

Gun Lawyer -- Episode 116 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:21

I'm Evan Nappen, and welcome to Gun Lawyer. Well, we've had a lot of excitement. We've had our court cases, rolling like tanks, into the federal court. I'm happy to say that at the last word here, we have gotten a Temporary Restraining Order. It is extremely exciting to see the Second Amendment come alive and the Bruen decision have its effect. The court actually granted restraints, right out of the box, on certain restrictions that are in the atrocious new Carry Killer, anti-civil rights law signed by Murphy. Because of how complex it is and how crazy these times are, I've been getting a lot of questions. Evan, where can I carry? What are the restrictions? What is the story? What did the lawsuit disable at the moment and put injunctions on so that what's legal, what isn't legal. That's what I'm dedicating this show to.

Evan Nappen 01:39

I want to thank our sponsor, the Association of New Jersey Rifle & Pistol Clubs (ANJRPC), anjrpc.org. They are the premier gun rights group in New Jersey. They have litigation that is currently in federal court as well. They just won a victory by having their case consolidated with the other gun rights group case, in front of Judge (Renee Marie) Bumb (United States District Judge). Judge Bumb is a fantastic judge who really gets it, who really understands the Second Amendment, and who everyone is impressed with. Everyone in the pro-gun community, pro Second Amendment community is singing her praises. I see online that she is being called Saint Bumb, and I can fully get behind calling her Saint Bumb. Because it's so refreshing and wonderful to see a judge that understands the Constitution, understands our rights, and is making our rights come alive to stop the ridiculous, absurd, dangerous, and treacherous laws that New Jersey has put upon its law-abiding gun owners.

Evan Nappen 03:01

So, looking at the most recent and up-to-date situation regarding where can you carry and where can you not carry. Well, this is what is called "sensitive places". What the antis did was they took some language out of the Bruen decision where it talked about restrictions could be placed on certain sensitive places. But those sensitive places were very narrowly defined. They were traditional sensitive places. They were places that historically, there had been prohibitions on and made it clear that those places still would remain as being able to bar firearms from such places. But the anti-gunners saw that as some kind of opening that didn't exist and decided to ban everything and anything they could come up with so that it would gut completely the utilitarian value at all of having a permit to carry. That was

the strategy. The strategy is to destroy carry by exploiting so-called "sensitive places". So, New Jersey followed with this plan, probably came up with some think tank, Giffords or Bloomturd, or one of these anti-gunners. Here's, a great idea. Let's try to take this to the absolute level of absurdity and cause problems and try to cobble the utilitarian purpose and value of having a carry license.

Evan Nappen 04:42

Well, it's not working. It's not working, and the cases are filed. We're winning, and we've just begun even in the victories. This should end up eventually just a complete and total victory for us, but for now, what are the places that you're prohibited? What are the places that you're restricted? You need to know them, and you need to understand them. Because this is the battleground, as we speak, on our rights, as to where we can have firearms. And it's important, extremely important, to know that the sensitive places that we're going to be discussing apply not only to handguns, not only to your carry permit, your permit to carry a handgun under New Jersey law. Not only to that, but it also applies to your long arms. It applies to rifles and shotguns that you are transporting with a Firearms ID Card, unloaded in your vehicle. It even applies to those. So, the old days when you would have much more freedom to transport your unloaded rifles and shotguns, as we've discussed on Gun Lawyer under the rifle and shotgun trap, you now have prohibitions that apply in the same way because they use the word "firearm".

Evan Nappen 06:06

So, what we're going to do today is we're going to review the 25 "sensitive places". I'm going to explain to you as best I can as to what can be explained on them, and I'm going to show you which ones have been enjoined. What has been put a stop to the enforcement by the court so that you are not at this moment, affected by those. We want them to stay dead. We want them to stay enjoined. We want them to stay declared unconstitutional. Let's take a look at these places. What the law specifically says is, other than a brief incidental entry into properties, or lawfully carrying a firearm pursuant to the exemptions of NJS 2C:39-6. We've talked about those exemptions a lot. The following places, including in or upon any part of the building, grounds, or parking areas. What we're going to review next includes these places and their buildings, their grounds, and parking areas.

