

Gun Lawyer -- Episode 89 Transcript

SUMMARY KEYWORDS

firearm, register, gun, new jersey, bill, serial numbers, requiring, gun laws, stamping, crime, guns, criminals, bmg, dealer, state, lawful, law, inoperable, folks, bushmaster

SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

I'm Evan Nappen, and welcome to Gun Lawyer. Well, today, folks, I am going to tell you all about Murphy's seven deadly sins. That's Governor Murphy and his most recent package of seven useless, ridiculous, stupid gun laws. Gun laws that turn more law-abiding citizens into criminals and do nothing. Zero, zilch, nada, about crime. It has nothing to do with crime. It has no effect on crime and criminals. It is just his anti-gun bigotry, his hatred of you and me, his absolute zealot devotion to an agenda of destroying the Second Amendment.

Evan Nappen 01:14

Of course, he's got a big surprise coming, because simultaneously with him signing the seven ridiculous legislative acts. Of course, he's not alone. The legislature passes these things and gives them to him to sign. So, they're just as much to blame. But on that flip side, as you well know, we had that great, wonderful decision by Justice Thomas. That is the hammer that will eventually destroy all these gun laws, and more, substantially more. But till that happens, you've got to know what they say, and you got to know what these bills do. You've got to protect yourself because I don't want to see any one of my listeners, actually, I don't see anyone, become a victim of New Jersey's notorious anti-gun laws. But that's what happens. Every day, I get another case, more than one every day, of individuals that are turned into criminals, have their lives turned upside down over these horrible gun laws. Of which the lamestream media never gives any attention to these good people that have their lives facing ruin by New Jersey. It's no exaggeration. I see it every day. So, I don't want you to become a victim.

Evan Nappen 02:39

One of the reasons you listen to Gun Lawyer is to protect yourself, and I'm going to do that today. I'm going to give you the outline and explain these bills to help you navigate through the newest onslaught. So, let's jump right into it, folks. Let's start with the so-called 50 caliber ban. Yes, New Jersey has banned 50 caliber firearms and they've set out an interesting matrix and grid in the way they are doing it. They've made possession of a 50 cal firearm a third-degree crime, which means you're looking at up to five years in state prison for your possession of one.

Evan Nappen 03:25

Now there are provisions in the bill to work around this ban for current lawful possessors. It mirrors in effect the 1990 assault firearm bill and what it did, in which it established certain procedures. I want to review with you so that if you are a current possessor of a 50 cal, I will lay out for you what you can do to remain legal. This is very important because I don't think any of you want to face five years in state prison for a firearm that you lawfully purchased legally and possessed with no problem, but New Jersey has decided to turn you into a felony level criminal over that behavior. So, before we get into the definitional aspect, I want to tell you that New Jersey has confined this bill to essentially what we know as 50 BMG. Now there have been prior attempts at banning 50 cal that were so broad and over breath, they brought in everything - antiques, muzzleloaders and all kinds of stuff. Well, this bill does isolate the definition down to essentially the 50 BMG centerfire cartridge firing firearm. So, again, it's no reason to cheer, but it does show that our efforts over the years have paid off, because the bill is limited to 50 BMG.

Evan Nappen 05:16

But that's still a problem. It's still stupid. It's still something that turns law-abiding citizens into criminals. And, you know, I missed the rash of Seven Elevens being held up with 50 BMGs. Have you seen that lately? Or, you know, any of these street crimes or anything happening. As a matter of fact, when have these even being used wrongly? They're not. It's a solution looking for a problem. So, they create the problem, and the problem is turning you and me into criminals. That's what they do, and this is how they sell it. Oh, look at what a great job Murphy is doing. Patting himself on the back every day over his gun control efforts.

