

# Gun Lawyer -- Episode 90 Transcript

## SUMMARY KEYWORDS

firearm, exemptions, new jersey, gun, kids, transport, lawyer, gun laws, problem, unloaded, permit, dealer, boat, evan, shotgun, wire, fuel, curtain rod, second amendment rights, put

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:19

I'm Evan Nappen, and welcome to Gun Lawyer. So, we've been doing some really heavy shows lately. There's so much news and excitement from the impact of the Bruen case, and then the new gun laws were passed. We've been talking all about these things, and it's important. It's great to get the word out. I have some really important letters that people have written to me, and we're going to get to that later on. But what I want to do right now, as we're dealing with all this stuff, I want to have some fun. I like to have fun, and I'm sure you do, too.

### **Evan Nappen** 01:00

I was thinking about some fun stuff, because I was talking with some folks. I was talking about what I call stupid kid stuff. Stuff that we did as kids, that was really stupid. And luckily, as kids, we were able to do it. Hopefully, we all survived without getting maimed. I have some stories I'm going to share with you about stupid kid stuff that I did. If it inspires you about any of your stupid kid stuff, send me letters. Go right to Gun Lawyer website at [www.gun.lawyer](http://www.gun.lawyer), and let me know your stupid kid adventures. I'd love to read them to folks, because it's really entertaining. Looking back at it and saying, boy, the kids today, they're so sheltered, they could never even do the things we did. As a matter of fact, if any of my kids tried to do the things that I did, I would be really upset with them.

### **Evan Nappen** 02:04

In my generation, the stupid kid stuff that we did involved firearms, weapons and the recreational use of explosives. That's always what inspired kids in my generation. I remember my pals, we all had air rifles and such, and we would go in the woods and basically shoot anything that moved. And it was very, very entertaining, and it was a great time. It's really a lot of fun. You learned to shoot really well, and it was exciting. But then I'm looking back and thinking at one time, we had a single barrel shotgun. It was an old break open, single barrel shotgun. The problem is they have a floating firing pin where the hammers on it, and unless you cocked the hammer back to the half-cocked notch, that hammer was on the pin. I remember we were so stupid as kids. We used to put a shell in, and then we'd throw the shotgun. Throw it so that the barrel would land and hit the ground and make the gun fire. When the gun fired, the shotgun would blast backwards, like a rocket. Then the fun game we had as kids was trying to grab the shotgun as it fired backwards. We were throwing it with live shells that would go off. I'm

looking back thinking we were idiots. We were absolutely idiots doing stuff like that. But hey, when you're a kid, you don't think about that. You're indestructible. You know it. So, you do stupid stuff.

**Evan Nappen 03:51**

One of the other things I remember as a kid that we used to do, and luckily, the statute of limitation is long gone on all this stuff. We used to make pipe bombs for fun. We used to take PVC and it was so easy when you fill it with match heads. We used to light these things off, and it was great. It was hilarity. We thought it was the best thing ever. It wouldn't hurt anybody with it. Except one time. Well, we found something out. We figured out a weird thing. If you took an extension cord, one of the cheapos, and cut the ends off. You can split it into two wires. You can split the old extension cord. We found that if you took picture wire and you unwound it, you had that real thin steel piece of wire. If you wrapped it around each end of the extension cord and then at the other end we hooked the extension cord to our Lionel train transformer, we cranked that baby up, and the wire would turn bright orange. It would heat a bright frickin orange.

**Evan Nappen 05:09**

So, we got this great idea. We took our pipe bomb deals that we were making, and we wrapped a fuse around this thing. We had the wire going all the way back, and we made this little hole and put like a cardboard. We put the pipe on, and we had the wire. On top of the hole, we covered a little bit of dirt and stuff and then we put like peanuts where the squirrels would be. All the kids we hid behind the little fence, and we had the transformer all ready, waiting for the squirrel. We're all quiet. Finally, a squirrel comes walking up. Oh, look peanuts. So, he's eating the nut and sitting there, and we go zzzzzttttt and turn on the transformer and we're waiting. Well, little fizzles of smoke started seeping up from the ground, and suddenly BOOOM. There was nothing left. The squirrel absolutely evaporated. We're all cheering and screaming as kids. The greatest thing ever thought of was this.