Evan Nappen 07:20

What are these places? Well, number one, any place owned, leased or under the control of any state, county or municipal government, used for purposes of government administration, including but not limited to police stations. So, you can't go up to your local police station with your unloaded rifle or shotgun in your car, in a case. Can't do it. You can't go to the police with your handgun and a carry permit, etc. This is still a "sensitive place", a prohibited place. Two, a court room, a courthouse or any premises used to conduct court or judicial administrative proceedings, or functions. So, it's not just a courthouse, and it's not just a court room. But any premises used to conduct judicial or court administrative procedures or functions. It's very broad. It's very broad. We don't know whether certain buildings are at some point being used for an administrative proceeding, because they're having an administrative hearing, or they're conducting some type of investigation, or there's something going on that's involving judicial or court administration. And if that premises, then that even includes the buildings, the grounds and the parking lot of such premises. There's no way for you to even know whether that was going on or not. But you better not have your firearms in such a place.

Evan Nappen 08:54

Additionally, prohibited, number three, state, county or municipal correctional or juvenile justice facility, a jail and any place maintained by the government entity for detention of criminal suspects or offenders. Any place that is holding offenders for detention and juvenile justice facilities, municipal, any type of place like that, the building, the grounds, and the premises are all off limits. So, you better know where all those places are as you travel through New Jersey, and not end up in a parking lot or on the grounds of any such place. A state-contracted Halfway House. So, that's a private place that the state has contracted to be a Halfway House. How do you know that it's a Halfway House? Do they have big signs "State Contracted Halfway House? No. They don't hang out big signs and say it's a halfway house. They keep it low key, but you better know. Because if you don't, you're in violation of sensitive places.

Evan Nappen 10:05

A location used as a polling place during the conduct of an election, places used for storage, and for tabulation of ballots and for the conducting of election fraud. No, I'm just kidding about that, about the election fraud part. I added that. It doesn't say that. But it does prohibit conduct of elections and places used for storage and tabulation of ballots. Again, a prohibited place. Any place within 100 feet of a place where a public gathering, a demonstration, or an event is held for which a government permit is required during the conduct of such gathering, demonstration, or event. So, how do you know whether any given public gathering has a government permit for, or for which one was required? And that you're somehow, there's a march going on with the government and you're in your vehicle, you have a firearm, and you're now in violation. How do you know that a permit was required or wasn't required or that a public gathering was even going to take place? Doesn't matter. The burden is on you to know because if you don't, you're looking at a serious, felony level, criminal violation for violating sensitive places.

Evan Nappen 11:25

Seven, a school, college, university or other educational institution, and on any school bus. So again, you better know every school, every college or university or educational institution. You can't be going there for events, for sporting events or anything. If you're going on school property and you have your gun, you're in violation. And it's a problem. Eight, a childcare facility, including a daycare center. There are plenty of daycare and childcare facilities. There's no doubt. They don't always have a sign. Some are private, and you don't know. Well, you better know, because if you're parking in that parking lot. If you're on those premises, if you happen to go there, visiting a friend, whatever, boom, you've got a problem. Same with nursery schools, preschools, zoos, or summer camp. Well, I guess they all go together. I guess anyone that works in a nursery school, a preschool or a summer camp would put a zoo in the same category as those three. But I don't know. Our legislators saw fit to do that. So, make sure again, those places, buildings, grounds, and they're all thrown into number nine of sensitive places in New Jersey.