Evan Nappen 06:07

So, it's limited to 50 BMG, but what firearms are actually covered by 50 BMG? Because you may just think the Barrett 50. That's it. The Barrett 50. No, it's way more than that. Here's just a partial list I've gleaned together of various 50 cal firearms that fire the 50 BMG. All these are brought in under this new ban, whether it's a Barrett Model 82 carbine version or the rifle version, a Bushmaster BA50, or a Serbu Firearm BFG-50. These are all 50 BMG guns. Then you have the Accuracy International AS50, Accuracy International AW50, Accuracy International AX50, ArmaLite AR-50 (a very popular bolt action), Arms Tech Ltd TTR-50, and Barrett M95, Barrett M99. We talked about the Barrett M82 and also the M107, the Bushmaster BA50 which we mentioned. Cadex Defense CDX-50 Tremor, Desert Tech HTI, DSR-50, Gepard anti-materiel rifle, McMillan TAC-50, OM 50 Nemesis, the PGM Hecate II, the Pindad SPR-2, Ramo M600, the Robar RC-50, the Serbu Firearms (not only the BFG-50, but also BFG-50a, and the RN-50), Snipex M, Snipex Rhino Hunter, Steyr HS 50, the WKW Wilk, and the Zastava M93 Black Arrow. And last, but not least, is the Triple Action Thunder pistol. Yes, there's actually a 50 cal pistol. You would be quite insane to shoot it. But if you own one, and I guess it's pretty cool to own one, Murphy's put you on the list.

Evan Nappen 08:39

So, what do you have to do if you own any of those guns or any other gun? Even custom-built gun. If it's a firearm and it's capable of firing that 50 BMG, well, here's the deal. You are going to have to register it, and you have one year to register it - from July 5, 2022, which was the enactment date of the bill. So, by July 5, 2023, you better have registered your 50 BMG. In order to register it, you go to your municipality or the Superintendent of State Police, if you don't have such a municipality. The State

Police are going to promulgate forms just like they did for the assault firearm registration. There is no \$50 fee as there was with assault firearms. He originally proposed it, but that was cut. But you still have to do this registration form and you have to do it within one year.

Evan Nappen 09:42

Once you have a registered 50, then you now subject yourself to liability. Because if, and this is right from the law and I find it kind of interesting, a prohibited firearm registered pursuant to this section is used in the commission of a crime that registrant of the prohibited firearm shall be civilly liable for damages resulting from that crime. So, they're imposing a civil liability for registered 50s. Interestingly, there is no civil liability on unregistered 50s. So, only if you register it, do you get this. If it's unregistered, you can be charged with a crime, but you avoid civil liability. Now, this civil liability can be avoided if it was used in a crime, and you reported it stolen within 36 hours. New Jersey has a law that you have to report any firearm stolen within 36 hours. And if you lawfully transferred it in some way prior to the commission of the crime. So, keep in mind, this is what they're doing now.

Evan Nappen 10:58

They also have a real fancy, handy dandy, provision that says: guess what? If your heirs inherit this gun, well, unfortunately, if they inherit it, they have only a short window of time in which, that is 90 days, to dispose of the firearm in accordance with the provisions of the bill. And that disposal that the heirs have to do within 90 days of registered assault firearms. Remember, it's an unregistered assault firearm, the heirs don't have to dispose of it. But, of course, they've possessed in New Jersey and that could be a problem because then they're criminally in possession. But if you lawfully possess an unregistered 50, outside the state of New Jersey, such as in a state that respects the Second Amendment more than New Jersey does, like say Pennsylvania, then you don't have to register this, and your heirs can still inherit it. There is no requirement because it's not a registered BM 50. Only registered ones fall under this heir prohibition and requirement.

Evan Nappen 12:13

But what do heirs have to do? Well, heirs have to do the same thing that you have to do, if you choose not to register. If you choose not to register, you're given one year to transfer the firearm to a person or firm lawfully entitled to own them. In other words, you can get them to a dealer or to somebody else who is legal to have that in some way. They don't explain that one. Well, you can render the prohibited firearm inoperable, and I'm going to talk about that in a minute. Or you can voluntarily surrender it. Hey, there's a great idea, folks, voluntary surrender.

