

Gun Lawyer -- Episode 163 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:00

Hi, I'm Evan Nappen, and welcome to Gun Lawyer. So, we had another one of those so-called mass shootings. For some reason we see these things, and they get a lot of exposure in the media. It's always amazing how these things occur right when they're attempting to push assault weapon, so-called assault weapon, bans in the Government. But look, putting aside the coincidences of why that always seems to be the case, one of the things that was interesting here with one of these latest shootings that occurred on the campus of Las Vegas. Apparently, a message went out, a text message, went out. The text message that went out is something that is protocol that many universities have, and I started looking into where they got this. The message that went out to everybody was "run, hide, and fight". That's the message. Run, hide, fight. Everyone gets this mass text because of an active shooter to run, hide, fight.

Evan Nappen 01:53

So, I started thinking about the "run, hide, fight" concept, and it's not bad advice really. I'm not saying it is. The interesting part is that you can run, and you can hide, but what are you going to fight with? What are you going to fight with in these victim disarmament zones? In these places, like educational institutions, where guns are banned? Run, hide, fight is great. Except it would be nice if you have the tools you need to fight. And, you know, looking into this, "run, hide, fight" stuff, where does this come from? Run, hide, fight. Who gave this advice? Who said, hey, part of your protocol should be run, hide, fight? Make sure everybody knows. I'll tell you where it comes from. FEMA. That's right. FEMA. You can go to FEMA's website, and they have an entire protocol set up called "Active Shooter".

Evan Nappen 03:09

What does FEMA say on "active shooter"? It says, recent national tragedies remind us the risk is real. Taking a few steps now can help you react quickly when every second counts. So, the federal Government has set up protocols for active shooter, and what does it say? It says, be prepared for an active shooter. No, it says "Quick Facts". Quick facts for active shooter. It can happen anywhere. It can happen anytime. Hey, that's really helpful, isn't it? Okay. All right. Well, it can happen anywhere, and it can happen anytime. The next section says, "Protect Yourself Key Messages". What's the number one Protect Yourself Key Message? Run, hide, fight. So, our Government advises you that when there's an active shooter, you want to run, hide, and fight. At the same time, they actively pursue making it so we don't have the tools to fight! I mean, it is so much hypocrisy and stupidity. We have the government

putting out protocols saying to fight, and yet they want us to be disarmed and to be victims of these atrocities. Even though they encourage us to fight.

Evan Nappen 04:52

Well, if you really want us to fight, let us have the tools to fight. Do you know what tools are great to have ready to fight? I'll tell you what's great to have to fight. Guns! Handguns with really big magazines just full of bullets so we can shoot back. You know, kind of like the word fight. Like that. How about any other tool of self-defense that you deny us, that you impose these absurd and extreme licensing requirements on us, that you constantly create these so-called sensitive places. These victim disarmament zones that active shooters purposely target, which makes it really hard to run, hide and fight when you can't fight. This kind of stuff gets really depressing when you see how the Government puts out these websites with helpful advice and helpful information and then creates barriers to actually maybe, you know, follow their advice.

Evan Nappen 06:13

When you look at this website, it talks about under research, they actually did research, for "Protective Actions", it says "Know Your Risk". It talks about recent national tragedies, active shooters, and individuals engaged in attempting to kill people in a confined space or populated area. Active shooter events can happen anytime. Active shooter events can happen anywhere. An active shooter is an individual actively engaged in killing or attempting to kill people in confined and populated areas. In most cases, active shooters use firearms, and there is no pattern or method to their selection of victims. Gee, how would we fight this active shooter who is armed with firearms? Hmm, maybe we should have firearms! Sounds like it, doesn't it? It's amazing.

Evan Nappen 07:13

Then when you get into the further studies of active shooter in this very website, it says that they rate the "Validity Rating" of this advice -- Run, Hide, Fight. They rate it as "Robust/Sufficient". That's how they assess the validity of this action, robust and sufficient. They even have all kinds of supporting research here showing how the damage can occur in a matter of minutes. In 63 incidents where the duration of the incident could be ascertained, 44 (70%) of 63 incidents ended in five minutes or less, with 23 ending in two minutes or less. Even when law enforcement was present or able to respond within minutes, civilians had to make life and death decisions, and, therefore, should be engaged in training and discussions on decisions they may face. Gee, like "Run, Hide, Fight". What are we supposed to fight with. Guns. And yet, the Government actively tries to take it away. As we have active shooters, we have active disarmament by the Government so that we can't fight the active shooters that they recommend we fight.

