

Gun Lawyer -- Episode 42 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

I'm Evan Nappen, and welcome to Gun Lawyer. In our continuing effort to provide you with forbidden information, I want to talk about a concealed gun law. Now, when I say a concealed gun law, I am not talking about concealed guns. I am talking about a concealed gun law. You see, New Jersey has passed, and it has been on the books, an anti-gun law that is very dangerous and deceptive. It is also, to a large degree, kept from the public, except when it is selectively enforced against individuals. Now, let me just say, if you live in New Jersey, this is, of course, extremely important for you to be aware of. But even if you do not live in New Jersey, the problem is that New Jersey is what I call one of the experiment states. They come up with some anti-gun concept and they start it here. The petri dish for some crazy gun control or gun ban effort to see how it flies and what the deal is. Then they propose it nationally, and it can become national law affecting everybody in the United States.

Evan Nappen 01:48

We saw this happen with domestic violence laws. This is not anything for or against enforcement of domestic violence laws. I am just talking about its effect on gun rights. It was New Jersey that first initiated domestic violence restraining orders which restrained individuals from possessing firearms. Also, anyone convicted of a domestic violence misdemeanor became prohibited, and it became a disqualifier for possessing firearms. So, this is pretty radical stuff if you step back. If we separate out the extreme sensitivity and political correctness, depending on what you want to call it, regarding domestic violence (even the ability to discuss it), there was something pretty new, the loss of your Second Amendment Constitutional rights based on either a civil restraining order, if you are not a convicted felon, it is simply a civil order, or a misdemeanor conviction, something significantly less than a felony conviction.

Evan Nappen 03:11

So, it really illustrates the so-called slippery slope. Once we started accepting certain gun disqualifiers, the whole arena is to propose more and more gun disqualifiers and increase the list so that more and more people lose their gun rights. The idea is for the anti-gunners to disenfranchise as many people as they can of their gun rights. As long as they can come up with more and more prohibited categories, then we get more and more prohibited persons. Hence, the terrorist watch list prohibited category, and it is vague and undefined. You do not even know how you got on the list, no less how to get off it. Hey, that is a great thing, make anyone on that list is a prohibited person. Now, you see this increase of

prohibited persons and new ideas politically so then they can say to those darn old, silly, pro-gun people, "Oh, you want terrorists to have guns, or you want domestic abusers to have guns?" They just have this broad stroke of a complaint, like these folks are out of their minds to want to have anybody.

Evan Nappen 04:32

But when you start getting into the actual laws and the actual definitions, you start to see how incredibly broad, incredibly vague, and how individuals are losing their rights. Individuals who should not even be on certain lists or have had so little due process to make this a disqualifier or who never had any physical violence whatsoever, but it does not matter. They lose their right. It is this expansion of prohibitors. In the moment you talk about it (like I am talking about it with you) you are going to get smear now. "Oh, you want wifebeaters to have guns, or you want terrorists to have guns." This is the politics of it. Yet when you deal with the reality, it is a whole other story. Trying to have some rational, reasonable discussion about it becomes more and more impossible.

Evan Nappen 05:26

Even to get the word out with our tech lords crushing our freedom of speech. This is why this podcast is so important to me, to tell you about this stuff. So, what am I talking about? I am talking about a law that you probably do not even know exists, unless you are really on top of things and maybe read some articles that I wrote about it. But short of that, this law was passed, believe it or not, over 17 years ago. This law says that any person who has had firearms seized pursuant to domestic violence and has not had those guns returned, is a prohibited person. That person who had guns seized and not returned, as long as they were seized pursuant to domestic violence, is a prohibited person. Under one part of the law, that person is prohibited from getting a firearm license and under another separate law is a prohibited person. They are put into the same statute that deals with convicted felons and such losing their rights.

