

Gun Lawyer -- Episode 66 Transcript

SUMMARY KEYWORDS

gun, hollow, smart, guns, firearm, nose, ammunition, exemptions, new jersey, gun rights, smart gun technology, jersey, lawyer, law, second amendment rights, exempted, technology, mandate, banning, home

SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

Hello, I'm Evan Nappen and welcome to Gun Lawyer. This is the Shot Show week in Las Vegas. The Big Shot Show is where all the major manufacturers display their wares. The shot shows are a lot of fun. If you are able to go to one, it is a blast. There are all the new toys and all the new things to see there. And it's in Vegas, which, of course, is fun in itself. Unfortunately, this year, I could not make it to the Shot Show, but I've been to plenty of them. It's always a great trip when you go but this year couldn't happen. Yet, I've been following very closely the developments because it's at the Shot Show where the manufacturers reveal their new products, new offerings, things that are going to impact the industry. It's great in that regard.

Evan Nappen 01:22

One of the things that hit it the show by a couple of different makers is the Smart Gun. That's right, folks, the old smart gun. A gun that supposedly can only be fired by one user. And if any of you recall watching James Bond Skyfall. Even though I've always enjoyed James Bond, you know that James Bond, the modern ones, are a major propaganda mill for the left. Whatever issues they are looking to push. It often has left wing, even woke things, especially the new ones put right into it. So, when you want to enjoy a modern James Bond movie, you have to set that stuff aside. But in Skyfall, James Bond was issued a Smart Gun. Here was the propaganda push. Put into Bond, which is something they do.

Evan Nappen 02:32

If you recall the scene where Bond has to fight the bad guy and he takes out the gun, but he loses it in the fight. The bad guy gets the gun and is going to use it against James Bond. And lo and behold, it does not work for him because it is a Smart Gun. The bad guy is dragged off by a Komodo dragon. I think you remember that, right? But what's funny is in the same movie, there's a scene where there is a major attack on the Parliament. The bad guys are there, and the cops are there. Bond gets a hold of guns that are not his, and he uses them to defend against the bad guys. Guess what? If they had had Smart Guns, if the police had Smart Guns, Bond would not have been able to do it. He would not be able to actually defend them. In the very same movie, by the way.

Evan Nappen 03:44

So, I guess you must have the Smart Gun only on the right occasion - when your opponent might be eaten by a Komodo dragon. Then maybe Smart Guns are the way to fly. But, generally speaking, normal theory is that it is not about the gun but about the user. That is where it comes down to this. I am going to say this now about Smart Guns. You may find it a little surprising but let me be really clear here. I am pretty pro-gun. I bet you guys have noticed that I have a solid belief here in our Second Amendment rights and our right to keep and bear arms. I am not usually one that would have any support or desire to ban firearms or have any kind of gun ban or support anything along those lines. But there is one exception. There is one exception that I have. And that one exception is I want a ban on Smart Guns. That's right. I would support a federal law banning the creation and sale of Smart Guns, so-called Smart Guns.

Evan Nappen 05:09

You may say, well, why? Look, Evan, maybe for some people it's really good for their needs and maybe it would help them. And this is what they might claim. I understand. Even national groups that are pro-gun have not taken a stand to ban Smart Guns. They are neutral. What they all are against is government mandating anyone using a Smart Gun and being forced to have it as the only gun. I can understand that. Sure, I don't want government mandates saying that is the only gun. But the problem is that is exactly what the plan is. And it's not just me speculating that some evil rights takers are planning to use Smart Guns to do this. They have already revealed their hand. They have shown their cards.

Evan Nappen 06:07

They showed it in New Jersey by Loretta Weinberg. The notorious anti-gunner got passed and signed into law, the very first Smart Gun mandate law in the country. It was done in Jersey. It said, once there was an identification of the smart gun technology that could meet the definition under New Jersey, it became the only handgun a dealer could sell. Period. The only gun - even collector guns would have to be retrofitted with this technology. It was an absolute requirement mandate and to wipe out all other gun sales, so that only this type of firearm could be sold by dealers. It was an outrageous law. It was so bad that even though she was a champion of anti-gun and take away Second Amendment rights, and anything that could be done to disarm us, she faced criticism, severe criticism from her own anti-gunners. Saying, look, you should not have done this because now we are not getting Smart Guns made. Because anytime anyone would come out with a smart gun, they say see that law in New Jersey, you are going to cause a gun ban in that state.

