. When New Jersey passed laws governing chewing tobacco opponents presented the same arguments. But today, New Jersey's leadership has shown the way for the rest of the States and the Federal Government.

The time has come to take out the handcuffs, to end the reign of terror which is gripping our nation. We have created a nation where stockbrokers must fear major declines in the market, where federal judges aren't safe as they decide the cases before them, where

parents must tremble as they send their children to school, where business managers must fear for their lives when discharging a worker, where airline passengers are endangered by a smoldering grudge, where any minor argument can lead to sudden death, where any mental defective can act out his or her wildest fantasies through the barrel of a gun and where even our President must fear to move.

But all the arguments, the statistics, the debates, the cartoons, newspaper articles, editorials and letters to the editor are meaningless next to that telephone call. The voice at the other end is halting: "Charlie, it's Jean" your wife says. There is a long pause. "Charlie," she finally says, "Steven died last night". Another long pause. Finally you manage to say: "How? What happened?" "He was shot!" Another long pause. "Charlie, are you alright?" "Yeah, I'm alright---I'm O.K." you answer. And, of course, you are lying.....how can you be O.K.!

Tell me he died of cancer, or had a heart attack....or even that he was run down by a truck! But to have a brilliant career ended by a tiny piece of lead fired from a \$39.-- handgun is something that I will never understand....nor would you if, God forbid, you should ever face the same situation.

My hope and my wish is that S 2282 will succeed and will become law in New Jersey. If it will keep one family from becoming a group of victims like us, the law will be a success. I visit my brother's grave regularly. Will you enable me to tell him that through your efforts his death has gained new meaning?

"X

# GUN OWNERS OF AMERICA



Testimony of Lawrence D. Pratt,

Before the Senate Law, Public Safety and Defense Committee

On S.2282, May 24, 1988

Mr. Chairman and members of the committee:

I am Lawrence D. Pratt, Executive Director of Gun Owners of America, a national organization of over 100,000 Americans who seek to protect their constitutionally recognized right to keep and bear arms. I appreciate this opportunity to appear before you in opposition to Senator John Russo's bill S.2282.

Senator Russo would ban the acquisition of new handguns by private citizens as well as greatly restrict the freedom to bear those handguns still in private possession. The Senator hopes that this measure will reduce crime, but the result will be to force private citizens to be subject to criminal attack even more than is presently the case.

Senator Russo has said that if the Constitution protected an individual's right to keep and bear arms that his bill would be unconstitutional. In fact, his bill is unconstitutional.

Senator Russo's measure, were it to pass, would represent a step toward the open declaration that the civil government is not bound by any law above itself. In other words, S.2282 is a step toward official lawlessness. This would be true both because S.2282 is unconstitutional, and because it would provide an open door through which criminals could penetrate the defenses of the law-abiding and prey on them with impunity.



In Senator Russo's view, there is no legitimate use for a handgun. He only sees the people who are murdered by a handgun. Senator Russo has not considered what would have happened if those victims had had a handgun when they were attacked. The question needs to be asked, because we know from the work of Florida State University criminologist, Dr. Gary Kleck, that over 650,000 Americans each year use a firearm (usually a handgun) to repel a criminal attack.

Senator Russo has not considered what will happen to the New Jersey part of the 650,000 people who do repel criminal attacks each year when they no longer have handguns to protect themselves. Rifles are not as practical nor are they as safe as handguns for self defense because they potentially can be a greater endangerment to bystanders because of the greater velocity of rifle bullets.

In a 1986 study done for the United States Department of Justice by Dr. James Wright of the Department of Sociology at the University of Massachusetts, Wright found that among the incarcerated armed felons he had interviewed, 90% would saw off the barrel of a shotgun if a handgun were not available. In other words, an effective handgun ban would drive criminals to use the most lethal kinds of firearms available for their crimes.

Wright's study sheds light on the effectiveness of keeping handguns out of the hands of criminals whether or not S.2282 were to be enacted into law. Nearly all of the felons interviewed indicated that they would be able to get a handgun quickly and easily no matter what the law was.

In light of the huge benefits private individuals derive from possession of firearms for self defense as well as the ability of criminals to get guns no matter what the prohibitions are, passage of S.2282 would represent a catastrophe for the citizens of New Jersey.

The depth of the tragedy that would come in the wake of S.2282 is compounded by the inability of the police to protect individual citizens. Nor is that their job. In fact, the courts have repeatedly ruled that even for cases of gross negligence resulting in harm to private citizens, the police are not responsible for failure to provide security for private individuals. The police are only responsible for providing for the safety of society as a whole through enforcement of laws that have been broken by criminals. The most recent case of this sort of which I am aware is Warren vs. District of Columbia.

Passage of S.2282 will place citizens in an intolerable position.  
On the one hand, they will be denied access to handguns for self

defense. On the other hand, the government that is depriving them of the right to keep and bear handguns has no compensating responsibility to protect the citizens from criminal attack.

Senator Russo has pointed to England and Japan as examples of how well gun control laws work. The example of those countries proves no such thing. The Japanese people themselves do not use firearms to attack other people as a general rule. Even second generation Japanese living in the United States have the same low violent crime rates that the Japanese have in Japan. It should be pointed out that the Japanese have a suicide rate of five times that of the American handgun murder rate. In other words, the Japanese are at least as violent as are Americans, but the deadliness of their character manifests itself in a different way from that of American criminals, and it has nothing to do with the presence of firearms.

The British government imposed strict gun controls on its citizens many years ago. As English police inspector Collin Greenwood found when he reviewed the data, crimes involving firearms increased after gun control was imposed. Englishmen immigrating to the United States exhibit a pattern of low firearms crime rate similar to the Japanese in the United States. Clearly, a cultural factor is at work here rather than the presence or

absence of gun control.

The British case has to be questioned further as one that supposedly shows that gun control "works" when we remember that Ireland is in Great Britain, and gun control in that country has only consigned the general population to the role of passive victim in the face of the criminal assaults of rival political gangs.

Ireland is a clear case proving that when guns are outlawed, only outlaws will have guns.

Senator Russo has said that more guns mean more murders. Domestic as well as foreign data show that the presence of firearms has no relationship to crime rates. Switzerland has a citizen army of over 600,000, all of whom keep their automatic weapons at home. The militias of Denmark, Sweden and Norway do the same. Yet all four of these countries enjoy low crime rates.

