

# Gun Lawyer -- Episode 134 Transcript

## SUMMARY KEYWORDS

carry, prohibition, handgun, gun, prohibited, place, firearm, permit, new jersey, law, facility, gun rights, lawyer, judge, casinos, insurance, book, including, public, exemptions

## SPEAKERS

Evan Nappen, Speaker 3

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

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. Boy, these sure are exciting times. Judge Bump in the Federal court case released her incredible decision. I mean, it is 235 pages, and it is decisive. It is virtually a book unto itself. This really lays out her opinion so strongly. So well done. She knows that this is going to most likely go up the line, and she has really put forward an incredibly strong opinion, and an order on the preliminary injunction, which has changed a number of things, some really spectacular things.

### **Evan Nappen** 01:11

What I want to do today is go through the changes and go through what you need to know if you're carrying a handgun in New Jersey with a Carry Permit. What is the law now? What do you need to know? Where can you carry? Where can't you carry? A basic, fundamental, understanding of the rules that you hear from me, so that you don't get into trouble and where we stand. Let me just say, right off, one of the most important things that the judge did was enjoined, which is stop the application of, stop the enforcement of the insurance mandate in the Carry Killer, anti-Civil Rights bill by Murphy and the Democrats. The bill, amongst a whole bunch of other things, mandated that individuals have liability insurance if they carry a gun in public. This was to take effect on July 1, and it would have been devastating. Because no such insurance is available. Nothing meets the bill because the law essentially required insurance companies to insure intentional acts, and nobody was touching it.

### **Evan Nappen** 02:44

We were heading into a disaster if the insurance requirement was not found to be unconstitutional and enjoined. I'm happy to say that that's exactly what happened. So, we are in good shape over that being killed by the judge. No insurance mandate. Huge news. It had the potential to absolutely wreak havoc because it's not just permit holders, those with carry permits, but anybody who carries a firearm in public needed insurance. So, even if you didn't have a carry permit and you carried your handgun at the range to practice or you carried your handgun in your place of business that was open to the public, even though you would normally be allowed to, you would be required to have insurance even without a permit. It would have just wreaked havoc but that has been enjoined. You do not need to get liability insurance to exercise your Second Amendment rights to carry in public and defend yourself.

### **Evan Nappen** 03:59

Now let's take a look at the situation because you're all excited now that you got your carry permit. You're looking forward to being able to defend yourself and your loved ones. No longer be a victim, but rather a defender if you ever have to be. You're no longer denied the most effective means to defend yourself and your loved ones. But what are the parameters that you need to know? Well, starting right away with the permit itself. Permits are good for two years, which didn't change. So, keep that in mind. You don't want to forget about your carry permit and have it expire. They last two years. The permit applies only to handguns carried by the actual permit holder. So, your Permit to Carry doesn't allow your spouse to carry a gun unless your spouse has his or her own carry permit.

**Evan Nappen 05:00**

The law does require that your firearm be carried concealed on your person. It does not authorize individuals to carry openly. New Jersey strictly has concealed carry, not open carry. The only exception to that is if there's a brief, incidental exposure, of the handgun when you are transferring it from a holster or shifting of your body or clothing. But other than those brief incidental exposures, it needs to stay concealed. Open carry is prohibited. The application fee is still in effect at \$200. Make sure when you carry that you have the proper holster. Not only does it have to be on your person concealed, but the holster has to retain the handgun. At a minimum, it has to conceal and protect the main body of the firearm. It has to maintain the firearm in a consistent and accessible position. Make sure you have a good belt rig for your firearm. You have to make sure the holster covers the trigger, and it is inaccessible. The trigger is inaccessible while the handgun is seated in the holster. You need to have a holster that conforms to this because if your holster doesn't conform, then it's illegal, and you can face a felony charge for not having the proper holster. So, you want to make sure you have that proper holster.

**Evan Nappen 06:39**

The law does impose on permit holders what is called a Duty to Disclose. So, you need to know that you must reveal to an officer that you're carrying, and this kicks in July 1. But you should make sure you get your mindset established now. If you're ever stopped or detained by a law enforcement officer, while carrying your handgun, either in public or traveling with it in a motor vehicle, you must immediately, immediately, disclose to the officer that you're carrying the handgun or if it's stored in the vehicle. So, even if you're transporting it, cased and unloaded, but you're a permit holder, you have to disclose that it's stored in the vehicle or that you're carrying it.