Evan Nappen 12:35

Ten, a park, a beach, a recreational facility or area or playground owned or controlled by a state, county or local government unit or any part of such place, which is designated as a gun free zone by the governing authority based on considerations of public safety. How nice. So, any of these places, if

they're designated a gun free zone, which we know better as a victim disarmament zone by the government authority, then you are prohibited from going to that place. Number 11. Youth sporting events, during and immediately preceding and following the conduct of the event, except that this procedure should not apply to participants of a youth sporting event in which firearm shooting is a competition. Oh, isn't that nice? At least they didn't ban guns from youth firearm shooting competitions. That would really suck to have to do a firearm shooting competition without a firearm. But even worse, how are we going to know whether there was such an event? How do we know what's preceding or following? Now we have to keep track of every youth sporting event, anywhere we travel in New Jersey to make sure that we're not there during or immediately preceding such event. How are we going to know this? I don't know. But you better know it or you're in trouble. Number 12, a publicly owned or leased library or museum. I'm happy to say that a publicly owned or leased library or museum has been enjoined by the TRO and is currently not enforceable. So, you can take your gun to the library or a museum. It's not a prohibited place under Section 12, at the time of this broadcast. When we come back, we're going to review the rest of these amazing and exciting prohibited places.

Speaker 3 14:52

For over 30 years Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life fighting for the rights of America's gun owners. A fierce 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 16:06

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Evan Nappen 16:21

Hey, welcome back to Gun Lawyer. This is Evan Nappen, and I want to remind you all about our great sponsor, the Association of New Jersey Rifle & Pistol Clubs. Every one of you should be a member of ANJRPC, anjrpc.org. Go there and join. They are on the frontlines battling for our gun rights. They have a full-time paid lobbyist in Trenton. When you belong as a member, not only are you part of the fight, and you can be proud to be part of the fight, but also you get these email alerts that are up to the moment, immediate alerts, that tell you exactly what's going on, and what legislation is immediately a threat. Things that threaten our rights. They give you actions that you can take immediately by simply pushing buttons and notifying legislators of our position. They keep us informed and in the fight. They're currently on the forefront of the litigation against the Carry Killer, anti-civil rights bill. They are in litigation on New Jersey's magazine ban. They're in litigation on New Jersey's assault firearm ban. They're in litigation on my case, the "MU" case. They joined as an amicus in "MU", challenging the

constitutionality of denying for so-called public health, safety, welfare. The Association is your active main force in fighting for your gun rights. So, please make sure you're a member. It's the least you can do if you believe in the Second Amendment and are in New Jersey.

Evan Nappen 18:06

Looking back here at the sensitive places. They have number 13. Ready for this one, folks? A shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, Children's Shelter, childcare shelter, shelter for victims of domestic violence, or any shelter licensed under the control of the Juvenile Justice Commission or the Department of Children and Families. Now you tell me, how do we know where every one of these shelters is located all through New Jersey? But we have to know. We have to know which parking lot may be attached to one of these homeless shelters or runaway youth shelters. We have to know any building or grounds. All that's on us to somehow recognize where these things exist with no roadmap given, with no app on this. Hey, there's a great. Maybe we need a New Jersey sensitive places app that immediately tells you if you're nearing some prohibited place anywhere in the state. I don't know but there it is. You better know it. Be careful.

Evan Nappen 19:29

Number 14, a community residence for persons with developmental disabilities, head injuries, terminal illnesses or any other residential setting licensed by the Department of Human Services or the Department of Health. Great. We're supposed to know where all those are, too. Just add it to the list. Do you know the developmental disabilities, head injuries, community residence places? Do you know about that place? I sure don't. But I guess there is one somewhere, maybe lots, who knows? Maybe there's one right now where I am? I don't know. Maybe I'm in one. Maybe I'm in one right now, and I don't even know it. I can probably use it. But the fact is, there it is. And this makes you want to go into one of those, just by trying to figure out the law.

