

Gun Lawyer -- Episode 60 Transcript

SUMMARY KEYWORDS

new jersey, gun, firearm, banned, cal, jersey, law, lawyer, anti, guns, bill, caliber, pinned, ammo, greater, dealer, registered, state, shotgun, sell

SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

Evan Nappen here, and you're listening to Gun Lawyer. So, New Jersey, it just never ends. It is important that folks, whether you live in New Jersey or not, pay attention to what goes on. Because New Jersey is the experimental state where they try to get things through the legislature first. So, they can say, oh, we passed it in New Jersey and look at the great success we have had. This is how they sell it; so, what goes on in New Jersey ends up affecting the rest of the country. Then it becomes federal legislation. You can literally see it in the evolution of certain gun bills. The first domestic violence law that became the federal gun ban for domestic violence restraining orders and domestic violence misdemeanor. Well, guess who had that first? New Jersey. You're right. New Jersey did it, and then it became a federal law. How did it become federal law? Well, guess who sponsored it? A New Jersey senator. Good, old Senator Lautenberg. No anti- gun law that he didn't like - no such thing. We see this happen over and over again.

Evan Nappen 01:45

You have got to pay attention so that we are ready to fight it and not let these things slide through. The anti-gunners have become even more devious in how they sell their evil wares. We see them doing this in different tactical approaches. Of course, they always try to find something that can trigger emotions in people. Because if they start arguing facts, they lose. They cannot ever have a factual bill that is based on something real like trying to stop crime because it has nothing to do with that. They always have to have the thing to sell it. They look for these angles all the time. Anything that they can tag it to, to get it through. That's what they do, and we see this often. We see it recently in New Jersey where Governor Murphy is pushing a third wave of a package of anti-gun bills. He just wants to be the darling of the anti-gunners, of course, on the left. This is part of the approach and make sure you go after law-abiding gun owners. Make sure that you focus on those folks who normally are not your constituency. They are your anti-constituency anyway; so, they are happy to burn them up and go after them because they are not voting for you anyway. This is what they do, and this is how they get their red meat that they throw to their folks. It is also how they exercise more power and more control over us.

Evan Nappen 03:37

So, in these New Jersey bills, there is some interesting things we can learn from. There is a proposed 50 caliber ban. So, it's a ban on 50 caliber firearms. Because we have gone down this path a couple times before and were able to thwart it, they have tried to get even trickier and more sophisticated with

how they want to sell it. This current ban is extremely misleading. It says that it is a ban on any weapon capable of firing a centerfire cartridge of a caliber of 50 or greater, except for shotguns. But then, it goes on in the language to say, which shall include any metric equivalent of 50 caliber or greater, that is capable of firing a projectile that attains a muzzle velocity of 12,000-foot pounds or greater in any combination of bullet propellant case or primer. It shall also include a copy or a duplicate of any weapon that is capable of firing projectiles. That projectile that attains a muzzle velocity energy of 12,000-foot pounds or greater regardless of caliber. It says it doesn't apply to smooth bore shotgun or rifle barreled shotgun or any shotgun ammunition generally recognized as suitable for sporting purposes by the state.

Evan Nappen 05:23

At first when you see this bill and it has all this jazz about 12,000-foot pounds, it seems that it would only apply to, and not that this should even be the case, but it would only apply to the 50 BMG and that kind of a cartridge. Not that those should be banned because absolutely they shouldn't be. But it seems to give the impression that that's all they're going after. But why do they have to put in that it doesn't include a smooth bore shotgun or rifle barreled shotgun? Well, they put that in because they know that hunters, particularly in Jersey which is primarily a shotgun hunting state because they are too tightly packed for rifle hunting, would get upset if shotguns were going to be affected by this. But why is it necessary to say that? Aah, and that's where you see their sneaky, misleading, low down, dirty trick. That sneaky, lowdown, dirty trick is a comma. That's right a comma.