**Evan Nappen 07:27**

The Duty to Disclose is on all folks that have a Permit to Carry. Now interestingly, if you don't have a Permit to Carry, you do not have a Duty to Disclose. That's right. It only applies to Permit to Carry holders. Not only do you have to immediately disclose that you're carrying a handgun, and if you fail to do it, it's a crime of the fourth degree. You're looking at up to 18 months in State Prison if you fail to do that. But you also must display your Carry Permit to the officer and failure to display it is a disorderly persons offense, which carries up to six months in the county jail. So, when you're carrying your handgun, make sure that you have your Permit with you so that if you have to disclose, you can immediately show your permit as well and that is required by law.

**Evan Nappen 08:19**

Additionally, if you end up getting detained by law enforcement as part of a criminal investigation, let's say you were engaged in a righteous shoot or any other matter where there's a criminal investigation, you must provide your handgun to the officer upon request for purposes of inspecting the handgun. So, if the officer requests to see your handgun, you must turn it over. Your failure to do that is also a fourth-degree crime, and you face 18 months if you do not do that.

**Evan Nappen 08:53**

Now let's go over some key things that you cannot do while carrying your handgun. This is in addition to what's called the sensitive places that we'll get to in a minute. These things are still in effect. These are not enjoined, and it's important that you abide by these things. Number one, you cannot consume alcohol, cannabis or a controlled substance while carrying a handgun. So, no consumption of alcohol, cannabis or what's called CDS, basically drugs, while carrying a handgun. You cannot be under the influence of alcohol, cannabis or controlled substance while carrying a handgun. You cannot carry a handgun in public outside of your holster, and you cannot carry it in a holster that doesn't meet the holster requirements. You cannot carry more than two firearms at one time. You can't do the John Bianchi thing and have 40 handguns all over. You can't do that. Two is the max. You're also prohibited from engaging in what is called an "unjustifiable display of a handgun", which they don't define in much detail. Basically, keep it covered, keep it concealed. Don't display your handgun.

**Evan Nappen 10:19**

Now, additionally, there are 25 "sensitive places", and a number of these sensitive places have been enjoined. Let's review them so that you don't have a problem. One of the sensitive places is basically any place that's used by the government for purposes of government administration. It particularly notes that it includes police stations. So, do not bring your gun into a police station or other facility that is used for government administration. You cannot have your gun in a courthouse or a courtroom, or other premises used to conduct judicial or court proceedings. That's kind of a standard prohibition, and it's very common throughout America. Additionally, you cannot have your gun at a correctional institution, a jail or a prison. Do not bring your gun to prison. Okay, do you have to write that one down? I don't think so. But keep it in mind. It is a prohibited place.

**Evan Nappen 11:29**

You cannot have your handgun at a state-contracted halfway house. Now, how you're supposed to identify what a state-contracted halfway house is, I have no idea. It's not like they put a big neon sign to say "state-contracted halfway house". But if for some reason you end up in such a place, do not carry your gun there. Additionally, you are prohibited from having your gun at a place used as a polling place during the conduct of an election. You can't have your gun at a place where you vote, and also at places used for the storage or tabulation of ballots. You can't have your gun at a place being used to commit election fraud. I'm just kidding about that second part. But you can't have it at a place where there's storage or tabulation of ballots, and you cannot have it at a voting place or polling place.

**Evan Nappen 12:31**

One of the places that was prohibited, and it was not enjoined in the original TRO, but in fact, is enjoined now in the new Preliminary Injunction order. And that is carrying within 100 feet of a place where a public gathering, demonstration, or event is held for which a government permit is required.

And anytime during the conduct of that gathering, demonstration, or event. This has been enjoined. You're no longer prohibited from carrying at a public gathering or demonstration or event where a government permit is required. The judge has enjoined that, so that was a nice gain, a nice win. Because how would you even know whether a public gathering required a permit? Doesn't mean they even had to get a permit? How do you even know that a public gathering was going to take place? How are you going to know any of this? So, luckily, that has been enjoined, and you don't have to worry about that prohibition for now.