The same lack of correspondence to the presence of weapons and crime rates pertains in the United States. The state of Vermont has no gun control laws. People can own any gun they chose, and they can carry it openly or concealed anywhere they go. Vermont certainly enjoys a more favorable crime rate than does New Jersey. The same could be said for many other states in the country

which have much less restrictive gun control laws than does New Jersey — and they have much lower crime rates.

Senator Russo has said that there is no Constitutional right for individuals to keep and bear arms, that it is only a states' rights provision. If that were so, the framers of the Constitution had ample opportunity to prevent the "right to keep and bear arms" language from getting into the second amendment. For example, Roger Sherman of Connecticut, one of the delegates who participated in the drawing up of the Bill of Rights, had his own draft of 11 provisions of a Bill of Rights.

Included in Sherman's version was a provision for a militia that did not include the right to bear arms. Obviously, the states' rights view did not prevail in the final drafting of, and in the ratification of, the second amendment. The intent is made clearer when we examine the words of a leading supporter of the second amendment in the first Congress, Senator Richard Henry Lee: "To preserve liberty, it is essential that the whole body of the people always possess arms...."

The common law tradition of the framers was part of their legal education. That tradition includes another Bill of Rights that was imposed on a British monarch in 1688 as a condition for his accession to the throne. In the 1688 Bill of Rights there is an

explicit guarantee of the right to bear arms. Before that, the same guarantee had to be recognized by another English king in 1215. Clearly, the tradition of the English speaking world for 1500 years has been one in which the right to keep and bear arms has been constitutionally protected. Senator Russo's views represent an unconstitutional departure from that tradition, since the only way to change our constitution is by amendment, and that has never been done in the case of firearms.

This committee should vote against passage of S.2282.

Gentlemen, Distinguished Legislators:  
My Name is Robert J. Wygant Jr, and I live in Salem County N.J.  
I am a Vietnam Veteran, I consider myself to be pro- handgun  
but even more important I am pro Constitution. I did not serve  
in Vietnam in 1965 and 1966 to protect the Constitution of the  
United States and the Constitution of New Jersey, only to lose  
my Constitutional Rights 23 years latter , at the hands of inane  
Legislators who wish to protect me, and the citizens of N.J.  
by banning handguns.

Gentlemen guns are dangerous, they are supposed to be dangerous.  
The key to reduce the danger is knowledge. I have been around  
weapons for all of my adult life, both as a shooter and a firearms  
instructor. By the N.J. Constitution Art. 1 a person has the right  
to acquire property, live in peace and protect said property, with  
a handgun if they so choose. While the Giants fight it out to  
decide what is best for the people, who is going to protect me  
the average citizen from the drug crazed killer that has invaded  
my home. Shall I wait for law enforcement or just surrender myself  
and my family to rape and murder. It is not the average handgun  
owner who only wishes to protect himself and his family from harm  
that is the problem. the problem is hardcore criminals and drug  
pushers. the drug problem in this State is out of control, as it is  
in the whole Country. at this point the drug lords run this Country.  
I challenge Senator Russo to take on the real problem, DRUGS.

*Lucille*

No Society in the world can legislate human behavior. The people  
of this State have lost enough Constitutional rights in the name  
of crime prevention. It is a documented fact that the State of  
N.J. has more Crime than States with less restrictive firearms  
laws.

The Legislature did a grave injustice to the citizens of N.J.  
in 1965; when it passed S-C-30-5, which made it a crime in the THIRD  
degree to possess a handgun. This inane law has been used against  
thousands of well meaning law abiding citizens. I hope this law will  
be repealed.

Charges are dropped or P.T.I. is instilled and the  
gun is confiscated.

( I was out around in 1965 when the last firearms laws were  
passed. I was in a nice lobby in Borg Mac. Providence R.I.V.  
protecting our allies Constitutional rights, with a gun  
but next morning I will be around for this one.)

The question today Gentlemen is not to ban or not ban handguns.  
The question at hand is, are the members of this great body of  
lawmakers ready to violate the public trust and Constitutional  
rights by banning anything that the people don't want banned.  
For several years now gunowners all over the State have  
complained to their Legislators, about N.J. 3 complex and  
ridiculous gun laws. Last September it all came to a head  
when Assemblyman Gary Stuhltrager chaired a committee to  
investigate and hold public hearings on these issues.  
The facts presented were clear and consise, N.J. gun owners  
were at the mercy of a poorly written, broad based law  
that was being enforced as the State Police and the Attorney  
General saw fit. And the only word they know is Confiscation.

When the 1988 Legislature convened Senator Ray Zane introduced  
Bill 1474 Handgun card for life, and 1989 Sportsmens Bill of  
Rights. These Bills are reasonable and just for everyone  
concerned. They cut down on red tape, and clarify the gun  
laws so everyone understands them. BUT THE MOST IMPORTANT  
PART OF THIS LEGISLATION IS THAT AN ELECTED REPRESENTATIVE  
HEARD THE VOICE OF THE PEOPLE AND RESPONDED TO THE PEOPLE.  
Both bills were doing well when law enforcement decided to rear  
its head in the form of Senator Russo, To BAN ALL HANDGUNS  
CLOSE ALL PRIVATE CLUBS, DENY THE PEOPLE THE RIGHT TO FREE  
ASSEMBLY, AND TO DENY THE PEOPLE THEIR BASIC RIGHTS UNDER  
THE CONSTITUTION.

Gentlemen there was no outcry from the people to ban handguns  
The only outcry was from the Attorney Generals office via  
Senator Russo.

Senator Zane is a leader among men, he has set the example  
We the People Govt by the people, not Govt by a bunch of  
power hungry appointed officials.



Each Legislator in this State Capital, has a responsibility to their constituents. We are not stupid, we will refuse to be herded around like cattle. Legislators are elected by the people to do the people's will, not to pass assinine laws to protect the people. I hear no outcry by the people to ban handguns, therefore the bill is not a valid complaint of the people. BILL 2282 WAS INTRODUCED BY SENATOR RUSSO TO COUNTER BILL 1474 AND 1288. Each elected representative in this State is responsible to the people for their actions. When a powerful group of appointed officials can force the Senate's most powerful man to do their bidding, against the will of the people we shall be living in tyranny. and by the lessons of history the next step is Revolution.

