

Gun Lawyer -- Episode 75 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

Hello, I'm Evan Nappen, and welcome to Gun Lawyer. We have been following the surveillance that has been taking place at gun shows, particularly at the Pennsylvania shows that are visited by out-of-state residents, particularly from New Jersey and New York. I warned you guys about the problem of the surveillance that is taking place in which individuals are watched by both camera and other means. Then they are followed to the car, and it is checked to see whether they have out-of-state plates. These individuals are followed all the way until they cross the state line and then get arrested for their purchase of what was absolutely lawful in the federal jurisdiction and in the jurisdiction of Pennsylvania, and yet, has been arguably prohibited in these other states. Even though these laws in these other states are direct contradictions to, of course, the right and keep their arms. This is something we all need to be very aware of because you are being surveilled. You are being watched, and this is part of the so-called tri-state effort.

Evan Nappen 02:11

But now there's a new wrinkle to this, and it's in a recent article by John Crump that came out in Ammoland. John is an excellent investigative reporter, particularly on the issues that we care about. His article is "Did NBC News & Pennsylvania AG's Office Commit Multiple Felonies?" (<https://www.ammoland.com/2022/03/nbc-news-pennsylvania-ag-s-office-commit-multiple-felonies/#axzz7Ob6YNpe8>) His article focuses on, yet again, the Oaks Gun Show in Pennsylvania. This is where JSD Supply runs and owns that show now. Those folks were one of the major suppliers of Polymer 80 (P80), and at one point, they were banned from the show. Being American and capitalists and all said, well, you're gonna ban me, I'm gonna buy your show. And that's what they did. They bought the show, and they set up there because the product they are selling is legal under Federal and State law.

Evan Nappen 03:29

Well, NBC News did this "Exposé" where they did a Hidden Camera investigation. More hidden camera surveillance only this by the other branch of the anti-gun movement, you know, the lamestream media. They're doing this so-called investigation where they focused on JSD Supply. They made purchases of Polymer 80s, and there were builds that took place. These builds that took place apparently seem to have been done without following federal law. I would encourage you to read John Crump's article where he gives the details about this. According to this article, the news crew transferred two complete,

readily convertible kits out of parts they purchased separately at the show. ATF had viewed these as "buy, build, shoot" kits as readily convertible and therefore a firearm. ATF even raided a company over the kits. If ATF still keeps that definition, then, according to Crump's article, Hillyard, an out-of-state resident, transferred two readily convertible pistols illegally to the Pennsylvania Attorney General employees to complete.

Evan Nappen 05:14

So, here we see a number of questions raised, including the crime of building a "ghost gun" for others. You are allowed to build a firearm for yourself, and you have been allowed to have a gun made by yourself for yourself since before the country was even a country. Recent laws in anti-gun states like New York and New Jersey have tried to curtail that, but under federal law it had to be a gun that you built for you, not for others. So, this is another thing that apparently went on. Then, as if that's not enough, Gun Owners of America weighed in on this, and they identified other possible crimes committed, including the Pennsylvania statutes that require FFL and PICs, which is the Pennsylvania Instant Check. PICs is a POC, a Point of Contact for NICS, which is a National Instant Check. Pennsylvania's Point of Contact is called PICs. So, what you have as a point of contact is a POC PICs NICS. How do you like that? But basically, no seller shall deliver a firearm to the purchaser thereof until provisions have been satisfied, and when delivered, the firearm shall be securely wrapped and shall be unloaded. Apparently, there was not a PICs NICS through the POC done.

Evan Nappen 07:05

It's also illegal to sell a handgun to a resident of another state without first going through an FFL and apparently a conspiracy to violate Pennsylvania law and Federal law. These are the things in the article that Gun Owners of America (GOA) has put forward as well. Now, you look at all this going on, and they are doing this while simultaneously surveilling gun owners at gun shows. Tailing them and busting them when they go into anti-gun states while the enforcement agencies here get involved with the news media and apparently ignore the gun laws. Because they are above them. And you know, we've seen this repeated before.

Evan Nappen 08:03

We have seen cases where anti-gunners stand there with prohibited items, bring them to the legislature, bring them to the media, and wave around magazines that are actually prohibited. Yet, news media does this, and you never see them prosecuted. I missed the exception in the law that says you can violate any gun law you want, as long as you're doing it to push anti-gun laws. There must be some kind of unwritten exemption in all the gun laws, because this is what constantly goes on. They will destroy law-abiding citizens lives over technicalities and put to the public the claims of how critical and vital these laws are to preventing gun violence. When in fact, we know it has no effect whatsoever, but it doesn't matter.

