

# Gun Lawyer -- Episode 117 Transcript

## SUMMARY KEYWORDS

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## SPEAKERS

Evan Nappen, Speaker 3

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

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. I got some updates, and some interesting things are rolling. I'm sure we're going to have some more excitement. As I'm sure many of you know, there was a Temporary Restraining Order issued, as we've discussed by Judge Bumb, who we are calling Saint Bumb for issuing the restraining order against a number of the sensitive places that create this gutting of our carry license. It was about maybe five I think were part of that first lawsuit, and then the vehicle transportation as well, like we discussed. But there's the second lawsuit and that's the Association's lawsuit. You know, the Association of New Jersey Rifle & Pistol Clubs who is a sponsor of this show. And that is a more comprehensive litigation that covers much more than the Coalition's and the Coalition's as successful and so far, excellent. As I said before, these organizations are not in competition with one another. They're all fighting for our gun rights and have taken two different approaches.

### **Evan Nappen** 01:37

Approaches that dovetail nicely, frankly, because ironically, it appears and interestingly, it appears that the double teaming is heading to be what looks like a great success. I don't want to count our chickens before they hatch, but it really is. I'm very cautiously optimistic. Association's comprehensive lawsuit goes at more of the sensitive places and goes at other challenges in this atrocious anti-civil rights law by Murphy. Other very bad provisions are in there throughout the law, not just the sensitive places. So, it's really poised to do a major, a major slice and dice of that law. The two punches, the double punch from both organizations, the jab and the uppercut, the successful boom and an uppercut, boom. It really looks like it's going to do tremendous damage to the law, and just knock it out. And that's what all of us want to see. So, it's very exciting, and Thursday, are the arguments on the TRO from the Association's litigation. We should see some excellent things there. I wanted to mention that because when you're listening to the show, you can look forward to catching that event. Then the next show, we'll be discussing if there was an outcome by then. If Judge Bumb has made a determination and what that determination will be.

### **Evan Nappen** 03:35

Additionally, we've been experiencing some anti-gun activities from the Fed side and that includes Biden's pistol brace ban. I want to talk to you later in the show about what you need to know about the Biden pistol brace ban and their criminalization of oh, about 40 million or so gun owners in the United

States. That impact is particularly important if you're in New Jersey because of the conflict that it puts you in, and there's steps that you need to know to take. Let me tell you, though, one of the things that really occurred to me this week, even though all this interesting news, shall we say is happening with various attacks on our rights and freedoms. But remember, the current laws that are in the books are also enforced, and these laws that get enforced are often enforced above and beyond any measure of sanity, any measure of understanding. I get calls from folks every day that are facing charges. But this one story that I'm going to tell you now that individual that contacted me, just made me say, I have to talk about this on the show, because every once in a while, there's something that's so ridiculous that it's beyond the normal, ridiculous. When it's beyond the normal, ridiculous, I just know that my listeners have got to hear about it. Because it just hits you like what? You got to be kidding me, and it is the best.

**Evan Nappen 05:33**

One of the things that I always find entertaining is the lies the police tell. I mean, some of them are just the biggest whoppers and they're just hilarity. Now, I know they don't mean to be hilarious, and I know it can have serious consequences, these lies. But, you know, some of them are just where do they even come up with it. I don't even know. I mean, some are just outstanding. So, a new police lie came to my attention that I'd never heard before that goes in the record books. It involves a fellow who ended up getting charged with possession of hollow nose ammunition in New Jersey. Now the thing is, New Jersey, as you probably know, prohibits hollow point or hollow nose ammunition except within narrow exemptions. You can have it from the place of purchase and have it at your home. You can have it at the target range, and you can have it while hunting, if appropriate for hunting. But if you have those outside those exemptions, then it's a felony level offense - 18 months in state prison for each bullet, arguably, if you possess them outside exemptions. Now remember our whole system is exemption-based anyway. Possession of handguns, you have the exemptions. Long arms, the exemptions. It's only if you have a carry license was the handgun no longer restricted by exemptions. If you had a Firearms ID Card, then you no longer were limited by exemptions. Then this A4769 bill gutted those licenses, so that we're back to being strictly exemption reliant. But as the litigation proceeds, we're removing that strict exemption reliance again. Meaning that you have to only be in those narrow exemptions that allow for possession in the home, possession at a target range, possession at your place of business, that's property owned or possessed by you, etc. Narrow exemptions.

