

Appendix C
March 4th, 2025 Meeting Materials

CHAIRMAN
JUDICIARY

COMMITTEES
CHILDREN AND FAMILIES
CODES
CORPORATIONS, AUTHORITIES
AND COMMISSIONS
FINANCE
HEALTH
INVESTIGATIONS AND
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3/4/2025

Testimony of Office of New York State Senator Hoylman-Sigal to the Massachusetts Special Legislative Commission on Emerging Firearm Technology.

Good afternoon, Commissioners. My name is Evan Lieberman, and I am the Assistant Legislative Director for New York State Senator Brad Hoylman-Sigal. Senator Hoylman-Sigal is chair of the Senate Judiciary Committee and represents part of the West Side of Manhattan, from Christopher St. in Greenwich Village to W. 103rd St. on the Upper West Side.

I'm here to discuss our legislation, S4116A of 2022, which requires that semiautomatic pistols sold by New York firearms dealers contain a microstamp component. This bill was signed by the Governor in June of 2022 as part of a larger legislative package to strengthen New York's gun laws. The legislative package was negotiated with the Governor's office prior to passage. Just a month before, a white supremacist opened fire at a Tops supermarket in Buffalo, New York, killing 10 people – all of whom were black. In the wake of the Tops shooting and the Uvalde school shooting ten days later, New Yorkers demanded their government take action to prevent future tragedies.

S4116A acknowledges what this Commission has already heard from a number of experts – microstamping is a powerful tool that would dramatically enhance the ability of law enforcement to address gun violence. It also acknowledges that microstamping is an advanced technology that requires capable and active state regulation.

Upon its passage, S4116A required New York's Division of Criminal Justice Services to take a number of steps within a specific timeline. Within 180 days, DCJS was required to complete an investigation to certify the viability of the microstamping technology. If DCJS certified the technology's viability, the agency would have a year to establish performance standards and criteria to verify microstamping-enabled pistols. The agency would have two years to implement the verification process, as well as establish standards for training and licensing businesses in the servicing of microstamping pistols. The agency would also have two years to establish an "engraver of last resort" – a designated body that would ensure pistols comply with microstamping

requirements. Four years after DCJS certifies the technological viability of microstamping, the bill's criminal penalties would take effect. It would then be unlawful to sell a semiautomatic pistol without a microstamping component.

While implementation of the law has been slower than expected, our office and gun advocates have been in close collaboration with DCJS. Since 2022, DCJS has convened a working group within their Office of Forensic Services to collect and review scientific literature, as well as meet with other states that are implementing microstamping laws. In 2023, the legislature provided DCJS with additional funding to ensure an appropriate scope of review. This February, DCJS released a Request for Information for subject matter experts in order to engage in a deeper study of microstamping technology. The RFI is due April 17.

As S4116A in New York demonstrates, the implementation of microstamping legislation requires close collaboration between legislators, advocates, and agencies, as well as an intentional allocation of state resources. These policies are a consequential step to address gun violence and empower law enforcement. I'm heartened to see Massachusetts make microstamping the subject of such a thorough and collaborative investigation.

Appendix D
April 10th, 2025 Meeting Materials

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April 10, 2025

GUEST TESTIMONY OF KAI KLOEPFER
FOUNDER AND CEO, BIOFIRE

The 194th General Court of the Commonwealth of Massachusetts
Special Legislative Commission on Emerging Firearm Technology

Good afternoon, Chair Moore, Chair Lipper-Garabedian, and members of this Commission. Thank you for the opportunity to speak today. My name is Kai Kloepfer, and I am the Founder and CEO of Biofire, the leading developer of personalized firearm technology.

Firearm-related causes took the lives of 47,000 Americans in 2023 and impacted, through injury and other harms, millions more. Around sixty percent of these deaths are the result of suicide and accidents, rather than violent crime.¹ Unauthorized access to firearms is a leading cause of death among children and teens in the United States.² Children and teens are particularly vulnerable because they are curious, impulsive, and lack awareness of the dangers posed by improper use of firearms. Everyone can agree that reducing unauthorized access to firearms is an important part of tackling this broader challenge.

Equally clear is that firearms are a permanent fixture of the culture of the United States and are protected by well-established Constitutional law. More Americans are purchasing firearms each year for personal protection. Sporting, competitive shooting and other firearm-related activities are core to American culture.

The question before us, as citizens, as neighbors, and as parents, is how to reconcile our rights with the safety we all deserve? How do we reduce tragic accidents among the public, while also preserving their freedom? It is poignant to be addressing this topic with public servants in Boston, a city rich with the history of wrestling with these very ideas.

¹ CDC WONDER, 2023.

² CDC Morbidity and Mortality Weekly Report, December 15, 2023.

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Biofire's mission is to develop a technology-driven and pragmatic approach to address some critical aspects of this public health issue while simultaneously preserving the freedoms of American citizens. I know that technology is not a panacea – but innovation has an important role to play, and so I want to thank you again for welcoming our voice to the table. Before I delve deeper, let me state Biofire's core policy position clearly: we oppose any law that would mandate, whether *de jure* or *de facto*, the use or sale of personalized firearm technology. We aim to develop technology that delivers choices, not restricts them.

I have been working on personalized firearm technology for 13 years and founded Biofire in 2016 with the aim to apply America's unique strength in technology to the uniquely American challenges around firearm violence, especially those involving children and teens. I spent some of these years at MIT before dropping out in 2018, driven by an urgent need to tackle this issue full time. Biofire is the only venture-backed company in the firearms space. We have raised over \$50 million from some of our country's top investors, and this funding has enabled us to build a world-class team with experience in defense, aerospace, medical devices, automotive, and firearms. We've assembled this talent to focus on developing the Biofire Smart Gun.

We are proud to be the pioneers in this space, but we are also keenly aware of the responsibility that comes with introducing a new class of firearm. From the beginning, our focus has been on keeping gun owners and their families safe. This requires a highly reliable, instantly accessible firearm for self-defense, and, just as importantly, a robust safety system our customers can trust to prevent unintended use.

Biofire has made significant progress addressing the technical challenges of creating a firearm that is both instantly available for its owner while simultaneously always locked from unauthorized use. We officially unveiled the Biofire Smart Gun in April 2023 and began taking pre-order reservations from the public at that time. The public interest in purchasing a Smart Gun is substantial. We've received thousands of pre-order deposits from customers across the country. We see real, present demand for personalized firearm technology from all fifty states. We devoted last year, 2024, to extensive final testing and limited beta production. This year, we are ramping to full production to fulfill those orders.

Our Smart Gun has undergone rigorous evaluation to meet all applicable safety requirements for handguns. As of early 2025, the Biofire Smart Gun has been approved for sale in all fifty states, including being added to the official handgun rosters in Massachusetts, California, and Maryland. In addition, the Smart Gun is approved in California as a Firearm Safety Device, meeting the stringent requirements for equipment intended to keep firearms secure from unauthorized use. The Biofire Smart Gun represents the first time that a firearm itself has also been certified as a Firearm Safety Device by the California Department of Justice.

We are proud to offer the Biofire Smart Gun as a new option for consumers. And we firmly believe that personalized firearm technology should remain a choice for responsible gun owners, one innovative solution among many. Mandates of personalized firearm technology, however well-intentioned, backfire by unintentionally stifling innovation and creating a backlash against adoption of the technology that such mandates intend to promote. I want to be very clear here: The Americans who choose our technology do so trusting that we support their freedom of choice. The existence of the technology, and our ability to develop it, rests upon that foundation of trust. Our goal is to work alongside the firearms community and policymakers to ensure this technology is adopted voluntarily because it proves its value, not because it is forced.

I'd like to give an overview of the Biofire Smart Gun itself – what it is, how it works, and why it's unique.