Evan Nappen 06:34

You see the way it reads here; it says any weapon capable of firing a centerfire cartridge of 50 caliber or greater (comma) which shall include any metric equipped blah blah blah, blah blah. So, the ban is on any centerfire cartridge firing firearm of 50 caliber or greater, but what absolutely is included in it are these 12,000-foot pound projectile shooters. Then they specifically exempt shotgun and shotgun ammo. Aah, because it does cover everything 50 cal. or greater, and what does that mean? Oh, that means your 50 caliber handguns, your Smith and Wesson 500 is banned, your 500 Linebaugh is banned, your 50 cal. Action Express is banned, your 50 cal. Desert Eagle, 50 cal. Beowulf is banned, your 500 GNR, your 500 Wyoming Express, your 50 GI or 50 Cal BMG, of course, your 600 Nitro Express, your 50 cal. or greater Safari rifle, it doesn't matter. If you have any Safari rifle and it's over 50, it is banned. Your 12.7 by 55mm European metric - banned. Any antique 50 cal. centerfire rifle like 50-70 or 50-90 Sharps, etc. It bans all those and more. As long as it's a centerfire, it is banned.

Evan Nappen 08:27

New Jersey does not exempt antiques. Jersey has no exemption for that. It does not matter whether these are super collectible, fantastic firearms of historic value. No, they are going to come under this. They are all going to come under it, and they wrote it in a way that at first it doesn't look like they do. And that's their evil at work here. Then as part of this bill, you have one year to pay a \$50 registration fee. Isn't that nice? You have to register it. If you don't register within a year, you are forced to transfer it to someone who could lawfully have it like a dealer, render it inoperable. You have to do that in the year then - render it inoperable. And that's not just removing the firing pin. It's removing it and permanently getting rid of whatever part you have and filing a form certifying that you have rendered it inoperable; or voluntarily surrendering it. Just giving it up where you get no compensation whatsoever. I'm sure you

want to turn in your 50 cal. guns worth thousands and thousands of dollars. No compensation, just give them up. Then on top of this, if you have a registered 50 cal., there is no inheritance by your heirs. They barred the inheritance by heirs if you have a registered 50 cal. Now interestingly, if you have an unregistered 50 cal., that is still inheritable. Only the registered ones can't be. Now if you don't have it registered, of course, it's contraband if you have it in Jersey, but if you keep it outside Jersey, then it is inheritable and it does not have to be registered.

Evan Nappen 10:24

Then they throw in civil liability for registered owners. So, if your gun is stolen and used in a crime, they are holding you responsible for that civilly. They built all this into the ban on 50 cal. And you know what? I cannot find a single incident, not one incident in the state of New Jersey, where the 50 cal. was a problem. Not one thing. But why should that matter? It fits their emotional agenda that they want to sell. They have their lies that they're going to put out about it. They write the statutory language in this sneaky, misleading way. It is a broad sweep that doesn't seem readily recognizable until you actually look at it. This is what they do.

Evan Nappen 11:22

This is what they do to go after our Second Amendment rights, our constitutional rights, and to go after us as law-abiding gun owners who they hate. They hate us. They are the biggest gun bigots on the planet. They are bigots. That is what they are. Bigots against you and me because we believe in our constitutional right to keep and bear arms. And they are nothing less than a bigot. Because this is what bigots do. They put their hate forward. They put it into laws like this and then aggressively enforce it. And see that their bigotry has force. That's what we're dealing with, and you need to know that what Jersey puts forward like this, spreads like cancer, and it's a cancer on our freedom. It needs to be recognized. You have to be warned about it and be aware of it.

Evan Nappen 12:27

New Jersey is not stopping, of course, with a 50 cal. ban. They are setting up a handgun electronic ammunition registry. That is another bill so that dealers have to have an electronic record of the manufacturer of the ammo, the date of the transaction, the type, the caliber gauge of the ammo and the quantity of the ammunition sold, and the name, address and date of birth of the purchaser. The dealer gets to charge to do this electronic register registration database of ammo - \$5 per transaction. Basically \$5 a box of ammo that you are going to end up paying on top of that so you can be put in an electronic registry because you had the nerve to want to buy ammo. Yeah, that's another bill, another Jersey special. In other words, they are creating a computer registration database, not just on guns, but on ammo as well. And look, there is no way to track serial numbers or anything about ammo anyway. It is just that you are on record of buying ammo. How does this have anything whatsoever in any way to do with crime? It does not in any way. It's just bigoted gun owner harassment again. This is what they are all about, and there is a package that they put forward to make this happen. When we come back, I'm going to tell you about more things to be aware about.