Evan Nappen 09:20

In their efforts to continue to sell it, they violate the very laws that are on the books, and they don't get prosecuted for it while good people instead suffer. All this when dealing with a Constitutional right. Think about it. It's not a privilege. It's not just something that this legislative body thinks you should be able to do, and this one says no. This is all under a banner of a sacred Constitutional right that they are

constantly screwing with good people. This is what's got to end. This is where the respect for the Second Amendment has to really take form and take hold and become policy. Because the policy now is the opposite.

Evan Nappen 10:29

The policy now is to try to figure out any way that they can crush our Constitutional right and every way they can get away with it. Prosecuting law-abiding citizens, turning them into criminals, disenfranchising them of their rights, having abusive states become traps for those that wanted to be in a state where freedom existed, and using it in this manner. Then constantly putting out an endless stream of propaganda aimed at destroying our rights, and who suffers? The good people suffer. These are our rights, folks. Do you want to lose your right to defend yourself and your family?

Evan Nappen 11:22

Now, more than ever, we see how important the Second Amendment is with what's going on in the world. While they are handing out true assault rifles in Ukraine bona fide Sturmgewehr or select fire rifles, these anti-gunners, out of one side of their mouth, are praising the brave Ukrainians in their fight, which is true. But then on the other side of their mouth, they are banning magazines and semi-auto firearms of law-abiding Americans and creating this entire environment of attacking our Second Amendment rights. They win the hypocrisy prize. The Congressional Medal of Hypocrisy gets awarded to these folks without a doubt. But you, as an individual, have got to be vigilant. You have to know what's going on. You have to be careful, really careful at these shows, because they are intent on setting people up. As you watch the propaganda unfold, know what you are looking at, and make sure that you communicate to others just what a load of garbage it is. That's what this show helps to do, and that's what we are all about. Be back in just a minute.

Speaker 3 13:04

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, 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 14:19

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Evan Nappen 14:36

We really enjoy getting letters from our listeners. We've gotten some really good questions that have come in, and I want to share these with you. This comes from Anthony. Anthony asks, regarding out of state "gun purchases", is it legal for a New Jersey resident with a valid Firearms ID Card to purchase air rifles and air pistols out of state and then bring them back to New Jersey? That's a good question, and the answer, essentially, is yes, it's legal. But I need to explain why and why this is even a question. Because in New Jersey, air guns, BB guns, pellet rifles, they are regarded the same and are in fact defined as firearms.

Evan Nappen 15:49

So, in New Jersey, in order to acquire air guns, air pistols and air rifles, within the state of New Jersey, you need to have the same gun permits and gun licensing that you would need for an actual powder-firing firearm. What you go through to get a pistol purchase, and by the way, one gun a month applies to that same pistol purchase. If you buy one handgun per permit, you're allowed to get one permit to purchase the handgun. And it is an onerous procedure of a multi-question application with references being required, a background check, fingerprints. All that, so that you can exercise your Constitutional right to have a handgun.

Evan Nappen 17:06

If you wanted to buy a Daisy BB pistol, you have to go through all that and use a pistol purchase permit if you're going to acquire it in New Jersey. If you're going to buy a long arm, like a rifle or shotgun, you need a Firearms ID card. If you're going to buy an air rifle or air shotguns, you need a Firearms ID Card if it's going to take place in New Jersey. That means filling out all the paperwork for a long arm acquisition, and whether it's an air pistol or air rifle being acquired, you go through a NICS check. The dealer still has to put that through on you. It's crazy. But this is this whole process.

Evan Nappen 18:02

Yet it is absolutely legal to acquire outside the jurisdiction of New Jersey, depending on where you are, an air gun or air rifle in that other state. Let's just use Pennsylvania. If you acquire your air pistol in Pennsylvania, without a pistol purchase permit, because that's not necessary in Pennsylvania, it is not an issue under Federal law, and it's not an issue under Pennsylvania law. You have now acquired the air gun lawfully in that other jurisdiction, and you then can transport it back to New Jersey because you're going under the exemption from place of purchase, which is Pennsylvania, to your home in New Jersey. That is exempted for transport from place a purchase to your home, and your home is exempted for possession. So, you now can possess the air gun in your home under the same exemption that you would possess the air gun if you acquired it in New Jersey with a pistol purchase permit. Because a purchase permit is only for acquisition. It is not a possession permit. New Jersey does not have a possession permit. It's only an acquisition. It allows you to acquire in New Jersey, and it is "a form of register" but what is being registered is the acquisition, not your possession. New Jersey does not have possession registration, just the purchases that take place in Jersey on a pistol purchase permit. So, if your acquisition is outside the jurisdiction of New Jersey, that's fine, as long as you are obeying the laws there.