The Biofire Smart Gun is a 9mm semi-automatic handgun designed primarily for home defense. We chose to prioritize home defense over other use cases – such as concealed carry – because it is the critical need. Many Americans purchase their first firearm for home defense and are at higher risk of mistakes compared to more experienced firearm owners in other categories.

The home is also where children and teenagers most often have inadvertent access to firearms. Millions of American children live in homes with loaded and unsecured firearms,³ and tragedies all too often occur when a child or teen accesses a gun. Furthermore, nearly 95% of stolen firearms traced by the ATF are stolen from private citizens,⁴ often from the home.

The Biofire Smart Gun is designed, engineered, and manufactured from the ground up specifically to incorporate biometric authentication as a first-class feature. This differs substantially from prior approaches that attempted to retrofit electronics onto existing firearms or took an off-the-shelf mechanical firearm design and attempted to tweak it with technology. Our clean-slate approach is required to create a product that is reliable both as a safety device and as a firearm. The Smart Gun's safety features are not add-ons; they are built into the very core of the firearm. This has allowed us to deliver on the key premise of a Smart Gun: a home-defense handgun that feels and functions like a traditional, high-quality pistol for the authorized user, yet is always locked for anyone else.

The Smart Gun unlocks almost instantaneously when needed by an authorized user. This functionality is powered by our proprietary Guardian Biometric Engine – a redundant biometric authentication system integrating fingerprint and facial recognition sensors – that, together, robustly authenticates a user across the wide range of conditions incumbent to the real-world use of firearms. In practice, this feels seamless – the user simply picks up the Smart Gun as they would any other handgun. The use of biometrics means that there is no password to remember. There is no pin code that a child can oversee. There are no physical keys that can be misplaced or stolen. And, importantly, there is nothing that can be taken from the owner in order to use their handgun. Critically, if anyone other than an authorized user picks up the weapon, it remains locked and unable to fire.

By default, the firearm is always in a safe, locked state except when it is being held by an authorized user. Additionally, the moment the firearm leaves an authorized user's hand – for example if the user sets the firearm down or it is taken from them by an assailant – it automatically disarms without any affirmative action required by the owner. It is worth noting that while our sophisticated electronics and biometric authentication mechanisms essentially act to convert the Smart Gun into a traditional firearm for the authorized user, it is this automatic deactivation upon release that is the core safety feature in preventing unauthorized or accidental use. It removes much of the human error from the equation of safe gun storage.

Under the hood, Biofire has created the world's first electronic fire control system in a handgun. This "fire-by-wire" approach, where there exists no mechanical connection between the trigger and the firing pin, enables the Smart Gun to arm and disarm extremely quickly and reliably. The experience of using the firearm remains familiar for an authorized user, as the user pulls the trigger, the Smart Gun makes a sub-millisecond fire control

³ Miller M, Azrael D. Firearm Storage in US Households With Children: Findings From the 2021 National Firearm Survey. *JAMA Network Open*. 2022 Feb 1;5(2):e2148823. doi: 10.1001/jamanetworkopen.2021.48823. PMID: 35191973; PMCID: PMC8864510.

⁴ US ATF National Firearms Commerce and Trafficking Assessment (NFCTA) - Volume 4, Part II. <https://www.atf.gov/firearms/docs/report/nfcta-volume-iv-part-ii-%E2%80%93-firearm-thefts-and-losses-updates-and-new-analysis/download>

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decision based on if the user is authenticated. This approach also greatly enhances the robustness of the safety mechanism against attempts to bypass it. There is no "lock" or other mechanism that can be removed or tampered with to convert the Smart Gun back into a traditional firearm, as the electronic fire control system is an integral, and specialized, part of the function of the firearm.

Beyond the core safety features, Biofire takes the privacy of its users extremely seriously. All biometric data is stored locally on the firearm in encrypted form. This encryption is zero-knowledge, which means that no one, not even Biofire, has access to the encryption keys used to protect the data as they are generated securely within the Smart Gun itself. Additionally, the Smart Gun does not have any wireless connectivity – there is no Wi-Fi, Bluetooth, GPS, or, broadly, radio frequency capability in the firearm itself. This closed-system approach protects the owner's information and ensures the Smart Gun cannot be accessed remotely.

Finally, the Biofire Smart Gun supports up to five authorized users per firearm. The owner can add additional trusted users – for example, a spouse, an adult family member, or a close friend. This decision is made by the owner, and any changes require the owner's biometric information to confirm the addition of a user. This flexibility allows each family to decide who should have access to their firearm. If the situation changes, the owner can instantly revoke access. This is analogous to having multiple keys to a safe – and the owner decides who holds the keys.

In summary, the Biofire Smart Gun is a fully integrated, sophisticated firearm that marries state-of-the-art electronics and software with high-quality mechanical performance and reliability. For an authorized user, it functions just like a traditional 9mm pistol – they can use the Smart Gun with no special steps needed beyond picking it up and pulling the trigger. For anyone else, it is a heavily engineered paperweight.

I want to now turn to Biofire's perspective on policy.

As the only company that is currently offering a commercially available personalized firearm, we have a unique viewpoint on how personalized firearm technology and emerging firearm technologies like ours should be contemplated by legislation and regulation. In short, Biofire opposes any government mandates requiring the use, sale, or exclusive availability of personalized firearms, expressly or otherwise. We instead support approaches that incentivize voluntary adoption without infringing on consumer choice or the broader firearms market.

Let me outline a few key points underlying our position:

First, let us be clear, any mandate of personalized firearm technology is a *de facto* gun ban.

Biofire is currently the only manufacturer with a viable personalized firearm on the market, and we currently produce a single model, which is highly optimized for home defense to the exclusion of other use cases. In comparison, the US commercial firearms market today comprises thousands of models of firearms from a competitive group of manufacturers, with each model competing for a different use case and niche. This is how the firearms industry, like any industry, addresses the wide range of different ways that Americans own and use firearms.

Any law that required all, or any subset, of gun purchasers to buy only personalized firearms would force consumers into a very narrow selection – currently one model – which is, as compared to the thousands of models of traditional firearms, highly unlikely to meet their needs. This also places impossible and existential

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expectations on any developer of personalized firearm technology. While we are confident that we have built the best handgun possible for home defense, it is truly impossible for us to build any single model of firearm that can meet every use case with the same degree of care we have paid towards home defense. We are one manufacturer of one type of product in a diverse market with many types of products. Mandating Smart Guns would be like mandating that the only vehicle available for purchase in America is a Tesla Cybertruck – a position jarringly disconnected from the needs of the American public.

Additionally, the Biofire Smart Gun currently retails for \$1,500, a premium priced product. While we have worked hard to keep our cost as affordable as possible, investing millions into cost reduction initiatives, a Smart Gun contains hundreds of dollars of advanced electronics, sensors, and optics not present in a traditional firearm. This places the Biofire Smart Gun, at least for now, out of reach of many Americans who have very real and present need to own a firearm.

Finally, from a very tactical perspective, while Biofire is rapidly scaling our manufacturing capacity we are a single early-stage company with limited production capacity. No company today, including Biofire, is prepared to supply an entire state's demand for handguns with a single product line. A mandate would likely leave law-abiding citizens with no available gun to purchase at all, the literal definition of a gun ban. This zero-sum scenario is one major reason we oppose mandates – it pits new technology against old in a way that is counterproductive.

This is not just opinion, we have seen this play out in practice. A previous personalized firearm mandate law enacted 2002 in New Jersey backfired so spectacularly that it was effectively repealed by its sponsors in 2019. During those intervening years, rather than spurring innovation as intended, that mandate froze the personalized firearm space: it antagonized gun owners who feared losing access to traditional firearms and deterred investors from funding personalized firearm development.

