

Gun Lawyer -- Episode 178 Transcript

SUMMARY KEYWORDS

new jersey, gun, carry, gun owner, handgun, firearm, belt, suppressors, state, law, criminals, shoot, permit, ban, jersey, prohibited, protect, long range rifle, sign, ammo

SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:00

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. There's been a lot of interesting developments. And boy, I've gotten a lot of great letters. So, we're going to go through all these interesting news bits. Stuff that you will not hear in the Imperial Media, I like calling the lamestream media that. It really fits. It's the Imperial media, you know. They just put out what the Imperial Government says they should put out. But I'm here to give you some alternative source of news and information, and I enjoy doing that. I really appreciate all of you listeners out there. I've gotten a lot of great questions, too, that we're going to do that I'm sure a lot of you will appreciate.

Evan Nappen 01:07

Maybe you saw it, maybe it didn't. The Attorney General in New Jersey released a couple of announcements. Number one, he put into a public database, what he's calling the Dashboard, of all carry licenses, Permits to Carry a Handgun, statistics that are now available on what's happened in New Jersey with the issuance of the carry permits. (<https://www.njoag.gov/attorney-general-platkin-office-of-justice-data-launch-permit-to-carry-dashboard/>) It's actually pretty interesting. They put it out there to create problems, of course. They want it to be used politically against us. But, actually, I think it's going to backfire big time. We in the gun rights community actually kind of welcome this data. I do. I welcome the data, and it saves us from having to do a Freedom of Information Act request. Thank you, Attorney General, for providing it.

Evan Nappen 02:15

You may get a kick out of looking at it. It's interesting. It lists by county. It lists approvals and denials and gives a basis for denial. It also lists race. Oh, yeah. So, you can see the institutionalized discrimination for yourself in terms of the denials and approvals. It's pretty good. It also shows how many Permits to Carry have been issued since the Bruen decision. You know, since the regaining of the right to carry in New Jersey, thanks to the U.S. Supreme Court Bruen decision and the great, we like to call St. Thomas, who wrote the majority opinion there. Now that our right to keep and bear arms has been extended to apply to a right to carry a handgun outside our home for self-defense, New Jersey had to finally relent and have a "shall issue" carry permit system. Individuals can actually get a carry permit, which was a virtual impossibility before Bruen, because of the requirement of "justifiable need". That was their barrier, their trick.

Evan Nappen 03:41

By requiring "justifiable need", which was defined by the courts as urgent necessity, and then having to meet a two part test showing that you were subject to serious bodily injury or death, you personally, and that carrying a handgun was the only way to avert that threat, it became a virtual impossibility. You had to show that you needed to use deadly force before you needed to use deadly force. Basically, if you had been shot and killed, you now qualified for a carry license. Congratulations! That's how it used to work under the old law. The new law has gotten rid of justifiable need, and individuals can now get permits.

Evan Nappen 04:19

So, the new fact that the anti-Second Amendment Government, the Imperial Government, is trying to do to still limit our rights, even though they're forced to issue permits. It's trying to limit where you can use the carry permit. And that battle is ongoing in the courts now to go at their so-called "sensitive places" and other restrictions that unreasonably limit our Constitutional right.

Evan Nappen 04:19

Well, anyway, a lot has happened since that change of removing "justifiable need". I think it's very interesting looking at these statistics to see exactly what happened. Prior to the Bruen decision, there were approximately 600 Permits to Carry a handgun for the entire state of New Jersey. That's right, 600 or so. And those civilian carries were, you know, mostly those that were either mobsters or politicians or both. Not everybody, but there was a good percentage. And it was about as corrupt as you can get unbelievably corrupt. Unless you were connected politically or otherwise, it wasn't really going to happen. It was very tough to try to meet that outrageous standard. It was a virtual impossibility, although I was able to do it for a number of clients. But it was just something that an average individual would not even try because the odds of winning were so stacked against you.