Evan Nappen 08:42

Look at that - their own research shows how just minutes, in just minutes there. If you don't have your gun, if you're not armed, you're not able to fight. Those minutes slip away, and you become a victim instead of a defender. The Government's own agency that has studied and is in charge, they're putting the research out here making it clear. And look at what else they say here. The data shows a clear pattern that those who took some form of defensive action at Virginia Tech fared much better than those who did not. Then it mentions that freezing or playing dead were not good options. Oh, really

great. Freezing and playing dead. If you're frozen or played dead, you became real dead. But fighting, fighting. How about fighting back with guns? There's a solution. There's a solution we need to embrace. There's a solution that makes sense and that fills in right here. But they just can't bring themselves, FEMA, to go all out and say, hey, you know, we all should be armed. We all should be armed and ready and prepared to deal with active shooters. When it comes to "Run, Hide, Fight", we need to fight.

Evan Nappen 10:13

Think about what just happened in Israel. What do you think about Run, Hide, Fight there? Think it worked? Well, for those that were armed, it worked, didn't it? Those that weren't, it didn't. Do you think that's not going to happen here? You know that it's going to happen here. You know it. We got things coming, and you know it. These are scary times in a way. Do you see how many of these people are erupting, and how many things are taking place all over? You need to protect yourself. You have the opportunity to do so, if you take it, you run with it, you hide, and you fight. Well, okay. Let's start with getting a gun. Let's start with getting trained. Let's start with getting licensed.

Evan Nappen 11:04

You can do all that now, thanks to the good work of great organizations like the Association of New Jersey Rifle & Pistol Clubs, fighting hard for your rights. We've seen what can be accomplished. We now can get a shall issue carry license in New Jersey. We now have Constitutional carry in more than half the country, half the states, over 70% of the geographic land mass. You see the progun, profight forces are out there, and we have got to keep up this fight. That's why you need to be a member of the state Association, the Association of New Jersey Rifle & Pistol Clubs. They're the ones litigating in federal court as we speak. They're the ones that are at our side at all times. Fighting and getting regulations changed. Guidelines put forward so that the training requirements, for example, became reasonable so that a competent person can now pass it. Getting the No Serial Number (NAN) gun ban removed from banning millions of guns. They worked hard on those things. They are working hard on the federal litigation. We should see some action by spring on the assault firearm ban, which is really just a modern Sporting Rifle, of course, and the large capacity magazine ban, which is, of course, the standard capacity magazine, and the Carry Killer bill. These are all the things there. Expanding and getting rid of the sensitive places which are victim disarmament zones. It's really hard to "Run, Hide, Fight" when you can't fight in those areas with the most effective means of self-defense out there, a gun. So, listen, if you're not a member of this state Association, you need to become a member. Go to anjrpc.org.

Evan Nappen 13:05

If you need to shoot, get training, get your certificate of qualification so you can get your carry, buy great guns at great prices and have a real pro there to advise what gun is best for your needs, WeShoot is the place to teach you what you need to know. WeShoot is in Lakewood, New Jersey, and they have a full service range. They're like family. They really are. I love them down there. They're the best. That is where I shoot and got my training certificate for my carry. So did my brother, my son, and many, many friends, and many of you listeners. Let me tell you. WeShoot is a great resource. Just today I was telling somebody who was thinking about it, he doesn't know much, and I say, look, go to

WeShoot. They'll get you all set. Get you set with the right gun, get you trained, help you get your license certification, everything you need to know. Everything you need to do.

Evan Nappen 14:20

If any of you are like I'd really like to do this but I'm not sure what or how, go to WeShoot. You just tell them you heard it on Gun Lawyer, and they'll help you out. No problem. Everybody loves them, and I know you will too. They have great training and great events. Great folks. It's so convenient right off the parkway there. Check out WeShoot at weshootusa.com. They have a great website with great photos, and you'll see a pop up of yours truly come up talking about training and the things that really count. So, check them out at weshootusa.com.

Evan Nappen 15:06

Hey, you know, last show, we talked about one of the places that you should never carry, and we got a lot of feedback on that. Absolutely a lot of feedback. But there's some follow up to that which I want to share with you. Yet another place where you should never carry. Now this one is not as extreme as last week's show. But it still is ridiculous, and it is essentially a GOFU. But it's not the official GOFU of this show. You know, the Gun Owner Fuck Up of the week that we all love to talk about. But it could qualify. It is definitely a GOFU, but it won't be our official GOFU, don't worry.

