

CHAPTER 57

AN ACT concerning microstamping-enabled firearms, and supplementing Title 2C of the New Jersey Statutes and Title 52 of the Revised Statutes.

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

C.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.

C.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.

C.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."

C.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.

5. This act shall take effect immediately.

Approved July 5, 2022.