I see T.V. news with 13 Prosecutors and the wife of a Slain State Trooper telling of armies of vigilantes roaming the streets with handguns. I also see Sen. Russo telling the world about how perfect N.J. will be with no crime (since we banned handguns). The people making these statements are appointed law enforcement personnel. While both statements are assinine I am sure it would make their job of confiscation and people control much easier.

Sen. Russo Bill will do nothing but cause a confrontation between the State police and law abiding citizens who own handguns. The question is - is the State of N.J. willing to commit murder in its quest to confiscate legally owned property.

In closing I shall say that there are those of you who feel the U.S. Constitution and the N.J. Constitution are out dated. You may even say the 10 Commandments are outdated, for the times we live in. I say this: THE CONSTITUTION IS A TIMELESS DOCUMENT FORGED BY GREAT MEN, FOR A GREAT CAUSE, WITH THE HELP OF THE ALMIGHTY, TO FORM A GREAT NATION. LOOK AROUND THE ROOM GENTLEMEN, DO YOU SEE A TOMAS JEFFERSON, OR BEN FRANKLIN, OR A JEAN PAUL LAFAYETTE, OR DO YOU SEE A MAN PANICKED BY STATE LAW ENFORCEMENT, FROM THE SUPT. OF STATE POLICE TO THE ATTORNEY GENERAL, WHO SHALL FORCE THEIR WILL ON THE COMMON MAN FROM WHOM YOU HAVE SWORN TO REPRESENT.

All in the name of people control.

WE THE PEOPLE GENTLEMEN WE THE PEOPLE

WE THE PEOPLE SHALL SPEAK AT THE NEXT ELECTION!



GUN OWNERS OF NEW JERSEY  
BOX 1185, HADDONFIELD, NJ 08033  
PRESS RELEASE TESTIMONY CONTRA S-2282

GUN OWNERS - GUN CONTROL  
AND  
THE NEW JERSEY CIVILIAN HAND GUN BAN

PRESS RELEASE

24 MAY 1988

My name is Bob Harvey and I represent GUN OWNERS of NEW JERSEY. Thank you for allowing me to testify on behalf of our membership. Our statement is brief.

Generally, New Jersey Gun-Owners and sportsmen are reasonable individuals, willing to support any legislation favorable to American society. Many are patriots and served this country well in time of war. Their age is closer to 50 years than 30, and most are responsible New Jersey citizens. Their interests cut across the usual delineations of sportsmen's groups and we take pride in our independence.

As you might expect, the recent flurry of activity concerning gun-legislation was the subject of considerable debate at many meetings. Within 60 days our grass roots membership replied with 2000 signatures of NJ citizens opposed to this legislation. We reviewed the proposed Bill very carefully, and considered it in light of New Jersey's history of gun-control over the past 21 years. Our deliberations took into account:

- Testimony at hearings last September, both in transcript and video tape, reviewing enforcement of present New Jersey gun-control laws, and written statements from Criminal Justice and Law Enforcement, proposing even more restrictive measures.

- We found that ordinary citizens acting in good faith were threatened, harrassed, and abused by the Criminal Justice system merely because they happened to be gun owners.

- It became abundantly clear that an anti-civilian attitude has developed within the law-enforcement community. Sort of a Hill Street Blues mind set of "Let's get them before they get you". This was manifest in arbitrary prosecutions of ordinary law-abiding citizens acting in good faith, with the sole and separate purpose of redefining legislative intent through courtroom decisions.



• Additionally, we considered recent media rhetoric, which seemed to surround a national effort by anti-gun special interest groups, to ban all civilian ownership of firearms in the entire country - beginning with this New Jersey handgun-ban.

• Again, we reviewed this bill now before the public, noting with interest that many new provisions which superceed all others, are contained at the end. They were not underlined, nor included in the statement, in the usual manner.

• This new matter would:

• Proscribe traditional American rights of NJ citizens to bequeath their property to rightful heirs.

• Proscribe traditional American rights to freedom of association, by limiting the place where club members may gather, to licensed, taxed, police controlled facilities.

• Proscribe traditional American rights akin to free speech, assembly, and petition, by requiring that clubs submit membership lists to State Police - Thus establishing a data record of personal and private information, in cross-linked computer systems, over which NJ citizens have no control, or even the ability to review and change, false, misleading, or vindictive information. In short, without adequate safeguards.

• Worst of all, this bill contrary to the intent of Article I of our New Jersey Constitution proscribes the New Jersey citizen's, natural, inalienable right, to protect, life, liberty, and property, with a handgun if they so choose.



GUN OWNERS OF NEW JERSEY  
BOX 1105, HADDONFIELD, NJ 08033  
PRESS RELEASE TESTIMONY CONTRA S-2282

PRESS RELEASE

SUMMARY

• Taken together, with present and proposed legislation, and in light of historical experience during the past 21 years of New Jersey gun-control, this bill, S-2282 proposing to ban handguns from civilian ownership in the State of New Jersey, sets dangerous precedents - not merely in the realm of gun-control - which are open to abuse. It is a reprehensible, comprehensive, attempt at "PEOPLE CONTROL", so foreign to the nature of American citizens as to appear un-American. It creates a population of second class citizens, who happen to be gun owners, through enforcement of yet to be promulgated, potentially arbitrary regulations. We believe that fundamental, natural, unalienable rights, denied to any one citizen, are denied to all citizens. We believe that any legislature or individual legislator, un-responsive to a majority of their constituents, no longer serves the best interests of our unique American Democracy. None of our membership, in good faith, can support such legislation. We respectfully, point out, that effective government is obtained in cooperation with the people, not through suppression and "PEOPLE CONTROL" of ordinary citizens acting in good faith. •

THANK YOU - GOA-NJ



# Gun Owners of New Jersey

I, No. 1

Box 1105/Haddonfield, New Jersey 08033

April 1988

## New Jersey Does Not Control Firearms— New Jersey Controls People

d Col. Clinton Pagano, Superintendent of New Jersey State Police, testifying that New Jersey control laws were so effective they should be applied to all states by federal mandate. Repeated demands by beleaguered gun owners to Governor Kean final-ly produced investigative hearings before the public in Trenton September 15 and 22, 1987. The hearings were chaired by New Jersey Assemblyman Gary Stuhlinger, who heard testimony from abiding citizens describing how they had been brutally abused by police and coerced into pleading guilty to alleged crimes they had committed so their firearms would not be confiscated. What happens to firearms after confiscation is not regulated by statute law. For two full days, filling more than 100 pages of transcripts, the people testified:

### Accounts of Official Oppression

Mr. William Hornung was awakened at 4 a.m. on February 28 by a motion in the street where he lived. Outside he saw four police officers and heard attempts to enter his building. Police finally arrived at his door with the building manager. In response to a phone tip, police confiscated his gun collection, per-

sonal tools, and some watches lying on his work table. The tipster alleged Mr. Hornung might commit suicide. Mr. Hornung's gun collection had been handed down from father to son for generations. He hired a lawyer, but all requests to the police and county prosecutors for return of his property were ignored. Mr. Hornung is 77 years old and on a fixed income. He was in complete compliance with all New Jersey laws. To date he has been unable to afford the services of an attorney who would wage the inevitably expensive legal battle with the state to reclaim Mr. Hornung's gun collection and personal property.