**Evan Nappen 13:47**

There's still a prohibition on colleges and schools and universities and other educational institutions and on school buses. So, do not carry in educational institutions or any of the property associated with that. Remember, these places include the parking lots and property, etc. of the prohibited places. So, be very much aware of that. You don't want to have a problem. Educational facilities are also prohibited in other section and has been a prohibition in New Jersey for quite a while. Now. They also prohibit it at childcare facilities and a daycare center. So, you cannot carry at a childcare facility or a daycare center. Additionally, you cannot carry at a nursery school or a preschool or a summer camp. However, in that same category they placed zoos. I don't know why they put zoos in with nursery schools, preschools, and summer camps. Why were zoos in with those three? Maybe if you have kids, you think a zoo is appropriate to be with those three. But, nonetheless, zoos have been enjoined. So, if you wish to bring your carry gun to the zoo, that is no longer prohibited. But nursery schools, preschools and summer camps are.

**Evan Nappen 15:19**

There is another big one here that actually was continued to be enjoined and that was a park, a beach, and a recreational facility or area owned or controlled by the state, county or local government, in which it was designated as a gun free zone by the governing authority. This has been enjoined. You can carry at a park, a beach or recreational facility or area. What you cannot carry in though, what has remained as law that is enforceable, is playgrounds. You cannot have your gun at a playground, but you can at a beach or park or recreational area, or other area owned or controlled by the state. For such things you can. It is limited to playgrounds.

**Evan Nappen 16:12**

There's still a prohibition on having your firearm at a youth sporting event, both during and immediately preceding the event. The only exception to that is it doesn't include a youth sporting event in which there is a firearm shooting competition. How nice. It's very hard to compete in a firearm shooting competition without firearms, but that has not been enjoined. There is an exemption for firearm shooting competition. But that's it for youth sporting events. There was a prohibition on publicly owned or leased library or museums and that has been enjoined. So, you can carry at a publicly owned or leased library or museum. Let me take a break right now. When we come back, I'm going to finish reviewing with you the places you can and can't carry and the important things you need to know so that you can safely carry your handgun with your permit and not run into trouble. See you in a few.

**Speaker 3 17:26**

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 bestselling 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 Eva 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 18:40**

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

**Evan Nappen 18:55**

Hey, welcome back to Gun Lawyer. I'm Evan Nappen. Thanks for being a listener. I have so many great folks that listen to the show, and I love speaking with you. I'm so glad when folks come up to me, and they tell me how much they enjoy the show. It really means a lot to me. I really like it. I'm able to get out and educate folks so that you don't end up needing to hire me to defend you because that is not a fun position to be in when the state of New Jersey wants to turn you into a criminal. So, knowledge is the key, and it is absolutely required upon you to know the law. We try to educate our listeners so that they don't run into trouble.

**Evan Nappen 19:39**

I'm very proud to have some great sponsors for the show. As many of you know, the state association, the Association of New Jersey Rifle & Pistol Clubs, is a sponsor of Gun Lawyer. The Association of New Jersey Rifle & Pistol Clubs is the premier gun rights organization in New Jersey. They are litigating the very decision that we're talking about now. Their action in court is what got us to these various prohibitions being enjoined. The court case was handled by my good friend and colleague, Dan Schmitter. It was argued by Dan, and he did a fantastic job. I would point out that the Association is there for you. They're on the forefront of the litigation, and they're also there in Trenton with a full-time paid lobbyist. Keeping a strong, strong presence and a clear eye on what is going on in Trenton so that you can be warned about the shenanigans going on and what actions you can take to help fight for our gun rights.

**Evan Nappen 21:00**

You need to be a member of the State Association, which is the Association of New Jersey Rifle & Pistol Clubs. That's the umbrella organization, and it is the NRA affiliate. It is critical that you belong to the state association. You can go to [anjrpc.org](http://anjrpc.org) and join. You will get email alerts as to the latest activities going on that affect our gun rights, and you'll get a newsletter, a printed newsletter, that's the finest gun rights newsletter in New Jersey. You will also know that you are part of the solution by joining the Association.