Evan Nappen 12:50

You can turn in your \$10,000 plus 50 cal rifle. Just give it to the police and take the hit. Why not right? Because on voluntary surrender, you don't get paid for it. You just give it up, and that sounds like just a dandy idea, doesn't it? I'm assuming most of you aren't going to voluntarily surrender your rather pricey 50 BMG rifle. Instead, you're going to register it or you're going to render it inoperable. Now, the rendering inoperable still requires that a certificate be filed. The certificate has to certify that you've rendered it inoperable, and you can't have the parts or pieces that make it operable. So, I don't see any advantage to rendering inoperable when you can just register it. You are going to have to file paperwork, whether you render it inoperable or register it. So, if your intention is to paper this gun in the

way New Jersey is suggesting, then register it for free, and do it within the year, so that you don't possess something that can, again, be a trap and turn you into a law-abiding criminal. So, that is the new 50 cal ban signed into law.

Evan Nappen 14:07

Now, that's one of seven bills. The other bill I want to talk to you about as we go down the list is what were called the mandatory training bill. Yes, New Jersey has passed a law that requires a training course, completion of a training course. A course of instruction in the lawful and safe handling and storage of firearms. I'm sure that'll be just a propaganda loaded course, that you're going to have to take. You are going to have to take that if you want to get a new Firearm Purchaser ID Card, or a new Handgun Purchase Permit. You must have had within four years, by the way, prior to the date of that application, one of these courses. So, training is now yet another hurdle put between you and your exercise of your Second Amendment rights. Some of you may say, well, training is a good idea, and it helps people. I'm all in favor of training, but what I'm against is mandatory training. Because once you mandate it, and then you have the government involved in setting out what constitutes the proper training, and then on these issues, it is used as a tool to deny our rights. It is used as a block, as a tool, as a device to screw us out of our gun rights. Think about it. Who is the government requiring this? Oh, New Jersey, oh, we trust them to be fair and reasonable in their firearm regulation. So, training is going to be required.

Evan Nappen 16:11

The Firearms ID card is no longer going to be lifetime but only valid for 10 years. Then you're going to have to renew. Now the one thing that's important to note, though, is that if you have a Firearms ID Card, prior to July 5, 2022, your Firearms ID Card does not expire. You do not require training, to have to go through that course. You don't have to take a training course. You don't have to have that in order to get a new handgun purchase permit, or to replace a Firearms ID Card subsequently. This is all for jamming it to the new guys. So, you may feel happy that, hey, this doesn't apply to me because I got my card before. But that's really selfish, and it's really short sighted. Because everybody that becomes a gun owner is a brother and sister in arms. We don't want to put these hurdles and obstacles there that are unreasonable and make it so that individuals can't exercise their rights.

Evan Nappen 17:32

Now, I'm sure all this is going to get challenged, and I'm confident. I think it's going to be hard for the Government to show that based on history and tradition, and remember, it's the Government's burden, that mandatory demonstration of training was required before the Patriots could own a firearm. Before, like in 1791, there was some mandatory training course the Government was requiring, or in 1860, the 14th Amendment, there was some mandatory training courses that this is some tradition in America. Hardly. But till then, this is out there and anybody new who is applying, is going to have to face this and is going to have to get that certificate, and in fact, have a Firearms ID Card that is no longer lifetime. So, that is two have the seven bills.

Evan Nappen 18:38

The next bill is targeting non-residents. This is a very prejudicial bill signed by the governor where only new folks moving into New Jersey, that instead of getting the welcome mat, they're getting the