Even the most ardent advocates now agree that the New Jersey approach was counterproductive. Mandates will stifle innovation and investment in our young industry, just as the prior ones did. We are not here to repeat history, especially at a time where the Biofire Smart Gun is gaining rapid traction with the American public. No mandates of personalized firearm technology are in place today, and Biofire will be first in line to fight against any future mandate of personalized firearm technology.

Second, personalized firearm technology is complex, expensive, and not easily replicated.

Biofire has deployed the best of America's technologists, engineers, and designers for over seven years towards the development of this product, at a cost of tens of millions of dollars. This is not akin to designing a biometric safe using off the shelf components from China; we have deeply integrated a custom miniaturized computer, sensor suite and novel electronic fire control system into a firearm – while ensuring that it will function as required in the extreme conditions inherent to this use case.

The high development cost and technical expertise required mean that no traditional gun manufacturer has yet developed a similar product, in large part because of these significant financial and engineering hurdles.

If lawmakers mandated that all guns be personalized, you'd effectively be handing a monopoly to one small company until others catch up. That's not healthy for competition, the American public, or fostering innovation in safety technology. Furthermore, there's no guarantee that other manufacturers could quickly produce a safe and reliable personalized firearm even if compelled – it's far from trivial. A mandate could thus stall the entire firearms market waiting for others to develop compliant products.

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We believe a better approach is to allow this technology to mature and prove itself in the market on its own merits. In time, if personalized firearms from multiple manufacturers become available and cost-effective, more consumers will opt for them voluntarily. Innovation needs room to breathe.

Third, the Biofire Smart Gun is not a panacea for every issue related to guns, nor is it intended for every use case. We are the first to acknowledge that our product does not render traditional firearms obsolete, nor will it prevent all forms of gun violence. It is a specific solution aimed at a specific problem set: unauthorized use, particularly in the home.

We caution against viewing personalized firearms as single solution for many broader issues. For example, our solution does not inhibit individuals who are legally able to purchase firearms from buying a weapon to do harm. However, personalized firearms are one of very few options identified by public health experts as likely to reduce child accidents and teen suicides in households that own firearms. These are situations where the firearm is being used in a way that no gun owner ever intends, and thus a product-based approach like the Smart Gun is a good fit.

We are laser-focused on making our firearm the best option for people who want an extra layer of safety at home. For other responsible gun owners who prefer traditional models, that is absolutely their right – and we firmly support firearm owners' freedom of choice. In fact, I believe offering the Smart Gun as a voluntary choice is what will make the technology successful in the long run. Americans have a clear propensity to embrace innovation when it's not forced upon them. Mandates or blanket bans only breed resentment or skepticism, whereas demonstrating the value of the product will earn trust over time.

If mandates are not a productive approach to accelerate adoption of personalized firearm technology, what are some approaches that could bear fruit?

In states, like Massachusetts, where there is public and political momentum around studying and promoting personalized firearm technology, incentive programs could be a positive way to accelerate voluntary adoption. For instance, states might offer tax credits, rebates, or other financial incentives for those who purchase a personalized firearm for home defense. These incentives could offset some of the premium associated with this novel technology and enable a wider range of Americans access to personalized firearms, where they might otherwise only be able to afford a traditional firearm. This could, in particular, have an outsize impact in some of our most vulnerable communities.

When citizens are considering a product like a firearm, where there are lives at stake, they look to trusted experts for advice. States could engage the firearm experts they already employ in law enforcement and public safety to assist with independent evaluation and trust building around high-quality personalized firearms.

Updating safe storage laws to expressly include personalized firearms, a safe storage technology clearly superior to any other on the market, would also incentivize adoption and increase compliance with these laws.

Instead of mandates and coercion, we support a market-driven approach supplemented by thoughtful incentives. Let the best solutions rise to the top because people want them and because they are better than the competition, not because they're the only legal option. Any proposed incentive structure must preserve consumer choice and not penalize those who opt for traditional firearms.

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I am confident that as our Smart Gun continues to prove itself – as early adopters have positive experiences and as independent experts vet its quality – more and more Americans will choose to adopt this technology. That organic growth is important. It sends a signal to other manufacturers that there is a viable market here, which will encourage competition, investment, and further innovation. Nothing would slow that progress more than a premature mandate that causes backlash or discourages others from investing in R&D.

Before concluding, let me clearly address a specific concern we often hear from our customers: the fear that personalized firearms might be used by policymakers as a tool to restrict access to traditional guns. Biofire is understandably very sensitive to this concern. I want to state unambiguously that we do not support using our technology as a pretext to ban or confiscate other firearms. We have and will continue to oppose any attempt to politicize our product or personalized firearm technology more broadly.

As one example, we have not and will not submit our Smart Gun to New Jersey's personalized firearm roster for precisely this reason. Under New Jersey's personalized firearm roster law, the moment a personalized firearm is officially certified, every gun store in the state would be required to stock it, which is an undue burden on retailers and could engender political weaponization of our technology.

We're building positive long-term relationships with the firearms industry, the dealers, instructors and enthusiasts who our customers rely on for advice, training and service. The industry is excited about the Biofire Smart Gun and willing to judge it on its own merits. Forcing arbitrary additional administrative burdens on gun stores doesn't incentivize them to support our technology; it does the exactly the opposite.

In closing, I want to reiterate that Biofire's goal is first and foremost to advance the development of firearm safety technology. We are the vanguard, tackling the challenges of the frontier to materialize new, better choices for American gun owners. This goal is not realized by mandating adoption of a premium technology that is limited in supply and not intended for every situation.

We believe this technology can save American lives lost every day to gun violence, and we're bringing it to market in that hopeful spirit. These are not statistics in a CDC database, these are your community members, your neighbors, even your family, being impacted by the very real costs of gun injury. We strongly believe the success of this technology relies on earning the trust of gun owners and the public, not on government edicts that turn personalized firearms into a political football. Smart Guns must stand on their own merits as a safety innovation.

Biofire stands ready to work with policymakers, law enforcement, public health experts, and, more broadly, the firearms community to develop sensible incentive programs that will encourage the adoption of personalized firearms in a way that respects Americans' rights and choices. Let's advance safety and innovation through collaboration, not coercion.

I appreciate the opportunity to provide Biofire's perspective and experience to this Commission, and I'm happy to answer any questions you may have. Thank you.

Appendix E
New Jersey Personalized Firearm Statute (2002)

CHAPTER 130

AN ACT concerning the sale of handguns, supplementing chapter 58 of Title 2C of the New Jersey Statutes and amending N.J.S.2C:39-1 and N.J.S.2C:58-2.

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

C.2C:58-2.2 Findings, declarations relative to sale of handguns.

1. a. The Legislature finds:

New Jersey's commitment to firearms safety is unrivaled anywhere in the nation;

New Jersey was the first state to require retail dealers to include, as part of every handgun sale, either a State Police approved trigger lock or a locked case, gun box, container or other secure facility;

To encourage all firearms owners to practice safe storage, the State has waived all sales taxes on trigger locks, firearms lock-boxes and vaults and, under the "KeepSafe" program, offers an instant \$5 rebate to all retail firearms purchasers who buy a compatible trigger locking device along with their firearm;

New Jersey was the first state to require all firearms dealers to prominently display State-provided firearms information and safety warnings;

New Jersey was one of the first states to make parents and guardians statutorily responsible for unwittingly or carelessly permitting minors under their control to gain access to loaded firearms;

New Jersey statutorily prohibits anyone under the age of 18 years from purchasing or otherwise acquiring a firearm and permits such minors to possess or carry a firearm only in a very limited number of strictly defined situations and under the direct supervision of a qualified parent, guardian or instructor;

To enforce this strict regulatory scheme, New Jersey imposes harsh penalties, including a mandatory minimum prison term of three years, on anyone who knowingly sells, transfers or gives a firearm to a person under the age of 18 years; and

New Jersey was the first state to allocate, as part of its annual Appropriations Act, moneys dedicated exclusively for the development of personal handgun technology, and the amount so allocated, \$1,000,000, was one-fifth the total amount the federal government allocated toward the development of this important firearms safety technology in the same fiscal year.

b. The Legislature, therefore, declares:

It is within the public interest, and vital to the safety of our families and children, for New Jersey to take the bold and innovative step of fostering the development of personalized handguns by firearms manufacturers. To accomplish this objective, the Legislature determines that it should enact legislation designed to further enhance firearms safety by requiring that, within a specified period of time after the date on which these new personalized handguns are deemed to be available for retail sales purposes, no other type of handgun shall be sold or offered for sale by any registered or licensed firearms dealer in this State.