Evan Nappen 05:52

So, after the Bruen decision, guess how many Permits to Carry have already been issued? This is just a very short period of time. Apparently, 33,000 carry permits now exist, and the number is growing every day. Thirty-three thousand folks. From 600 to 33,000. That is a 5,400% increase. That's right. A 5,400% increase in carry permits. Think of how many people were denied their rights, for at least 50 years, by the Imperial New Jersey Government. Wanting to stop us from exercising our Constitutional right to keep bear arms and forcing us to remain victims instead of defenders. Just think how many over the last 50 years. Even if it was just 33,000, in every one of those years, it's somewhere over 1.5 million licensees denied. And that's I'm sure small and not even how many individuals just got discouraged and never bothered to even apply. It's just outrageous to think that for half a century New Jersey has gotten away with crushing its citizens' rights. It should be an absolute embarrassment, and New Jersey should be ashamed of itself.

Evan Nappen 07:32

But, instead, it revels in its shame, and it tries to continue with its shameful acts by doing everything in its power to curtail the Second Amendment instead of gloriously trying to expand and protect our rights. It's constantly trying to restrict us and take away rights and disenfranchise gun owners. I experience and see this all the time. So, we're still in this battle. But it's really astounding to look at the dramatic

increase of how many people now have carry permits. Those are folks that have gone through the entire New Jersey Permit to Carry system, and even though it is a "shall issue", it is still far from simple. It's not Constitutional carry, that's for sure. You can't just carry without a permission slip. No, you have to go through the whole application process, fingerprints and photographs, and take your CCARE course, so you are qualified and understand and pass and certify on the laws etc. You have to go through all that and pay the fee, which isn't cheap, \$200 bucks now. All those folks have done that already. They're the most outstanding group of law-abiding citizens in New Jersey when you think about what they've gone through to get that carry permit. And it is growing every day. It is critical.

Evan Nappen 09:04

I'm glad that those statistics are out there because it's very useful. Now it is done anonymously. Individuals are not listed as to who got approved or denied or anything like that. Just their race criteria, which is actually welcome, because it really shows the racism of New Jersey's gun laws. Take a look at the stats. You'll see it for yourself. It shows the tremendous growth in individuals exercising their rights, but that's not all the news that the Attorney General released. The Attorney General also announced that New Jersey will be providing signs, kind of sticker type signs to businesses that want to say no guns allowed in their business. (<https://www.njoag.gov/attorney-general-platkin-office-of-justice-data-launch-permit-to-carry-dashboard/>) That's right. New Jersey, on your taxpayer dime, will provide these to businesses so they can stop individuals, licensed law-abiding individuals, who've gone through all that they put in that law to get the ability to carry, to stop them from going into their place of business by putting the signs up that New Jersey is happy to supply.

Evan Nappen 10:19

Now, of course, New Jersey is not supplying signs that say, "guns are welcome". We want you to carry a gun, if you're licensed to do so, in our store. Now, to be fair, the State should offer both signs. I mean, let's face it. Why are they only offering the one to curtail our rights when many, many businesses, probably more businesses would be happy to put up a sign welcoming gun owners than not? But New Jersey doesn't do that. They don't provide the free signs to those places that want trained, armed citizens in their store that can actually protect themselves and others and create a discouragement to the bad guys. Instead, if a business is foolish enough, is stupid enough, to put a "no guns sign" on their business, well, first of all, if you're a gun owner, a Second Amendment advocate, you should not give that commercial establishment any business whatsoever. You should never walk in there, whether you're carrying a gun or not, and spend a dime.

Evan Nappen 11:40

Because not only are they not respecting our Second Amendment rights, but any business that stupid is basically saying to criminals, hey, we don't want any guns here. We don't have any guns here. They're inviting problems to come. No criminal is going to look at a sign and say, oh my gosh, no guns, I better not bring my gun in there to rob the place. Or to create mayhem with my gun. Because there's a sign. There's a sign that says no guns. Yeah, criminals just see signs and that's it. They just obey them, right? No, it's the opposite. They see that sign and they say, ah, easy pickings. It's like animals in the wild. They don't attack the strongest. They attack the weakest prey. They go for the weakest. When you are publicly announcing your stupidity of being disarmed and weak, you're asking for the predators to come at you.