requirement. If you want to move to New Jersey and you're a gun owner, you have to register your handguns when you come into New Jersey. Even though residents do not have to register their handguns, and it's lawful to have handguns that are unregistered in New Jersey. We've talked about this before, but any new resident. If you come to New Jersey with your handguns but you're not going to become a resident, then you don't have to register them. But if you come here and you are going to be a resident, then you're required to register your handguns and if you transport firearms into New Jersey that you acquired while residing in that other state, you have to get a Firearms Purchaser ID Card as well. You must apply for Firearms ID Card, and that's part of the registration requirement to be able to lawfully register your handgun. And you have to do all this within 60 days of moving. So, if you move to New Jersey, now you have to register your guns and get a Firearms ID Card, which means you somehow have to get into a training course so you can get the new Firearms ID Card. You have to plan all this just to move here, to bring your guns that you want to exercise your Second Amendment rights. Do you really think that's going to hold up? Especially when it's only on non-residents and not residents. Come on, but it doesn't matter. Hey, any anti-gun law that they can pass, they want to pass, they want to sign it, and who cares? You're who. Let's just do it and force these things down law-abiding gun owners' throats. And that's what they're doing here. So, keep in mind any of you that ever had the misfortune to have to move and become a resident of New Jersey. Oh, my God, just that alone. I feel for you. But now you're going to have to register, get a Firearms ID Card and that means abiding by the new requirements. This takes effect, folks, seven months from the enactment date, which was July 5, 2022. That's when the non-resident discrimination gun registration bill kicks in. Hey, when we get back, I'm going to finish with the four other disasters, these infringements, these disgusting acts passed by the legislature and signed by the governor. You'll be surprised to hear or maybe not so surprised, at just how ludicrous these following bills are.

Speaker 3 19:59

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 23:27

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Evan Nappen 23:43

Hey, welcome back, and thanks for being a Gun Lawyer listener. Thanks for subscribing. We've had tremendous interest and folks are really putting the time in and listen to the show, and I really

appreciate it because we're getting the word out. And it's shows like this today where I want to get the word out so you can protect yourself. So, you don't become a victim. Make sure your friends know and subscribe. Don't miss an episode. Because the information has been coming in fast and furious lately. We've been getting some glorious things and some absolute garbage things. These seven bills are on the garbage side, but you have to know about them.

Evan Nappen 24:28

So, what else did the legislature pass? Well, the legislature decided that making certain offenses such as manufacturing firearms with a 3d printer, 3d printed firearms, or undetectable or covert firearms, or you know the ghost guns (here we go, ghost guns) or transporting firearms without serial numbers, a 3rd degree crime where you face five years in state prison. That wasn't enough, folks, that's not enough for the wrath and hatred of gun owners and guns. Not enough, not enough. No, they had to bump them all to 2nd degrees. So, now you're looking at 10 years in state prison if you have the manufacturing or facilitating the manufacture, whatever that means, facilitating the manufacture of a firearm, using a 3d printer, is a 2nd degree crime. If you distribute the information over the internet on how to do it, it's now a 2nd degree crime. We're talking about data folks. A computer program over the internet is a 2nd degree. It's worse than child pornography now. This firearm manufacturing information is a 2nd degree. It's ridiculous, but it doesn't matter.

Evan Nappen 26:08

They also make covert or undetectable firearms, if you transport or manufacture or cause to be manufactured. Do you know what covert or undetectable is? Some say oh, plastic guns, plastic guns. Yeah, but the covert side. Do you know what that is? Anything that doesn't look completely like a gun? In other words, the North American Arms pager pistol holster. It folds down, it can clip, and then when you open it extends. Oh, that looks like a pager. Or LifeCard which looks like a card or any of these firearms that are lawful. It doesn't distinguish out antique gun, even an antique cane gun. Well, you're looking to 2nd degree now if you transport that. 2nd degree. If you ship, sell, or dispose of it? 2nd degree - 10 years state prison across the board. If you have one of those wallet holster guns, boom. That's covert. Yep, second degree now. Third wasn't enough.

Evan Nappen 27:18

Not only that, here's the real kicker. Transporting a manufactured firearm without a serial number was a 3rd degree - five years - but now it's 2nd degree. Think about this, and I hope you realize that New Jersey has made it a 2nd degree from a 3rd degree to transport a firearm without a serial number, and they did not exempt NSN firearms. So, if you have a No Serial Number (NSN) firearm, which prior to 1960 hundreds of 1000s of shotguns, .22s, do not have serial numbers. They are not required to, and dealers when they sell a gun without a serial number have always used NSN (No Serial Number). Well, your dad or your grandfather or you happen to have picked up at some point an NSN totally legit manufactured by a manufacturer. You know all of them made them. No problem. You find plenty of them that way. No Serial Number. Guess what? Second Degree crime for a gun that was absolutely legal, lawful, and made by a manufacturer. But they didn't exempt pre '68 guns. No exemption for that.