C.2C:58-2.3 Reports as to availability of personalized handguns.

2. a. On the first day of the sixth month following the effective date of P.L.2002, c.130 (C.2C:58-2.2 et al.), the Attorney General shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes. If the Attorney General determines that personalized handguns are not available for retail sales purposes, the Attorney General, every six months thereafter, shall report to the Governor and the Legislature as to the availability of personalized handguns for retail sales purposes until such time as the Attorney General shall deem that personalized handguns are available for retail sales purposes and so report to the Governor and the Legislature. In making this determination, the Attorney General may consult with any other neutral and detached public or private entity that may have useful information and expertise to assist in determining whether, through performance and other relevant indicators, a handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

b. For the purposes of this section, personalized handguns shall be deemed to be available for retail sales purposes if at least one manufacturer has delivered at least one production model of a personalized handgun to a registered or licensed wholesale or retail dealer in New Jersey or any other state. As used in this subsection, the term "production model" shall mean a handgun which is the product of a regular manufacturing process that

produces multiple copies of the same handgun model, and shall not include a prototype or other unique specimen that is offered for sale.

C.2C:58-2.4 List of personalized handguns.

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

b. The list required under subsection a. of this section shall be prepared within six months of the Attorney General's directive to the superintendent and a copy thereof made available to registered and licensed firearms dealers in this State. Whenever a handgun is determined to meet the statutory definition of a personalized handgun as set forth in N.J.S.2C:39-1, the Attorney General shall report that determination in writing to the Governor and the Legislature within 60 days. The superintendent shall promptly amend and supplement the list to include handguns which meet the statutory definition of a personalized handgun as set forth in N.J.S.2C:39-1 or to remove previously listed handguns, if appropriate. Registered and licensed retail firearms dealers in this State shall be notified forthwith of any such changes in the list. The notice shall be given in a manner prescribed by rule and regulation. The Attorney General shall promulgate rules and regulations establishing a process for handgun manufacturers to demonstrate that their handguns meet the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1 and request that their handgun be added to this list. These rules and regulations may require that the handgun manufacturer: (1) deliver a handgun or handguns to the Attorney General or his designee for testing; (2) pay a reasonable application fee; and (3) pay any reasonable costs incurred in, or associated with, the testing and independent scientific analysis of the handgun, including any analysis of the technology the manufacturer has incorporated within the handgun's design to limit its operational use, that is conducted to determine whether the handgun meets the statutory definition of a personalized handgun set forth in N.J.S.2C:39-1.

C.2C:58-2.5 Sale of personalized handguns, inapplicability.

4. a. On and after the first day of the sixth month following the preparation and delivery of the list of personalized handguns which may be sold in the State pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), no person registered or licensed by the superintendent as a manufacturer, wholesale dealer of firearms, retail dealer of firearms or agent or employee of a wholesale or retail dealer of firearms pursuant to the provisions of N.J.S.2C:58-1 or N.J.S.2C:58-2 shall transport into this State, sell, expose for sale, possess with the intent of selling, assign or otherwise transfer any handgun unless it is a personalized handgun or an antique handgun.

b. The provisions of this section shall not apply to handguns to be sold, transferred, assigned and delivered for official use to: (1) State and local law enforcement officers of this State; (2) federal law enforcement officers and any other federal officers and employees required to carry firearms in the performance of their official duties and (3) members of the Armed Forces of the United States or of the National Guard.

c. The provisions of this section also shall not apply to handguns to be sold, transferred, assigned and delivered solely for use in competitive shooting matches sanctioned by the Civilian Marksmanship Program, the International Olympic Committee or USA Shooting. The Attorney General may promulgate rules and regulations governing the scope and application of the exemption afforded under this section. The Attorney General, by rule and regulation, may require, at a minimum, that a person acquiring a handgun pursuant to this section submit valid proof of participation in these sanctioned shooting matches.

d. No later than 30 days after the preparation and delivery of the list of personalized handguns which may be sold in the State pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4), there shall be established a seven-member commission in the Department of Law and Public Safety that shall meet at least once a year to determine whether personalized handguns qualify for use by State and local law enforcement officers. The Governor shall appoint the following six members of the commission: a county sheriff; a county law enforcement officer; a county prosecutor; one local law enforcement officer who shall be an active member of the New Jersey Fraternal Order of Police; one local law enforcement officer who shall be an active member of the New Jersey State Policemen's Benevolent Association; and an experienced firearms instructor qualified to teach a firearms training course approved by the Police Training Commission. The seventh member of the commission shall be the Superintendent of State Police.

The commission shall issue a report to the Attorney General upon its determination that personalized handguns qualify for use by State and local law enforcement officers. In making this determination, the commission shall consider any advantages and disadvantages to using these weapons in the performance of the official duties of law enforcement officers and shall give due regard to the safety of law enforcement officers and others. The commission shall expire thereafter. The Attorney General shall be authorized to promulgate rules and regulations that apply the provisions of this section to handguns to be sold, transferred, assigned and delivered for official use to State and local law enforcement officers upon a determination by the commission that personalized handguns qualify for use by State and local law enforcement officers.

e. A person who knowingly violates the provisions of this section is guilty of a crime of the fourth degree.

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

Definitions.

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

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

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

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes. d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type
 Colt AR-15 and CAR-15 series
 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
 Demro TAC-1 carbine type
 Encom MP-9 and MP-45 carbine types
 FAMAS MAS223 types
 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
 Franchi SPAS 12 and LAW 12 shotguns
 G3SA type
 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
 Intratec TEC 9 and 22 semi-automatic firearms
 M1 carbine type
 M14S type
 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
 PJK M-68 carbine type
 Plainfield Machine Company Carbine
 Ruger K-Mini-14/5F and Mini-14/5RF
 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
 SKS with detachable magazine type
 Spectre Auto carbine type
 Springfield Armory BM59 and SAR-48 type
 Sterling MK-6, MK-7 and SAR types
 Steyr A.U.G. semi-automatic firearms
 USAS 12 semi-automatic type shotgun
 Uzi type semi-automatic firearms
 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
 Weaver Arm Nighthawk.

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

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

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

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

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

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

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

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

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

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

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

(c) The handgun is unloaded and securely wrapped;

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

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

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

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

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

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

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

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

C.2C:58-2.6 Rules, regulations.

7. The Attorney General, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

C.59:2-11 Actions of public entity, employee; immunity.

8. No action or inaction by a public entity or public employee in implementing the provisions of P.L.2002, c.130 (C.2C:58-2.2 et al.), including but not limited to the promulgating, amending or supplementing of a list of personalized handguns that may be sold in this State, shall constitute a representation, warranty or guarantee by any public entity or employee with regard to the safety, use or any other aspect or attribute of a personalized handgun.

No action to recover damages shall arise or shall be brought against any public entity or public employee for any action or inaction related to or in connection with the implementation of any aspect of P.L.2002, c.130 (C.2C:58-2.2 et al.).

9. This act shall take effect immediately.

Approved December 23, 2002.

Appendix F
New Jersey Personalized Firearm Statute (2019)

CHAPTER 164

AN ACT concerning personalized handguns and revising various parts of the statutory law.