Mr. William Soller, who is employed as a regional security officer and temporarily residing in Florida, was traveling through New Jersey with a friend in April 1986. They were going to visit his family in New York. He has 13 years of service with the military police, works closely with police officers in his job, and is familiar with the law. For 13 years he had been licensed by New York to possess and carry a handgun. His gun was securely packed away in a suitcase in the back seat of the vehicle. At 3 a.m., tired from driving all day taking turns at the wheel, he was stopped

by troopers after coming over the Delaware Memorial Bridge into New Jersey. Allegedly the car was weaving. Later it was learned that all vehicles with Florida registration are stopped on this interstate highway. After being intimidated with many threats of arrest, including the allegation that they were carrying two cartons of cigarettes purchased in Florida, Mr. Soller's friend finally signed a consent to allow the troopers to search his vehicle. The troopers were angry because Mr. Soller had insisted upon his right to a search warrant. The pistol was found in his suitcase and things got worse. Mr. Soller's friend found himself being handcuffed behind his back and threatened with the pistol, after the trooper had loaded it, by having it waved in his face with implied threats to his life. He was so frightened that he became ill and was forced to swallow the vomit in his mouth. After arrival at police barracks the intimidation continued and neither man was allowed a phone call. It seems that troopers have been instructed that New Jersey law does not allow the customary phone call. That's just for TV, according to the state police. The bottom line to this bizarre episode is that both men were cited with a warning for "weaving." Mr.

*Continued on next page*

Soller's gun was confiscated and they were sent on their way.

**Debra O'Hara** has been active in the shooting sports all her life. Originally from New Jersey, she is now a resident of Colorado Springs with the confirmed belief that "New Jersey and You" can never be "perfect together" as Governor Kean's slogan suggests. It seems that a few years ago she wanted to join a gun club where her father was a member and applied for New Jersey's infamous "Firearms Purchaser ID Card." Back in 1978 she had consulted a psychologist for about half an hour with regard to some family problems. Being an unsuspecting law abiding citizen, she answered "yes" to the question presented on the application form.

Then life became a nightmare. Several applications later, Debra was shuttled from one official to another. She had been told at first to find the original psychologist who "treated" her to obtain a "clean bill of health." Finally, after a court hearing in which the judge directed issuance of a pistol Purchase Permit, she was still "denied" issuance of the Firearm Purchaser Card by state police. In New Jersey you can't purchase any firearm without the Purchaser ID Card. Discrimination continued when the local police chief insisted he would not issue the Purchaser ID Card because he did not believe women had any need for a firearm. Finally, in frustration, after being degraded by arbitrary requirements and arbitrary enforcement of New Jersey Firearms & Weapons Laws, Debra O'Hara moved to Colorado where she is a housewife and competitive shooter.

Indeed, New Jersey controls people. Hiding behind badge, gun, and cloak of office, New Jersey controls people with threats, brutality, intimidation, red tape, and arbitrary law enforcement. **Attorney General**

**W. Cary Edwards** and Superintendent of State Police Clinton Pagano continue to urge congressional adoption of New Jersey laws as a shining example of how people should be controlled throughout America. Adding to the obvious usurpation of American rights is implementation of a new state police computer. Col. Pagano boasts that it could contain data for identifying all 8 million New Jersey citizens by hair samples, blood samples, tissue samples, fingerprints, and semen samples. This, of course, is in addition to the serial number and



**New Jersey Attorney General  
W. Cary Edwards, Gun Control Leader**

date of purchase of firearms, owner's name, address and driver's license number, etc. Pagano's present regulations require the second class New Jersey citizen who owns firearms to register with police at his home and if he should exercise his right to move, register with police at his new address. Under the proper circumstances it is but one

small step for mankind from seat belts to police state.

In a February 1988 meeting with sportsmen, Edwards complained that he could not understand why civic leaders, the ACLU, police organizations, and gun owners were constantly in his office with complaints. Anyone listening to the testimony, anyone reading written statements by Edwards and Pagano cannot fail to realize that an anti-gun attitude has developed into an anti-civilian attitude that pervades law enforcement. New Jersey laws are not enforced pursuant to legislative intent but according to how Edwards, Pagano and some of their staff would like them to be handled. These same laws prevent retired police officers from being issued permits to carry firearms. These same laws use arbitrary criteria to classify one citizen as being of "good character" and "privileged" to all the rights of American citizens while others who refuse to be "certified" are "questionable" and subjected to "people control."

As **Deputy Attorney General Victoria Bramson** testifies: "...this Second Amendment right to bear arms is not a right"; "In this state we have no constitutional rights to bear arms."; "Criminal justice has been on record for a long time as opposing the carrying privileges of any person."

As **Pagano** testifies: "I am not anti-gun at all. But I am pro-registration and I am pro-control of the people and that's about the gist of it."

Firearms control is a sensitive issue, a true litmus test of political motivations. It always has been and always will be. Cries of "...Disarm

*Continued on next page*



people..." arise in every generation. Most often such cries are the words of "little colonels" seeking to expand or protect their sphere of power. From the beginnings of recorded history through England in the aftermath of World War II, Korea and Vietnam, we have heard their cries. Wise rulers realize that arming the populace means disarming the country. Those who heard Churchill's speech: "...We will fight the Hun on the beaches. We will fight him in the streets. We will fight him in our homes...."—and offered the humiliation of having begged individual U.S. citizens for their personal firearms when invasion was imminent, remember well the lesson. But governments seek stability and perpetuity. Because the other side of the firearms coin shows the people greater revolutionary potential against tyranny, they often rule in fear. Generally, the more bluster the more fear. Such was the thrust of Second Amendment debates recorded by Madison when our Constitution was framed.

