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## Keeping New Jersey SAFE

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### Keeping New Jersey SAFE

#### ***Governor Christie Puts Forward Comprehensive and Common Sense Plan to Strengthen Existing Gun Laws and Background Checks, Bolster Criminal Penalties and Target and Treat the Root Causes of Mass Violence***

Building on New Jersey's already strong guns laws that rank among the toughest in the country, Governor Chris Christie has a comprehensive and responsible action plan to help reduce gun violence. The plan focuses on four distinct areas:

- Responsibly Expanding New Jersey's Already Stringent Gun Control Measures
- Making Mental Health Treatment And Screening Mandatory For Those Who Need It Most, And Making It Easier For Health Professionals To Order Treatment For Individuals In Crisis
- Addressing The Influence Of Violence In Video Games On Today's Youth By Requiring Parental Consent
- Bolstering Criminal Penalties For Gun-Related Crimes And Reforming Bail Laws To Keep Our Most Violent Offenders Out Of Our Communities

#### **RESPONSIBLY EXPANDING NEW JERSEY'S ALREADY STRINGENT GUN CONTROL MEASURES**

Governor Christie's plan to responsibly expand New Jersey's strict gun control measures includes:

- Banning future purchases of the Barrett .50 Caliber (New Jersey law would ban any weapon that is substantially identical to the Barrett .50 Caliber);
- Strengthening the State's existing background check requirement by mandating that adjudicated mental health records are included in the instant background check process at the time of a firearm purchase as part of the National Instant Background Check system;
- Requiring firearms purchasers to present a valid government photo ID, along with the already mandatory Firearms Purchaser Identification Card.

**Governor Christie Is Committed To "Strictly Enforcing" New Jersey's Already Strong Gun Laws:** (Press Conference, 7/31/12)

The Brady Campaign To Prevent Gun Violence Ranked New Jersey's Gun Laws The Second Strongest In The Nation Behind Only California. (Brady Campaign To Prevent Gun Violence, "Brady 2011 State Scorecards: New Jersey," Accessed: 1/17/13)

The Law Center To Prevent Gun Violence Gives New Jersey An "A-" For 2012, Tied For The Highest Grade They Awarded. ("New Jersey State Law Summary," The Law Center To Prevent Gun Violence, 11/14/12)

#### **New Jersey Is Leading The Nation In Gun Safety:**

- One of only seven states with a ban on Assault Weapons (43 states do not have a ban).
- The third strictest magazine capacity laws in the country (43 states do not have any capacity laws at all).
- One of only three states that restrict gun purchases to one per 30-day period.
- One of seven states to require firearm owners to report the loss or theft of their guns to law enforcement.
- Any individual purchasing a firearm undergoes a background check. When a person applies for a firearms purchaser ID card, which is mandated for any long gun or a handgun purchase permit, an extensive and thorough background investigation is required. At the time of the firearm purchase, an instant background check is also performed.
- The state imposes a 7-day waiting period prior to the purchase of any firearm (39 states do not have a waiting period).
- Individuals convicted of certain disorderly persons offenses, such as disorderly persons domestic violence offenses, are prohibited from purchasing or possessing firearms.
- New Jersey requires the licensing of all firearms dealers and their employees and requires them to maintain records of all sales of firearms and ammunition.

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## **MAKING MENTAL HEALTH TREATMENT AND SCREENING MANDATORY FOR THOSE WHO NEED IT MOST, AND MAKING IT EASIER FOR HEALTH PROFESSIONALS TO ORDER TREATMENT FOR INDIVIDUALS IN CRISIS**

At the announcement of Governor Christie's NJ SAFE Taskforce in January in the aftermath of Newtown, he talked about targeting and treating the root causes of violence. Too many times there are instances of unspeakable tragedy and the question is asked how such tragedy could have been prevented. Although there is no way to reasonably predict acts of violence, Governor Christie is proposing to take steps to give health professionals and courts the ability to mandate treatment that current standards do not sufficiently provide for, while also providing greater flexibility in the type of care offered.

**Making It Easier For Mental Health Professionals And Courts To Mandate Individuals in Crisis Receive Treatment.** Governor Christie is proposing to change current law to simplify the process for screening and treating mental health illness so that health care professionals and courts can mandate potentially dangerous individuals receive treatment whether in the form of inpatient or outpatient care. This will also make it possible to monitor their progress and adapt to different forms of care more easily.

Separating the standards for involuntary inpatient commitment and involuntary outpatient commitment to emphasize the clinical and medical attributes of mental illness, as distinguished from developmental disabilities, substance use, or physical limitations;

Offering a new, and more precise definition of mental illness that will aid mental health professionals and courts in swiftly approving appropriate types of treatment, including commitment; and

Mandating new training programs for First Responders to educate those most likely to encounter persons in crisis with modern techniques for de-escalation, and appropriate guidance for prompt referral to screening.