Evan Nappen 12:47

As law-abiding gun owners, we want to avoid situations where there's an attraction to criminal predators. My gun is carried to protect myself and my loved ones if I'm put in that situation, but I'm sure going to avoid a situation where the odds are dramatically increased. I have a choice not to go there. No less spend money there. No less give my business there. So, any store, any commercial spot that puts one of those signs up, you stay away. You don't want to increase your danger. The public should know that those stores are more dangerous, because they have that sign. They are more likely to be hit by violent crime, not less likely - more likely. So, that's what that sign does. If they really want public safety to be improved, they should offer the other sign. The sign that will discourage criminals and violent crime. The sign that will encourage law-abiding citizens to give their business to the store. The sign that says we believe in the Constitution. We believe in our rights and your rights, and we respect it. Now, look, if you're a business and you want to put that sign up, it'd be a good idea. You should do it. You should do it whether the Government is willing to give you a free sign or not, because that's how you make yourself safer, protect your customers, and show your respect for the Constitution.

Evan Nappen 14:22

So, I have some more important news, and it actually goes to one of the letters that I received. It goes to, in fact, an Ask Evan, and let me find it right now. It is a good letter that is asking about newsworthy events. What is asked has to do with where we are in terms of our litigation that is ongoing, and I have some exciting news. The person wants to know what is going on with the litigation over assault firearms and over the large capacity magazine ban. We're in federal court on that very thing, and it is the state Association that is litigating these issues. The good news is that in April, there will be arguments on the summary judgment motion. This is a critical step. At this summary judgment motion in federal court, we could get a decision that knocks out both the so-called assault firearm ban, which, of course, is just modern sporting rifles, or the so-called large capacity magazine ban, which is simply a standard capacity magazine ban. And that summary judgment can have great impact. I am really looking forward to the arguments being done by my colleague and friend, Dan Schmutter. He'll be going in to argue on the summary judgment motions on the litigation that is challenging those laws under the Second Amendment. So, that's good stuff.

Evan Nappen 16:38

And that's one of the reasons why every one of you needs to be a member of the Association of New Jersey Rifle & Pistol Clubs. That is ANJRPC.org. They are the gun rights group for New Jersey, the premier group, and the state NRA affiliate. They are the umbrella organization of gun clubs, and you can become an individual member. It's critical that you are a member. You will get updates. You'll get updates on the litigation. You'll be right up there, first to know, by getting the email alerts. They also let you know what's going on in Trenton. What shenanigans they may be trying to pull to further turn us into criminals and disenfranchise us of our gun rights and all the other great stuff they do in the name of public safety. How nice. Oh, we must go after the guns. You know we have to. It's all about gun safety. Yeah, right. Gun Safety. What a joke. The day they actually pass an actual gun safety law would really be shocking. Instead, we just pass gun bans, and we put this label on them of gun safety. That's how we sell it to the dummies, and it works great. Yeah, well, anyway. The point is the Association is where you want to be. Make sure you join. Make sure you become part of the solution, not the problem. Show

your support as we battle the forces of evil because basically, they are evil in what they're doing. Anything going against our rights, trying to stop the Constitution, and curtail our ability to defend ourselves, such a fundamental right, is evil. So, help fight evil. Join the state gun rights group, the premier group, the Association of New Jersey Rifle & Pistol Clubs. (anjrpc.org)

Evan Nappen 18:42

Let me tell you also about our good friends at WeShoot. WeShoot is an indoor range in Lakewood, and they are a fantastic range. That's where I got my carry certification, my CCARE, and so did my brother and my son. So did many other friends and listeners. Everybody loves WeShoot. It's a great indoor range in Lakewood and a great training facility. It's so convenient to Central Jersey right there. And boy we need our ranges. You need to support our ranges, particularly the indoor ranges so that we have a place to shoot. Because without a place to shoot, it gets really tough to be a gun owner and enjoy our guns. WeShoot is a great resource and is a big plus to the community. And boy they reach out to the community like wonderful. It's just wonderful how they do it. They have great programs and great training. I guarantee if you go down there, you're going to love WeShoot. So, check out their website at weshootusa.com. That's their website. They have great photography. Go there and tell them you are a listener to Gun Lawyer. They will take care of you, and you will be treated like family. And I mean that. They really are like that. It's not just, you know, talk. It's for real. Check out WeShoot at weshootusa.com.