**Evan Nappen 21:47**

I also want to thank our sponsor, WeShoot. WeShoot is a top-of-the-line range in Lakewood, and WeShoot has just a fantastic facility. Easy to get to from Monmouth and Ocean County and the surrounding area. Our ranges are super important. Because without ranges, we don't have a place to shoot. In a crowded state like New Jersey, ranges are a blessing. They are critical to our right to keep their arms, and WeShoot is really fulfilling a role there that is incomparable. I want to tell you that WeShoot had some excitement recently. Host Judy, from the Dennis and Judy Show on 101.5, stopped in for a beginner's class with Heidi, the instructor that we've talked about on the show before. Judy really had a great time, and she decided to join the WeShoot community, which is just great.

**Evan Nappen 22:53**

We can get that kind of outreach at ranges, and we can get folks shooting that are influential folks like that. It's really important and that's what WeShoot's doing. They really take pride in their continuous efforts to invite influential figures and engage them with the Second Amendment experience. They offer a great opportunity to understand and appreciate safety and discipline that really defines the art of shooting. That's what we need rangers to do. This is a mission. This is a mission, a calling. It's critical, and it's how we protect our rights. WeShoot really shatters the misconceptions. They show that the gun community is often misportrayed in the media. But once folks actually experience it and see that they prioritize safety, they treat the sport with respect. They see how professional ranges and what shooting is all about. That's really important and critical. It's really great that WeShoot is out there doing that. It protects all our rights and enforces the Second Amendment.

**Evan Nappen 24:05**

One of the things I find really nice is that WeShoot is offering listeners of Gun Lawyer a special deal. From May 21 to May 31, you can get a free range pass. All you have to do is mention the promo code. I'm going to let you know the secret promo code. It's Gun Lawyer. That's right. Go to WeShoot, tell them Gun Lawyer, and you get a free range pass so you can experience firsthand what I'm talking about how great that WeShoot range is. You got a place to shoot and not only that a place you can shoot for free. Just say the word Gun Lawyer, and you'll get a free range pass. You can share that code with your friends and family. Go down to WeShoot and really have a great time and a great experience there. You'll see why I'm so proud to have WeShoot as a sponsor.

**Evan Nappen 25:13**

Additionally, WeShoot is extremely grateful for the Americans that have served and sacrificed for our country and for our freedoms. They are also offering all active and past members of the armed forces, as long as you show proof of service, a free range pass for Memorial Day weekend. Saturday, May 26, and Sunday, May 27. If you have prior Armed Forces service, you can get a free range pass as well. They're really out there, and they want you to try WeShoot. You'll see what a great facility it is. You can get these free passes by either being active military, prior military service, or just mentioning Gun Lawyer. You can take today and have a great time at the range. If you want more information, go to [www.weshootusa.com](http://www.weshootusa.com). That's [www.weshootusa.com](http://www.weshootusa.com). And take a look at their website. They really have great photos, too. They have professional quality photos, and they just do a really fantastic job. I'm so proud to have them as a sponsor.

**Evan Nappen 26:35**

One other last thing, I will shamelessly promote my new book, which is the 25th Anniversary Edition of New Jersey Gun Law. It's 516 pages. What I'm talking about today. I've explained 120 topics in a detailed question-and-answer format so that anyone can understand the complexities of New Jersey gun law. I can't believe it's the 25th anniversary, and it's my masterpiece. The greatest thing about it is that it has a QR code that you scan on the front, and you can register for free updates. Subscribe. It's free. You will get updates and alerts so that the book will continuously be current. Because that's one of the things when you get a law book, the law changes. Well, this way, I'm keeping it current. If you go there now, you'll see that there's an update on the case that we're talking about right now. An update is there so you can read and print it. You can have it to reference again, and you know exactly what the updates are and how the law is changing.

**Evan Nappen 27:49**

So, get the book. That's your base of all the laws. Then when anything changes, you're going to know by way of that update. You can purchase it at my website. Just go to [EvanNappen.com](http://EvanNappen.com), and you'll see the big orange book. Just click it and get yourself a copy. I know you'll get a lot of use out of it. One warning I'll have to tell you is when you get the book, don't lend it to anybody because you won't get it back. I hear that complaint a lot. I loaned my book and didn't get it back. I've got to buy another one, which I'm glad if you have to buy another one because I like to sell books. But keep in mind, it's very desirable.