**Creating Certainty To Current Standards For Involuntary Outpatient Treatment:** The Governor is proposing to amend the law to provide additional clinical criteria to help guide the commitment process and to eliminate uncertainty expressed by clinicians and courts regarding their authority to order this type of essential assistance:

Have a history of lack of compliance with treatment;

Have demonstrated one or more acts of serious violent behavior to self or others;

Have threatened, or attempted harm, within the past forty-eight months; or

Are unlikely to voluntarily comply with treatment because of mental illness.

**Giving Providers Flexibility To Move Individuals To The Appropriate Form Of Care:** Governor Christie is proposing that current law should be amended to create flexibility in the type of care an individual is receiving so that they can transition to different forms of mandatory care as their treatment progresses. This will allow mental health care professionals to address real time need.

**Ending The "Broken Loops" In Clinical Oversight:** Governor Christie is proposing to amend current law to allow a court to preserve a person's ability to move to outpatient commitment easily to ensure continuous and appropriate treatment.

**Eliminating Firearm Eligibility After Involuntarily Commitment:** Governor Christie's proposal would amend current law to provide that a person who has been involuntarily committed to mental health treatment should not be eligible to obtain a firearms purchaser identification card or handgun purchase permit unless the court that ordered the commitment finds otherwise based on adequate medical evidence.

**Facilitating the Voluntary Surrender of Firearms for Safekeeping During Periods of Crisis:** Governor Christie would authorize local authorities to allow for the voluntarily surrender of firearms to law enforcement for safekeeping when the owner, or any other person, is concerned that the weapons might pose a danger. Voluntarily surrendered firearms should be returned upon request, and no prosecutorial presumptions against the person surrendering the weapons are permitted.

## **ADDRESSING THE INFLUENCE OF VIOLENCE IN VIDEO GAMES ON TODAY'S YOUTH BY REQUIRING PARENTAL CONSENT**

Oftentimes lost in the debate about controlling gun violence in society is the constant exposure a young child or young adult has to graphic violence. Governor Christie is proposing a series of measures to help raise awareness about the level of violence in video games. His proposals aim to help educate parents about the type and extent of the violence depicted in video games and to actively engage them in the purchase of these games in a similar manner to the current movie ratings system.

**Requiring Parental Consent To Purchase Violent Video Games:** In a similar way to how the current movie ratings system works, Governor Christie's proposal requires consent of a parent or legal guardian for the sale or rental of any game rated "Mature" or "Adult Only" by the Entertainment Software Rating Board (ESRB).

**Requiring Retailers To Post Video Game Ratings Information:** Governor Christie's proposal will require retailers to post notifications of the ESRB ratings system at the point of sale and to develop, maintain and conspicuously display their policy on selling video games with an M or AO rating.

**Limiting Access To Violent Video Games In Public Areas:** The Governor's proposal would eliminate the placement of video games with an ESRB rating of M or AO, or similarly violent depictions, on State property.

**BOLSTERING CRIMINAL PENALTIES FOR GUN-RELATED CRIMES AND REFORMING BAIL LAWS TO KEEP OUR MOST VIOLENT OFFENDERS OUT OF OUR COMMUNITIES**

Governor Christie is proposing a series of bills that will impose or strengthen criminal penalties when it comes to selling firearms to convicted criminals, possessing a firearm with the intent to unlawfully transfer, hiring a "straw purchaser," unlawfully possessing ammunition and engaging in firearms trafficking, among other areas.

**Impose Criminal Penalties for Selling Firearms to Convicted Criminals:** Create a new crime for selling or transferring a firearm to another knowing they have been convicted of a crime, confined for a mental disorder, or do not possess a valid firearms identification card or permit.

**Impose Criminal Penalties for Possessing a Firearm with the Intent to Unlawfully Transfer:** Create a new crime for possessing a firearm with the intent to transfer to another, knowing they have been convicted of a crime, confined for a mental disorder or, do not possess a valid firearms identification card or permit.

**Impose Criminal Penalties for Hiring a "Straw Purchaser":** Create a new crime for persons who hire another to purchase a firearm or ammunition when statutorily disqualified from purchasing weapons or ammunition.

**Impose Stringent Penalties for Firearms Trafficking:** Upgrade the sentencing requirements for persons convicted of leading a firearms trafficking network to twenty-five years of parole ineligibility.

**Impose Criminal Penalties for Unlawful Possession of Ammunition:** Persons disqualified from firearms possession should be similarly prohibited from possessing ammunition.

**Impose Criminal Penalties for Failure to Comply with Court-Ordered Surrender of Firearms Purchaser Identification Card or Firearms:** Create a new crime for possession of a firearms purchaser identification card or firearm after having been ordered to surrender either by a court. If the court-ordered surrender is based on a criminal conviction, the sentence imposed should be served consecutively to the sentence for the underlying offense.

**Impose Criminal Penalties for Tampering with Firearms Documents:** A person who knowingly alters or tampers with a firearms purchaser identification card, or a handgun purchase permit, should be guilty of an offense of the same degree as the crime of unlawful possession of a firearm.