Speaker 3 14:10

For over 30 years, Attorney Evan Nappen has seen with rotten laws due 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*, a 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, the 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 15:25

You're listening to Gun Lawyer with Attorney Evan Nappen. Available wherever you get your favorite podcasts.

Evan Nappen 15:40

Folks, welcome back to Gun Lawyer. Thanks for being a listener, I really appreciate it. Make sure you tell your friends, listen to Gun Lawyer and subscribe to Gun Lawyer wherever you get your favorite podcast. You can check us out at www.gun.lawyer. So, we are talking about how New Jersey and the anti-gun bigots are after us and after our rights. They are proposing new laws with all kinds of sneaky provisions in it to go at us. But I also see their attitude and their agenda come forward even in the courts, and even in the enforcement and prosecution of these anti-gun laws. Sometimes it is just mind boggling to see the degree that they will sink to.

Evan Nappen 16:41

I received a letter from a listener. Ron said Hi, Mr. Nappen. Thank you for all you do for the citizens of NJ. Without you, we probably wouldn't have them, or at least banning by obfuscation because non-lawyers can't figure out the statutes. I attended a talk you did in South Jersey. You had mentioned that a CEO of a pharmaceutical company had an MSR with a stock that was not pinned enough. Could you mention that in a future podcast and if any case law happened to address this. Thank you and have a great holiday season. Well, thanks for the letter, Ron.

Evan Nappen 17:30

Yeah, that is an interesting situation in the case, and it goes to what I am talking about here. In this case, a client was charged with unlawful possession of an assault firearm. Now in New Jersey, assault firearm is a very serious charge. It's so serious. It is mind boggling how serious it is. It is a crime of the Second Degree which is felony level in Jersey. There are four levels of crime in Jersey: first degree, second degree, third degree, and fourth degree. First degree is for murder, and second degree is below the first and that is where they put possession of assault firearm. Then you have third degree and fourth degree felony level offenses. Even though they don't call it felony. This is what we have to deal with. They put it at this super high level, and they make it so draconian in its penalty. Mere possession of a gun that would be legal just about everywhere else in America, is illegal in New Jersey and carries up to 10 years in state prison. Even worse, it has a minimum mandatory three and a half, three and a half years, with no chance of parole. It is really outrageous.

Evan Nappen 19:13

New Jersey defines an assault firearm by way of a law that had an unconstitutionally vague provision called substantially identical. After litigation, this term substantially identical was determined to be regulated by an Attorney General opinion that was promulgated that incorporated the 1994 Federal crime bill language, creating the "offending features" test. So, this offending features test says that a semi-automatic rifle in New Jersey that uses a detachable magazine can only have one offending feature. If it has more than one, it's an assault firearm. The offending features include a pistol grip, a folding or telescoping stock, a bayonet mount, a threaded muzzle, a flash suppressor or a grenade launcher. Yeah, grenade launcher. I'm going to go out grenade launching this weekend, should be fun. So, anyway, this is the thing that they look at.

Evan Nappen 20:43

In this particular case, this individual had an AR platform-type gun that he had purchased from a dealer in New Jersey that was New Jersey compliant. This is a guy with no priors, a total law-abiding guy. No problems ever before. He and his wife had an argument, and the police came, which is standard in Jersey. They take everything, take all the guns even though there was no injury, and no one wanted to pursue anything. It did not matter. They just do it and sort it out later. Since one of the guns was this AR, they actually indicted him for possession of an assault firearm. He bought it from a dealer. It is Jersey compliant. So, I went to the prosecutor and said look, this gun is Jersey legal. He bought it from a dealer. He had a firearms ID card to make the purchase. He is a law-abiding guy, never any priors, everything's fine. He should not be indicted. He should not be charged. This is wrong. I said you are going by the Attorney General opinion, and you are using the features. The stock on it was pinned. It had an m4 type, telescoping stock, but it was pinned. It was pinned by the dealer. It was all done right. Then it had a muzzle brake, not a flash suppressor and that was pinned and welded on the muzzle. It was Jersey legal.