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

C.2C:58-2.7 Personalized Handgun Authorization Commission.

1. a. There is established in the Department of Law and Public Safety, a commission which shall be known as the Personalized Handgun Authorization Commission. The commission shall be responsible for establishing performance standards for personalized handguns and maintaining a roster of personalized handguns authorized for sale to the public pursuant to this act.

b. The commission shall consist of seven members as follows:

(1) as ex-officio members, the Attorney General or a designee; the Superintendent of State Police or a designee; the Commissioner of Health or a designee;

(2) as public members appointed by the Governor:

(a) one member of the American Academy of Pediatrics;

(b) one member who shall be a resident of this State who is a licensed firearms wholesaler, manufacturer, or retail dealer as defined in N.J.S.2C:39-1, or a resident of this State who is a representative of a New Jersey chapter of an organization that advocates for Second Amendment rights;

(c) one member who shall be a representative of an organization that advocates against handgun violence; and

(d) one member with substantial experience in radio frequency identification or biometric reading technology.

c. All appointments to the commission shall be made within six months of the effective date of this act. The chair of the commission shall be selected from among its members by the Governor. Members of the commission shall serve a term of four years from the date of their appointment and until their successors are appointed. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

d. Members of the commission shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the commission, and within the limits of funds appropriated or otherwise made available to the commission for its purpose.

e. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

f. During the first year following the establishment of the commission, it shall meet monthly in order to comply with the provisions of P.L.2019, c.164 (C.2C:58-2.7 et al.); thereafter, the commission shall meet once every six months or at the call of the chairman of the commission or the majority of its members.

C.2C:58-2.8 Definitions relative to personalized handguns; roster.

2. a. As used in this act, "authorized user" means the lawful owner of a personalized handgun or person to whom the owner has given consent to use the personalized handgun.

b. The Personalized Handgun Authorization Commission shall maintain a roster of all personalized handguns approved by the commission as meeting the personalized handgun performance standards and qualifying criteria established pursuant to this section. The roster of approved personalized handguns shall be published on a website maintained by the New Jersey State Police and shall be updated as necessary. A copy of the roster shall be made available every six months to registered and licensed firearms dealers in this State.

c. Within one year of organizing, the commission shall develop personalized handgun performance standards and qualifying criteria which a personalized handgun shall meet in order to be placed on the personalized handgun roster.

The personalized handgun performance standards and qualifying criteria shall include, but not be limited to, the following:

(1) the handgun shall be reasonably resistant to being fired by anyone other than the handgun's authorized user as defined in N.J.S.2C:39-1;

(2) the personalized technology shall be incorporated into the design of the personalized handgun and shall be a permanent, irremovable part of the handgun and any device or object necessary for the authorized user to fire the handgun;

(3) the personalized handgun shall not be manufactured so as to permit the personalized characteristics of the handgun to be readily deactivated; and

(4) the personalized handgun shall meet any other reliability standards generally used in the industry for other commercially available handguns.

d. The commission shall recommend to the Attorney General any rule, regulation, guideline or revision thereto, or legislation which it deems necessary to establish a process by which handgun manufacturers may request that their handguns be added to the roster established pursuant to this section.

C.2C:58-2.9 Application, testing, criteria for approval.

3. a. A manufacturer or other entity seeking to include a handgun on the approved personalized handgun roster established pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.) may apply to the commission for a determination of whether the make and model of a handgun proposed by the applicant would meet the personalized handgun performance standards established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8). The commission's determination shall be based upon testing conducted by an independent laboratory proposed by the applicant which has been accredited for the testing of firearms by the National Voluntary Laboratory Accreditation Program or other national certifying body approved by the commission or, if the applicant does not propose an independent laboratory or if one is not approved or available, by the Division of State Police.

b. The commission shall approve an independent laboratory proposed by an applicant to perform the determination pursuant to subsection a. of this section if the commission is clearly convinced that the laboratory is capable of performing the determination and will be sufficiently objective making the determination, provided that the laboratory shall not be owned or operated by a handgun manufacturer or any other organization that seeks to promote or restrict handgun ownership.

The application for approval of an independent laboratory to perform the determination pursuant to subsection a. of this section shall be in a form prescribed by the Attorney General, in consultation with the commission, and shall provide information regarding the laboratory's capabilities and objectivity.

c. If the commission approves the application, the laboratory shall utilize testing methods formulated by the commission to determine whether a handgun meets the personalized handgun performance standards and qualifying criteria established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

The independent laboratory or Division of State Police, as the case may be, shall test a handgun within a reasonable amount of time following approval of the application by the commission. The test shall be conducted:

(1) in accordance with the testing requirements formulated by the commission; and

(2) at the expense of the manufacturer or other entity seeking to include the handgun on the approved personalized handgun roster established pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.).

The independent laboratory or Division of State Police, as the case may be, shall issue a final test report to the commission at the conclusion of the test. The report shall state whether the handgun meets the performance standards and qualifying criteria established by the commission.

d. The commission shall review the final test report and based on the report's findings shall issue, within 45 days of receiving the report, a final decision by majority vote as to whether the handgun should be included on the roster.

e. Upon making a final determination pursuant to subsection d. of this section, the commission shall notify, in writing, the applicant as to whether the handgun has been approved or denied for inclusion on the roster. A notification informing the applicant that a firearm has been denied shall be provided along with a written description of the reasons for which a handgun failed to meet the performance standards and qualifying criteria established by the commission as documented in the independent laboratory's report. Any alteration to the design of a make and model of handgun that has been approved for addition on the roster shall require a determination that the handgun continues to meet the performance standards and qualifying criteria established by the commission in accordance with the requirements of this section in order to include the altered design model of the handgun on the roster.

C.2C:58-2.10 Availability of personalized handguns for purchase; posting of roster; inspections.

4. a. Within 60 days of the first personalized handgun being included on the roster established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8), each licensed firearms retail dealer shall :

(1) make available for purchase at least one personalized handgun approved by the commission and listed on the roster as eligible for sale;

(2) post in one or more locations in the dealer's place or places of business in a conspicuous manner that makes them easily visible and accessible to customers:

(a) copies of the personalized handgun roster; and

(b) a sign that includes a clear and conspicuous statement disclosing the features of personalized handguns that are not offered by traditional handguns and advising customers that such firearms may be purchased through the licensed retail dealer; and

(3) accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized handguns included on the roster.

b. A personalized handgun offered for sale by a licensed retail dealer pursuant to paragraph (1) of subsection a. of this section shall be displayed in a conspicuous manner that makes it easily visible to customers and distinguishable from other traditional handguns. A licensed retail dealer shall post a sign pursuant to subparagraph (b) of paragraph (2) of subsection a. of this section in close proximity to each personalized handgun.

c. In the event that a licensed retail dealer's inventory of personalized handguns is depleted and there are no personalized handguns available for purchase on the premises, the licensed retail dealer shall:

(1) place an order for at least one personalized handgun within 21 days of the sale of the last personalized handgun;

(2) maintain written records of the retail dealer's efforts to place an order and maintain those records on the premises and allow them to be open for inspection at all times; and

(3) post a sign on the premises indicating that personalized handguns are routinely sold on the retail dealer's premises and will soon be available for purchase.

d. A licensed firearms retail dealer shall not make any claim that a handgun has been approved by the commission as meeting the performance standards or qualifying criteria for personalized handguns if that handgun is not included on the roster established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

e. The Superintendent of State Police shall designate officers to inspect the personalized handgun inventory and records of all licensed firearms retailers. The inspections shall be conducted at least once every two years at any time during the normal business hours of the firearm retailer's business.

C.2C:58-2.11 Violations, penalties.