Evan Nappen 07:37

Now, you may think, money wise, some greedy businessperson is going to do this so they can corner the gun market in Jersey. But in the past Smart Gun attempts, manufacturers were shut down because individuals said we are not going to buy this. We are not going to do this because of the threat that smart gun technology holds. Well, that Loretta Weinberg law was repealed, and she supported the repeal of her own law. Now, why would this anti-gunner want her law repealed? Because she knew that it was damaging their plan to take away our gun rights with smart guns. They changed the law in New Jersey so that once smart guns are out there, it is not the only gun a dealer has to sell. The dealer just has to have one available for sale. Once the technology is there, every dealer has to at least offer it.

Evan Nappen 08:45

Folks, that is the essence of the problem. You see right now the first step in taking away our rights is to get them in the marketplace and have them offered for sale. Once it's out there, then we creep in with the mandates. Then we creep in with the requirements. We creep in with the incentives to have these. Until finally they go back to their original plan and make the Smart Gun the only gun. Even collectible guns or previously owned guns or any gun that does not have the technology. And you may say, wouldn't that make guns safer? No. What it is going to do is take away your safety because now by way of electronic and computer technology, the government can assert its control to literally, eventually just turn off your gun. Turn it off. To bar you from being able to even use your firearm and to mandate technology to make registration and confiscation even easier.

Evan Nappen 10:02

Smart Guns are one of the greatest threats to our Second Amendment rights that's out there, pending and wanting to happen. It will be nothing less than a tool of the anti- gunners to take away our gun rights. You have got to look at that future implication of it. As already expressed in New Jersey and then repealed to cover up their overshooting of their issue, in their intentions. It's been revealed, folks, we know their plan. The development of Smart Guns only furthers their plan to take away a right. So, I want to see a national federal law banning Smart Guns. That's right.

Evan Nappen 10:57

Because let me tell you something, folks. If you say, well, this may stop, it may be a safety thing, and then somebody, a third party or a kid, gets a gun and can't use it to harm others. Here's what I say to you. If this person is so irresponsible that they have to depend on this technology, they should not be a gun owner. Because gun owners need to be responsible. You cannot rely on any technology and to force the technology because of the lowest common denominator so that it can be the threat that it is to our gun rights. No, our gun rights have to take precedent. The key here is that the individual has to be responsible. Can you imagine saying such a thing? The individual has to be responsible. Yeah, that's what it has to be. Because Smart Gun technology is not going to be the savior of preventing gun accidents. It's going to be the tool for our own demise.

Evan Nappen 12:13

Second Amendment gun freedom and the building of these things is not a suicide pact. It isn't something we should just say, oh, that's great, design it, make it, rah rah, it's another gun. No, this is a danger. It's a serious danger. It's a danger that we know from them already having passed and then repealed laws on this very topic. This is where they're going with it. Anyone who buys a Smart Gun is doing a disservice to the Second Amendment. If you are not competent enough to have a firearm, safely handle it and store it, then you should not own a firearm. Smart Gun is a danger. It's nothing less than an absolute danger, a plan and a ploy to go at our rights, and you have to recognize it.

Evan Nappen 13:15

And I'll tell you what. You look at situations or any claims that they have, and my first thing, even if we say this technology, oh, yeah, you want this out there in the market, here's the deal. How about you mandate that all police carry these? Oh, guess what? In the original Smart Gun bill, police were exempt, exempt. Now, why are police exempt? You would think with handgun retention arguments out

there, and cops having their own guns used against them that this would be wonderful for law enforcement. They were exempted, exempted, because smart gun technology fails. When you need it most, smart gun technology is unreliable. Even the new stuff that is come out now. They are already showing how it's unreliable. If you want to rely on a firearm that you are trained and competent with, the last thing you want is for it to fail. Well, that's what you get with smart gun technology as well. Even in your own individual position on firearms and what's right for you in your household. Do you want your gun to work when you want it or not? Think of that too. So, there's a big picture and there's that picture.

Evan Nappen 14:40

The other cute thing about Jersey's old smart gun law was that there was immunity given to the government for mandating it. They had to make sure that you couldn't sue them after you ended up dead because they required you to have a so-called smart gun that didn't work. Yeah, this is all out there. Smart Guns are bad news, period, folks. Bad news, and it is the one gun ban that I support. When we come back, we are going to take a look at some interesting emails that have been sent to me. I think you'll enjoy our next discussion.