Evan Nappen 22:27

This prosecutor said Oh, yes, we know that it's pinned, but it's "not sufficiently pinned". What? Where do you even get sufficiently pinned? That is not even anywhere. It's pinned. It shows the intent - 100% - that it's fixed. She's like, oh no, it's not sufficient because it could be knocked out, it could be. I go. This is so absurd; it is beyond belief. I said, you're looking to ruin this man. Looking to ruin his career, family with kids, ruin their lives. Put Dad in jail for a minimum mandatory three and a half years over a gun that he legally purchased with a firearms ID card that went through a dealer that was Jersey compliant because you're saying it isn't, "sufficiently pinned" even though it's pinned. And even if it didn't have any pin, because the stock could move two or three inches back and forth. That makes this gun intrinsically evil. And this man needs to be put in prison and have his life ruined for three and a half years. Are you about justice or not? And you know, I guess it got to the prosecutor because they thought about it and maybe snapped them into reality that their agenda driven, bigoted hatefulness of gun owners needs to end and not be taken out on law-abiding citizens with legally acquired firearms. Because we were able to successfully resolve that case.

Evan Nappen 24:22

But I'm telling you, this is what we are up against in New Jersey, and it's spreading. It's spreading through the states that do not respect our rights. This is why you have to pay attention to the horrible

rotten states like Jersey, and what they do and the attitude. Because this is what the anti-gunners want to impose on the entire United States. They want this narrative, and they want this agenda. And you had better wake up and realize it. I know you may say to yourself, well thank God I don't live in New Jersey, and I can understand that sentiment. But you still better know what's going on here because this is the beginning. This is the cancer first spotted. This is what we got to end, and we got to stop it. We got to have our frontline battles. That's where they're taking place in these bad states like New Jersey. New Jersey is up there as one of the number one states people are leaving, that are fleeing, that are moving away from. What do you expect? Look at how our freedoms are treated. Look at how things are done here.

Evan Nappen 25:43

When was the last time in Jersey, we heard about somebody where they actually passed a gun law where law-abiding gun owners gained freedom, law-abiding gun owners gained freedom? I don't know. I can't even think of one. When does this happen? It doesn't. Because the agenda is always take, take, take, and make it harder and harder. Go after the law-abiding and ruin them and end the Second Amendment because somehow in their brain, in their twisted mind, they think that stopping people from having guns, from owning guns, from having any gun is somehow doing good. But it isn't. It's the opposite. It's doing evil.

Evan Nappen 26:38

You will see this come out when they do their so-called gun buybacks. We have taken so many guns off the street; really, off the street. You know, it's really useless. It has no impact on crime, those things. But what is the message that they're saying? The message is saying that every gun is a bad gun. It's a bad gun, every gun. By removing it, by getting it out of society, we're doing good because we're getting rid of guns. We make the item intrinsically bad. Therefore, we focus on that and not on the actual problem. Because that takes hard work, not on actually going after crime and criminals. No, for that, it is just the opposite - that runs rampant. Instead, we sell the public this false, look what great work we're doing. Look what a great job we're doing with a pat on the back. Wow, what a great job. We got these guns off the street. It's laughable.

Evan Nappen 27:46

Any one of us that understands guns and what it's about, knows it's a joke, and it's laughable. If they take themselves seriously and actually think they're accomplishing something, please. We know that's not true at all. And yet this is pushed over and over and over again. The problem is when good people get hurt and that's really the biggest problem. Because otherwise, we can just laugh at it. But no, good people get hurt and our rights get harmed. That's why we have to stay vigilant. We have to keep up this fight, and it's nonstop. It's nonstop. But it's there to be had, so we have to do it, and we will. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 28:52

Gun Lawyer is a CounterThink Media production. The music used in this broadcast was managed by Cosmo Music, New York, New York. Reach us by emailing Evan@gun.lawyer. The Information and opinions in this broadcast do not constitute legal advice. Consult a licensed attorney in your state.