Evan Nappen 20:19

By the way, this is where I shamelessly plug my book, which is New Jersey Gun Law. The Bible of New Jersey gun law. It's over 500 pages with 120 topics all in a question and answer format. If you don't own a copy yet, I have to say why don't you own a copy? I mean, I talk to folks all the time. And they're like, oh, man, I meant to buy the book. But thanks for helping me. I'm happy to talk to you. But then they're like, I'm buying the book right now, I don't know why. You better get the book. This book is your guide. It's what will help you navigate New Jersey gun laws. I wrote it to be user friendly and to protect gun owners from this ridiculous insane matrix of Jersey gun laws so that you can navigate it safely. Get the book. You'll be glad you did. On the front cover is a QR code to scan and boom, you can subscribe, for free, 100% free, to all the updates. You get access to the archives and new updates all for free. This way, when laws change, you're going to get notice from me, and you're going to be able to keep your book current. Once you get the book, it stays current. So, hit that QR code. You'll know what you need to know to protect yourself and remain a law-abiding gun owner in New Jersey.

Evan Nappen 21:44

So, let's take a look at some of these really great letters that came in. I'm really happy about them. Here's an interesting one, and this is from Don. Don says first and foremost let me thank you for all you do for our 2A rights in this oppressive state. Well, my pleasure, Don. I have your gun law Bible and even bought a copy for my cousin when he got into firearms because it's such an invaluable resource. I listen to your show regularly and appreciate your time and efforts. Regarding belt fed ARs in New Jersey, specifically he's talking about a Fightlite MCR. The manufacturer's website says this product is restricted for sale in New Jersey. Is that likely their policy so they don't risk dealing with the state in a potential lawsuit or is it illegal to own a firearm that is capable of accepting an ammunition belt as a feeding source? Subsequently, as the mag capacity wording reads, am I correct if someone

hypothetically has belted ammo linked in a capacity greater than 10 rounds, and it is not contained in anything like a box, bag, pouch, or container of any sort, they would not be in violation of the ban? But as soon as they put the ammo into a bag to bring it to the range, they would be found in violation. If I'm understanding correctly, they would be able to leave that ammo belted in whatever capacity and hang it in a closet, but it would need to be broken down into 10 round belts. Thank you again for your time and support in all things 2A in Jersey.

Evan Nappen 23:11

Well, thank you, Don. Let's talk about belt feds. New Jersey's assault firearm law does not talk about belt fed firearms at all. It talks about semi-automatic firearms. If we're talking about substantially identical now, semi-automatic firearms that accept a detachable magazine. So, first of all, is a belt fed gun, a detachable magazine? Well, a belt isn't a magazine. It isn't a magazine. It's a belt. When you go to New Jersey's definition of large capacity magazine, it specifically defines it as any box, tube, container or drum. Box, tube, container, or drum. There is no mention of belts. You'd really have to stretch it to say the belt is a container. It's not a container. It's a belt. Since belts are not a box, tube, container, or drum, then belts aren't large capacity magazines. Now, there has been word, and I've heard it as well, that if you have a belt and it holds 10 rounds or less then you're perfectly fine. And I guess if you have a belt that holds 10 rounds or less, you are perfectly fine because even if they bend over and do backflips to try to somehow say that belts are magazines, then your "magazine" isn't over 10 rounds. Right? I happen to disagree that belts are even magazines at all.

Evan Nappen 24:54

But the problem can be that if you put the belt in a container, aha, now, it can be a problem. Because now that container is arguably holding the belt that feeds continuously and directly into the firearm. But without the container, it's not contained by anything. It's just hanging by a belt. But many belt feds feed from a container. So, if your belt is feeding from a container, even, arguably, an open ammo can where the belt is feeding out of it, you can say, well, then that container is acting as a drum because it feeds continuously and directly with over the 10 rounds. This is where it gets messy and vague and ridiculous. As far as a belt fed firearm being prohibited, you're going to have to see if it is a semi-automatic firearm that uses a detachable magazine. Again, we can debate whether it does or doesn't.