Evan Nappen 18:47

Then the only thing that New Jersey can be concerned with is your possession. Is your possession lawful? And that has nothing to do with whether you have a pistol purchase permit or not. It's whether you are within exemptions, and exemptions include possession in one's home. Possession can include transporting from place of purchase to home. Exemptions also include the target range, going to the target range, and hunting, if appropriate for hunting. Now there are rules for the transport that apply to firearms, and they apply to air guns. But your acquisition outside the state of New Jersey is not controlled by New Jersey at all, because it's outside their jurisdiction. Therefore, it's lawful. You don't have to waste pistol purchase permits, and obnoxious, ridiculous licensing to make acquisitions of BB guns. You are allowed to do this.

Evan Nappen 21:27

Now in another letter I got asked essentially the same question, but does it apply to antique and black powder firearms? The answer there is the same. Antique and black powder firearms are not regulated under the Federal law or Pennsylvania law, or whatever state that you are in, depends on that jurisdiction. You can then acquire these firearms outside New Jersey without the permits, without licensing, and you can bring them back and keep them in your home by way of the exemptions. That's what exemptions are for. Again, New Jersey does not have a possession permit. New Jersey only has a purchase permit for guns that are purchased within the jurisdiction of New Jersey.

Evan Nappen 22:24

So, black powder pistols and black powder rifles are the same and treated the same as air guns, air pistols, air rifles, because Federal law does not cover them. In states that follow the federal law, it's not a problem. It's just that New Jersey goes extreme. New Jersey puts in their definition of firearm, air guns and antique firearms and anything that walks or crawls that they can somehow make out to be a gun. They try to jam it into being a firearm. But that's not how it works under the Federal law, and it's not how it works in the majority of the states, including our neighboring state of Pennsylvania.

Evan Nappen 23:16

Now, you may say, well, Evan, you just talked about individuals who are lawfully acquiring so-called ghost guns and parts kits so they could build guns privately. And that's legal under Pennsylvania law and legal under Federal law. How come they are busting people coming into Jersey? Well, that's because New Jersey flat out prohibits them. There is no exemption at all for ghost gun possession. It's not exempted while there is exemption for handguns, rifles and shotguns, and therefore the exemptions that apply to them. Since they are viewed in the same category as air guns and black powder, the exemptions apply. There is no exemption for those others and that's why they are getting away with the scams of following and setting people up to destroy them and attack Second Amendment rights.

Evan Nappen 24:17

For air guns and black powder, this is absolutely the way. But you cannot have these things shipped to you in New Jersey. If you order something online and it comes in, now you are making the acquisition in New Jersey. You need to travel out of state and make the acquisitions in the other jurisdictions. Because if you do acquire in New Jersey, now New Jersey can assert jurisdiction and can make a claim that you violated the law by acquiring the air gun, the BB gun, the black powder gun without the acquisition permits and licenses. So, that's the difference. It comes from a very fundamental principle in

law. It's about as fundamental as it gets. It's called jurisdiction. And what is jurisdiction? Jurisdiction is power. It is power.

Evan Nappen 25:34

Where does New Jersey have the ability to assert its power, to assert its jurisdiction? It can assert it within its borders, within New Jersey. It is extremely difficult and, in most cases, impossible to assert jurisdiction outside of their borders. When it comes to the acquisition of a firearm that takes place outside the jurisdiction, New Jersey cannot assert its power and cannot demand its acquisition licenses and permits for the out of jurisdiction acquisition. Once you cross the state line, New Jersey can assert its power and jurisdiction over you. But you are no longer making any acquisitions. You are simply possessing, and now New Jersey's laws regarding possession will apply. In those laws, we find the exemptions, and that's what allows for your transport and your possession. Let me tell you something. I have proven this multiple times in New Jersey. I have had individuals charged or indicted for possessing firearms that were acquired out of state, and these get dismissed because they were possessed in their home and were legal.

Evan Nappen 27:12

New Jerseyans often have a New York mentality that every gun is registered. New Jersey does not have that. It is very counterintuitive. There is no mandatory possession registration. The only thing registered is purchase, not possession. Unlike New York, where every handgun is registered, and then when you get rid of it, it's unregistered. There is no unregistration in New Jersey of an acquisition. And that's just it. It's registered when you acquired it. No one says that it means you still have it simply because it was originally registered to you in your acquisition. In New Jersey, there isn't even such a law that you could be charged with such as possession of an unregistered handgun. That law doesn't even exist. Yet so many people think it does, but it doesn't. It's not how it works, and that's why you listen to this show to understand how it actually works. There is just so much misinformation and counterintuitive garbage out there. But I've lived it; been in the trenches, in the courts, and have won on these very issues that we are talking about here. I understand how these laws work. Until next time, remember, gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 28:45

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