Evan Nappen 16:02

This article I found, says that a "Woman shot in butt after sliding into MRI machine with loaded firearm" by Social Links for Alex Oliveira. (<https://nypost.com/2023/12/07/news/woman-shot-in-butt-after-sliding-into-mri-machine-with-gun/>) Now look, folks, if you're getting an MRI, and they say no metal objects, they mean it. The last thing you should be bringing into your MRI is a gun. In this case, a Wisconsin woman, according to the article from the New York Post, December 7, 2023, "An unidentified Wisconsin woman was left with an extra pair of holes in her butt after she took a loaded firearm into an MRI machine during a doctor's visit . . ." So, the 57 year old had a handgun concealed on her person as she was slid into the MRI. But when the machine's powerful magnets engaged, the metal trigger tripped, and the gun was discharged. "Patient received a gunshot wound in the right buttock area, as Forrest Gump would say. The right buttock. The patient was examined by a physician who described the entry and exit holes as very small, only penetrating subcutaneous tissue. But even with that, I don't think any of us need to get shot in the butt. I don't think you need to bring your gun to the MRI. Those magnets are quite powerful. When they say no metal, they mean it.

Evan Nappen 17:45

Yet reading this article, she wasn't the only one to do it because they mentioned that in January, a Brazilian lawyer was killed in a San Paulo hospital after a handgun he was carrying in his waistband was ripped from his pants and discharged into his stomach. Okay, this is like more than one, bringing guns to MRIs folks. Don't bring your gun to the MRI. Okay? And in New Jersey, hospitals and such places are actually "sensitive places". You cannot carry your gun legally in such places, anyway, no less going to the MRI with it. So, beware of that.

Evan Nappen 18:34

Being that we're on hospitals and such, I did get a letter here from Brad. Brad says regarding carry as an EMT on an ambulance. Hi, Mr. Nappen. If I'm carrying as an EMT working on an ambulance, is it legal to lock a firearm in a box while bringing a patient into the ER? I know it's a felony to bring a firearm into the hospital, but what about hospital property? Is it the same as a parking lot of a business where firearms are prohibited or is it more similar to a school where firearms are not permitted anywhere on the property even in a locked case? As an aside, what is the exposure from (b) Crewmembers shall not carry or wear any weapons or explosives while on duty. For the purpose of this chapter, the terms "weapons" and "explosives" include not only offensive weapons, but also defensive weapons such as stun guns, stun batons, air tasers, pepper spray, mace defensive spray and/or telescopic steel batons. N.J. Admin. Code 8:40-4.11

Evan Nappen 19:34

So, what's the deal? Well as transporting in any hospital, that's a sensitive place, you do have the provision that allows you to lock it up in the vehicle. So, as long as you're sticking to that you're okay. It's not like a school because the school is a separate prohibition and that's in a separate part of the law that doesn't even allow it on school property. When it comes to sensitive places, we do have the provision that allows us to lock our gun, unloaded, etc. in the car and out of view. So, that would work here as well. But as an EMT, you're already pointing out that you have a prohibition as a crewmember under the regs for having any weapons anyway. So, that's a regulatory problem. It could be enforceable, maybe even criminally, but it could most likely cost you your job as a code issue. At least you're talking about being in violation of the rules. That is the Admin Code rules, and they're making a rule that crewmembers can't have any weapons. So, it's almost a moot discussion because you can't have any weapons anyway. If for some reason that reg wasn't applicable to you, I don't know if it is or isn't, then the bottom line of your question is, a hospital is treated the same as other sensitive place businesses. It's not treated like an educational institution, where the property itself is prohibited. You do have the property exemption that was passed as part of the Carry Killer bill for dealing with sensitive places when you park. That's how it works.

Evan Nappen 21:20

I have another letter here, and this one is from Chris. Chris asks, regarding gun belts in New Jersey. It says, is a done belt acceptable in New Jersey if it covers 90% of the gun and also has a fastener going overtop of the gun to hold it in place. In particular the "VNSH" holster. Well, I think what you meant by gun belt, you meant gun holster or gun belt holster, because when you look at the VNSH, it is a holster that is kind of on a belt itself, but that's not the key. The key is the holster. (<https://vnsh.com/products/vnsh-holster>) The holster basically has a strap that goes and holds the gun in a pouch. So, it's a pouch holster with a strap. They claim that it's very comfortable, and it looks pretty straightforward. Here's the deal.