Evan Nappen 20:20

Under 15, they have a bar or restaurant where alcohol is served and any other site or facility where alcohol is sold for consumption on the premises. Good news - that has been enjoined, that has been TROed. You can be in a bar or restaurant that serves alcohol with your firearm. So, that one is currently enjoined, which is really good, because I think we all need a drink trying to get through this stuff. But you better not be using marijuana, because under 16, a Class Five cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the cannabis regulatory commission. You cannot have your gun at the parking lot, premises, or in the building of any marijuana dispensary. In other words, the state government does not want you interfering with their illegal sale of drugs. Because cannabis is still prohibited federally, and New Jersey is one of the largest drug dealers in the United States, breaking federal law selling marijuana. The last thing they want is for you to exercise your Second Amendment right inside any of their facilities that are dealing drugs counter to federal law. So, beware of that.

Evan Nappen 21:45

Seventeen. A privately or publicly owned and operated entertainment facility, including but not limited to, a theater, stadium, a museum, an arena, a racetrack or other place where performances, concerts,

exhibits, games, or contests are held. That my friends has been TROed. That has been enjoined and is currently not enforceable. So, yeah, you can have your gun at the movies. And you can have your gun in these entertainment facilities. That prohibition has been enjoined. Then you are prohibited under 18 from being in a casino or related facilities, including but not limited to, appurtenant hotels (the word appurtenant hotels), retail premises, restaurant and bar facilities, and entertainment and recreational venues located within the casino property. Which means if you're staying at a hotel casino, in Atlantic City, you cannot have your gun. You cannot have your gun at the casino or even in the hotel room. Even in restaurants and bars there. Even though restaurants and bars that are not in casinos have been enjoined. Not the casino and entertainment and recreational venues located within the casino property. So, any of those mall settings, other things that the casinos run. All those areas are still prohibited. And buildings and grounds. Even for parking. Remember, even parking at the casino parking lot. You have got a problem. You cannot have your gun anywhere. If it attaches and goes near the boardwalk, who knows how far that's extending on the boardwalk casino. Do they own the boardwalk? Or does the town own it? Or there's a city own it? I don't know. These are all questions, and yet we better know. You're going to have to figure it out. It's on you to know.

Evan Nappen 23:56

Nineteen. A plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another. So, if you have a solar panel or you see a solar panel, run and hide if you have a gun because that's converting energy. It does not say what the heck this is talking about. But whatever a plant or operation. An operation that produces or converts. Don't cars convert gas into energy themselves, fuel. I mean what is it? This is so broad, so stupid, and so vague. But there you go. Don't have your gun there, whatever this place is. Twenty. An airport or public transportation hub. Now think about that. How are we traveling with our guns? I guess we're going to have to solely rely on Title 18 926 A of the federal law that preempts state prohibition on transport of firearms. You had better be strictly within the federal transport if you're going to attempt to transport at these places. I would be very careful doing it because those are the places where they will X ray and check bags. When they find guns, the police get involved. Next thing you know, this is being put against you and you're charged under this. I get plenty of airport cases and public transportation cases. This is only going to make that even worse. So, watch out.

Evan Nappen 25:21

Twenty-one. Here's a good one. They just went to town on this one. You cannot have your firearm at a healthcare facility, including but not limited to, a General Hospital, a special hospital, psychiatric hospital, a public health center, a diagnostic center, a treatment center, a rehabilitation center, and extended care facility, a skilled nursing home (as opposed to what an unskilled nursing home I don't know), a nursing home, intermediate care facility, tuberculosis hospital, a chronic disease hospital and maternity hospital and outpatient clinic, a dispensary, Assisted Living Center, a home health care agency, a residential treatment facility, a residential healthcare facility, a medical office, or an ambulatory care facility. All those places. All their parking lots. All their buildings. All their grounds, wherever they may be. Whatever they are, you're prohibited, and you better know it. Amazing.

Evan Nappen 26:27

Twenty-two. A facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health other than a health care facility that provides addiction or mental health treatment or support services. Twenty-three. A public location used for making motion picture or television images for theatrical, commercial or educational purposes during such time as the location is used for that purpose. New Jersey is all excited because Netflix is coming to Eatontown and has purchased property at Fort Monmouth so they can do filming and produce shows. However, I hope none of them are going to be using guns. No more gun shows because you cannot use or have it there. You know what I guess this law is? This law is most likely. This part is probably what is known as the Alec Baldwin law. That must be what inspired them to put that in there. That's what I would guess.