**Evan Nappen 28:29**

Let's take a stroll back at the places you need to be aware of so that you don't have a problem. You cannot have your gun in shelters, various shelters, shelters for the homeless, emergency shelters for the homeless, basic centers, shelter programs, shelters for homeless or runaway youth, Children's Shelter, children's childcare, shelter, shelter for victims of domestic violence, or any shelter licensed or under the control of the juvenile justice commitment Commission, or the Department of Children and Families. So, beware of shelters. You also can't have your gun at a community residence for persons with developmental disabilities, head injuries or terminal injury, terminal illness or any other residential setting licensed by the Department of Human Services or the Department of Health. Those prohibitions are still there, and they're still considered sensitive places. Don't carry your gun there.

**Evan Nappen 29:26**

Now one of the prohibitions that has been enjoined was a bar or restaurant where alcohol is served and any other site or facility where alcohol is sold for consumption on the premises. That has been enjoined. You can in fact have your gun at a bar or restaurant or a place where alcohol or any other site or facility where alcohol is sold for consumption. You can have your gun there. That has been enjoined, and you're not prohibited. Now, you are prohibited from imbibing. You are prohibited from drinking, and you're prohibited from being under the influence of alcohol. But you can be at a place where alcohol is served.

**Evan Nappen 30:12**

There's also a prohibition on class five cannabis retailers. So, dispensaries for medical marijuana or recreational marijuana, and any of those places that are regulated and licensed by the cannabis Regulatory Commission of the state of New Jersey that violates federal law by selling marijuana illegally under federal law. You know, that place. You can't have your gun there. So, don't bring your gun to any of the drug distribution centers, licensed by New Jersey contrary to federal law. They don't want you there with your gun. Additionally, there was a prohibition, this one has been enjoined, and I'm happy to say so, on privately or publicly owned and operated entertainment facilities within the state, including but not limited to a theater, a stadium, a museum, arena, racetrack or other place where performances, concerts, exhibits, games, or contests are held. And guess what? That was outrageous. Think about the atrocities committed at movie theaters. If an individual had been armed, they could have stopped it. But here, the New Jersey Democrats go and say, oh, no, no, we don't want you carrying in movie theaters. I mean, it's exactly the opposite. They want you to remain victims, not defenders. It's outrageous. Well, that's been enjoined. You can have your firearm, and you can carry in privately or publicly owned and operated entertainment facilities, including not limited to theaters, stadiums, museums, arenas and racetracks, etc. So, that is really good news. We are not disarmed in those places.

**Evan Nappen 31:55**

There was also a prohibition on carrying in casinos, including but not limited to their hotels and retail premises and restaurants and other facilities and entertainment restaurant venues all with the casinos, and that has been enjoined. So, the law prohibiting it is no longer enforceable. However, the casinos have conspired together through their organization, and they are privately banning firearms at their facilities. They decided to go against our Second Amendment rights as private property owners, and they're prohibiting guns on their premises. If you violate that, then you are a trespasser and can be prosecuted. So, the call by the state association is to boycott the casinos. They don't recognize our Second Amendment rights. They're in fact opposing our Second Amendment rights. They want you to be victimized more than just by your wallet going into casino, but your very personal safety. They're prohibiting you from being able to defend yourself at those facilities. Even though the law itself was enjoined, you still have that prohibition to worry about from a private entity. So, don't give them your business.

**Evan Nappen 33:17**

There's a prohibition on what is essentially a plant or operation that produces, converts, distributes or stores energy, and converts one form of energy to another. That's so broad and ridiculous. You would think that it should have been knocked out for vagueness. I guess we're just calling it an energy plant, for lack of a better word, but it's almost like what if you are standing by a solar panel, you can't have your gun? I don't know. But that's going to take more litigation I'm sure in the final hearing, and let's see what that's really about. But for now, it's not been enjoined. But of course, how is it defined and what does it mean? That's another story.