Evan Nappen 22:28

The question is, is that a legal holster under New Jersey law for carry. The requirements for a holster in Jersey are that it has to be a device or sheet that securely retains a handgun, which at a minimum conceals and protects the main body of the firearm and maintains a firearm in a consistent and accessible position and renders the trigger covered and inaccessible while the handgun is fully seated

in the holster. If you look at those requirements, yes, that holster does that. It secures it. It conceals the main body. It covers the trigger guard. It keeps it in an accessible position, and it renders that trigger covered and accessible while the handgun is fully seated in the holster. So, it absolutely fits the bill for New Jersey. It even has what looks like a strap of some type. That's not required, but it has that. As a matter of fact, when we were fighting this bill, one of the few changes we were able to get in was make it so that a strap or thumb break or Velcro strap or any other kind of strap wasn't required. You're welcome to have that, but it's not required as long as it can hold the handgun and securely retain it. It doesn't have to have the thumb snap for secure retention as many holsters do not use snaps and straps and stuff and still have secure retention. But this particular one does, so that's fine. Yes, it absolutely meets the definition. I don't see any problem, Chris, with that holster. So, there you go.

Evan Nappen 24:21

Now as far as this week's GOFU, the ever popular GOFU, let me tell you what this week's GOFU is. It has to do with something I see many, many times in my practice. Individuals get denied a license. They get denied their Firearms Purchaser ID card, pistol purchase permit, carry permit. They get denied a license, and they don't fight it. Now, let me just be clear. If you have a disqualifier and it is what is called a per se disqualifier, like you're a convicted felon, if you're a convicted felon and you get denied a license well, duh, you shouldn't even apply in the first place because you're disqualified. Flat out, disqualified. What you need to do is get that felony removed by way of expungement or some other relief to get your rights back.

Evan Nappen 25:19

But if you get denied for something that is not a per se disqualifier, something that is under the all-inclusive, bullshit weasel clause of "public health, safety and welfare". That's just because some chief arbitrarily decided that you shouldn't get this. You need to fight it. You need to fight these things. Not get intimidated or scared off and afraid. You need to fight it and stand up for your rights. That's just a judgment being made, an arbitrary judgment being made. You need to fight that arbitrary judgment because if you don't, then you end up with a denial on your record. And now the denial stays. Then anytime you apply for another license where they ask, have you ever been denied a license? You are going to have to write "yes" to the denial. You're going to have to reiterate why you had that prior denial and that is going to reraise it yet again. And on and on and on. Then it looks bad that you had a license denial.

Evan Nappen 26:21

There are even applications now for certain employment, certain industries will even ask you if you ever had a gun license denial. So, that can affect your reputation when you get a denial. So, folks, when you get a denial, you need to fight it. The GOFU is not fighting it but rolling over and letting them win. You think you're pro-gun. You think you believe in your rights. You think you believe in the Second Amendment. Do you? Well, how about when it comes to yourself? Stand up for yourself, fight for your own personal rights. This is what you have to do. So many times, I get calls from people that had prior denials and they didn't fight them. I say, oh, man, if they'd only fought it. Then it's compounded now, and they want to try to get a gun. Ah, sure, we can still fight for it, and it's worth the fight. But now it's even more difficult. So, think about the long term impact. Think about your failure to fight, your failure to

fight a denial. Don't be a GOFU. Make sure that if you are ever denied your rights, that you challenge it, that you stand up for your rights, that you fight for your rights.

Evan Nappen 27:42

You can better understand all your rights if you, and now's when I shamelessly plug my book, get my book, New Jersey Gun Law - 25th Anniversary Edition. It's my labor of love. It's over 500 pages long, and it's got 120 topics in a question and answer format. Written so anybody can understand, at least more than possible anywhere else to understand, New Jersey's insanity, what they call their gun laws. Not only that, but also, I keep it fully updated. You get that QR code right on the front cover. Scan it and subscribe for free. How much stuff is free these days? Go on and subscribe for free to my update, Subscriber Portal. You'll get notified normally within 24 hours of any law changes affecting gun rights, whether it's Attorney General decisions or cases or statutes or laws or bills or rules. I'm always putting out those updates so you can stay current, and the book stays current. I'll just say right now, talk about a great holiday gift. My book is number one for that. How do I know? Because anybody that has my book and loans it to a friend, they never get it back. So, that tells you right there how much it's wanted. So, think about it, and go to EvanNappen.com. That's EvanNappen.com. You'll see the big orange book, click it, and order it. You'll be glad you did. Keep in mind about having to "Run, Hide, Fight". You want to make sure you can fight in order to do that. You need knowledge, and you need a gun. That's how you do it. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 29:44

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