5. a. A licensed retail dealer who violates section 4 of P.L.2019, c.164 (C.2C:58-2.10) shall be subject to the following penalties:

(1) for a first offense, a fine of up to \$500;

(2) for a second offense, a fine of up to \$1,000;

(3) for a third or subsequent offense, a six-month license suspension following notice to the licensed retail dealer and opportunity to be heard.

b. Any person who, without license or privilege to do so, tampers or attempts to tamper with a personalized handgun by intentionally interfering with the user-authorized functionality of the personalized technology shall be guilty of a disorderly persons offense.

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

Definitions.

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

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

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

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

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

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

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

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

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

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.

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

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

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

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

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

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

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

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

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

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

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
Franchi SPAS 12 and LAW 12 shotguns
G3SA type
Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
Intratec TEC 9 and 22 semi-automatic firearms
M1 carbine type
M14S type
MAC 10, MAC 11, MAC 11-9mm carbine type firearms
PJK M-68 carbine type
Plainfield Machine Company Carbine
Ruger K-Mini-14/5F and Mini-14/5RF
SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
SKS with detachable magazine type
Spectre Auto carbine type
Springfield Armory BM59 and SAR-48 type
Sterling MK-6, MK-7 and SAR types
Steyr A.U.G. semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk.

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

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

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds. "Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition.

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

(6) A firearm with a bump stock attached.

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

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

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

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

bb. "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that

prevents a firearm from being discharged while the device is attached to the firearm. It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger.

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

dd. "Personalized handgun" means a handgun which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other authorized user. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Personalized Handgun Authorization Commission established pursuant to section 1 of P.L.2019, c.164 (C.2C:58-2.7) has determined in accordance with section 2 of P.L.2019, c.164 (C.2C:58-2.8), that the personalized handgun meets the performance standards and qualifying criteria established pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8).

ee. "Bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

ff. "Trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion; provided, however, the term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

gg. "Armor piercing ammunition" means: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. "Armor piercing ammunition" shall not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

hh. "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not resemble a handgun, rifle, shotgun, or machine gun including, but not limited to, a firearm that resembles a key-chain, pen, cigarette lighter, cigarette package, cellphone, smart phone, wallet, or cane.

ii. "Undetectable firearm" means a firearm that: (1) after removal of all parts other than major components, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or (2) includes a major component which, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. "Undetectable firearm" shall not be construed to include a firearm subject to the provisions of paragraphs (3) through (6) of subsection (p) of 18 U.S.C. s.922.

jj. "Major component" means the slide or cylinder or the frame or receiver of a firearm and, in the case of a rifle or shotgun, also includes the barrel.

kk. "Security Exemplar" means the Security Exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. s.922.

ll. "Authorized user" means the lawful owner of a personalized handgun or a person to whom the owner has given consent to use the personalized handgun.

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

Licensing of retail dealers and their employees.

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

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

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

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

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

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

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

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

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

certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

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

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

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

(c) The handgun is unloaded and securely wrapped;

(d) The handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility; provided, however, this provision shall not apply to antique handguns or personalized handguns included in the roster pursuant to section 2 of P.L.2019, c.164 (C.2C:58-2.8). The exemptions afforded under this subparagraph for antique handguns and personalized handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes; and

(e) (Deleted by amendment, P.L.2019, c.164)

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

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

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

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

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

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

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

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

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

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

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

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

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

C.59:2-11 Actions of public entity; immunity.

8. The action or inaction by a public entity or public employee when promulgating, amending or supplementing the roster of personalized handguns that may be sold in this State pursuant to P.L.2019, c.164 (C.2C:58-2.7 et al.) shall not constitute a representation, warranty or guarantee by any public entity or employee with regard to the safety, use or any other aspect or attribute of a personalized handgun.

An action to recover damages shall not arise or be brought against any public entity or public employee for any action or inaction related to or in connection with the roster of personalized handguns established pursuant to section 2 P.L.2019, c.164 (C.2C:58-2.8).

Repealer.

9. The following sections are repealed:

Sections 1 through 4 of P.L.2002, c.130 (C.2C:58-2.2 through (C.2C:58-2.5); and

Section 7 of P.L.2002, c.130 (C.2C:58-2.6).

10. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General and Superintendent of State Police may take any anticipatory administrative action in advance of that date as shall be necessary for the implementation of this act.

Approved July 16, 2019.

Appendix G
New Jersey Microstamping Statute

New Jersey Microstamping Act (2022)

NJ Rev Stat § 2C:58-2.13 to 2.15, 52:17B-4.4a

2C:58-2.13 Definitions.

1. a. As used in P.L.2022, c.57 (C.2C:58-2.13 et al.):

"Microstamp" means a unique alphanumeric or geometric code that identifies the make, model, and serial number of a firearm.

"Microstamp roster" means the roster of firearms that have been designated as microstamping-enabled firearms, pursuant to section 2 of P.L.2022, c.57 (C.2C:58-2.14).

"Microstamping component" means a component of a firearm that will produce a microstamp on at least one location of the expended cartridge case each time the firearm is fired.

"Microstamping-enabled firearm" means a firearm that contains a microstamping component.

b. (1) Within 180 days of the date of enactment of P.L.2022, c.57 (C.2C:58-2.13 et al.), the Attorney General or a designee shall: establish performance standards and qualifying criteria for determining whether a firearm constitutes a microstamping-enabled firearm; establish a process by which to determine whether a firearm constitutes a microstamping-enabled firearm; and complete the investigation required pursuant to paragraph (2) of this subsection.

(2) Based on the standards, criteria, and process established pursuant to paragraph (1) of this subsection, the Attorney General shall complete an investigation concerning the technological viability of microstamping-enabled firearms. The investigation shall include, but need not be limited to, live-fire testing evidence. At the conclusion of the investigation, the Attorney General shall certify whether viable microstamping-enabled technology exists. If the Attorney General certifies that the technology does not exist, the microstamping examiner designated pursuant to subsection c. of this section shall examine firearms submitted pursuant to subsection e. of this section and make technological viability certification recommendations to the Attorney General until such time as the Attorney General certifies that microstamping-enabled firearms are technologically viable.

c. The Attorney General or a designee shall designate a microstamping examiner. The examiner shall examine firearms submitted pursuant to subsection e. of this section in a manner proscribed by the Attorney General and shall:

(1) make microstamping-enabled technology viability recommendations, pursuant to subsection b. of this section;

(2) following certification by the Attorney General that microstamping-enabled firearms are technologically viable, determine whether a firearm meets the performance standards and qualifying criteria established by the Attorney General to be designated as a microstamping-enabled firearm.

d. Upon designation of the first microstamping-enabled firearm, the examiner shall create a microstamp roster, which shall include each firearm so designated. The roster shall be updated as necessary and shall be published on a website maintained by the New Jersey State Police. A copy of the roster shall be made available every six months to licensed retail firearms dealers in this State.

e. Any person seeking to include a firearm on the microstamping roster may apply to the microstamping examiner for a determination of whether the make and model of firearm proposed by the applicant may be designated as a microstamping-enabled firearm.

f. If one or more firearms are included on the microstamp roster, the Attorney General shall determine the commercial availability of microstamping-enabled firearms. Upon certification that microstamping-enabled firearms are commercially available, each licensed retail dealer of firearms shall:

(1) make available for purchase at least one firearm included on the roster and display the firearm in a conspicuous manner that makes it easily visible to customers and distinguishable from traditional firearms;

(2) post in one or more locations in the licensed retail dealer's place or places of business in a conspicuous manner that makes them easily visible and accessible to customers:

(a) copies of the microstamp roster; and

(b) a sign that includes a clear and conspicuous statement disclosing the features of microstamping-enabled firearms that are not offered by traditional firearms and advising customers that such firearms may be purchased through the licensed retail dealer;

(3) accept and process orders to enable customers to purchase through the licensed retail dealer any firearms included on the microstamp roster;

(4) refrain from claiming that any firearm is a microstamping-enabled firearm if that firearm is not included on the microstamp roster; and

(5) in the event that the licensed retail dealer's inventory of firearms included on the microstamp roster is depleted:

(a) place an order for at least one firearm on the microstamp roster within 21 days of the sale of the last firearm on the microstamp roster;

(b) maintain written records of the licensed retail dealer's efforts to place an order and maintain those records on the premises and allow them to be open for inspection at all times; and

(c) post a sign on the premises indicating that microstamping-enabled firearms are sold routinely on the licensed retail dealer's premises and will soon be available for purchase.

g. If at least one firearm is listed on the microstamp roster, the Superintendent of State Police shall designate officers to inspect the microstamping-enabled firearm inventory and records of all licensed retail dealers of firearms to determine whether a licensed retail dealer is in compliance with the provisions of subsection f. of this section. The inspections shall be conducted at least once every two years at any time during the normal business hours of the licensed retail dealer's place of business.

