

Gun Lawyer -- Episode 103 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:20

I'm Evan Nappen, and welcome to Gun Lawyer. Today we're going to discuss in detail Governor Murphy's New Jim Crow, anti-Second Amendment Car Jacker Protection Bill. That's right, folks, our governor, never short of various laws to slam our Second Amendment rights and our liberty and freedom, has put forward just a doozy here. This one is so incredibly absurd, stupid and egregious. We have to discuss it, and you have to know what it really says, not what the media is letting you know, it says. We are going to get into these details. I'm going to show exactly why I say what I say and what you need to do to help fight this atrocity on our Second Amendment rights. The bill is officially A-4769. (<https://www.njleg.state.nj.us/bill-search/2022/A4769>) That's where you can find it, and you can read it for yourself in the state legislative website.

Evan Nappen 01:38

But instead, here, I'm going to give you the highlights of the most unbelievable provisions that exist in it, of which there are many. You need to know who the sponsors, the folks that want to take our rights. Those that don't respect our liberties. Those that get out there and promote these anti-gun bills to try to keep law-abiding citizens as victims, not defenders. These are the people that are basically giving the finger to the Bruen decision and our Second Amendment. For over 50 years, we had a carry permit law that only allowed the elites to have carry licenses, less than 600 in the whole state. With the elimination of the elitist protection element called "justifiable need", now your average law-abiding citizen can qualify by getting training and meeting the requirements of good character to get a carry license.

Evan Nappen 03:05

They have embarked on creating a giant monstrosity of a gun ban hidden in a cloak of a claim of "public safety", to somehow try to get around the fact that they can no longer use the justifiable need to keep the elites as the only ones that can have carry permit. As a matter of fact, since the Bruen decision, the State Police say there have been 300,000 applications for carry licenses already in New Jersey, and it has just been a number of months. So, you can see they can't stand that law-abiding citizens have the nerve, the audacity, to want to carry and have the most effective means of self-defense against crime. Especially against rampant crime in a "defund the police" age. We can't have citizens defend themselves. You must be a victim. This is their effort to continue that tradition. It's also combined with the very historical tradition of Jim Crow by Southern Democrats, essentially, the Democrat historical tradition and its racist roots of gun control. I'm going to show you how that works in

the bill. The bill actually bans your ability to have your handgun that you have a permit to carry for in your own private vehicle. Thereby ensuring to protect carjackers from any of their activities against law-abiding citizens. I'm going to show you the actual way they are accomplishing this.

Evan Nappen 05:03

So, let's start our review of this bill. By the way, this bill does not just impact carry licensing, but they're also put into provisions, almost like their wish list here of more gun laws to package in. New laws that will affect Permits to Purchase and Firearm ID cards as well. The rationales given up front in the bill are downright laughable. They come right out of Goebbels propagandist mill, and it is the Orwellian Ministry of Truth that styles them. For example, here's one of the rationales right in the preface of the bill. This is me quoting this. This is what they're saying one of the basis for their reasons is. "Previously, application of the justifiable need standard minimized the serious dangers of misuse and accidental use inherent in the carrying of handguns in a public place." Really? Justifiable need was a requirement that individuals show that they need to carry a handgun because they themselves were facing an imminent threat of serious bodily injury or death against them personally and that carrying a handgun was the only way to avert those threats. Justifiable need had absolutely nothing, zero, to do with dangers of misuse and accidental use, inherent in carrying handguns in a public place. Nothing. But that doesn't stop us from putting a lie directly in our rationale in why we need to pass this atrocity.

Evan Nappen 07:08

Oh, look, they also say here, remember, they're claiming that sensitive place prohibitions are rooted in history and tradition. There are analogies to historical laws found from the founding era of reconstruction, and are found in modern laws in many states, history and tradition support, at least the following location-based restrictions. So, why are they saying that? Because that's the standard that Bruen says a state has to meet. But they can't just meet that standard by making claims. They have the burden of proving it. Well, good luck with proving it. Let me share with you some of the places they claim there is a historical tradition in prohibiting firearms. We're talking back in either 1791 with the ratification of the Second Amendment or 1860s, with the passage of the 14th Amendment. They're going to claim that back then, there was prohibitions on places where intoxicating substances were sold, places where large groups of individuals congregate, and places where volatile conditions may pose a threat to public safety. I guess they never heard of the Sons of Liberty. They used to meet in these places called oh, taverns, and do you know what they sold in taverns? It wasn't orange juice, folks. Okay. It was alcohol and was places of congregation of our founders. Oh, there's a huge historical tradition preventing arms in those places. Absolutely the opposite. They brought their guns had their guns, and historically, guns in taverns were the standard. There's no law prohibiting that. Oh, but they'll make the bold claim there is. Good. Let's see that law. I can't wait to see it.