New Jersey is an outrageous example of what can happen in society when fear, anti-gun propaganda and anti-gun attitudes pervade high government posts controlled by officials who are not elected by the people and, therefore, are unaccountable to the electorate. Appointed by the Governor, New Jersey Attorney General Edwards and Superintendent of State Police Pagano are in powerful positions to obscure law and legislative intent, generally ignoring statute and Constitution through arbitrary enforcement.

### More People Control Proposals

Turning back the clock to use civil unrest of the 1960s and typical sinformation techniques of well-

known anti-gun groups as a foundation, Edwards and Pagano now propose:

- Certificates of Training required by anyone applying for Firearms Purchaser ID Cards, stating that they have completed the 280-hour state police combat course;
- "Ban possession of 'hollow-nose' or 'dum-dum' [sic] bullets completely" for "civilian" use.
- Denying access to firearms of anyone "convicted of any crime anywhere in the world";
- "Banning new technologies (plastic guns) from access by the public";
- "Banning possession of 'toy' guns from anyone over 16 years of age";
- Advocating that "prohibitions against 'imitation firearms' and 'simulated antique firearms' must be expanded" nationwide.

Curiously, Deputy Victoria Bramson, who testified for the Attorney General, argues that "dum-dum" [sic] bullets are so destructive they should be banned for hunting. At the same time she urges their use by police against human beings or "miscreants", as she classifies the "uncertified" and "criminally minded." Use of this ammunition against troops in time of war is barred by the Hague Convention. But New Jersey state police are not supposed to be at war with the civilian population. Moreover, Bramson obviously has no knowledge of ballistics or anything else about firearms for that matter. In most serious competitive target shooting today, 99 percent of the bullets used are the Hollow-Point Boat-Tail type. They are simply more accurate at 600 or 1000 yards. Manufacturers produce them under the special category of "match" ammunition.

Bramson's advocacy of adopting all the laws of the world by infer-

ence into New Jersey statutes reflects supreme arrogance. Any New Jersey citizen traveling in foreign countries who might be arrested for jay-walking or expectorating on the streets of Moscow or Budapest would be "classified" as a second class "miscreant." Moreover, anyone vacationing in China can go to a "guest" range and fire any weapon they choose, from anti-tank rockets to howitzers, if they can afford it. Would Bramson attempt to force the Chinese government to ask for New Jersey Firearms ID Cards before they allowed second class New Jersey citizens to participate?

The "Certificates of Training" issue creates more questions than answers:

1. Will Bramson accept military training as sufficient?

2. How will senior citizens be able to complete the State Police Combat Course? This outrageous requirement completely invalidates provisions of Article I of the New Jersey Constitution setting forth the unalienable right of citizens to protect life, family and property, as well as the state. Additionally, state police are unwilling to accept the burden.

3. Will participants in such a course of training be exempted from Firearms Purchaser ID Card requirements as presently stated in the Code?

4. Will the state subsidize this training for more than 500,000 gun owners in New Jersey? Or is this just another effort to regulate society in the guise, sham, ruse and pretense of "Public Policy" professed by Bramson?

Bramson's attitude is prevalent in today's society. *We must control the people and protect them from themselves.*

*Continued on back page*

# Another Attempt At 'People Control'

Recent passage of legislation in the New Jersey Senate which "bans" possession of toys which "look like" guns by New Jersey citizens over 16 years of age, under penalty of prison and fine, is another example of "people-control" abhorrent to Americans. It is the act which should be punished, not mere possession. Possessory offenses attempt to control society in general and families in particular. Efforts for world peace that attempt to control and manipulate the minds of children through fear by such legislation are not only abhorrent, but they are also un-American. If legislators truly want to control liability of inadvertent use of deadly force against children, the answer is quite simple. Enact the following legislation:

## **Pointing or Brandishing Firearm or Object Similar in Appearance**

(a) It shall be unlawful for any person to point, or brandish any firearm, as hereinafter described, or any object similar in appearance to a firearm, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another. Persons violating the provisions of this section shall be guilty of a disorderly persons offense.

(b) Any police officer, in the performance of his duty in making an arrest, shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing or brandishing such firearm, or object which was similar in appearance to a firearm, with intent to induce fear in the mind of another.

Police officers certainly have better things to do than put up road blocks to search cars for water pistols and cap guns in Victoria Bramson's effort to train New Jersey children to be pacifists. ☐

## **For More Information...**

**Those seeking more information, including how to work against the dark trend of state government control of the people of New Jersey, should contact: Bob Harvey, P.O. Box 1105, Had-donfield, NJ 08033, 609/953-1165.**

Your assemblymen need to hear from you. Please contact them to urge them to defeat S. 841, the toy gun ban bill. It has already passed the Senate and is now before the Assembly. Calls should be made to either your own Assemblyman, or to the pro-gun Assembly Law and Public Safety Committee Chairman, Gary Stuhltrager.

Both Senators and Assemblymen need to be asked to defeat S. 2282, the radically anti-gun bill introduced by Senator John Russo, President and Majority Leader of the State Senate. His bill would ban the civilian possession of all handguns. Sportsmen could only use firearms if the guns remain at the range. The range could only be operated when a state policeman was present. No gun manufacturing would be permitted in the state, and dealer inventory would be tightly controlled by the state police. ☐

## **N.J. Controls People**

*Continued from previous page*

*even if we have to destroy them to do it. The world will be a better, more peaceful place for our efforts. Such utterances are reminiscent of the Vietnam era.*

Hopefully, reasonable legislators foresee the potential results of these coordinated efforts to deny citizens their American rights. Such regulations do not apply merely to firearms, they are attempts to control the fundamental nature of an entire population. Secure, peaceful government can only be achieved in cooperation with the populace, not brutal suppression of ordinary citizens acting in good faith. ☐



Position Paper

Addressing S.2282

An act to prohibit the sale, importation,  
possession, and carrying of handguns

Prepared for the New Jersey Senate  
Law and Public Safety Committee

by

Gary A. Meier, Ph.D.