**Evan Nappen 06:06**

I look back, though, and we were idiots, just idiots doing this stuff. Can you imagine today, what would happen to kids doing this? Would they be in juvie jail or psychological treatment? Oh, every kind of thing under the sun. You know, it was just a normal fun thing that crazy kids did. Oh, not anymore. Forget it. Forget it. One time we had a curtain rod that I found in the trash. Some curtain rod and drilled a hole toward the bottom and shoved the curtain rod into the ground. But the hole in the side of it was there. Then what we did was we fed a firecracker through it, and then we dropped the marble from the top. So, you'd light the firecracker and BANG. It would launch that marble out of site. Never knew where they landed. We never knew. I mean it fired that thing, and it was gone. We don't know. I can't tell you how many marbles we shot with firecracker curtain rod tubes.

**Evan Nappen 07:05**

Again, how stupid were we? And we look at this stuff. And I look back and go, holy cow. It is really amazing that we survived, I guess. But that was our old generation. So, I bet a lot of you have interesting stories as kids of fun things you did, and I'd love to hear about it. Because they are funny, and you look back and just shake your head. But yeah, I remember one time where kids are junk pickers. That's the other thing. It seems like adults don't realize. They put it out in the junk and kids are going to find it. There was a guy that did at the time. One of the households was into model airplanes

that had the motors. It was this stuff called Cox Fuel, and he would run the plane engine with it. The wing had like two wires that came off the wing. You'd stand in a circle, and the plane would fly. You made it go up and down and up and down. Eventually they came up with remote control. But before the electronic remote control, you had these wires that controlled the plane off its wing. It used Cox Fuel, which was really super flammable, incredible stuff that ran those little motors on those planes.

**Evan Nappen 08:27**

One of the kids in my neighborhood was going thru junk and there was an old can of Cox Fuel. There was just enough left in it for kids to mess with, and it was perfect. So, we went into the woods where we had our fort. We would play war in there and all that great kids' stuff that again totally politically incorrect today. But there was this little patch of area, and we took one of those green plastic classic soldiers, you know like in Toy Story when the green Mean Green soldiers. We put it down, and my buddy Chris is like hey, let's pour this on it and light them on fire. Now at that point, I'm like, you know, we're in the woods here and fire is probably not cool. We do a lot of crazy stuff, but I knew this scene was just a little more dangerous than usual because you know. So, I'm standing way back. I'm standing way back, but one of the other kids there decided he wanted to get a close up of this one. He's pretty close, staring at it, and Chris is there. He pours some of the fuel on, and he lights a match and lights this. It's burning beautiful. The green guys melt, and it's awesome.

**Evan Nappen 09:43**

But Chris decided that wasn't good enough. He decided to pour more Cox Fuel on the flame. I'm standing back far enough that I see that spout of fuel hit the flame, and I see the fuel like fire go whoosh, right back into that can and literally explodes the can in a giant boom. Now luckily, there wasn't enough fuel in there that it just did like a minor napalm coating across the land. But the guy, Larry, who was standing close, he was kneeling down watching it. Oh my god! His hair and his eyebrows are burned off. His face was black, and he looked like one of the cartoon characters after a cigar explodes in your face. There was fire all over the woods, of course. So, we're running around trying to put it out, and the boom attracted a neighbor's attention. I remember the neighbor saying what's going on back there, what's going on. I remember Chris yelling, nothing, we found a fire and we're putting it out. We found it, and we're putting it out.

**Evan Nappen 10:50**

We're all stomping like mad to put this thing out. After we get it all put out, an interesting thing that can. I guess it was made to explode. It was this square, metal kind of can, and it actually opened to a flat like the handle and then the whole thing was opened and flat. It just opened flat. I guess it was designed to explode like that. It was pretty cool. But unfortunately, Larry was not in good shape. He had a pretty bad sunburn, I guess it was like, like really bad sunburn, across his face. He had no eyebrows, and the front of his hair was burned away, and blackened all over it. We're like, oh, crap, he's got to go home looking like that. Oh, my God. So, he did. He went home like that, and things kind of erupted around the neighborhood over that little fiasco. But the stupid stuff we did as kids, oh, man, it is just bad.

**Evan Nappen 11:48**

So, I just want to put this out there for you. I'm sure I'll find some of your stories extremely entertaining, and I'd like to share them with our listeners. It's just a fun thing to talk about here on Gun Lawyer.