**Evan Nappen 07:53**

So, anyway, this individual had hollow nose in his home, in his home. I get false arrests all the time, folks. I mean, it's part of this gun law that the politicians pass. These knee jerk emotional things They don't even know what they're doing. Then the word is out that somehow it's prohibited, but they don't even know what they are and how it works. No one ever teaches the officers the actual law and how it works. I see these false arrests because they don't know the exemptions. They don't realize the exemptions. And then of course, their egos are so fragile that if you point out such an exemption well, they don't want to hear what you have to say. Unless you're a lawyer. Unless you're me. Unless you're on motion. Unless it's in front of the judge and now they're on the witness stand and I'm cross examining them. Then they look like a giant hole because they didn't pay attention to begin with. But before that gets there, there's other things that they do. So, here I saw this in action or heard this great story.

**Evan Nappen 08:58**

Here this individual is charged that he had hollow nose in his home, and as most of you know, you should know, that hollow nose ammunition in your home is legal. It's legal under the exemptions. You can even have it in your gun in your home, and it's legal under the exemptions. If you're justified in using deadly force in your home, you can use the hollow nose ammunition in your home in self-defense. If you're justified in using the deadly force your fine, the hollow nose is fine. Because you're exempt, you're in your home. But this officer decided for whatever reason, he is going to charge this guy with hollow nose and says come on down and pick up the summons for hollow nose ammunition. But this fellow checks out the law, you know, checks it out. It's not hard to find out if you look at my book on gun law, I explain it. Go online and see certain reliable resources that they'll tell you. Even the State Police website will explain about hollow nose in your home, it's legal. So, he looked at this and it's in his home.

**Evan Nappen 10:11**

So he's not represented by me or anything at this time. He just goes to the officer to pick up the summons, and he says to the officer, look, you're charging me with unlawful possession of hollow point ammunition. And it was in my home. He says, Yeah, it was. He agrees. Well, that's exempt. I'm exempt. I'm allowed to have hollow nose ammunition in my home. Why are you charging me? Ready for this, folks? Here's the officer's answer to why he was charging him. Oh, well, that's because of the size of the cavity. The size of the cavity? What is that the cavity in the eye of the officer's ass? I mean, what is it? The cavity inside his head where his brain should be? I mean, what is the size of the cavity? There's nothing in the law about the size of the cavity. The hollow nose could be an inside out salad bowl, or the size of a pinprick? It doesn't matter. It's irrelevant. This quote "size of the cavity" has nothing whatsoever to do with whether you are lawfully in possession of hollow nose ammunition or not. Doesn't matter. Oh, no. It's the size of the cavity. Oh, I'm sorry, do you know what the legal term for that is? It's called bullshit. That's what the legal term for that is. It's a legal term we use. Look it up in Black's Law Dictionary. It has a special application. It's called "bullshit" when cops make up laws when they're caught falsely charging an individual. It's right there in the definition in Black's. You'll find it. It's incredible.

**Evan Nappen 12:07**

Yet now this guy has to deal with a Fourth Degree felony level offense. He's facing 18 months in state prison on a charge that he is absolutely not guilty of it. He even pointed it out to the officer and instead he gets "size of the cavity" as to why he's being charged. I swear. It's like New Jersey, not only will you get falsely arrested. But laws just get like factors and logic made up as we go along. To justify the abuse heaped on a law-abiding gun owner. I mean, God forbid the officer says what do you mean in your home? Maybe you didn't realize that? I mean, check that out. Let me check that, sir, and he would find out it's true. And then oh, no, no, we can't do that. The ego is on the line. Oh, police don't make mistakes. We wouldn't falsely charge him. And now, guess what you've done? You've compounded it by not fixing it in time. Because now the guy's got more, more of an argument to make about how he was treated and what happened to him. More of a sympathy factor for not just being falsely charged but then being lied to with such absolute garbage found nowhere.