**Evan Nappen 33:58**

There's a prohibition that you cannot have your firearm at an airport or a public transportation hub. Now, what the judge did here is interesting. There is a partial enjoining of that, to the degree that you can pick up and drop off, as long as you don't go in, and if you go in, you can still check in your gun if



you're transporting it properly. But short of that, you can't have your gun at airports or transportation hub. The judge did not enjoin it in its entirety. So, that's going to take further litigation to see exactly what the parameters are. But be very careful when dealing with airports and public transportation hubs. You are going to not have reliance on your carry permit there, but more on Title 8926 A of the federal law for interstate transport or reliance upon exemptions for your transport in these places.

**Evan Nappen 35:02**

Additionally prohibited was an entire list of health care facilities. Interestingly, there's been a number of these places, a couple of these, that are very important were enjoined. So, you cannot carry at a healthcare facility, including but not limited to, a general hospital or a special Hospital, a psychiatric hospital, a public health center, Diagnostic Center, treatment center rehabilitation center, extended care facility, the skilled nursing home and nursing home, intermediate care facility, tuberculosis hospital chronic disease, hospital maternity hospital, outpatient clinic, dispensary, Assisted Living Center, home health care agency, residential treatment facility, residential healthcare facility. Then the last two, medical office or ambulatory care facility, those two have been enjoined. So, you can carry in a medical office or ambulatory care facility, but you cannot carry in all the others and that would still mean your hospitals and such. But as far as the doctor's office or the ambulance, ambulatory care, that's been enjoined of that section. We'll see how much of that survives in the final hearing. For now, that's the limitation, but we did gain in the decision medical office and ambulatory care facility.

**Evan Nappen 36:37**

There is still a prohibition on any facility licensed or regulated by the Department of Human Services or Department of Children and Family, or Department of Health, other than a healthcare facility that provides addiction, or mental health treatment or support services. The prohibition on a public location being used for the making of motion picture or television images for the actual commercial or educational purposes during such time the location is being used for that purpose. That was a prohibition. We call that the Alec Baldwin prohibition. The judge has enjoined that. So, you can, in fact, have your gun at a public location used for making motion pictures or television images, etc. That has been enjoined, and it is okay now.

**Evan Nappen 37:29**

Then there was the private property prohibition, and we're going to have to explain this. This is an interesting decision on how this works. There's a prohibition that says 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 that it's permissible to carry your handgun with a valid permit. The exemptions, the normal exemptions, still apply under 2C:39-6e. and f. for your home or your place of business. But short of that, private property in its entirety was prohibited unless there was an express consent or a sign. Now, what the judge did here is interesting. The judge decided that, as far as private property which is open to the public, is enjoined. You do not have to have express consent or see a posted sign affirmatively allowing you to carry if it is public use private property. So, the bar doesn't apply to that. But on private property, that is not public use, such as, arguably, your friend's house or something like that, then you need to have the express consent or a sign welcoming it. Welcoming and saying it is permissible to carry a concealed handgun with a valid permit under 58-4.

**Evan Nappen 39:19**

So, it's kind of split the baby there. The difference between private property being used for public purposes and not. One of the things I was thinking about with this, just as a side note, I think all private property owners that believe in gun rights should put signs on their property that "Carry with a permit is lawfully permitted." Think about it. If you put that sign on your private personal property that you have no problem with and in fact, encourage the licensee to carry, not only are you standing up for gun rights, but also, you're giving folks that might consider robbing your home second thoughts. Because if you are welcoming concealed carry, they probably want to find a home that isn't so welcoming for folks that are willing to defend themselves and have others defend themselves. Something to think about. But that's how to deal with that exemption now. It's the decision by the judge in this matter. So, make sure you understand that and don't have a problem. Then finally, any other place where the carrying of firearm is prohibited by statute, rule, regulation, promulgated by federal state agencies. It's very broad. It's kind of hard to define, but anywhere else there is a rule or reg. That has not been enjoined. Of course, it remains to be seen what exactly they're even talking about, but I'm sure it'll come up in some capacity.