Speaking of important things on Gun Lawyer and because of all this craziness, I have gotten a lot of letters. And I'm happy about that. Because I love reading these questions from folks. I want to mention here, John, sends a letter regarding possession on boats. Hi, Evan, love the show. And thank you for all you do. I've heard you speak about the exemptions and transporting firearms. With summer in full swing. I was wondering how it applies to boats. I've been told in the past that boats are treated like a house as far as possession is concerned. Is this true? If so, does the size and style of boat matter? Just curious.

**Evan Nappen 12:49**

Well, boats are not necessarily treated as a house. Now if you're living on the boat and it is your actual residence, we get into this argument and area because the exemptions say that a place of business has to be a fixed location. But it doesn't say that your residence has to be a fixed location. So, that's interesting. If it's a houseboat and if you're docked, and you're living on your boat, and it's actually docked, I think we have an argument there about residency if it's your bona fide residence. But remember in New Jersey having to prove that is on you. I've never had to push that in court with that specific issue. But if you're not actually living and it's not your bona fide residence, then boats are more akin to cars, a vehicle. And really what you're doing is you're transporting your firearm, and it doesn't matter if you're transporting it on a boat. If you're transporting it on our bicycle, or if you're transporting in your car or even on your person, the transport is regulated by exemption. And the exemptions are the same. The exemptions are going essentially directly to the target range, or going to your home from place of purchase, or between your home and your place of business, or taking your guns hunting, etc. When you do this transport, the transport, the mode of transport is specific in New Jersey.

**Evan Nappen 14:32**

Under subsection g. of NJS 2C:39-6 and it's a subsection g. - mode of transport. That really doesn't change if you're on a boat, or any other vehicle and of course if you're flying in a plane. If it's your own commercial plane, that's one thing, but if you're going to the airport and such, then there's special rules, of course, for how you're going to bring a firearm on the plane. Those rules are different from what I am talking about here. Your general transport in a vehicle or boat, or even on your person, the mode of transport dictated by subsection g. So, what is required by subsection G? Well, number one, that your firearm be unloaded. That's the first thing, unloaded, and loaded means nothing in the cylinder and nothing in the chamber. I strongly advise nothing in the magazine at all. If your magazine is in the gun and it's loaded, you got a problem, even if there's nothing in the chamber. I would further advice do not have loaded magazines, preloaded, even with them not being in the gun. Now, I know the State Police put on the website that you can preload your magazines when going to the range. But the problem is, if you get into a battle on that issue in court, the prosecutors say they're not bound by that, and it ends up where we go to the judge. I'm saying that your gun is unloaded even though your magazine was loaded, and the prosecutor is saying your guns loaded, because the magazines loaded as part of the gun. Ultimately, the judge says well, okay, ladies and gentlemen, that's a jury question. That'll be a jury question. Well, isn't that great? Now, 12 people who aren't smart enough to avoid jury duty, are going to decide whether your gun is loaded or not. You don't really want to be in that position. So, don't load anything if you're transporting.

**Evan Nappen 16:32**

Now, how do you transport? You transport it unloaded, and if it's in a closed and fastened case, that's one way to be legal. If it's unloaded and in a gun box, that's a second way to be legal. If it's unloaded and in a securely wrapped package, that's third way to be legal, or if it's unloaded and locked in the trunk of the vehicle. Now, I understand on a boat, you don't have necessarily a trunk and a vehicle. But you plainly can have your gun unloaded and cased. If it's in a closed and fastened case and it's unloaded, you're in conformance of subsection g. Then your transport on the boat has to be within the exempted places of travel, going to the target range, going hunting, going from place to work, to your home and back, to these other places. So, that's how it works for boat transport, generally. When we come back, we're going to get into some other really important letters. Talk to you in a few moments.

**Speaker 3 17:50**

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](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

**Speaker 3 19:01**

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

**Evan Nappen 19:19**

Hey, welcome back to Gun Lawyer. We are here spreading great information and having some fun while we do it. And getting the word out and being able to talk freely and actually exercise our First Amendment rights in pursuit of our Second Amendment rights. Something that the lamestream media does not want us to do. I'm tired of being shadow banned and algorithmed out of existence. So, this is our way to talk. If any of you, folks, have others, please tell them to listen to Gun Lawyer. Subscribe. It's a platform to learn the information, and the truth about it our rights and things you can do to both protect yourself and keep up the fight for liberty.