L.2022, c.57, s.1.

2C:58-2.14 Violations, penalties.

2. a. A licensed retail dealer who violates section 1 of P.L.2022, c.57 (C.2C:58-2.13) shall be subject to the following penalties:

- (1) for a first offense, a fine of up to \$500;
- (2) for a second offense, a fine of up to \$1,000; or
- (3) for a third or subsequent offense, a six-month license suspension following notice to the licensed retail dealer and opportunity to be heard.

b. Any person who, without license or privilege to do so, willfully removes, damages, alters, or otherwise tampers with a microstamping enabled firearm to prevent or alter the production of a microstamp shall be guilty of a third degree crime.

For the purposes of this subsection, tampering with a microstamping component shall not include: replacing a firing pin when the pin is damaged or otherwise in need of replacement for the safe use of the firearm; or replacing a firing pin for a legitimate sporting purpose, provided that the firearm remains a microstamping-enabled firearm.

L.2022, c.57, s.2.

2C:58-2.15 Rebate eligibility; necessary forms, record, report participation; sign prominently displayed.

3. a. A person who purchases a microstamping-enabled firearm pursuant to section 1 of P.L.2022, c.57 (C.2C:58-2.13) from a licensed retail dealer shall be eligible for an instant rebate of 10 percent of the purchase price up to a maximum of \$30. The licensed retail dealer shall deduct the rebate amount from the price of the microstamping enabled firearm at the point of sale.

b. The Superintendent of State Police, in conjunction with the Attorney General, may adopt guidelines in accordance with the Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

In addition, the superintendent shall prepare and deliver to each licensed retail dealer in the State the forms necessary to record and report participation in the rebate program established in this section. The form shall be in duplicate and set forth: the name, address, telephone number, State tax number, and State license number of the licensed retail dealer; the name of the purchaser and the purchaser's firearms purchaser identification card number or permit to purchase a handgun number; the make and model number of the microstamping-enabled firearm purchased; and the date of sale. One copy shall be retained by the retail dealer for the retail dealer's records. The other shall be submitted to the Attorney General for reimbursement. The reimbursement copies shall be submitted monthly at a time prescribed by the superintendent. The submitting retail dealer shall be entitled to a reimbursement of 10 percent of the purchase price of the microstamping-enabled firearm up to a maximum of \$30 as part of the rebate program. To help defray any administrative costs, each participating retail dealer shall receive, in addition to the reimbursement, \$0.50 for each valid reimbursement copy submitted.

The superintendent also shall provide each licensed retail dealer with a sign to be prominently displayed at a conspicuous place on the dealer's business premises where firearms are offered for sale. The sign shall state substantially the following:

"MICROSTAMPING-ENABLED FIREARMS REBATE PROGRAM. TO ENCOURAGE NEW JERSEY GUN OWNERS TO PURCHASE MICROSTAMPING-ENABLED FIREARMS, THE STATE IS OFFERING AN INSTANT REBATE WHEN YOU PURCHASE A MICROSTAMPING-ENABLED FIREARM. THE REBATE AMOUNT IS 10 PERCENT OF THE PURCHASE PRICE UP TO A MAXIMUM OF \$30."

L.2022, c.57, s.3.

52:17B-4.4a "Microstamp Fund" established.

4. a. There is created in the Department of the Treasury a nonlapsing fund entitled the "Microstamp Fund." The fund shall be the depository for any State appropriations or other monies provided for the purchase of microstamping-enabled firearms by law enforcement agencies. The fund shall be administered by the State Treasurer.

b. Funds within the Microstamp Fund may be used to purchase firearms on the microstamp roster for the New Jersey State Police or any municipal police department or force.

c. Any municipality which has a police department or force may apply to the Attorney General or a designee for a grant to purchase firearms on the microstamp roster. Application shall be made in a manner prescribed by the Attorney General and shall include information on the intended use and estimated cost of the firearms request. The Attorney General or a designee shall select grant recipients. Any funds awarded shall be used within one year of receipt or the funds shall be returned.

L.2022, c.57, s.4.

Appendix H
California Microstamping Statute



Senate Bill No. 452

CHAPTER 253

An act to amend Section 31910 of, and to add Sections 27531, 27532, 27533, 27534, 27534.1, and 27534.2 to, the Penal Code, relating to firearms.

[Approved by Governor September 26, 2023. Filed with Secretary of State September 26, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 452, Blakespear. Firearms.

Existing law, subject to exceptions, generally makes it an offense to manufacture or sell an unsafe handgun, as defined, and requires the Department of Justice to compile a roster listing all of the handguns that have been tested and determined not to be unsafe handguns. Existing law establishes criteria for determining if a handgun is an unsafe handgun, including, for firearms manufactured after a certain date and not already listed on the roster, the lack of a chamber load indicator, magazine disconnect mechanism, and technology that transfers a microscopic array of characters from the firearm to the cartridge case when the firearm is fired, known as a microstamp.

This bill would remove from the definition of an unsafe handgun a semiautomatic pistol without a microstamping component, as specified, and would prohibit, commencing on January 1, 2028, a licensed firearms dealer from selling, offering for sale, exchanging, giving, transferring, or delivering a semiautomatic pistol, as defined, unless the pistol has been verified as a microstamping-enabled pistol, if the department has determined that microstamping components or microstamping-enabled semi-automatic firearms are available, as specified. The bill would also prohibit a person from modifying a microstamping-enabled pistol or microstamping component with the intent to prevent the production of a microstamp. By creating new crimes, the bill would impose a state-mandated local program.

The bill would require the Department of Justice to provide written guidance concerning qualifying criteria and performance standards for microstamping components, as defined, if the department has determined that microstamping components are technologically viable, as specified, and would require the department to accept applications for licensure of entities in order to produce microstamping components, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 27531 is added to the Penal Code, to read:

27531. The following terms have the following meanings for purposes of this article:

(a) “Microstamp” means a microscopic array of characters that may be used to identify the specific serial number of a firearm from spent cartridge casings discharged by that firearm.

(b) “Microstamping component” means a firing pin or other component part of a semiautomatic pistol that, when installed, produces a microstamp on at least one location of the expended cartridge case each time the pistol is fired.

(c) “Microstamping-enabled” means either of the following:

(1) The firearm’s manufacturer has certified in writing that the firearm contains a microstamping component that meets the performance standards established by the Department of Justice pursuant to subdivision (b) of Section 27532.

(2) A licensed firearms dealer or gunsmith has certified in writing that they serviced the firearm to install a microstamping component that meets the performance standards established by the Department of Justice pursuant to subdivision (b) of Section 27532.

(d) “Producing microstamping components” may include, but is not limited to, the process of engraving a firing pin to modify the pin into a microstamping component.

(e) “Semiautomatic pistol” means a pistol, as defined in Section 16530, that has an operating mode that uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull or activation of the trigger.

