

Gun Lawyer Transcript - Episode155

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:00

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. The number one gun rights podcast in the world as rated by Feedspot, who rates such things, particularly under their rating of the top 20 Gun Rights podcast. Hey, you know, there's been a lot of interesting things in the news, and I'm sure you've been following what's going on in the Middle East. But, of course, what goes on in the Middle East isn't really just contained to the Middle East. So, what I want to talk about today is specifically about the guns you need for when the terrorists attack America. It seems like it's just a matter of time before they expand their operations. And if you think that that's something that can't happen, well think of this.

Evan Nappen 01:22

In Israel, the terrorists had to actually bust through walls and high security and had to come in by air and gliders, by sea and my motorcycle, and by tunnels and all that. You don't need to worry about that in America, man. The border is about as open as it gets, and millions have already come in. And no one had to blow any holes in walls, or fly in paragliders, or come in scuba gear or anything like that. Just come on in. And I'm sure they did. Considering how many millions have come into the country and how the Government really doesn't have any idea and how it's essentially an open border policy. So, to think that such folks are not here and are not planning to do something would seem pretty naive to me.

Evan Nappen 02:21

You may say, well, how could you even think that such a thing could even get planned in America? How could it even take place in America? Well, look, did you watch the BLM riots? How amazingly they went off - burning cities, destroying public buildings, killing, robbing, maiming, looting, and all that. Then, you know how pallets of bricks would magically appear at the places where these riots would be. I mean, how was that coordinated? And that was just riotous protesters. Are you telling me you can't coordinate attacks in America? Of course, you can. Just think about it. We have so many soft targets in America, so many soft targets. It's not even a challenge.

Evan Nappen 03:15

And, you know, the anti-gunners make even more soft targets available. Just take Murphy's "25 Sensitive Places". There are perfect targets for every terrorist. How about schools? Gun free school zones, that's a federal law, no less state laws. No guns in school. They don't even want to have armed individuals protecting schools. Talk about soft targets. Could you imagine a mass attack by terrorists on

schools? Just slaughtering and killing. Look, they're beheading babies in the Middle East. I mean, you know, shooting up schools and killing kids? That's no problem. You say, oh, no, it's still not going to happen. You don't think so? Well, if you don't think it's going to happen, don't worry about it, man. Why be prepared at all? Not a question.

Evan Nappen 04:05

But if you think that, hey, we might be vulnerable, that you personally maybe should be concerned about your security, that you've been watching this and saying, man, what would you have done if you were there? Because there could be here. Do you think we don't have enough radical wack nuts in America that want us dead? So, let's just say you want to be safe, rather than sorry. And in fact, you want to be prepared and in the worst case, so what? You're ready, and you never had to use it. And guess what? That's lucky. That's great. Then we are sure fortunate that all you had to do was be ready, but you never needed it. Wouldn't that be a wonderful thing? I'd love that. That's what I'd rather see, personally. But I'll tell you what I don't want to see? Needing it and not being ready. That's about the worst thing possible. What's worse than having a gun and not needing it? The only thing worse than that is needing a gun and not having it.

Evan Nappen 05:14

So, what does it take to have guns? What should you have if you're going to have guns? What is a decent, basic defense reserve of firearms that an individual should have? Let's talk about that. Because let me tell you about myself. Even though I'm a gun attorney. I'm a lawyer. Sure, I've studied and dedicated my whole life to the Second Amendment and to my calling for defending law-abiding gun owners in defense of our Constitution and our constitutional rights. Even though I'm all about that. I'm also a Certified NRA Instructor in personal defense, home defense, both inside and outside the home. So, I have a little bit of knowledge about that. And look, I don't claim to be the top expert, that's for sure. But I know enough to share with you the basics that you should consider and things you should think about. So, what guns should you have? What guns should you have so that you can be ready? Basically, there are three types of guns that every person should have, and they should be proficient and know how to use them. The three guns are a rifle, a shotgun, and a handgun. Those are the three types of guns, very simple. If you at least have those three types of guns, then you are equipped to handle whatever scenario you might need to address.

