

ASSEMBLY, No. 3797

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman CHARLES MAINOR

District 31 (Hudson)

SYNOPSIS

Requires law enforcement to report certain firearms information to interjurisdictional electronic databases including the National Integrated Ballistics Identification Network.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain seized and recovered firearms and
2 supplementing Title 52 of the Revised Statutes.

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

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7 1. The Legislature finds and declares that to further provide for
8 the public safety and the well being of the citizens of this State, and
9 to respond to growing dangers and threats of gun violence, it is
10 altogether fitting and proper for the law enforcement departments
11 and agencies of this State to fully participate, through the utilization
12 of electronic technology, in interjurisdictional information and
13 analysis sharing programs and systems to deter and solve gun
14 crimes.

15 To effectuate this objective, it shall be the policy of this State for
16 its various law enforcement agencies to utilize fully the federal
17 Criminal Justice Information System to transmit and receive
18 information relating to the seizure and recovery of firearms by law
19 enforcement, in particular the National Crime Information Center
20 System to determine whether a firearm has been reported stolen; the
21 Alcohol, Tobacco, Firearms, and Explosives E-Trace System to
22 establish the identity of a firearm's first purchaser, where that
23 firearm was purchased and when it was purchased; and the National
24 Integrated Ballistics Identification Network to ascertain whether a
25 particular firearm is related to any other criminal event or person.

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27 2. Whenever a law enforcement agency seizes or recovers any
28 firearm, the agency shall promptly enter the make, model, caliber,
29 and serial number of that firearm into the National Crime
30 Information Center 2000 System to determine whether that firearm
31 was reported stolen.

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33 3. Whenever a law enforcement agency seizes or recovers a
34 firearm that was unlawfully possessed, used for an unlawful
35 purpose, recovered from the scene of a crime, is reasonably
36 believed to have been used or associated with the commission of a
37 crime, or is acquired by the agency as an abandoned or discarded
38 firearm, the agency shall, as soon as may be practicable, but in no
39 case more than 24 hours after the agency has taken possession of
40 the firearm, enter the appropriate information relating to that
41 firearm into the New Jersey Trace System which, as part of the
42 federal Criminal Justice Information System, makes information
43 relating to that firearm's first purchaser and where and when it was
44 purchased, available to all law enforcement agencies.

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46 4. Whenever a law enforcement agency seizes or recovers a
47 firearm that was unlawfully possessed, used for any unlawful
48 purpose, recovered from the scene of a crime, is reasonably

1 believed to have been used or associated with the commission of a
2 crime, or is acquired by the agency as an abandoned or discarded
3 firearm, the agency shall arrange for every such firearm that is
4 determined to be suitable for National Integrated Ballistics
5 Identification Network data entry and examination to be test-fired
6 as soon as may be practicable and the results of that test-firing be
7 forthwith submitted to the National Integrated Ballistics
8 Identification Network to determine whether the firearm is
9 associated or related to a crime, criminal event, or any individual
10 associated or related to a crime or criminal event or reasonably
11 believed to be associated or related to a crime or criminal event.

12 Whenever a law enforcement agency recovers any spent shell
13 casing at a crime scene or has reason to believe that the recovered
14 spent shell casing is related to or associated with the commission of
15 a crime or the unlawful discharge of a firearm, the agency shall, as
16 soon as may be practicable, submit the ballistics information to the
17 National Integrated Ballistics Identification Network.

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19 5. This act shall take effect immediately.

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STATEMENT

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24 This bill codifies current law enforcement protocols concerning
25 certain seized and recovered firearms.

26 Under the provisions of the bill, all New Jersey law enforcement
27 agencies are required to report information relating to abandoned or
28 discarded firearms they have recovered, or to firearms they have
29 seized or recovered because those firearms were unlawfully
30 possessed, used for an unlawful purpose, recovered from the scene
31 of a crime, or are reasonably believed to have been used or
32 associated with the commission of a crime to the National Crime
33 Information Center 2000 System to determine whether that firearm
34 has been reported stolen and to the New Jersey Trace System
35 which, as part of the Criminal Justice Information System, makes
36 information relating to the identity of a firearm's first purchaser,
37 where and when it was purchased, and makes that information
38 readily available to all law enforcement agencies.

39 The bill also requires all New Jersey law enforcement agencies
40 to test-fire certain seized and recovered firearms and submit the
41 resulting ballistics information to the National Integrated Ballistic
42 Identification Network. The ballistics information in the network is
43 used to determine whether the firearm is associated with or related
44 to a crime, criminal event, or any individual associated or related to
45 a crime or criminal event.

46 Similarly the bill requires all law enforcement to report the
47 ballistics information concerning any spent shell casing recovered

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1 at a crime scene to the National Integrated Ballistics Identification
2 Network

3 The information submitted to the National Ballistics
4 Identification Network is a readily available tool used by law
5 enforcement not only to solve crimes, but also to prevent and deter
6 future criminal activity.