Evan Nappen 27:32

Okay, here's 24, and this was a doozy. Number 24. 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 indicating that it is permissible to carry on the premises a concealed handgun with a valid lawfully issued permit under NJS 2C:58-4, and provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e. of 39-6. Now think about this, folks. This section thankfully has been enjoined, and is part of the TRO, but just imagine how this works. Where you would have to, you would only be allowed on any private property if there was an express sign saying, Carry Permitees Welcome. Imagine that all through New Jersey. Is that what we're going to see? Carry permits welcome, bring your gun, come on down. And unless it said that, unless they were advertising openly that fact, you were otherwise prohibited. Luckily, that atrocity has been TROed and enjoined.

Evan Nappen 28:55

Finally, number 25. Just in case they missed something with their whole list of horrors. 25 says any other place in which the carrying of a firearm is prohibited by any statute or rule or regulation promulgated by a federal or state agency. So, all you need to know is every single rule or reg ever promulgated by a federal or state agency that had to do with firearm carrying. Good luck with that. That's incorporated now into New Jersey's law, so you can be charged with a crime in New Jersey. Those are all the so-called "sensitive places". This is the anti-Second Amendment, anti-civil rights folks view of how to kill and limit and make useless a carry permit. You can see just how outrageous a system they put together here of these places, imposing knowledge that it would be a virtual impossibility for anyone to have a complete grasp of where you can actually carry it and not have a problem. As litigation continues, it's vital that we knock this out and get it put in the trash can where this anti Second Amendment garbage belongs.

Evan Nappen 30:14

Now, there is another section in the law. It's not under sensitive places, but it's something that many people have concerns about. And that was the bill also prohibited transporting a firearm in the vehicle. What it said is that any person, other than a person carrying pursuant to subsection a., c., and l. of 2C:39-6, and that's law enforcement and retired law enforcement, who's otherwise authorized to carry or transport a firearm, notice not a handgun. So, if you had a Permit to Carry a Handgun or your Firearm Purchaser ID Card, shall not do so while in a vehicle in New Jersey. Unless, and then they say this, the handgun is unloaded and contained in a closed and securely fastened gun box or locked in the

trunk of a vehicle or in a gun case. So, what they prohibited was transport in a vehicle, and they made it so that particularly if you have a carry license on your handgun, particularly now, you could not have that loaded on your person in a vehicle. We were calling that and still do; we call that the "Carjacker Protection" law. They wanted to protect carjackers, of course. So, they didn't get injured. They wanted law-abiding citizens to be victims of carjackers, violent attacks. So, they don't want you armed in your vehicle to be able to defend yourself. That's why they have this law in place. But that law has been enjoined. So, luckily, you can now transport with your carry permit your loaded handgun in a motor vehicle. That is currently enjoined under the TRO as well.

Evan Nappen 32:00

Hopefully, this gives you a better understanding of what we're up against and what carry is, in terms of New Jersey's treacherous gun laws, but we're making progress. We're knocking a lot of these things out. I'm sure we're going to do tremendously better even as we get provision after provision declared unconstitutional. It's taking time. It's taking work. But these are the glorious times in a glorious fight, that we can win, so that our kids and our grandkids can look back and say, hey, we were the ones that fought it. We are the ones that got them freedom, and this is how we did it. This is what we were up against. But for now, I don't want any of you to become a victim of New Jersey gun laws. I don't want any of you to become a "law-abiding criminal". This is what New Jersey does. So, be careful, be discreet. Remember to belong to the Association of New Jersey Rifle & Pistol Clubs. Make sure you have your membership in place, so that you're part of the fight. This is Evan Nappen, reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 33:23

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