Speaker 3 15:28

For over 30 years, Attorney Evan Nappen has seen what 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 16:43

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

Evan Nappen 16:58

Hey, welcome back to Gun Lawyer. I want to thank all my listeners for being loyal listeners and making sure that they subscribe to this and have their friends listen so we can get the word out. Get the word out while I am currently in the Facebook Gulag for 30 days for political speech. Gee, I'm so shocked. This is why we do this Gun Lawyer podcast. It lets us tell the truth, and I really do appreciate our listeners so much.

Evan Nappen 17:34

From one of our listeners, I got an interesting email here, and I want to discuss it. It is from Richard and Richard asks regarding hollow point bullets. Hello, Evan hope all's well. I've heard mixed things about hollow point ammunition in Jersey. How legal is it for a citizen with a New Jersey FID card and a

handgun permit, who does not work for law enforcement, to possess and use hollow point rounds at the range or home defense? Essentially the question is, what's the law on hollow points in Jersey. It is important to understand Jersey's hollow point law. Whether you live in Jersey or not, these are the kinds of things you have to know about so that you do not have your state become the horror show that New Jersey is. So, understanding New Jersey's ridiculous laws can actually be beneficial no matter where you live.

Evan Nappen 18:34

New Jersey is one of the few states that actually has a prohibition on hollow nose or hollow point ammunition. Now, in the title they talk about Dum Dum or hollow nose ammunition. But Dum Dum is not defined in Jersey's law as to what they are talking about. I assume they are just talking about the Governor, but whatever. The original Dum-Dum bullet came from Dum-Dum Arsenal which has nothing to do it. I don't think they are banning ancient ammunition from India. So, whatever that means it's undefined, but hollow nose is simple enough. Hollow nose would be a bullet that has a hollow nose, a hollowed-out hole. I am sure that the listeners have seen hollow nose ammo of all sorts of configurations whether it's a simple hole in the front. I remember with a hollow nose bullet law there was a manufacturer of hollow nose slugs, 12-gauge slugs, and the slug hollow nose was essentially a little dimple on the front. It was barely anything; it was like a dimple of a hollow. I remember writing to them on behalf of an organization asking if they would change the name on their box. Quit calling it hollow nose when they are not hollow nose at all, and this creates problems in Jersey. They wrote back and in so many words said too bad for Jersey, it's good marketing, which I guess that's what they are about.

Evan Nappen 20:21

Hollow nose is troublesome because although New Jersey prohibits hollow nose ammunition, they don't outrightly completely 100% prohibit it. They regulate it in the same horrible way they regulate firearms by banning the possession of them and then creating exemptions to the possession that become a defense that you have to show, and the exemptions are rather narrow. Hollow nose ammunition in New Jersey can be possessed in one's home or other land owned or possessed by them, and it can be used pursuant to the activities of N.J.S. 2C:39-6f. which includes hunting and target shooting. You can buy hollow nose from the dealer, and you can bring it to the exempted places after you buy the hollow nose ammunition. Those are the exemptions, folks.

Evan Nappen 21:33

So, if you are outside those exemptions, you are illegally in possession of hollow nose ammunition. But if you are within those exemptions, you are legal. Remember, it's actually hollow nose bullets; so, it does not even have to be a live cartridge, just a bullet head. So, if you are a reloader and you have a box of heads that are hollow nose. Every one of them falls under New Jersey's hollow nose bullet law. I even had a case once in which an individual had one of those dummy hollow nose key rings. It was a dummy cartridge which is drilled through, and it has a hollow nose bullet head. It is completely an unfireable round. It was a key ring. He went through a metal detector, and they said oh look at this. They indicted him for possession of a hollow nose bullet that was a dummy on a key ring. It's unbelievable. Remember, a hollow nose ammo violation in New Jersey is a felony level offense. You face up to 18 months in state prison per bullet. So, if you are convicted of unlawful possession of hollow

nose ammunition, even if you get away with a \$10 fine or probation, you are now a convicted felon, and you have lost your gun rights for the entire United States. It is part of New Jersey's entire structure to their gun law to disenfranchise gun owners of their Second Amendment rights. Creating this bizarre patchwork of incredibly difficult laws to maneuver and then turning individuals into felons so that they are disenfranchised.