**Evan Nappen 13:36**

And let me just tell you, part of the problem is because the police are trained to lie. They're allowed to lie. Look, I'm not anti- police. Don't get me wrong. I represent police. Plenty of police. New Jersey, as I've said, eats their own when it comes to guns and cops and all that not a problem. I'm totally for law enforcement, and I want to see the bad guys put away. But I'm talking about good guys. Many, many times officers are just awesome. They recognize a law-abiding gun owner, and they bend over backwards to help the poor guy. And instead of doing with this ding dong did, make up crap about why he's being falsely charged. They bend over backwards not to mess with, and I respect those guys. Those guys are peace officers. They take their job seriously and are trying to focus on who the real problem is. But not these others that just lie and do this stuff. Unfortunately, lying is part of the training. Because by lying you can often get information and things and it's part of the Interrogation Process. Police are allowed to lie to you to get information. You're not allowed to lie to the police, however. If you lie to the police, that's a crime. It's not a crime for the police to lie to you. They're doing it in their investigatory capacity, etc. It's not a problem. So, part of the culture there is fostering lying to get to what is, arguably, the good ends of catching bad guys.

**Evan Nappen 15:13**

But I think sometimes that it goes to their head, and they're not distinguishing when they shouldn't be lying and when they should be truthing. Looking at actual facts that are brought before them as in this case, which apparently did not matter one bit. And that's how we ended up with award-winning statements, like the "size of the cavity". When charging somebody with a hollow nose in New Jersey, in which it's a factor that is utterly and completely, legally irrelevant. When we come back, I have some more important information that may save your life.

**Speaker 3 16:00**

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 17:14**

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**Evan Nappen 17:21**

Hey, welcome back to Gun Lawyer. This is Evan Nappen. I am very thankful to be here able to speak to all of you today even though I'm fighting some stuffy nose as you can hear. I still want to get this information out. See gun rights and liberty flourish. These are the glorious times of a fight, glorious fight

that we're in, and we're doing well. So, stay optimistic. Truth is on our side. I have also been fortunate to get sponsored by the Association of New Jersey Rifle & Pistol Clubs, and it is an organization that I truly believe in. I am proud to serve the Board and the Association of New Jersey Rifle & Pistol Clubs. You need to be a member of [anjrpc.org](http://anjrpc.org). It is the NRA affiliate of New Jersey, the state affiliate. They have a full-time paid lobbyist in Trenton, and they're litigating these issues for us. The atrocious anti-civil rights bill by Murphy. The assault firearm law challenge. The large capacity magazine challenge. They're also filing Amicus, meaning friend of the court, briefs, such as on the MU case. That's our firm's case. Evan Nappen. [EvanNappen.com](http://EvanNappen.com), our law firm there. We have a case challenging the constitutionality of so-called Public Health, Safety, Welfare denial. These are all very important issues that are going to affect 1000s and 1000s of New Jerseyans. The Association is there defending your rights in New Jersey, focused in really the hardest, toughest most anti-gun state in the country, and you need to be part of this group. So that together we have the power to fight and to continue in our quest to save our freedoms, not just for ourselves, but for our kids and our grandkids. They'll look back and thank us. I know that they will. I mean that. So join the Association, [anjrpc.org](http://anjrpc.org) .