**Evan Nappen 20:07**

I have a letter here from William and William asks, regarding unserialized old .22s. Always great show, Evan. Since I would rather not have to pay you a retainer, can I simply scribe a number on the underside of the barrels located, which are covered by the stock, on all my pre 1960 .22s to satisfy Murphy's insane new law? Maybe your phone number I should put there just in case. All the best. I like that idea and scribing my law office phone number there in case they have a problem. But actually, I would have to tell you that, unfortunately, this is not the answer. It has to have a serial number put on by the original manufacturer. Your putting a number on it does not count, and it will not cut it. So, if you

possess any of those pre '68 unserialized guns, the legislature in its incredible wisdom, failed to make provision for all the millions of NSN (No Serial Number) guns out there, and instead, turn them into essentially a contraband where you face a second degree potential charge, carrying up to 10 years in state prison for your previously lawfully acquired and possessed .22 or shotgun, or handgun that was made before 1968 without serial numbers. Simply trying to put a serial number, even my phone number, which by the way is 732-389-8888. But anyway, I'll just shamelessly plug that. But no, don't put my number on there. Don't put any number because it's not going to help anything. It is just more of the rushed through, feel good laws, that do nothing about crime, but turn law-abiding citizens into criminals. It is why New Jersey focuses on making victims from the gun laws, and I don't want to see any of you become a victim of New Jersey gun laws.

**Evan Nappen 22:23**

Here's a letter from Colin, and Colin asked regarding a transfer question. My father passed away, sadly, during lockdown madness. He lived with my mother on the West Coast. I'm in New Jersey, I'm not a prohibited purchaser. Would an unregistered shotgun be transferable through an FFL? Or would it trigger a legal firestorm causing problems? Thanks for everything you do. Sincerely, Colin. Okay, here's the deal, Colin. In order for you to get your late father's gun, if you inherited the firearm, and if you're the beneficiary, you didn't say whether your mother is still with us or not. But if you were the heir, then that gun passes to you without any paper, any registration, any problem under Jersey and under federal law. It's no problem. As long as you're the heir, you can take that gun in that manner. But if you're not the heir and the estate actually went to your mom, but mom wants you to have the gun, which is fine. That needs to go through a dealer. It needs a dealer on the West Coast, to send it to a dealer where you live, which would be New Jersey. I'm assuming from this. Then you could then acquire it using your Firearm Purchaser ID Card from the dealer in Jersey because you're not a resident of this West Coast state. Under federal law, firearms can only transfer from a resident to a resident in that state unless it goes through a federal firearms dealer. So, the answer is - go through the firearms dealer. Then you can take possession of the shotgun lawfully, and it will not cause a firestorm. It happens all the time. Dealers from one state ship firearms to dealers of other states so that the recipient dealer can lawfully transfer the firearm to a resident in that state. That's the proper way to do it, and I wish you luck on getting your late father's shotgun which I'm sure you'll treasure and have as a very sentimental memory.

**Evan Nappen 24:55**

I've also had a follow up question to the inheritance of firearms. New Jersey under Murphy ended the private sale, but there are narrow exemptions. The narrow exemptions allow for a private transfer between immediate family members. So, while family members are alive, you're able to transfer firearms to other family members that are direct family members, such as father to son or grandfather to grandson or granddaughter, or grandma to granddaughter. I'm not being sexist, but there's the immediate family exemption. But it still requires the pistol purchase permit on handguns and a Firearm Purchaser ID Card with Certificate of Eligibility on long arms. The only difference is you don't have to go through a dealer. Anybody else within the state, if it is not by exemption because of immediate family member, not only needs all the proper permits and forms, but it must go through a dealer. So, that's the difference.