Evan Nappen 06:50

So, if you are a person who had firearms seized and not returned, that were seized pursuant to domestic violence, and you then possess a firearm (even temporarily, someone loans it to you), you are subject to criminal prosecution and are looking at five years in State Prison for your possession. This is so outrageous! First of all, someone who had guns seized pursuant to domestic violence, the law does not require that they be the actor of domestic violence or that they be the one who perpetrated the act of domestic violence. An innocent third party, who has their gun seized, but it was seized pursuant to the domestic violence act, they now lose their rights. For example, a father is living at the house with his son. The son gets a restraining order from a girlfriend, and they come and take all the guns out of the house. The father has now had guns seized pursuant to the domestic violence law, even though he was not the accused perpetrator of domestic violence. It does not matter. The father is now prohibited, and if those guns are not returned, they fail to qualify to get a license and or to be able to lawfully possess firearms.

Evan Nappen 08:42

So, the laws that were passed in New Jersey are actually concealed gun laws, and I will tell you why in one second. Here are the laws. Number one, it says no handgun purchase permit or firearm purchaser identification card shall be issued to any person whose firearm is seized pursuant to the "Prevention of

Domestic Violence Act" of 1991. That is the licensing disqualification. Then under the Criminal Code, it says a person whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991 and whose firearm is not returned, or who owns, possesses, or controls a firearm is guilty of a crime of the Third Degree. That is five years in State Prison. So, there is a criminal prohibition and a licensing prohibition. These laws were passed in 2004. And here's the kicker. To this day, if you look at an Application for a New Jersey Handgun Pistol Purchase Permit or a New Jersey Firearm Purchaser ID Card or a Certificate of Eligibility (which you have to sign when a long arm is being transferred), nowhere on that form does it ask "Are you a person who has had guns seized pursuant to the Domestic Violence Act and not had them returned?" It is not asked on the application.

Evan Nappen 10:34

Imagine that. A gun prohibitor that is specifically in the licensing qualifications, a specific prohibitor in the licensing act, is not on the form. Not only that, but a criminal prosecution if you possess it, and it is not asked on these forms. Now, I do not like this law. Not one bit. It should not be on the books, but it is on the books. Since they passed it, why are they concealing it by not putting it on the application? I will tell you why. Because I wrote letters, I put out articles and I have tried to call the State Police out on this. They are the ones who promulgate the New Jersey form through the New Jersey State Police. They have had many different revisions. Yet, how come this disqualifier is not on there? Is it because the State Police are incredibly negligent? I mean, unbelievably negligent and failed to do their job here, to this large degree that they miss a Third-Degree criminal charge prohibitor. To not even ask it on the form. Is it because of their unbelievable ignorance and negligence? Or is it intentionally left off? Do you think it's intentional? Because it has got to be one or the other? Either it is purposely being left off or it is unbelievable negligence?

Evan Nappen 12:15

I personally believe that it is purposely left off. I do not believe that the State Police are stupid. I do not believe that they are negligent. I think they know the gun laws pretty good as to what needs to be on those forms. So, why would they not want to put it on there? It is very simple. If every gun application asked this question, and anyone who fills out one of these forms for a new pistol permit, or to do a rifle transfer or to do a change of address, everybody would then know that if their guns are seized, or their guns get seized in a situation where there was a domestic violence seizure, everybody would know. What I am telling you now would be no surprise because everybody would know it. They would know they have to fight to get their guns back. Because after a seizure under the Domestic Violence Act, there is a weapon forfeiture hearing.

Evan Nappen 13:18

If everybody knew that they will permanently lose their gun rights and be the equivalent of a convicted felon being prohibited, every one of them would fight to get their guns back. But instead, not knowing this. There are counties where the investigator will call up the person and says, "Oh, we seized your guns, and you are going to have to come to court on such and such a day if you want to get them back". The person thinks I have to miss work, and I have to do that. Well, you know, maybe it was an inexpensive gun, or it is not that much money in guns or whatever the deal may be. The investigator says, "Look, we are going to be so nice. We are going to be so nice, that we will let you sell your guns

to a dealer, and you can get the money for them. You do not even have to come to court. We will just get that order done in that way, and it won't be a problem for you."

Evan Nappen 14:15

Except that anyone who agrees to that, loses their gun rights and becomes a prohibited person. They do not even know it. Do you know why? Because there is no requirement that they be told this even at a weapon forfeiture hearing. The judges do not say, "Oh, you become prohibited under this." If you agree in any way to not get your guns back, this kicks in but they do not want you to know it, folks. Because if everyone knew this, the weapons forfeiture hearing calendar docket would be out to the year 3000. Everybody would be fighting to get their guns back and not become a prohibited person. They better fight to get them back instead of rolling over. So, this is the concealed gun law, and the problem with this type of law is that nationally, I am sure we will see it proposed as well. I have no doubt, and by being aware of it, you know to fight it.