Evan Nappen 06:56

Let's start with a rifle. So, a rifle is, of course, known as a long arm. The legal definition of a rifle essentially means the firearm has a rifled barrel. It has a barrel length over 16 inches, and the overall length over 26 inches. With such a firearm, you're able to reach out to greater distances with the projectile. So, the rifle gives you the advantage of shooting further with accuracy. There are many, many rifles out there. Now there are rifles that are rimfire, like .22s, that are the most common of all rimfires. Then there are centerfire rifles, and the centerfire is a more powerful round. Centerfire rounds are often used for hunting bigger games, such as deer, bears, or moose. Then there are the military calibers that are centerfire and are very popular, such as .556 and .762 by 39. Those are centerfire rifle calibers and cartridges.

Evan Nappen 08:17

So, what you should do is find a rifle that you shoot well. Most likely a centerfire rifle that's going to give you more power, more reach, and more stopping power. The ability to shoot further is the purpose of the rifle. Then you look at rifles that you like. You could have different types of actions on rifles. You can have a bolt action, pump action, even a lever action, but, of course, the most popular is a semi-automatic. There are semi-automatic rifles that use centerfire cartridges, specifically and most popular would be the AR-15 platform. The most popular rifle in America is the AR-15 type. Now the AR-15 type has just uncountable variations. There are so many makers, so many modifications, so many things you can have on an AR. But when you're in New Jersey, which has restricted our rights and even though we're challenging the so-called assault firearm ban, really you know assault firearms just a pejorative word that the anti-gunners have made up to scare folks. You know, assault firearm. No, it's a modern sporting rifle is what it is. They don't go fully automatic. They fire semi-automatic. The mechanism that's been around for well over 100 years. Semi-automatic does let you put repeated rounds out there in a semi-automatic fashion.

Evan Nappen 09:58

The AR-15 platform does so efficiently, and they've got it perfected after all these years. So, an AR-15 is a great choice for a gun to have as a rifle, but not the only choice. You may have other preferences. This is not by any means to say that any other rifle is better or worse. But at least if you have a Jersey compliant AR, then you have a semi-automatic rifle, the most popular rifle in America. You can have it where it does take a detachable magazine. Now in New Jersey, you are restricted to a magazine capacity of 10 rounds. So, you cannot have magazines over 10 rounds. However, you can have as many 10 round magazines as you want. So, if you want to have 100 ten round mags loaded with 10 rounds, no problem. And it's pretty easy to switch mags on an AR. If you want to be legal and you want to stay legal, you don't want to put yourself in jeopardy of being prosecuted in New Jersey by the anti-gun regime politics and bias. So, play by the rules, but play it smart. Have as many 10 round mags as you want. You have a Jersey compliant AR. You now have an accurate, reliable semi-automatic rifle, and it will serve you well should you need it.

Evan Nappen 11:23

The next long arm to consider is a shotgun. Now a shotgun has a smooth barrel, and a shotgun does not have the same capability, ballistically, for distance. The rounds that come out of a shotgun do not travel anywhere near as far as what is fired out of a rifle. But when it comes to a shotgun, you're not looking to do that. Now it's true you can shoot a single projectile out of a shotgun and that's called a slug. Slugs are pretty powerful. They're heavy pieces of lead, and their effective range is limited. Roughly speaking, you're not going to ever shoot a slug really over 50 yards for accuracy. Although you can shoot at 100 yards. I get it. I know you guys do, but we're just starting with the general idea. Slugs are not what we're talking about when it comes to your shotgun since we're not talking about it being legal or not for hunting, we're talking about self-defense.