Evan Nappen 28:37

No exemption for unserialized firearms that include in New Jersey, remember firearm includes air guns and BB guns. Do you have a BB gun with no serial number? Plenty of BB guns are made with no serial number. Second Degree crime, if you get nailed with that baby. Black Powder guns. Do you have any black powder muzzleloaders? Maybe one you built yourself. Oh, that's a ghost gun and a no serialized gun. Ooh, you're in big trouble. Now, 2nd degree for that black powder gun or antique that have no serial numbers. There's no distinction. They didn't exempt it. It's a no serial number gun. So, watch out. Jersey has made it a 2nd degree. And there's so much to do with crime. As you can tell, nothing, but it sure will make a lot of law-abiding citizens into criminals and that's their agenda. Make us into criminals and disenfranchise us of our gun rights. Destroy us because not only do they hate guns, but they also hate us. It's evident by these things they pass because if they did care, they wouldn't do this. But they did it.

Evan Nappen 29:58

They also passed ammo registration. Oh, this is just great. Registering ammo, electronic ammo registration. Dealers now are going to have to have electronic ability to register ammunition purchases. They're going to have to register the type, caliber and gauge of the ammunition and the quantity sold, and the name and address of the purchaser and all the other information the Superintendent shall deem necessary for proper enforcement of this chapter. Imagine this now. So, you go to the dealer, and you're going to have to have your electronic registration of ammunition. Oh, good. And records have to be available for inspection. All this is just going to solve crime after crime after crime. You know, registered ammunition.

Evan Nappen 30:55

First of all, there's no serial numbers on ammunition at all. But they're requiring registration of the purchase of those serial numbers. So, my question is this. If this is actually useful, which of course we know it isn't, but assuming it is, then you're telling me serial numbers aren't necessary? Because the ammo is not serial numbered. You're just registering the purchase of unserialized ammo and just saying hey, this guy bought some ammo on this day and registering it. What is that doing then? Yet, you're requiring registration of firearms, requiring serial numbers, and make it a crime to have guns without serial numbers. But if your numbers are so important, how come this is taking place? Because the whole thing's nonsense and contradictory. It doesn't matter. They banned logic in '79. So, look, folks, you're going to have your purchases of ammunition electronically registered and recorded. Every retail dealer in the business is going to have to have this.

Evan Nappen 32:07

Here's the real kicker. Keep this in mind. If you happen to buy 2,000 or more rounds of handgun ammo, the dealer must immediately report, immediately is the word, immediately contact the State Police regarding the sale, transfer, assignment, or disposition of 2,000 or more rounds of handgun ammo. So, if you buy four bricks of .22s, they're calling the State Police on your ass. It's in the bill. They are required to do because it's handgun ammunition registration. And this is so important. Oh my god. So, this is in place, and it's going to be set up. There are requirements, and I think it kicks in 12 months after the effective date. But you can now look forward to ammo registration, of which there's no serial numbers on ammo. Okay.

Evan Nappen 33:14

But it doesn't stop there. The fun doesn't end. Oh, no. Because they also passed what we're calling the industry killer bill. Now, why is it the industry killer bill? Well, federal law in the Protection of Lawful Commerce Act that protected gun dealers, manufacturers, anyone in the business. They have protection federally from these lawsuits where the idea is to litigate guns out of existence. Trial Lawyers love this, right? Sue, sue, sue, sue, gun makers. Hold the gunmaker and the gun seller responsible for the criminal act of a third party. It's like suing Chevy or Ford because the murderer used that car to get away from the scene or shot from it. You know, maybe we'll sue the car manufacturer? Well, that's the idea. They go after firearm makers and all under this liability theory. Well, that was roadblocked by the federal law. So, New Jersey is following a pattern here to try to do a workaround. The workaround that is apparently what they're engaging in because they saw some limited success in the lawsuit against Remington for Bushmaster where it got settled. Where there's a claim made of public nuisance. This is what's being established. The Attorney General can bring litigation of public nuisance to try to shut down the gun industry and go after advertising and marketing and all these other features that really stretch the limits of any type of so-called public nuisance. But it doesn't matter. They put the law here, and it's designed to do that. So, any gun industry member which they define as any person engaged in the sale, manufacturing, distribution, importing or marketing of a gun related product, and any officer agent, employee or other person authorized to act on behalf of them. They open them up for a lawsuit, and for the Attorney General to go after them as a public nuisance. Gun related product is very broad. It means firearm, ammunition, magazines, components, parts, frames, receivers, or accessories that was distributed, imported, marketed or possessed in the state, or it was reasonably foreseeable that it would be possessed in New Jersey. This way, the attorney can go all around the U.S. and go after any company, anybody falling under this broad definition and go after them under this contrived public nuisance angle, to try to get around the lawful protection Commerce Act. That's really all this is. And that's just what it is. It's designed to kill and go after the industry, and New Jersey is here doing that.