Evan Nappen 15:28

When we come back, I am going to tell you about a new law being proposed as a ballot initiative that will absolutely shock you. Yet, in these times that we live in, nothing should shock you.

Speaker 3 15:49

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator fighting for rights, justice, and freedom. An unrelenting gun rights spokesman tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on Gun Law, the bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you never have to use it. But if you live, work, or travel with a firearm, that deck is already stacked against you. You can find him on the web at EvanNappen.com or follow the link on the Gun Lawyer resource page. Evan Nappen, America's Gun Lawyer.

Speaker 3 17:04

You're listening to gun lawyer with attorney Evan Nappen. available wherever you get your favorite podcast.

Evan Nappen 17:10

Welcome back. I just want to remind y'all, please subscribe to Gun Lawyer podcast. It is very important that you do. It helps get the word out. Tell your friends to subscribe as well. This is really one of the few remaining ways to communicate about these threats. As you can see, it is particularly important for you to be aware of these things and not fall into these traps that the government has set or that the antis are laying for you and me. It is really important to do that. I would highly recommend getting your friends to subscribe because they will greatly appreciate it when listening to the show ends up saving their ass. So, have them do that. It's an important thing, and I do appreciate it very much.

Evan Nappen 18:15

Let me tell you about a new threat. We have to always be on guard. Because no matter how crazy it sounds and no matter how ridiculous we may believe this threat to be, do not underestimate it, especially in these times. I just picked up on something outrageous which is happening in an experiment state. I'm like, oh gosh, we have got to stay tuned to this and just such a thing recently happened. It is taking place in Oregon. If any of you have been following the news about Oregon, particularly in Portland, with all the problems, the extreme left-wing, progressive element has taken hold in Oregon. Even though Oregon is such a beautiful state and is often thought of as a very pro-freedom state.

Evan Nappen 19:18

As a matter of fact, you can trace to Oregon one of the underpinnings, the original modern-day arguments for the Second Amendment being an individual right in cases that developed from the Oregon Supreme Court. Those cases found early on and in beautifully written opinions, really laying out wonderfully why the Second Amendment is an individual right. For example, they found that a switchblade was protected under the Second Amendment, and the Oregon switchblade ban was unconstitutional. All of this was years before the Heller decision. So, the Supreme Court decisions ended up, at times, being incorporated into the Federal Heller decision, etc. which made it clear that we have an individual right to keep and bear arms. Believe it or not, the groundwork was laid in Oregon to a certain degree. They were really something incredible.

Evan Nappen 20:29

When Oregon's case on switchblades came out, it actually marked the beginning of the modern switchblade, automatic knife production in America. Growing from there, you have great knife makers such as Benchmade, etc. I always thought of Oregon in a really positive way when it comes to the Second Amendment and knife rights and gun rights. But I am sure that if you watch the news, you see how much Oregon has deteriorated. I am sure there are great areas in Oregon where there are still many folks that are truly supporters of the Second Amendment and love their right to keep and bear arms.

Evan Nappen 21:14

But there is a proposal in Oregon that is seeking a ballot measure, and it is Initiative Petition (IP) 13 (known as the Abuse, Neglect and Assault Exemption Modification and Improvement Act to amend Chapter 167 of the Oregon Revised Statutes". (<https://www.gohunt.com/read/news/oregon-initiative-petition-13-proposes-to-criminalize-hunting#gs.7t0uke>) They are pushing to gather signatures so they can place IP-13 on the ballot. IP-13 is an end to hunting, fishing, trapping and farming. A complete end to those activities in the state of Oregon. It is actually seemingly laughable, but it is not because it could pass. If it is passed, Oregon would be the first state to make a sanctuary state for animals. Yes, a sanctuary state for animals, no kidding. It is an anti-hunting and anti-agricultural ballot effort. It will ban the harvest of any animal by hunting, fishing, or trapping. It will only allow a self-defense exemption. It also criminalizes animal husbandry, slaughtering animals for food and common breeding practices, etc.