Evan Nappen 23:29

Once you are a felon, it doesn't matter whether you're a felon because you had one hollow nose bullet on a dummy key ring, or because you possessed a slingshot in New Jersey, or a magazine that held 11 rounds because 10 is the limit, whatever that reason may be, you are now a felon, and you lose your gun right through the entire United States, because you are a convicted felon. So, hollow nose is another trap out there, but you are allowed to have them within the exemptions. You have to be very, very careful that you stay within these exemptions. It is so bad that even the Appellate Court decision where our client had firearms and ammunition, and he had them while moving. We won on the legal issues about the guns because they were cased, unloaded while moving, and he had his ammo with him. But the court said, oh, there's no exemption for having your ammunition while moving even though you are exempt to have your guns while moving. Therefore, they said that those convictions remain. And I'm like, you can't have your ammo when you move but you can have your guns? So, folks, if you live in Jersey and you are selling your house, when the day comes to close, and you broom swept the house, and you leave some champagne for the new buyers and you leave all your hollow nose ammunition there. Have a great time with my hollow nose because I can't take it with us. We can't take it while moving, sorry.

Evan Nappen 25:17

Now, of course, the workaround would be since you can have it at the target range, better hope your spouse is very understanding, because the day that you are closing, on the one house and buying the other, you say, honey, listen, in between all this where we are going to be signing papers and going crazy, I need to go to the range. I need to go to the range. For what? On closing day? Yeah, I just need to make a stop there so that way I take all my ammo to the range, and then I leave from the range to the new house. Then I'm good. But as the Court said, you can't move otherwise there's no exemption for moving. This is literally upheld by the Court - insanity on hollow nose. So, be aware of that.

Evan Nappen 26:00

Now some folks have said, okay, so I can have hollow nose in my home. I can have it at the target range. But can I defend myself with hollow nose ammunition in my home? Here's the deal, you are in your home and your home is exempted for possession of your gun. So, you have your handgun in your home. Hollow nose ammunition is exempted also for being in your home. You are possessing the gun and your hollow nose ammunition in your home. You can then load the gun with your hollow nose ammunition. You are still simply possessing hollow nose ammunition and a gun in your home. If you are justified in using deadly force and you shoot that bad guy in which you are justified in using deadly force to do so, then you are legal. You are legal because the gun and the ammo were lawfully possessed by you in your home, and assuming that you were justified in your use of deadly force and therefore can assert self-defense, you are legal. Now, unfortunately, the bad guy who gets shot can still be charged with possession of a hollow nose bullet because there is no exemption for him to have that

particularly in your home. So, there's the added bonus of that. Folks, be very careful with hollow nose. There are some rounds that are not hollow nose that can work like hollow nose and that's a good thing to use.

Evan Nappen 27:54

The State Police specifically put on their website that Critical Duty ammunition by Hornaday and Critical Defense is legal. You can look it up (<https://www.njsp.org/firearms/firearms-faqs.shtml>) The hollow is actually filled with the insert. Additionally, Federal made Guard Dog ammo which is full metal jacket expanding. Again, no hollow nose there. Even though it performs like a hollow nose bullet might perform. Look on the website and confirm that your ammo matches that. Otherwise, make sure you are within exemption so that you don't have a problem and make sure you don't accidentally have any hollow nose.

Evan Nappen 28:51

I had another case where a guy was delivering pizzas, and he parked illegally just to deliver pizza. His car got towed, and they did an inventory search. At the bottom of the glove box was one .22 hollow point that had fallen out after he had gone to the range. He was arrested, charged, and indicted for possession of a hollow nose bullet. One .22 that he didn't even know was in his glove box and had fallen out. So, be very careful with that. It's a fun contraband for Jersey to charge people with. Then they try to paint the picture to juries about how devastating and deadly the hollow point, hollow nose bullet is when in fact we know it's a safer round. It's safer because of over penetration. If you are in your home, particularly, you do not want over penetration. You want the round to do its job, be a one-shot stop, to expel its energy into the target and not go through the target into things you never intended to shoot. That is the advantage of hollow nose. But be careful. Jersey law on it is precarious. Well, this is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 30:19

Gun Lawyer his 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.