I am currently a finalist in the selection process for the 1988 U.S. Olympic Team in two of the pistol events that are included in the Summer Games. I also participated in the final selection process for the 1984 U.S. Olympic Team, and was invited to try out for the Pan American Team in 1983 and 1987. For the last twelve years, I have trained as a competitive target shooter for Olympic, international and national competitions. During this time, I have also been a marksmanship instructor for organizations such as the Cornell University Varsity Rifle Team. I feel that this background qualifies me to address the devastating effects that this bill banning handguns would have on competitive shooting in New Jersey.

Some background information about this sport may be useful. More than 6,500 pistol tournaments for civilian marksmen were held in the United States in 1987, and attracted over 101,000 individual entries.<sup>1</sup> More than 20,000 pistol shooters are serious enough to have earned current competitor classification

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<sup>1</sup> 1987 Annual Report, Statistical Supplement, National Rifle Association Competitions Division reports 5800 tournaments, pp. 5,7. Hundreds of additional tournaments were sponsored by numerous other organizations.

cards, and many thousands more compete on a strictly recreational basis.<sup>2</sup> Participation may be at any level, including local and state matches, national championship matches,, and the U. S. International Championships.

Competition in pistol marksmanship is hardly an American phenomenon. Our U. S. International championships are only one stop on the World Cup circuit. Pistol competition is a vital part of the Pan American Games where, for example, in 1983 U. S. shooters won one quarter of all gold medals earned by the United States. Pistol events also figure prominently in the European Championships, the Championship of the Americas, as well as the Olympic Games. Indeed, in the Olympics, the shooting sports rank third in the number of nations participating and first in the number of individual entries of all the sporting events. In 1896, at the first Olympiad of the modern era, pistol marksmanship was accorded the honor of being designated as the opening event and has continued to this day to be the first event of the Summer Games.

New Jersey has always had its share of dedicated competitors. The state is consistently well represented at the national championship matches, and a significant number of citizens qualify each year for the U.S. International Championships. These athletes, regardless of their level of competition, embody the highest standards of sportsmanship as they represent this State and the nation at these matches. As such, they deserve New Jersey's support and encouragement. The proposed legislation,

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<sup>2</sup> Id., p. 1.

however, would strip competitive marksmen in New Jersey of rights that are enjoyed by shooters in all other states in the union and would have devastating consequences.

I object to the proposed legislation for a number of reasons. First, the bill would prevent New Jersey's competitors from participating in virtually all pistol events. Because the bill would prohibit transportation of handguns within the state, citizens would be barred from taking part in state, regional, national or international matches. In fact, the only lawful matches would be those that do not involve travel, that is, matches held at a given pistol club, among club members. To remain competitive, however, shooters must travel. Only regular competition, against other shooters, at other ranges, and under varying conditions can hone a championship marksman. Members of the U.S. Training Team, for example, routinely travel more than 20,000 miles a year to compete.

Second, the ban on further sales of handguns is unacceptable. Target pistols sustain wear and tear under the stress of firing thousands of rounds of ammunition a year in training and competition. In addition, as new firearms technologies emerge, shooters must constantly upgrade their equipment in order to stay competitive. Perhaps more important, competitors must train the next generation of competitors. As an instructor, I wish to see my students excel. Law-abiding citizens who wish to take up the sport should have the same right to purchase a handgun that currently established competitors have. However, exempting only certain specialized target pistols from a proposed handgun ban would not be an

acceptable solution. Top competitors compete almost exclusively with very sophisticated handguns costing thousands of dollars each, but such handguns are both too expensive and too demanding for a beginner to use. Less specialized handguns, as well as models suitable for world class competition, must remain available.

Furthermore, I object to provisions in this bill that, if enacted, would require any handguns remaining in the state to be stored at a state-approved range. The security risk that this would pose is obvious. Storing a large number of handguns at a single well-known location would make that location a prime target for burglary. Gunowners of my acquaintance who store their firearms at home tend to pay tremendous attention to providing safe, secure storage. This, coupled with the fact that only a relatively small number of firearms are kept in any given household, and that their presence there is typically unknown to criminal elements, leads me to the conclusion that in total, fewer firearms may be stolen from private homes than could be lost under the proposed "all eggs in one basket" approach to centralized firearms storage. In any event, the needs of competitive shooters could not be met under any type of centralized storage plan. Competitive handguns, while more accurate than many sporting rifles, are rather temperamental. They need to be stored under controlled conditions of temperature and humidity, and in an atmosphere free from corrosives. Shooters typically change or rework components of the gun on a weekly, if not daily basis. This work generally requires that the gun be taken to a home workshop or to a gunsmith. Furthermore, when practice at the range is not possible, shooters spend endless hours at home working on non-firing exercises. These exercises are

as important for a competitive shooter as time actually spent on the range, and prohibiting this type of off-hours practice would insure that New Jersey shooters would be unable to compete with the rest of the world.

Moreover, a particularly disturbing aspect of this proposed legislation is that, while it would abridge the rights of thousands of legitimate gun owners, it does not address the problem of violent crime involving firearms. Penalties for the use of a gun in the commission of a crime remain unchanged. Senator Russo wishes merely to apply the same criminal penalties to law-abiding citizens who possess--not misuse--a handgun.

No city, state, or nation that has imposed repressive controls or a total ban on handguns has ever experienced a drop in the crime rate as a result. A study commissioned by the U.S. Department of Justice found no connections between the rate of private gun ownership and the crime rate.<sup>3</sup> In fact, rates of private gun ownership and violent crime are inversely related in many parts of the U.S. and Europe.

In any given year, 99.6% of all handguns will not be used in any criminal activity. How logical is it to attempt to eliminate the 99.6% of handguns that are not part of the problem in the hopes that the criminals will also turn in the 0.4% that are? And how cost effective might the measure be? Assuming 90% of the estimated 1 million handguns in New Jersey were turned in, and if the owners were compensated at what is a very conservative average figure

<sup>3</sup> Weapons, Crime, and Violence in America Executive Summary by J.D. Wright and P.H. Rossi, U.S. Dept. of Justice, Nov., 1981 pg. 1

of \$300 per handgun, cost to the state would be nearly \$300,000,000. For the same amount of money, the state could pay the salaries of more than 750 additional law enforcement officers for 10 years.

This bill would also prohibit a legitimate firearms owner from passing on any handgun to a legal heir. The intent is to completely eliminate privately owned handguns in New Jersey in a single generation. Once again, the provision would restrict only the law-abiding citizen, and would have no meaningful effect on criminal misuse of firearms. I find this attempt at governmental intrusion into the very private area of property disposition to be particularly repugnant.