Evan Nappen 22:58

Basically, it is a full-fledged attack and ban on hunting, fishing, trapping and farming. The only exemption is a self-defense exemption. If they collect, I believe it's 112,000 valid signatures by July of 2022, (basically in a year from now), it will be eligible to appear on the November 2022 ballot. Then the state will vote whether to pass this. I know it seems crazy to think that any state would actually pass it but think about what you have seen in the last year and a half happening in Oregon. It may not be that crazy. The problem is that it starts here with IP-13, and then it becomes more and more acceptable and thought about. The next thing you know you are going to see actual bans being proposed, both by ballot initiative and/or by legislation to end hunting, fishing, trapping and farming as we know it. This is what they plan to do. There has always been a direct tie to hunting and even fishing and trapping with firearms because firearms are so important to the American tradition and culture. But also, firearms were instrumental in our ability to forage for food, and it is still done to this day.

Evan Nappen 24:55

Even more importantly is that hunting, fishing, and trapping, are tools of wildlife management. If you believe in conservation as I do, then you know that proper management of a renewable resource is vital so that the resource is always there, year after year. The idea is to properly use the hunting, fishing, and trapping licenses and the number of hunters, fishermen, and trappers to harvest enough of the renewable resource so that every year, there are more that can be taken again. But if you do not manage the resource correctly, then you can wipe it out, or by leaving it alone, it can wipe itself out by massive starvation and these incredible ups and downs to the populations of animals instead of a wise conservation policy. Hunting, fishing, and trapping are tools, and they are vital if you believe in conservation. This is why there are more deer now than when the pilgrims landed in America. Because we have properly managed our resources, and this is critical to do. Yet, the tree hugger and bunny hugger folks, do not want to know about it. They just want to hand off, to end these important tools, and to essentially cause more harm to animals, than having the tools in hand to actually harvest them. It will have the opposite and reverse effect that those who claim to care about animals will actually cause upon animals.

Evan Nappen 27:06

Now looking at this initiative if it were to pass, there is that very interesting self-defense exemption. So, why would that be in there? Well, I guess folks would have been afraid that if you cannot, in any way, harm an animal, and if you are being attacked by a bear, I guess you just have to give yourself up to the bear. So, they said Hey, we need a self- defense exemption. Or rabid wolves, oh, well, you cannot shoot them, and they are just going to do their thing. It did make me think that maybe what could happen from this, in terms of unintended consequences, is maybe we will still see bear hunting done, but in a whole unique way. You have to make yourself the bait for the bear. So, you put yourself out there as the bait, and then in self-defense, you can shoot the bear. This will be an entire new thing. Oregon hunting is what they will call it. Whatever it is, you have to put some part of yourself at risk, and then you must exercise self-defense in order to harvest any animal or fish. If you want to get a shark, you have to make yourself Shark Bait. All this kind of stuff is very interesting when you start thinking about how that loophole might be exploited, right? It is just absurd. Stay aware of these things because what happens out there in these experimental states, ends up coming around to the rest of America. What seems like a laughable, silly, it could never happen idea; next thing, you know, we are fighting it and dealing with it. It is amazing

Evan Nappen 28:55

If you had asked Americans at any time prior to 1900, "Do you ever think they could ban guns?" They would have laughed in your face. Ban guns? It's absurd. It's ridiculous. Yet, look what we are dealing with now. These ideas that start off as absolutely crazy and laughable, they end up being real threats to our liberty, our freedom, our way of life, our traditions, and our culture. It is just what they want, and that is why they do it. Our love of firearms and weapons and knives and our ability to exercise our Second Amendment rights is just one aspect of America that is under attack. It is the aspect that you and I are very much interested in, but we are interested in the rest of it as well. I am sure you see it. You see these changes being affected and being put forward on us that makes you look back to "the old days" and say, "Man, what happened?" What happened? We have got to stay in the fight and make sure that we do not let these liberties that we love and cherish go away. If they do, good luck getting them back. This is Evan Nappen reminding you that the wonderful gun laws that are out there, do not protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 30:47

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