Evan Nappen 12:29

Let's instead look at the shotgun's more classic role, and that is firing multiple projectiles at close range with each pull of the trigger. So, if you have buckshot, not birdshot, birdshot is too fine. Birdshot is very fine pellets that are used to shoot well, birds. We're not talking about shooting birds here. We're talking

about shooting mammals or people. And in that regard, you want to stick with buckshot, which are larger balls of lead. Depending on what size buckshot you get, they're roughly in the 30 caliber to 33 caliber, etc. and that's the size of the ball. Depending on the load that's in your shotgun, probably most preferably just a 12-gauge shotgun, whether it's a two- and three-quarter inch shell or a three-inch Magnum shell, it's going to hold a number of buckshot. It could hold anywhere from nine balls of buckshot to maybe even 10 or 12. It depends on the load. It depends on the shell, and it depends on the size. But basically, you're putting out a load of lead balls in one shot that has a distance where you do not want to go over a maximum of 50 yards. Even that's pushing it. Probably more around 30 or 20 or even closer, but up close that load of multiple balls is devastating. It basically is like your personal handheld claymore mine, when you look at it in that manner. So, your shotgun loaded with buckshot is very effective in close range for some of the strongest stopping power that you might need in that situation. The buckshot particularly loaded shotgun is excellent in a CQB, Close Quarter Combat, situation. It has tremendous stopping power and is extremely effective. Even in the Old West, we think of the six guns, but more guys were put in the ground with shotguns than any other weapon because they're devastatingly effective. So, you want to have a shotgun in your personal armament.

Evan Nappen 15:16

Now you're covered with a long arm of a rifle, a long arm of a shotgun. There are many excellent shotguns out there, but we're going to stick with a basic, pump action. Under the law in Jersey, the only assault firearm shotguns are semi-automatic or those with a revolving drum such as a Street Sweeper Striker-12. Stay away from those. But if you have a pump-action shotgun, you can have anything you want on your pump-action shotgun. There's no feature law that goes at a pump shotgun where there is for a semi-automatic shotgun. And if you want a semi-automatic shotgun, well then you can't have a mag over six rounds. It can't have a folding stock. It can't have a pistol grip. Any one of those features is banned as an assault firearm on a semi-auto shotgun. However, if you have a pump-action shotgun, you can have anything you want. You can have a 10 round or nine round tube or more on that shotgun. You can have a heat shield. You can have a bayonet lug, like the Mossberg 590, a great shotgun, with a bayonet lug, nine shot, super tough. The military uses it, 590A1s. They're out there. They are super reliable. You can have a folding stock. You can have a pistol grip. You can have any whistle or bell you want on a pump shotgun, and it's not an assault fireman. It's very effective. Just hearing that ratchet sound of the pump going off usually sends the right message to anybody thinking about harming you. But if it's going to come down to popping terrorists, you're going to need that shotgun, and they're not going to be running away from the sound. They're just going to be hearing the other sound that it makes when you pull the trigger. And that's what it's going to take. So, your shotgun is very important. Many models including Remington 870s. There's plenty of great shotguns at a reasonable price. Check out what works best for you and put that in your armament.

Evan Nappen 17:24

Then you come down to your handgun. With your handgun, there are many, many choices, of course. Revolvers, semi-autos, we can talk all day about handguns, but you better have at least one decent semi-automatic handgun. If you're a fan of 1911s, or if you're a fan of Glocks, if you're a fan of Sigs, if you're a fan of Smith, whatever, have that semi-automatic handgun, and make sure you have 10 round magazines. It does not hold more than 10 rounds. You can have as many 10 round mags as you want. The handgun is what you keep on your person handy. Think of it as your first aid kit, your immediate go

to, that you can use to help you fight to get to your shotgun or your rifle. That handgun is there with you at all times to defend yourself. And that's why you get your carry license in New Jersey. Now you can get that carry permit, and you can have that handgun with you. You can have your long arms ready to go in your home, and you can have your handgun with you outside your home and inside your home. You want to practice. You want to be ready, but you need to have that handgun. You need to be proficient, and you need the handgun that works for you.