Evan Nappen 09:22

How about this? Laws that prohibit parks and other recreation spaces, including locations where children congregate. Well, folks, when the militia was called out, do you know where they were called to? The green at Lexington and Concord. The green. What was it? It was a public area, park, recreation, etc. That was the green. They marched on green, paraded on the green, called to the green. Called to these very places with their arms. Again, good luck showing those prohibitions from the 1790s

or 1860s, that you cannot have a firearm for self-defense in a park. Oh, but they're claiming it. They're claiming it.

Evan Nappen 10:20

They also twist in this just magical fashion that a historical record supports restriction of firearms, possession, on private property when the owner has not given their consent. So, what New Jersey is doing is requiring consent from property owners before carrying weapons on private property. In other words, they are making the presumption that you're banned from any private property or commercial property unless there's an affirmative sign that says, you may carry your gun here. Literally, you have to have a sign allowing it. Otherwise, the default is that you are prohibited and therefore in violation. Sorry, that's not how it works. It's not how it's ever worked. Express permission to exercise the Constitutional right is not required. Hasn't been required. Could you imagine this on any other right? Before you're able to practice your religion, there must be a public sign that says you're allowed to do it. Before you can engage in free speech, a public sign that yes, you may speak freely here. Same thing. They're claiming, beyond hilarity here, that this is somehow historically rooted. Oh, good luck with that.

Evan Nappen 12:02

Let's look at the actual law itself and some of the provisions that are contained within. There's a lot, but I'm going to point out some of the highlights that I really think need to be noted. Number one, there is a licensing fee increase. The licensing fee increase is not just for a carry permit, but there is a fee increase for a handgun purchase permit, to \$25. The Firearms Id Card permit fee is raised 10 times by the way. The permit for the handgun is more than 10 times, but the Firearm ID Card is 10 times, raised to \$50. Then 10 times the fee for a carry permit, which is raised to \$200. So, they're increasing the fees by 10 times. And that, of course, is classic Jim Crow right there, classic. Just what the poll taxes did. You have it so that the low-income citizens are discriminated against. Not only do you have this massive fee increase, but also part of this bill requires that you purchase gun owner liability insurance. By having to buy that it's going to be who knows? Hundreds and hundreds of dollars per year on that. Plus, the training requirements, paying for that, and even the ammunition and all. It's going to be easily somewhere between \$500 and \$1,000, just to get your carry license. So, this discrimination will affect low-income citizens, much more than elite citizens that don't have those financial concerns.

Evan Nappen 14:13

Forbes magazine in June of '21, published an article that made it clear. Do you know that blacks make 30% less than whites in America. Black households have just 1/8 of the wealth that white households have. The median income by the way for black families is \$20,000 less than the national median income. So, if you go at it financially in this way, you see the institutionalized racism being promoted by the Democrats when it comes to denying the Second Amendment rights to low-income citizens. Of course, that's a tradition with Democrats from the civil war through the KKK. It was always the Democrats. Here they are sticking to their historic roots, but I don't think when they try to argue the tradition texts in history, they should utilize the argument that in fact New York did utilize and failed, claiming that there was a historic tradition in prohibiting blacks, Indians and Catholics from having guns. They actually made that argument again in the tradition of their racist roots to try to uphold this wonderful tradition. It's disgusting. The Democrats have no shame, and they promote it yet again here

in this bill. By dramatically making the fees 10 times and imposing other fees and costs, that did not exist because you want to exercise your Second Amendment rights.

Evan Nappen 16:08

I'm going to explain to you some other really surprising elements of this bill, including but not limited to, how retired police officers are also prohibited, just like citizens with carry permits. They didn't make any exemption for retired law enforcement. I'll talk about that, and plenty of other things when we come back.

Speaker 3 16:42

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, that 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 17:56

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Evan Nappen 18:03

Hey, folks, we're back. Thanks for being a listener of Gun Lawyer. We're able to get the word out and give you information that the lamestream legacy media sure won't do. We're talking about this atrocity, this bill that Murphy's trumpeting and is going to jam through the legislature within the next few weeks. You have to take action, and in order to take action, you need to go to the State Association. Go to their website, ANJRPC.org. They are the NRA affiliate in New Jersey. The official state affiliate. They have the links there for you to take action, and you need to do that. You need to send it out to your legislators and do it every day. Because they're trying to jam this through. Tell them this is absolutely outrageous and wrong and should not be done.