**Evan Nappen 26:08**

Jersey used to have private sale and as long as you had permits, it was not restricted. Individuals with permits could transfer or be transferred to firearms. Everyone did the paperwork, and that was fine. But Murphy ended that, so now everyone has to go through a dealer and there's an additional NICS check done, which is absolutely useless because you just spent to get printed and your background check and have all that done just to get the permit. So, why are you getting a NICS check when you've already done it all? It's just absolute redundancy to cause more of a burden and more of a problem on our Second Amendment rights. To put every kind of barrier and burden they can come up with to make it harder and harder, even though it has nothing to do with crime. It's all about screwing us out of our Second Amendment rights, and our ability to lawfully enjoy firearms. You see it expressed every day by these idiotic laws. But even though I've said that, I don't want to see you become a victim. New Jersey loves idiotic gun laws, and New Jersey makes the penalties a felony level so that if you ignore them, you end up losing your gun rights for the entire United States. So, make sure you follow the law and don't jam yourself up, as frustrating and absurd as they are.

**Evan Nappen 27:41**

Here's a letter from Jeremy. He says regarding concealed carry in a motor vehicle in New Jersey. Hi Evan, does the change to the CCP affect the requirement for transport in a motor vehicle? Love the show and thank you for the valuable information. Actually, it does. If you get your New Jersey Permit to Carry a Handgun, then that is the exemption for your possession of a handgun, and you do not have to carry it unloaded. You do not have to transport it in one of the four methods we talked about pursuant to subsection g., because you are no longer reliant on the exemptions. You now have a carry permit, which is the part of the statute itself that has to do with the possessory charge. If you have the license, it becomes exempted on that possession. You don't have to reach back to exemptions. So, the answer is that it does dramatically affect it. Which is why every gun owner in New Jersey, whether you're interested in just shooting your handguns, going to the range and shooting, really should have a carry permit, because it takes away the need for you to rely upon narrow exemptions, and all these various requirements to make sure that it's transported pursuant to these narrowly construed exemptions. The permit takes you outside exemption. So, what a lot of folks will get a permit to carry and stay within the exemptions as well, which is not a bad plan, considering its New Jersey. It's kind of like using a belt and suspenders. It is advisable, but it's not mandatory if you have the license. And so, it's good question there, Jeremy, but that is the answer.

**Evan Nappen 29:34**

By the way, there is no obligation to reveal to the officer if you're pulled over that you have a firearm on your person or otherwise. New Jersey does not require revealing that; so, it's not required. With that being said, it might be advisable if you're lawfully carrying a handgun to let the officer know so they don't get scared and shoot you. So maybe you might think about that under the circumstances. But as far as legally, you do not have to say a word.

**Evan Nappen 30:05**

I have a question here from Ivan. Ivan says, Evan, I just listened to your podcast. Thanks for putting these out as they are so informative. Regarding the New Jersey Firearm ID Card, you talk about and how new applicants will be stuck following all these new rules, and we'll have a card that expires. But

that existing cards are not subject to this rule. Question comment? What happens to the existing card holders that move within New Jersey and file for a new card with address change? Are those cards subject to the new rules? The answer is no. If you have an FID Card, an old card, and you have the obligation, of course, of putting your change of address, the law does say, you're not required to do the training. It's only the newbies that get cards and permits after July 5 of this year, that's when the law took effect. So, the rest of us are grandfathered, and the training is not required, even on the change of address or new permits. That's what the law says. You don't have to worry if you're already a holder of the card.

**Evan Nappen** 31:17

But even if you don't have to worry, it doesn't mean you should be in favor of this. Let me just say I appreciate training, and I believe in training. I completely support firearm training and knowledge, safe handling, and that is all good stuff. What I don't support is when you make it mandatory. And you may say why? I'll tell you why. Because the problem is it becomes a tool to stop the individual from exercising their rights from getting a gun. It's not sincere that they really want people trained. I don't buy that for a minute. It's about putting another barrier to stop people from having their guns and that's what it's all about. What can they get away with and still appear to be so righteous and so concerned? And that's this. I'm afraid that the training requirements, which have not yet even been promulgated, we're going to see them and maybe at first will even be reasonable, but I can assure you, they will grow and grow and become as unreasonable as they can get away with mandating. This is all part of their agenda and part of their game. Why are we to believe that suddenly New Jersey's going to be reasonable in its application of gun laws when it has never been in its entire existence? So, give me a break. That's the problem, but you need to be aware of it and make sure that your rights, freedom, and liberty stay protected. This is Evan Nappen, reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3** 32:56

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](mailto:Evan@gun.lawyer). The information and opinions in this broadcast do not constitute legal advice. Consult a licensed attorney in your state.