**Evan Nappen 17:35**

I love getting letters to the show, and they come in as ask Evan letters. I've gotten some important letters here with some important questions. I wish I could read everybody's letter. But we don't have time to do that. But I do have a handful here, that I think would be very helpful. So, this one's from David. He says regarding NJ carry law and insurance. I listened to Episode 116 on where I can carry. Thank you for covering that topic in great detail. It was very helpful as I completely stopped carrying once the Bruen Buster bill was passed, a little progress has been made. There's still one big issue as I see it. That's the requirement to have insurance. As far as I know, we cannot buy insurance in New Jersey. I've tried several insurances, but they don't insure in New Jersey. How can we carry legally anywhere, even in the do not enforce areas you mentioned if we are required to have insurance, but cannot buy it? Regardless, David.

**Evan Nappen 21:20**

David raises an excellent issue, and he's correct. The problem with the liability insurance requirement that's found in the anti-civil rights bill is that no insurance company can actually write the insurance that it demands. Because the insurance companies are currently taking a position that insurance requires them to insure intentional acts. Insurance companies don't insure intentional acts, they insure negligence, things like that - not intentional acts. What makes it even more ironic is that originally Murphy signed an executive order banning insurance for gun owners. Banning what he pejoratively called Murder Insurance, and that closed down a number of the providers of insurance to folks that had wanted to have legal protection, should they get sued regarding using their gun. Now the funny thing is none of the insurance programs that existed, "insured for murder". They did not insure for intentional acts. It was always to provide legal defense, if you were charged and needed to be represented in terms of self-defense, and to provide services according to that, but not covering, "murder insurance". The ironic thing here is that Murphy signed the bill, the anti-civil rights bill A4769 that the insurance companies now view requires them to insure intentional acts. In other words, intentional things like murder. So, in other words, Murphy signs a bill mandating that gun owners literally get "murder insurance", something that didn't exist before and doesn't exist now. Unless the insurance companies or the folks there work it out with the Insurance Commission in the state of New Jersey, so that there is

some product that satisfies this and that has the correct exclusions, we're not going to see such insurance.

**Evan Nappen 23:38**

Now the good news is that the requirement for the insurance does not take place until the second, I think, of July. July 2 is when you actually need it. So, that part hasn't kicked in at the moment, but it will be by the beginning of July. But part of the Association's lawsuit that we talked about is challenging the requirement to have insurance, and I think there's excellent constitutional arguments there to be made to stop the requirement of insurance. And that's because the constitutional right is something that you cannot mandate insurance before you exercise it. Do you think it would be right to mandate insurance? New Jersey requires \$300,000 liability for exercising your Second Amendment right. Should we require \$300,000 liability before anybody publishes a newspaper article? Should we require that every newspaper reporter and TV news anchor have at least a \$300,000 insurance policy? They would have to show that card and have it on them at all times by the way while they're exercising their First Amendment right. Should we have a \$300,000 liability for anyone who wants to observe any religious belief in a house of worship or to stop and pray or to believe in whatever God they want to believe it to in order before you do anything religion wise? Do you need a \$300,000 insurance before you exercise your First Amendment right to religion? No, I don't think so. I don't think those things are going to fly, and it won't fly for our Second Amendment rights, either.

**Evan Nappen 25:34**

Because the right to keep and bear arms is the equivalent of the First Amendment right to free speech and the right to free exercise of religion and the right to Sixth Amendment right to cross examine witnesses. All that's in the Bruen decision in the same paragraph when Thomas describes it. He uses these very examples of the First Amendment, Second Amendment, Sixth Amendment. All together as those rights. So, the insurance requirement hasn't taken place yet, even though it's slated to. I'm cautiously optimistic that it will be killed by the court. Until then, there is no insurance company that I'm aware of that has yet to provide a product that would satisfy that requirement.

**Evan Nappen 26:29**

I have another question here that came in from SIM regarding carrying guns, not on a court order. I'd like to start off by saying I'm a big fan of the show and your work. The question I have is about whether my carry permit applies to all guns that I own. I received my carry permit before the carry killer law was passed and signed. I am restricted by my court order to the guns I qualified with. I heard with the new law and with courts out of process, the court is out of the process, that one permit is good for all guns. Is this true? A lot of people would benefit from this clarification. Thanks in advance.