**Evan Nappen 40:57**

Now, in addition to the 25 sensitive places, there's transport in a motor vehicle. We call that, as you may recall, the Car Jacker Protection bill, because Murphy and the Democrats prohibited an individual from having a loaded handgun, even though they have a permit to carry, in their own vehicle for protection. That's just an absurdity beyond absurdity. The judge has enjoined that, and it staid enjoined. So, you can have your handgun in your motor vehicle, concealed on your person and loaded (if you have a NJ Permit to Carry). It's not a problem to do that because it has been enjoined. Now, keep in mind that even though it's been enjoined, which is very good, you cannot ever leave your handgun outside your immediate possession or control within a parked vehicle. If you park your car and you are not taking your handgun, it needs to be unloaded and contained in a closed and securely fastened case, gun box and is not visible from the outside of the vehicle or unloaded and locked in the trunk or storage area.

**Evan Nappen 42:02**

Listen, be responsible gun owners here. Get the locking gun safe for the car. They are less than 50 bucks. It has a cable, and it'll strap around the base of your seat. Secure your unloaded firearm, lock it up, and slide it under the seat so it's out of view in a secured gun safe made for such things. Please be responsible and go beyond the law here. You don't want your gun stolen, and you don't want somebody else to access your gun. So, this is something that you really should conscientiously do. Now, if you end up in one of these sensitive areas, what do you do? Well, what it says is if you have a Permit to Carry and you're otherwise prohibited from carrying a concealed firearm into the parking area of a prohibited location, the law says that you can transport that handgun or ammunition within the vehicle into or out of the parking area, provided your handgun is unloaded and contained in a closed securely fastened case, gun box, or locked and loaded in the trunk or storage area. Again, use a gun safe here. Lock it in the safe that's cabled and put it out of view. Or you can store the handgun or ammunition in a lockbox. They even mention that in the second part, and out of plain view within the parking lot. That's the thing to do. Put it in that lockbox designed to secure firearms with the cabling device that goes

around the base of your seat. Secure it and put it under the seat out of plain view. Be responsible and be in compliance with that requirement.

**Evan Nappen 43:41**

Those are the sensitive places and that's how to deal with it. Now in addition, there's some broad exemptions to all of it, that include the classic exemptions that we've relied upon for years and years in New Jersey, which is subsection e. and f. of 39-6. As you may recall, e. is possession in one's home, possession in one's place of business, as long as you actually own the business, your business that's an exempt place, going to the gunsmith with your firearm, going between residences and such while moving, but during the whole time you're doing that, it has to be pursuant to subsection g., which is unloaded and in a secure gun box, case, etc or locked in the trunk. Again, I highly suggest using that lockbox, so you have it secured. As long as you stay within an exemption, that can exempt you from these sensitive places. This is what you need to know as a person carrying a handgun under a carry permit. Those are the prohibited places and the new changes that the judge has put forward.

**Evan Nappen 44:54**

Now let me just leave you with something very important. The State of New Jersey is appealing the decision, and that's no surprise. However, they are trying and requesting to get what is called a stay. If the State of New Jersey gets a stay, that means everything that's been enjoined is no longer enjoined. This would mean that the entire Carry Killer, anti-Civil Rights bill passed by Murphy and the Democrats will be in force. If that happens, then the insurance mandate will be required, every sensitive place will exist, and all of this gain that we've gotten in the preliminary and in the TRO will be wiped out, maybe temporarily, because then it's going to take an appeal. But it would take a while for that appeal to finally get adjudicated, and during that time period, the law will be in effect. So, that is a bomb that can go off on our rights, and we better hope that there is no stay granted. Putting aside all the horrible things in this bill, the insurance mandate is the ultimate killer of them all. Because no such insurance is even sold, and it will have such broad implications. It will wipe out your ability to carry even with a permit, and if you carry without insurance, then you're looking at serious felony level charges with serious jail time. So, you cannot do that.

**Evan Nappen 46:41**

Luckily, right now, we've got great victories. We've gotten so much of this horrible law enjoined. It's in a position where we can operate within its framework, and hopefully, we'll achieve even more results with the final litigation. But in between now and then, if that stay is in fact put in place, it's going to be held. So, let's hope and pray for the best. We will see what happens. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3 47:23**

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.