Evan Nappen 18:37

Folks, think about being prepared. I want all my listeners prepared. I hope this never happens, but I think we'd be foolish to think that it won't. So, at least make sure you have the basics. Make sure you stay Jersey legal. We're finally at a point in New Jersey where every law-abiding citizen can actually have a firearm license, a Firearm Purchaser ID Card, get your Pistol Purchase Permit and actually get a Carry Permit. You can get a carry permit because "justifiable need" has been eliminated. The training requirement is now completely able to be done by any reasonably competent person. You simply apply online, and the process has been streamlined to the point where judges are no longer involved, thank God. It's issued by the same authority that issued your Firearms ID Card and issued your Pistol Purchase Permit.

Evan Nappen 19:44

As a matter of fact, the same qualifications under the disqualifiers, 2C:58-3, are the same criteria for all three licenses - Firearm ID Cards, Pistol Purchase Permit, and Carry Permit. All are regulated by the same disqualifiers, such as you can't be a convicted felon, you can't have a Domestic Violence restraining order, you can't have had a mental health commitment, etc. But as long as you qualify for a Firearms Purchaser ID Card or a Pistol Purchase Permit, you qualify for your Carry Permit now, and you can get it. So don't delay. Don't delay. There are certain Winds of War, shall we say. There's a feeling out there that a lot of people know something's not right, and we've made ourselves extremely vulnerable. And ultimately, it's not going to be up to the police or the military to protect you. It's going to be up to yourself. Look at what happened even in a place that's as security conscious as Israel. Take care and make sure that your personal armaments have the basics, that you're ready and that you have enough ammunition as well. Look, Lake City (Army Ammunition Plant) has stopped commercial sale of .556 ammo because it's all going to the war. Two and a half inch 410 shotshells - you can't buy them right now. There's a shortage, again, happening now on ammunition. If you don't have enough ammunition, you better get ammunition before it's too late. It's drying up. People are thinking about what I'm saying. Folks are taking steps. Make sure you do, too. Make sure you're ready. Make sure you're prepared.

Evan Nappen 21:53

In our struggle here to keep our rights so that we can be prepared, so that we can protect ourselves, so that we can at least have this ability is, of course, the Association of New Jersey Rifle & Pistol Clubs. They are the preeminent gun rights defenders for the state of New Jersey. And New Jersey, as you may know, is the frontlines of the battle for our gun rights. So, make sure you join the Association of New Jersey Rifle & Pistol Clubs. You can find them at anjrpc.org. They have a full-time paid lobbyist. They're the folks that are there in Trenton. They're the folks that are litigating as we speak in Federal Court challenging these anti-gun laws. They're the folks that helped get the No Serial Number (NSN)

gun ban resolved so that millions of guns were saved. They're the folks that got the training requirements reduced from the insanity of us having to be veteran SWAT police officers in order to carry down to competent firearm owners that can demonstrate core competency. These are the tremendous steps in this incredibly hostile environment that the Association has been successful. Now, they need your help. So, make sure you're a member of ANJRPC. Go right to their website at anrpc.org.

Evan Nappen 23:22

Let me also just remind you that my book is indispensable. My book is over 500 pages. It's called the New Jersey Gun Law. It explains all the laws, and it explains 120 topics in question answer format. And at 500 plus pages, the book is a weapon itself. Just kidding about that, but it's pretty big. And it is the Bible of New Jersey gun law. Ask anyone that has it. You can, right on the cover, subscribe for free updates. We're keeping you on top of all the changes so that the book stays accurate and current. Go to EvanNappen.com. Make sure you get a copy. Ask anyone who has a copy how much they use it - all the time. There's nothing else out there that explains it. It's a labor of love and my passion to keep that book as up to date and current as possible. When we come back, I have some really interesting letters from great fans.