Like thousands of other shooters, I own handguns which may have no great historic or monetary value. However, these firearms are precious to me because my father handed them down to me. In some cases, his father left them to him. Someday, I hope to pass these family heirlooms on to my children, and I fervently maintain that so long as the members of my family continue to meet all of the already stringent Federal requirements for firearms ownership, then the state of New Jersey has no business dictating what items of private property I can and cannot pass on to my heirs.

Mr. Chairman and members of the committee: I ask that you summarily reject S.2282, for the reasons I have just presented, and for the reasons presented by the others testifying here today.

Consider if you will one final scenario. The Olympic finals in the shooting sports, as in so many other events, will in all likelihood be a matchup of American athletes vs. athletes from the East Bloc. Sporting use of handguns for competitive shooting is actively encouraged and heavily subsidized by communist

governments. How tragically ironic it will be if S.2282 becomes law. My counterparts in the Soviet Union will continue to enjoy the freedom to pursue their sport and represent their nation in international competition. I, as a resident of the state of New Jersey, could not.

ROB TROUTS  
MAY 23, 1988

My name is Robert Trouts. I am a high school student at Cranford High School. I am not here representing any group or organization. I am here today to tell you my feelings on the bill that Senator John Russo is so desperately trying to pass.

I was always told by my teachers and parents that if I didn't like what the government was doing, or is this case trying to do, that I should tell them. That is why I am here today. To urge the Senate and Assembly of the New Jersey Legislature to vote against this bill.

As you know, if this bill is passed in its entirety, the sale and purchase of all hand guns in this state will be banned, except for some unspecified target and antique pistols. The bill also states that all hand guns be kept at a state approved range and upon the owner's death the firearm will be relinquished to the state.

I am not sure, and correct me if I am wrong, but I was always told that the Constitution said that "We the People have the right to bear arms." It does not say only some target and antique firearms.

At this point I have a question for the author of the bill.

Where do the criminals hand in their illegally obtained hand guns?

Your constituents, the law obiding, tax paying citizens of the state are the people this bill is affecting. Rather than penalizing the criminals, this bill prohibits the law obiding citizen from lawfully pruchasing a firearm of recreation and or self defense.

At this point I sould like all the other con speakers and to some I'm even sounding repetative. But I feel that this is important enough to be heard.



It was only a few short weeks ago when I myself was here in the State House participating in the Model and Youth Government program. For those of you that are not familiar with this program it allows high school students throughout New Jersey to act as state legislatures trying to get our bills passed.

I sat in the temporary senate chambers and listened to Senator Russo say to us the assembled body of students, that we are the youth of America and leaders of tomorrow and he encouraged us to continue our in state and local affairs. And, I would like to thank him for encouraging me to get involved with state affairs. Although he may not appreciate the way I chose to do it, which is to speak against his bill today.

Most recently out of curiosity I asked fifty five high school students their opinion on the proposed bill. Out of those fifty five, fifty one would not support the passage of this bill and disliked it enough to sign a letter to the governor. In my opinion that is an overwhelming percentage.

I have two basic problems with this bill. The first being that I can't see how the state can tell someone that they cannot leave something to an heir, something maybe of great personal value, an heirloom, or the simple fact of monetary value which I am sure the state is not willing to pay the fair value of the gun, and what price will the state assess for sentimental value. There is no price for sentimental value, therefore the state cannot pay its worth.

The second problem I have with this bill is the simple fact that this bill will serve only to deprive respectable, law abiding citizens whose only uses for their hand guns are for recreation and or self defense. That protection we are guaranteed in the Constitution and instead allow for the criminal who the hand gun owners are trying to defend themselves from a feeling of safety and security which will lead to more violence. We must face the facts, gentlemen and ladies, criminals for the most part don't have licensed guns and I will bet not one will register it or turn it over if this bill is passed.

So the question is, who are we really protecting in this bill?

Finally, there was a place and time in another country where a fire arm ban was instituted. The time 1937, the place, Natzi Germany.

Thank you.

NEW JERSEY CATHOLIC CONFERENCE

211 North Warren Street  
Trenton, New Jersey 08618  
(609) 599-2110

Archdiocese of Newark  
Diocese of Camden  
Diocese of Metuchen  
Diocese of Paterson  
Diocese of Trenton  
Eparchy of Passaic

William F. Bolan, Jr.  
Executive Director

May 19, 1988

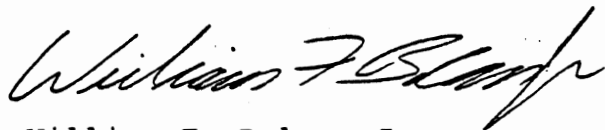
The Honorable Frank X. Graves, Jr.  
Chair, Senate Law, Public Safety  
and Defense Committee  
State House Annex, CN-068  
Trenton, New Jersey 08625

Re: Public Hearing on Handguns

Dear Senator Graves:

In connection with the public hearing, I enclose original and nine copies of written testimony on behalf of the New Jersey Catholic Conference. We ask that this be made a part of the official transcript of this hearing. We do not intend to testify at the hearing itself.

Very truly yours,



William F. Bolan, Jr.  
Executive Director

WFB:pr

Enclosures

cc: Elmer M. Matthews, Esq.

NEW JERSEY CATHOLIC CONFERENCE

211 North Warren Street  
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(609) 599-2110

Archdiocese of Newark  
Diocese of Camden  
Diocese of Metuchen  
Diocese of Paterson  
Diocese of Trenton  
Eparchy of Passaic

William F. Bolan, Jr.  
Executive Director

STATEMENT  
OF

NEW JERSEY CATHOLIC CONFERENCE  
IN CONNECTION WITH PUBLIC HEARING ON HANDGUNS

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE  
May 24, 1988

The New Jersey Catholic Conference of Bishops supports S-2282. This legislation will prohibit the ownership and possession of handguns by anyone in this State except for essential law enforcement personnel. It will not prohibit shotguns and rifles used by hunters, guns used by target shooters or antique pistols kept by collectors. We believe that banning handguns will save lives. Our position is grounded in our deep commitment to upholding the value of human life and opposing those forces which threaten it.