Evan Nappen 19:12

Let's jump into some of the new prohibitions that they are placing on the carry license. Number one is going to require that your handgun be carried in a holster, concealed on your person. So, open carry is out. It has to be in the holster and concealed. It says further that a holster is defined in the bill as having to have first of all a retention strap. So, if you have a Kydex or anything else without a retention strap, that's illegal. It's a fourth-degree crime, a felony, if your gun is in a holster without out a retention strap. They literally put that in the law. So, that's one of the things they're going to require setting a trap to get you disenfranchised of your Second Amendment rights. Because if you get convicted of a Fourth-

Degree crime, you have totally lost your gun rights. By the way, they've changed things that need to be added to the application, including when you apply, you must also state any aliases or other names that you've previously used. It made me think of that Ron White comedy. It's called tater salad. So, I guess Ron's gonna have to put tater salad down on his app when he applies.

Evan Nappen 20:44

Oh, by the way, they are increasing the number of references. You need to have endorsements. It has to be by no longer three people. You see, three aren't enough. It has to be at least four people to get this, four, and they can't be relatives by blood or law. On top of that, the police must interview all your references, and they must interview you. So, interviews are now part of it with an increase in references. Guess what they're interviewing about, folks? This is just spectacular. That you've not engaged in any acts or made any statements that suggest, this is the actual word, suggest, the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others. In other words, your social media posts. If you put anything out there on social media that in any way suggests that you might be doing this kind of conduct? And of course, what does any of that mean? Who knows? You are going to get denied. They have a right to ask you to reveal your social media. This is the utilization of social media in the way that the Chinese Communists use it. They've adopted the chai com, social scale-type investigatory tool. This is what we're looking at because you have the nerve to want to exercise your Second Amendment right. The chief, in fact, is mandated to make this interview, mandated to inquire and investigate whether this is the case. They may require the information from the applicant or the references regarding any of this social media. So, it becomes part and parcel of it.

Evan Nappen 23:25

Of course, we mentioned there's the requirement for firearm carry liability insurance. They've extended the timeline so that instead of it being deemed approved after 60, it's going to be 90 days. But that's only when it's deemed complete by the officer. So, of course, they can deem it whenever they want to deem it. So, the number of days is kind of just a lie. Just a false number of days since it still rests with them to "deem your application complete". Good luck with that. Then the history here is then expanded so that there's a requirement for training and such, which did exist. But they've expanded what's required. There are specific courses that they're going to look for, including online courses. Here's a good one. The new training requirement, they even state this. If you had a carry permit issued prior to this, it's only going to be good for 90 days until you complete the new training requirement. So, they are retroactively trying to jam you up on the training requirements here. Get ready for that. It's bad. A retroactive revocation if you will, until you meet the latest training requirements.

Evan Nappen 25:05

Oh, by the way, the limits for your liability insurance, you have to have \$100,000 for injury \$300,000 as well for one person injured or killed. \$25,000 in property damage. Now here's the kicker. Proof of insurance has to be displayed and carried. So, if you are going to have to carry your insurance card with you at all times. Just like in a motor vehicle. You have to have it, and you have to show it. If you fail to show it, that's an offense. If you fail to have it, that's an offense. So, you have to have it. It's a Fourth-Degree crime, and then again, it's 18 months in state prison and losing your gun rights as a convicted felon, if you don't get this insurance. That's being mandated, which by the way, it isn't even clear that

such insurance is available. It might even be prohibited in insurance, considering Murphy's prior declarations of insurance for firearms. What is the cost of this going to be? Who knows. I'm sure hundreds and hundreds of dollars. But again, that's pursuant to what the Democrats want to do. They want to discriminate against low-income citizens, and this is another mechanism to make that happen.

Evan Nappen 26:29

Now, if you get your carry permit, there is a whole new host of restrictions that they're putting forward. You can't consume alcohol or cannabis or controlled substance while carrying a handgun. As a separate restriction, you can't be under the influence of alcohol, cannabis or control. So, if you even consume a beer, even though you're not in any way intoxicated, you are in violation and can be subject to the criminal penalty. You can't carry that handgun unless it's in that specific holster. You can't carry more than two firearms at one time. I guess most folks don't carry more than two firearms at one time. But that's because really, most of us don't have more than two hands. But hey, it's still a prohibiting factor as to what they're going to count as two firearms. If you carry a handgun, you cannot refuse to let a law enforcement officer inspect it. That's a Fourth-Degree crime as well.

Evan Nappen 27:46

Furthermore, if you're stopped or detained while carrying it, you have to immediately disclose to the officer that you're carrying it. You have to display the permit to carry the handgun and the liability insurance card. If you fail to do any of that, it's a crime of the Fourth Degree as well, a felony level offense. Then they put in a new provision here that says, let me grab this here. A further restriction, ready, a place owned, leased or under the control of state, county or municipal government used for the purpose of government administration, including but not limited to police stations.