Speaker 3 24:26

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 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 or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

Speaker 3 25:40

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Evan Nappen 25:56

Let me tell you about an experience I just had. I was able to get my qualification and certification done at WeShoot. That's right. That's where I qualified, and you can qualify there too. They're great. The instructors are awesome. I had the special privilege of being instructed by Heidi, and Heidi is just fantastic. You'll love Heidi. She was a great instructor. I went there and did the new training qualifications. It was a breeze, and I can highly recommend that you go there and do the same. WeShoot is a range located in Lakewood. It was so easy to get to. Right off the parkway, no big deal. A wonderful facility and they treat everyone like family. Let me tell you it was pretty busy when I went there. But they were able to handle everybody very efficiently. It's a popular place and for a reason, a

very good reason. Because they really take care of their customers, and I'm not just saying that. They really do. That place is loved, and you can see why. Go there and get the WeShoot experience. You'll be glad you did. It's a great indoor range. They have a super selection of guns. They will take the time and explain. Whether you know nothing about guns, or whether you are a seasoned gun owner, or just an old gun nut like me, it's a great place for real. Check out weshootusa.com That's their website.

Evan Nappen 27:35

Oh, by the way, I shot a ballistic gummy bear. That was a blast. Shooting that ballistic gummy bear was so much fun. But you should see that bear after you shoot it up. It's pretty cool. And you get to keep it, too. So, they have some really special fun things planned. They're going to do a special thing for Thanksgiving. Go check out what they're doing on the website. If you've never shot a ballistic gelatin teddy bear, well, you better put that on your bucket list, and you can do it at WeShoot. So, that was a blast. Get over there. You'll see what I'm talking about. Man, I wouldn't steer you wrong. The place is just great, and the people there, Mark and Eli, what a great group. Head over there to WeShoot.

Evan Nappen 28:21

Now, let's take a look here at some letters that have come in to Ask Evan. I always love hearing from listeners. This is from George. And George asks, regarding modifying a firearm trigger from stock. To your knowledge has anyone been charged with or modified a firearm trigger from trigger stock that was used against them in court? I know there was a case of use of aftermarket parts with the Punisher logo and other sayings on them that were used to paint a New Jersey police officer in a negative light, but I can't find any case where trigger modification was used negatively against a firearm owner.

Evan Nappen 29:09

Well, let me just tell you that in New Jersey, a modified trigger is not criminal per se. However, if that trigger modification can make it operate fully automatic or if it's a trigger crank, or it's something like that where you're creating a simulation of machine gun fire with the modification to the trigger, then you could have trouble. But if we're just talking about a modified trigger where it's been lightened to some degree or made heavier to some degree or something along those terms, that's not an issue that is criminally covered. The trigger weight, trigger pull, you know, that type of thing is not in criminal statutes. Now, civilly, maybe, rarely, but maybe. Because if the trigger has been modified in such a way that it made it dangerous or arguably dangerous or someone was injured because the trigger had been modified in such a way that made it more vulnerable for firing, it's why many police departments with Glocks and other guns, would get the trigger that had the heavier weight to it. So that it was less likely for an accidental discharge to occur. In those regards, there may be some civil, maybe, regarding that, but if you're just doing a normal trigger modification, where you're tuning the trigger and making it maybe somewhat lighter, but you're really just making it so you have a more accurate trigger pull. Or you're doing standard gunsmithing to just give you what we would all call a nice trigger, you know, one with a clean break. That glass rod feel, right? That's fine.

Evan Nappen 31:05

But if it starts getting into crazy world with modifications that make the gun potentially dangerous, or turn it into something that becomes in a banned provision of full auto, and of course, if you have certain other drop-in triggers and other things like that, that ATF themselves right now is hot after such as

forced-reset triggers, which is being litigated, but they went around trying to confiscate them. And we're back and forth in the courts on that. If we're talking about that stuff, well, that's a whole other world of potential problems, but your normal gunsmithing, make my trigger great type deal, is nothing to worry about. It's not criminal. It's not civil.