Some have suggested that homeowners and citizens should arm themselves to protect their families from murder, assault or robbery. The sad fact is that a handgun purchased for protection is often used in a moment of rage or fear against a relative or acquaintance. Most homicides are not the result of criminal design but rather they are the outcome of quarrels and arguments among spouses, friends and acquaintances. In these situations it is the ready availability of handguns that often leads to tragic and deadly results. Reduction of the number of legally owned handguns should result in a reduction of the number of people wrongfully killed by the use of handguns.

We are equally disturbed by the reality and extent of violent crime which threatens more and more of our citizens and communities. The cost of this violence in terms of human life and suffering is enormous. One factor contributing to this violence is the wide availability of handguns in our society. Because it is so easily concealed, the handgun is often the weapon of crime. We submit that the unlimited freedom to possess and use handguns must give way to the rights of all people to safety and protection against those who misuse these weapons.

Action must be taken to reverse this rising tide of violence. For this reason we call for effective and courageous action to control handguns leading to their eventual elimination from society. We acknowledge that controlling the possession of handguns will not eliminate violence, but we believe it is an indispensable element for any serious or rational approach to the problem. At the same time, we support the legitimate and proper use of rifles and shotguns for hunting and recreational purposes. We do not wish to burden unduly hunters and target shooters. S-2282, sponsored by Senator John F. Russo, is a means to control handguns and as such is worthy of support. We are opposed to any other legislation that would thwart the goal of eventual elimination of handguns from our society.

Respectfully submitted,

*William F. Bolan, Jr.*

William F. Bolan, Jr.  
Executive Director

WFB:pr

Letter to Senator John F. Russo  
President NJ State Senate

From: Albin Bertico  
5 Park Ave, P.O. Box 446A  
Haverhill, N.J. 07752  
201-291-8095

42X

This letter will confirm a call I recently made to your office in Toms River. I will not lecture you with the reasons why I have the right to own firearms under the Federal Constitution because you are familiar with these. However, I am writing to you because, "your anti-gun position is the straw that broke the camel's back". As a result of your effort in the NJ Senate to sponsor S2282 and your recent letter to the Daily Register Editor, I have decided to come "out of the closet," and become a PRO GUN ACTIVIST/SUPPORTER. If I may quote John Phillip Curran, July 10, 1790. "It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance."

Some years ago, I read that on a national level each letter received by an elected official is equal to 10,000 similar unwritten letters (ie. votes). There must be a ratio at the state level and let me say that my letter to you represents 1,000 votes. Because of your continued effort to take my

constitutionally guaranteed rights of  
firearm ownership and use, I have  
finally been induced to write this  
letter for me and the other 999 voters.  
Again, Senator, if I may quote Wendell  
Phillips, Thomas Jefferson & Patrick  
Henry, "Eternal vigilance is the price  
of liberty."

I recently polled my local Assembly-  
men and Senators, by phone, and with the  
exception of one Senator, the others  
are in support of A-594, the five year  
handgun purchaser card bill, and not in  
support of S2282, your bill.

I do not see how the introduction of  
your bill to ban the sale of handguns  
in NJ, will rid society of violent  
crime, since, as you said in a newspaper  
article, law abiding citizens do not  
commit crimes, and that, in fact,  
criminals couldn't care less about any  
law, because they are outside of the  
law anyway. All handguns are conceal-  
able so in essence by banning handguns  
you are in effect, taking, from me, my  
constitutionally guaranteed rights.

I find it unique that in our museums,



throughout this country, there are many  
handguns from the early days of our  
history. These were used by such great  
men as George Washington, General U.S.  
Grant, Andrew Jackson, and others who  
had this right to own handguns. I am  
equal to them in one respect in that I  
am also a CITIZEN OF NEW JERSEY AND OF  
THE UNITED STATES OF AMERICA.

Unlike these public figures, I am a  
first generation, American-Hungarian,  
born Citizen, whose parents arrived  
here in 1930 from the Country of  
Hungary and I am proud of their accom-  
plishments. Amongst other accomplish-  
ments which I am proud of, I am a:  
Honorably Discharged.

US Air Force Veteran

NJ National Guard Veteran

Married 27 Years

Father of two children

Law Abiding Citizen

Tax Payer-Local, State, and Federal

Former PTA President

Licensed Realtor

Bow and Arrow Hunter (NJ Licensed)

Shot Gun Hunter (NJ Licensed)

Fire Hunter (Out of State-NJ Licensed)

Black Powder Rifle Hunter (NJ Licensed)  
Hand Gun Hunter (Out of State-No NJ  
License Available)

Treasurer, Monmouth County Board of  
Realtors

Licensed, NJ Real Estate Instructor  
Voter

Life Member, National Rifle Association

As can be seen from this list, those  
categories identified do not include  
Criminal, Drug Runner, Bank Robber etc,  
etc., etc.

In the 30 years that I have owned  
firearms, I have never had any kind of  
difficulty with the law and have  
conscientiously upheld the hunting laws  
and the hunting ethic to a fault. The  
hunting ethic was passed to me by my  
father, and by living within the law  
and attending the necessary safety  
courses, I have passed the same to my  
son, who recently became 16 years of  
age.

Handgun hunting is a sport which I  
have been involved in since 1958, and I  
find it distressing and appalling that  
you would wish to deprive me and my  
son of this right. I could go on and  
on, Senator, but I know

that you have a feeling for what I am trying to say to you.

In closing, I will summarize by saying that you are foolishly misguided in thinking that limiting or banning handguns, or any other guns will reduce crime. You will, if successful, impair my rights as a citizen and gunowner, and you will deprive my son of his inheritance and constitutional rights in the future.

As a result of your actions, I have donated to pro gun organizations, I will join the Federation of Sportsmen of NJ, I and the silent 999 will vote "NO" against your ever being Governor of NJ and I will support all activity to defeat you in the NJ Senate. I will continue to stay abreast of and intelligently be aware of the activities of your friends. Handgun Control Inc., who are trying to deprive me of the right to self defense in my home, out of state hunting with a hand gun, and my Constitutional Rights.

Senator Russo, I am reminded in closing of the comments of Milton in the Second Defense of the People of

ngland. "Unless that liberty which is  
f such a kind as arms can neither  
procure nor take away, which alone is  
ne fruit of piety, of justice of  
emperance, and unadulterated virtue,  
nall have deep root in your minds &  
earts there will not long be wanting  
ne who will snatch from you by  
reachery what you have acquired by  
rms."

For God & Country,

I remain

Albin Bertics

CITIZEN

*Albin Bertics*  
*5/24/88*