Evan Nappen 28:35

Then it goes on to entire swathes of banned places, including, by the way, within 100 feet of a place where there's a public gathering, demonstration, or event held for which a government permit is required during the conduct of such gathering demonstration or event. So, I wonder what a government permit means? Does that mean a zoning permit, by the way that allows a range to have target shooting matches or competitions, such as draw and fire? Has that now become a prohibition? Or does that simply come still within an exemption to exempt it? I don't know. I'm sure that it'll be worked out. You're barred from parks, a beach, a recreational facility. Oh, by the way, a youth sports event. Here's an interesting thing, during and immediately preceding the conduct of the event. So, what if you're not even attending the event, but during and preceding it. Publicly owned or leased library or museum. Bars or restaurants where alcohol is served for consumption. You don't have to be drinking, but if it's served there, you are prohibited.

Evan Nappen 29:59

A privately or publicly owned and operated entertainment facility within the state, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held. So, in any of those things, privately or publicly, you're prohibited. The last thing they want you to do is be able to defend yourself in a movie theater. Because no mass shootings ever take place in movie theaters, where you might need to defend yourself. Get a load of this now. You're prohibited from an airport or public transportation hub. How do you even transport your

firearm to fly or to travel when there's that blanket prohibition on airport and transportation hubs? I don't know. Because the exemption doesn't talk about it, even in New Jersey exemptions, going to airports and travel. You're going to have to still rely upon the federal preemption, and New Jersey is creating a unique specific prohibition of that place. How about the public location used for making motion pictures or television images for theatrical commercial educational purposes during such time the location is being used for that purpose. Oh my gosh, they put in the Alex Baldwin law in New Jersey. You can't even do films now with a gun. Wow. Well, I guess that's good. That'll cut out any of that movie making money, and I never thought the movie makers should have special abilities to get around the gun laws. So, there you go. The Alex Baldwin prohibition is there. Any private property, including but not limited to, residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign saying it is permissible to carry. It's just outrageous, folks.

Evan Nappen 32:24

Get a load of this now. Any person who carries it, and this is now in a motor vehicle. Even though you have that carry permit, in a motor vehicle the handgun must be unloaded and in a closed and securely fastened case, gun box or locked unloaded in the trunk of the vehicle. It says a holder of a valid permit to carry shall not leave the handgun outside of their immediate possession. It has to be in this closed and fastened case and unloaded. Here's the deal. It says the only exemption to this, the only exemption, a person lawfully carrying a firearm are those within the exemptions of A and C of (2C:)39-6. A and C of (2C:)39-6 are various military and law enforcement officers. But you know what they did not include under (2C:)39-6? Sub section L. L is not included in this, folks, and L is the retired police officer card. If you're an RPO card holder and carrier, you are not exempt. Even you cannot have your handgun loaded in your own personal vehicle under this bill. That's right. They did not exempt you. They specifically included you in it. So, keep that in mind. Retired police officers who supported, via their unions, the Democrat candidates for office, this is what you get. And this is what's going on. It is disgusting. New Jersey eats their own. And here you see it. If you violate this, again, it's a felony level offense, a crime of the Fourth Degree.

Evan Nappen 34:36

They also add a section that says a person purchasing firearm or firearm ammunition shall be required to disclose in a written document under a penalty on a form prescribed by the Superintendent whether the firearm or ammunition to be purchased is intended to be transferred to a third party and the name and address of a third party, if known. So, if you want to buy some hunting ammo and share it with your son or daughter, you better have this form completed, that you acquired it with that intention. I mean, what the heck? This is like nuts, frankly. And if you're acquiring a firearm for another person, well, that's highly regulated under federal law, and it can often be quite illegal as a straw man sale. So, I guess they want you to incriminate yourself first, before you commit a straw sale. I mean, what is this? There it is. So, more restriction on ammunition here, as thrown as just a little bonus, I guess.

Evan Nappen 35:55

Look, folks, this is an atrocity, and it is Murphy's Jim Crow anti 2A, Carjacker Protection Bill, and we need to stop it. You need to make sure that you contact your legislators and let them know that it's utterly and completely unacceptable. This is just a complete violation of our Second Amendment rights

and ignoring the Supreme Court's ruling. It is just an atrocity. You need to take action. The minimum action I would suggest is go to ANJRPC.org. That's the Association of New Jersey Rifle and Pistol Clubs, ANJRPC.org. If you're not already a member of the association, you need to join the association. If you are a member, you would have gotten these alerts, and you will continue to get these alerts. They are very time sensitive, and they're sent out as soon as can possibly be done. They have the links for you to just click and send those emails.

Evan Nappen 37:13

We need to inundate the legislature, with our voices being heard, that we oppose this, that we want our ability to protect ourselves. Take the action. Be aware of this. If this does pass, I'm sure there's going to be an immediate legal challenge. But I don't want to see any of you become a victim of this law. End up criminally prosecuted. End up disenfranchised of your Second Amendment rights. So, now's the time, folks, to take action. Stand up, be heard. Remember, the gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens. And boy, does this bill ever demonstrate the truth of that statement.

Speaker 3 38:07

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