Evan Nappen 36:46

Finally, number seven of this wonderful package is micro stamping, requiring micro stamping. And what that is, is when you fire the gun, the cartridge case, and/or the component of the expended cartridge case, will have some identifier that is stamped on it when you fire. And that micro stamping is so that under some theory, that is of course never proven to ever be effective, that somehow a piece of brass with that and then they can trace it to the gun. Look if a firearm is used in this way, it's absolutely the easiest thing to dismantle any kind of micro stamping. It takes a \$2 file and goodbye micro stamping. But why should that stop them from imposing this on all of us. The micro stamping is just another form of registration. You got it. More registration, pile it on, register, register, register. And here the Attorney General is going to see if they can verify that technology exists and if it's viable. When he says that it's viable, and you know how fair and reasonable they are about that. Well, then every retail dealer is going to have to have one of these guns up for sale.

Evan Nappen 38:16

Now they're not requiring it to be the only handgun you can buy because that's going to come later just like the smart gun law. Require it to be sold because originally when they mandated smart gun, it stopped the development of smart gun. It was actually one of the best anti-gun laws ever passed and pursued by Loretta Weinberg, which absolutely shut down the smart gun industry because it revealed

their true intention. So, they don't want to make that mistake again. Now they say the dealers just has to offer it. They always have to have one for sale. Here's the one I just love. This is just great. They're going to have to have signs and displays of the firearm and here's what the law said. I laughed out loud from this. Ready? They have to make available for purchase at least one firearm included on the roster and display the firearm in a conspicuous manner that makes it easily visible to customers and distinguishable from traditional firearms. And there has to be a sign that includes a clear and conspicuous statement, disclosing the features of micro stamping enabled firearms that are not offered by traditional firearms and advising such customers that they can be purchased through the dealer. Oh, how exciting is that? Look, here's how we can better invade your privacy, track you, and register you. What wonderful features this micro stamp gun has! They have to put up a sign about it. Nice. What world are they living in? Well, that's what they got to do when this is finally on the market. I guess there's something to those to that degree. They're going to have to have one and display it proudly with signs advertising all the wonderful benefits of a micro stamp firearm. Okay, and the dealer if they don't do it? Well, they're going to face fines and even potential imprisonment if they keep doing it otherwise. It's pretty crappy, but there's one little bonus they snuck in, folks, and I got to tell you about it. The State of New Jersey is offering a, yes, I'm not kidding here, a rebate when you purchase a firearm that has micro stamping. They will pay you a rebate of 10%. A rebate by the State of New Jersey to encourage you to buy one of these wonderful micro stamping firearms. Isn't that great? Isn't that cool? And oh, I forgot to mention they limit the 10% to 30 bucks. It's a maximum of 30 bucks. So, you could get \$30 back on your \$2,000 handgun that has micro stamping correctly. Who's really going to want it? So, the economies of scale aren't going to kick in on those babies. But hey, New Jersey is going to give you 30 bucks if you buy a micro stamp firearm. So, I guess it wasn't all bad folks. Of the seven bills, they still threw 30 bucks to gun owners. And that's about the best thing I can say about any of these bills. Most importantly, that you now know what's going on and what's out there so that you do not become a victim of New Jersey gun laws. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Evan Nappen 42:13

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