Evan Nappen 31:51

Hey, I have another letter here, and this letter is also from George, but it's a different George, but it's still with George. George says, Hi, Evan. I hope you're doing well. I'm going to apply for my New Jersey CCW soon, and I plan on qualifying with my two handguns. One is a Sig P226, and the other is an S&W M&P Shield Compact. Both do not have safeties. I have two quick questions. Do you see any legal issues or otherwise with using guns without a safety for qualifying or carrying? My Shield is less than 10 rounds? Do you see any issues with getting and carrying extended 10 round mags for this? Thanks for your time.

Evan Nappen 32:37

Okay, let's carefully look at these questions. Number one, I'm glad he's going to get his Carry and every law-abiding citizen should. But he's looking to qualify with two handguns. There is no need to qualify with two handguns. The way it works in Jersey now is that you qualify with one handgun. With that one handgun you qualify, and then you fill out the other form, "Permit to Carry - Description of additional handguns to be carried", (found on the NJSP Website, Firearms Forms, S.P. 182a (6/23)) and just list any other gun that you intend to carry. It doesn't matter what gun you qualify with, as long as you qualify by demonstrating and proving the core competency of the new training requirements. It doesn't matter anymore what gun you use. You could qualify with a Ruger Mark IV .22 target pistol, and then on your list, you could carry a Smith and Wesson 500 Magnum if you wanted to. It's not a problem. So, just qualify with one gun, and then feel free to put the guns that you wish to carry on the other form. Then you can carry them because it's not a matter of qualifying for that specific gun. Now, if you personally want to be trained and qualified on each specific gun you have, by all means do it. You can pursue plenty of extra training. It's always good to get training, but it's not required for you to get your Carry Permit that you have a separate qualification for each gun.

Evan Nappen 34:05

As far as seeing any legal issues for guns without a safety, no. First of all, what are we talking about? Do you mean a manual safety? Well revolvers, for the most part, don't have manual safeties. We've been using them for 100 years. Glocks, one of the most popular handguns in all of America, don't have manual safeties. Now they do have safeties. However, they have dropped safeties and other safeties that are internal, that make the gun safe. But as far as the manual safety, it's not required. As you should know, the real safety device on any gun, the premier safety device, is what's between your two ears, folks. That's what you have to always remember. Every gun is loaded. Remember the rules of safety and treat them all in that manner. Every gun is lethal. You need to have the trigger discipline, and you need to always have that respect. Manual safeties are not mandatory. But if you feel that you would like a gun with a manual safety, if that's something that appeals to you, by all means have a manual safety. But it's not of criminal law concern in any way, whether you have a manual safety at all.

Evan Nappen 34:09

Now, as far as magazines, New Jersey prohibits any mag over 10 rounds. So, if the gun holds up to 10 rounds, you're fine. Now this question about carrying extended 10 round mags, I guess you mean because the Shield has less than 10. But if you had an extended mag that held up to 10, would that be okay? And the answer is sure. Because the magazine still does not hold over 10. So, you can have any size sub compact gun, you know, super small, but the mag sticks out, but it only holds 10. Then you're okay. But if you're talking about extending a 10 round beyond 10, you're not okay because you can't have a mag that holds over 10. You can have 10 rounds in the mag and one up the spout. So, you'd have a total of 11 rounds legally in New Jersey with your carry gun. As long as that's what it is, it doesn't matter whether the magazine itself was extended to hold 10 rounds or whether it came factory as 10. But until we win the lawsuit, you never want to have a magazine over 10 rounds, because then you could face a criminal charge of possession of a large capacity magazine, which carries up to a year and a half in State Prison, and you get disenfranchised of your gun rights because you're now a convicted felon. Then you can't have any guns or carry any guns because you had the nerve to have a mag that held more than 10 rounds. It makes so much sense, doesn't it? And that's of course why, as I say gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 37:16

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