**Impose Criminal Penalties for False Presentation of Firearms Documents:** A person who knowingly provides false information on an application for an identification card or permit should be guilty of an offense of the same degree as the crime of unlawful possession of a firearm.

**Increase Criminal Penalties for Allowing Minors and Disqualified Persons Access to Firearms:** Raise to a third-degree crime the existing penalties for failing to take reasonable precautions to prevent minors from accessing firearms, and expand to include any person who is subject to disqualification (such as mental illness and serious crimes).

**Criminalize Illegal Firearms Trafficking:** Create a new offense for the unlawful possession, use, or distribution of multiple firearms. The degree of the crime should increase based on the number of firearms possessed, beginning with a single firearm.

**Criminalize "Straw Purchases" of Firearms and Ammunition:** Create a new criminal offense for obtaining, or attempting to obtain, a firearm or ammunition for another where the purchaser knows or reasonably should know that such other person is prohibited from possessing the firearm or ammunition. These "straw purchase" offenses should be graded as a crime of the same degree as the crime of unlawful possession of a firearm.

**Expand Authority to Investigate Aggravated Firearms Offenses:** Add all newly created first- and second-degree firearms crimes to existing laws permitting electronic surveillance.

**Expand Racketeering and Organized Crime Laws to Include Firearms Trafficking:** Provide that new gun trafficking crimes constitute predicate offenses under RICO.

**Impose Mandatory Minimum Sentences for Unlawful Possession of Assault Firearms:** Apply existing mandatory minimum sentences to the unlawful possession of an assault firearm, and not just to the unlawful possession of a handgun, rifle, or shotgun.

**Impose Mandatory Minimum Sentences for Aggravated Firearms Crimes:** Apply existing mandatory minimum sentences to other aggravated firearms crimes including: a) possession of a weapon loaded with hollow-nose or body armor-penetrating bullets; b) possession of a stolen weapon; c) possession following previous convictions or delinquent adjudications for an indictable crime; or d) possession of a firearm while on bail for another charge.

**Authorize Restraining Orders for Aggravated Firearms Crimes:** Authorize restraining orders against persons charged with or convicted of gun or gang-related offenses.

**Requiring Sellers to Report Suspected Tampering or False Information on Firearms Documents:** Governor Christie's proposal would require any seller of a firearm or ammunition to report any buyer that he/she has reason to believe has:

Altered or tampered with a firearms purchaser identification card or handgun purchase permit;

Misrepresented his or her identity; or

Provided false information as to the intended ultimate user of the firearm or ammunition, should be required to promptly disclose the suspected evasion to law enforcement.

#### *Reforming Bail Laws to Keep Our Most Violent Offenders Out of Our Communities*

**Restrict Release on Bail for Aggravated Firearms Offenses:** Add all newly created first- and second-degree firearms crimes to existing laws restricting release on bail.

**Increase Bail Requirements for Aggravated Firearms Crimes:** Add all gun crimes subject to a mandatory minimum sentence to the list of crimes with bail restrictions set forth in existing law.

**Protecting Communities by Authorizing Detention Based on Dangerousness:** Governor Christie is proposing implementing legislation for a proposed constitutional amendment that allows a court to order detention if no amount of bail or conditions would:

Assure defendant's appearance at further proceedings;

Protect safety of any person or the community; or

Prevent the defendant from obstructing or attempting to obstruct justice. Allows for a detention hearing upon motion by a prosecutor when the defendant is charged with certain violent offenses, a crime of domestic violence, or where a temporary restraining order was already in effect. At the hearing, where the defendant may testify, the court must consider the nature and circumstances of present offense, the weight of likely evidence of the underlying crime, and the history and characteristics of defendant.

#### **ESTABLISHING AN INTER-AGENCY TASK FORCE TO KEEP THE CONVERSATION GOING**

Governor Christie signed *Executive Order 130* creating an inter-agency working group to produce a multi-disciplinary approach aimed at decreasing violence, promoting safer and healthier communities, and highlighting the importance of de-stigmatizing mental illness and encouraging early intervention. The working group will explore:

Prevention and intervention (e.g., educating youth, parents, and teachers about the warning signs of violence and the negative consequences felt by teens and young people who are ostracized, isolated, and experience despair);

A focus on strategies that will ensure workforce expansion in fields like licensed clinical social work, nursing, and psychiatry over the next decade while encouraging students in those disciplines to work in the public or community health systems;

Developing a comprehensive public information campaign utilizing all forms of media, communications and technology to better inform New Jerseyans about broad range of programs and services available in the community;

Recommending additional steps to educate parents on how to make healthy media choices for their children; and

Taking administrative action to implement the "S.W.A.P." Program, an ongoing voluntary initiative where the NJ State Police conduct occasional unannounced visits to the schools in areas covered under rural police authority.

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