**Evan Nappen 27:16**

It is true that under the carry killer law, the anti-civil rights bill, it does state that one handgun permit is good for all handguns someone has. But it also states that under our current law, that one handgun permit is good for all handguns one may own. The language that says that one permit is good for all is right in the very first paragraph. Paragraph a. Right off the bat. Very first paragraph under NJS 2C:58-4, which is the licensing statute for a permit to carry a handgun. The very first paragraph of that statute says that one handgun permit is good for all the handguns that you have. Now even though it says that

judges, again, the judges who took away our gun rights to begin with under carry by creating the virtually impossible to achieve standard of "justifiable need". These same judges create restrictions by taking advantage of the supposed permission for judges to restrict carry. Even though they're not actually authorized to restrict the number of guns. It doesn't say that in there. But nonetheless, they abuse their authority, and they have been creating orders when they issue the permit, some of the judges, mandating that you carry only certain guns that you qualified with. Some of that is a blending over from policy for the RPO, the Retired Police Officer card that the state police had put a different standard on for what guns they can and can't carry. So, some of it's a blending, and some of it is abuse by judges.

**Evan Nappen 29:15**

But whatever the issue that led to your getting an order that restricted you, you still have an order that restricts you. I've gotten calls on it, and here's the bottom line. Yeah, I know what the new law says, and I know what the old law says. But you are bound by a Court Order if you have a judge issued permit, and that court order, orders you within certain bounds and to do certain things, etc. You must follow the Court Order. Because if you break the Court Order, you can be found in contempt of court. In contempt of the order. You could lose your license, and you could even be prosecuted for it. Contempt of court and maybe even a gun charge with a claim that your license wasn't valid, because you didn't follow the court order. If you have a Court Order and you don't like its terms, then like any other court order, you need to go back to the court and try to get the court to change it. Maybe the court will hear you and change it. Maybe they won't. I don't know. But the good news is on your renewal, you won't have to deal with a judge anymore. Judges have been removed from the carry licensing process. A huge win for gun owners. Huge. Even though the rest of the bill is so terrible. With the judges gone, there are no court orders that can issue restricting individual licensees anymore.

**Evan Nappen 30:59**

So, your next carry permit will be a straight carry permit. It's good for all handguns you have, and there's no court order that can go along with it because it's not done by a court anymore. The good news is that the judges are out. And if you currently have some half-assed permit that's jamming away your rights, that shouldn't be doing it, then you need to try to get a change by the court itself. Because otherwise you risk contempt and being in violation of the order that is specifically on you and addressed to your permit. So, be aware of that and take the steps needed to change it. Or if you're not going to change it, then you've got to live with it. Live with it until your renewal. But, like I said, the good news is on your renewal, no more judges. Yeah!

**Evan Nappen 32:04**

Okay, let's take a look here. We have one more quick one. Tell you what, I think we're going to have to wait to get into much more detail. But let me just say I've gotten a lot of questions about the pistol brace rule. It's been virtually, officially promulgated. It still technically, technically, has to get published. But it's going to be. Probably maybe by the time you hear this show. By the next show, or maybe one after, we're going to have all the details with specific actions. What New Jerseyans need to do. Updates on the litigation, and how to deal with the pistol brace issue and its effect on all of us. I don't have time right now to get into it. Plus, there's more information coming our way. So, just be aware that pistol brace deal is hit. They did waive the tax apparently. So, that's good, but there's so much garbage in it

as you could well expect. The choices that you're going to want to make on this are going to take a lot more consideration. We'll go through them in detail later in future podcasts. So, make sure you subscribe to Gun Lawyer. Make sure you are a member of our state Association because they're sending out updates on all these things. Many times, I help to write them. So, you're getting the emails right from the Association as to action that needs to be taken. So, join [anjrpc.org](http://anjrpc.org). This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3** 34:03

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