SEC. 2. Section 27532 is added to the Penal Code, to read:

27532. (a) On or before March 1, 2025, the Department of Justice shall engage in an investigation to determine the technological viability of microstamping components producing microstamps on spent cartridge casings discharged by a firearm into which the microstamping component has been installed. The investigation shall include input from relevant stakeholders.

(b) If the department has determined that microstamping components are technologically viable pursuant to subdivision (a), the department shall, on or before September 1, 2025, provide written guidance on performance standards for persons, associations, partnerships, corporations, or other entities engaged in the business of producing microstamping components, which shall include processes and standards for those entities to demonstrate that a representative sample of the microstamping components they manufacture produce legible microstamps with reasonable reliability, including after repeated firing.

(c) If the department has determined that microstamping components are technologically viable pursuant to subdivision (a), the department shall, on or before January 1, 2026, commence accepting applications for licensure

of persons, associations, partnerships, corporations, or other entities to engage in the business of producing microstamping components that meet those performance standards. A federally licensed firearms manufacturer shall not be required to obtain a license in order to manufacture microstamping components but shall comply with Section 27535 if it provides a certification that a firearm is microstamping-enabled.

(d) If the department has determined that microstamping components are technologically viable pursuant to subdivision (a), the department shall, on or before July 1, 2026, provide grants or enter into contracts with one or more entities licensed pursuant to subdivision (c) to produce microstamping components that meet the performance standards identified in subdivision (b) and to make those microstamping components available for sale or other distribution at a reasonable cost to firearm manufacturers, licensed firearms dealers, and gunsmiths engaged in the business of installing microstamping components in the State of California in accordance with this section.

(e) If the department has determined that microstamping components are technologically viable pursuant to subdivision (a), the department shall, on or before July 1, 2027, determine if either, or both, of the following are true:

(1) Microstamping components at commercially reasonable prices are available from licensees operating pursuant to subdivision (c) or subdivision (d).

(2) Options of microstamping-enabled firearms are readily available for purchase in the State of California.

(f) Upon a determination that microstamping components are available pursuant to paragraph (1) of subdivision (e) or that microstamping-enabled firearms are available pursuant to paragraph (2) of subdivision (e), the department shall make publicly available a list of all licensees producing microstamping components meeting the performance standards established in subdivision (b) and shall notify licensed firearms dealers, gunsmiths, and manufacturers operating within the State of California of the list of available microstamping component producers. The department shall update its determination and the list of licensees producing microstamping components annually thereafter.

(g) The department shall adopt rules or regulations that may be necessary or proper to carry out the provisions of this section, including the adoption of fees for the licensure of a person or an entity as described in subdivision (c). Regulations adopted pursuant to this section are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 3. Section 27533 is added to the Penal Code, to read:

27533. (a) Commencing on January 1, 2028, if the department has determined that microstamping components, microstamping-enabled semi-automatic firearms, or both microstamping components and microstamping-enabled firearms are available pursuant to subdivision (e) of Section 27532, it shall be unlawful for a firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, to sell, offer for sale, exchange, give,

transfer, or deliver any semiautomatic pistol unless the pistol has been certified as a microstamping-enabled pistol as defined in Section 27531. A dealer shall be in compliance with this section if the dealer relies in good faith on a written certification made by the pistol's manufacturer that the pistol is microstamping-enabled, on a written certification made by a gunsmith that serviced the pistol to install a microstamping component, or if the dealer has serviced the pistol to install a microstamping component certified by an entity licensed pursuant to subdivision (c) of Section 27532.

(b) The first violation for unlawful sale of a nonmicrostamping-enabled pistol pursuant to this section shall be punishable by a fine of not more than one thousand dollars (\$1,000).

(c) The second violation for unlawful sale of a nonmicrostamping-enabled pistol pursuant to this section shall be punishable by a fine of not more than five thousand dollars (\$5,000) and may result in the revocation of the dealer's license issued under Sections 26700 to 26915, inclusive.

(d) The third violation for unlawful sale of a nonmicrostamping-enabled pistol pursuant to this section is a misdemeanor and shall result in the revocation of the dealer's license issued under Sections 26700 to 26915, inclusive.

(e) This section shall not apply to any of the following:

(1) A pistol manufactured or delivered to a firearms dealer prior to January 1, 2028.

(2) A transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050) of this division.

(3) The sale, offer for sale, exchange, giving, transfer, or delivery of a semiautomatic pistol to a gunsmith or other qualified entity for the purposes of service or repair, including for installation of a microstamping component, or to any other person, firm, corporation, or other entity that holds a valid federal firearms license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

SEC. 4. Section 27534 is added to the Penal Code, to read:

27534. (a) A person who modifies a microstamping-enabled pistol or microstamping component with the intent to prevent the production of a microstamp is, for a first offense, guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, and for a second or subsequent offense, is guilty of a misdemeanor punishable by imprisonment in the county jail of not more than one year, by a fine of not more than two thousand dollars (\$2,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall not apply to a pistol manufactured prior to the effective date of this section.

(c) For the purposes of this section, it shall not be unlawful to replace the microstamping component of a microstamping-enabled pistol when the component is damaged or in need of replacement with another valid

microstamping component for the safe use of the firearm or replacing a microstamping component for a legitimate sporting purpose.

SEC. 5. Section 27534.1 is added to the Penal Code, to read:

27534.1. (a) It shall be unlawful to knowingly or recklessly provide a false or misleading certification that a firearm is microstamping-enabled, as defined in Section 27531.

(b) If a court determines that any person or entity has violated this section, the court may award either or both of the following:

(1) Civil penalties in the amount of ten thousand dollars (\$10,000) for each firearm in violation.

(2) Injunctive relief sufficient to prevent the person or entity from further violations of this section.

SEC. 6. Section 27534.2 is added to the Penal Code, to read:

27534.2. The Department of Justice is authorized to adopt regulations to implement Sections 27533, 27534, 27534.1, and 31910. Regulations adopted pursuant to those sections are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 7. Section 31910 of the Penal Code is amended to read:

31910. (a) As used in this part, “unsafe handgun” means any pistol, revolver, or other firearm capable of being concealed upon the person, for which any of the following is true:

(1) For a revolver:

(A) It does not have a safety device that, either automatically in the case of a double-action firing mechanism, or by manual operation in the case of a single-action firing mechanism, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge.

(B) It does not meet the firing requirement for handguns.

(C) It does not meet the drop safety requirement for handguns.

(2) For a pistol:

(A) It does not have a positive manually operated safety device, as determined by standards relating to imported guns promulgated by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

(B) It does not meet the firing requirement for handguns.

(C) It does not meet the drop safety requirement for handguns.

(D) Commencing July 1, 2022, for all centerfire semiautomatic pistols that are not already listed on the roster pursuant to Section 32015, it does not have a chamber load indicator.

(E) Commencing July 1, 2022, for all centerfire or rimfire semiautomatic pistols that are not already listed on the roster pursuant to Section 32015, it does not have a magazine disconnect mechanism if it has a detachable magazine.

(b) The Department of Justice shall, for each semiautomatic pistol newly added to the roster pursuant to Section 32015, remove from the roster exactly three semiautomatic pistols lacking one or more of the applicable features described in subparagraphs (D) and (E) of paragraph (2) of subdivision (a) and added to the roster before July 1, 2022. Notwithstanding those

subparagraphs, each semiautomatic pistol removed from the roster pursuant to this subdivision shall be considered an unsafe handgun. The Attorney General shall remove semiautomatic pistols from the roster pursuant to this subdivision in reverse order of their dates of addition to the roster, beginning with the semiautomatic pistol added to the roster on the earliest date and continuing until each semiautomatic pistol on the roster includes each of the applicable features described in those subparagraphs.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.