Evan Nappen 25:56

Then does it have the offending features that we've reviewed many times under the Attorney General guidelines? Those offending features are: does it have a flash suppressor or threaded muzzle, or does it have a bayonet mount, or does it have a pistol grip? Or a folding or telescoping stock? Or, of course, the ever popular, grenade launcher. So, if it has any more than one of those offending features, then you have a problem. So, if any of you are going out grenade launching this weekend, make sure that's the only offending feature on your gun. Because New Jersey will otherwise try to claim that it's an assault firearm if you have more than one of those intrinsically evil, nasty features. So, be careful. But that would be the criteria that you would apply in determining whether that belt fed is in fact prohibited or not.

Evan Nappen 27:00

Hey, here's a great question from Steve. Steve wants to know regarding making OOS purchase legal in Jersey. OOS purchase. At first, I was thinking, I know the O S S, but that would be World War II spy stuff. But I know what he means by OOS. He means out-of-state purchase. Is an out-of-state purchase legal in New Jersey? Well, here's what he asked. I have asked this once before. Is there a way to make legal in New Jersey a handgun that I purchased legally in Florida? Florida is my dual residence state. New Jersey is my main home. My New Jersey FID was issued in 2006, and I'll skip the town. It's still current on my driver's license, voter registration, and tax returns. I would like to use this handgun for carry in New Jersey.

Evan Nappen 27:59

The answer is no problem, Steve. Because federal law recognizes dual residency for handgun purchase. It's in the CFR (Code of Federal Regulations) of the Federal Code, and it's in my book under out-of-state purchase. I give you the code right there. During the time that Steve resides in Florida at his other home, like weekends or the winter months, he's deemed a resident of Florida. He can buy handguns in Florida under Florida law and federal law. Then he can bring those guns back to New Jersey because he can possess them under the exemptions like any other handgun. There is no requirement that they be registered in New Jersey. None. Because he's a resident of New Jersey, and he's not a new resident where registration is required. He's a dual resident. So, there's no registration required. You can possess them. Now he says, can I carry them? Well, yes, but that would mean you'd have to put that gun on the carry permit form that you intend to carry it. You would be by de facto registering a gun in New Jersey that you didn't have to register in New Jersey. Now you've created a registration document of that make, model, and serial number, etc. So, you may not want to actually carry that gun in Jersey, but it's not unlawful for you to bring it back as long as it's not otherwise prohibited. You can't bring in an assault pistol, a prohibited firearm. But as long as it's a handgun, it's not prohibited, and you don't have a magazine over 10 rounds, until the Association wins its case, then that's fine. Dual residency is legal, and it is acknowledged and accepted under the federal law by the Code of Federal Regulations. Just go to my book, and you can see it in black and white. So, thanks, Steve. Thanks for the great question there.

Evan Nappen 30:09

Now, Sam says the following. I recently took a long range shooting course in Alabama. I would like to buy one of their long range rifles. It has a suppressor on it. I'm a New Jersey resident and would like to have this gun for hunting out west. Is it legal for me to own this gun for use in another state? Now the problem is the gun is legal because you can own a long range rifle, unless it's one of the dreaded, intrinsically evil, so-called assault firearms. As long as it's like a bolt action, long range rifle, no problem. But make sure it's not 50 BMG because that is separately prohibited in Jersey. Assuming it's just a decent long range rifle, that's no problem. The problem is the suppressor because New Jersey flat out bans possession of the suppressor. You cannot have a silencer or suppressor in Jersey. Even though federal law allows for the purchase, New Jersey does not. Federal law would then prohibit you from getting your NFA approved because you're in a state where you can't have it. So, unfortunately, until New Jersey removes the ban on suppressors, you cannot have the long range rifle with the suppressor. You can have the rifle but not the silencer.

Evan Nappen 31:37

And it's a shame because suppressors and silencers are hearing protection. They're great for hearing protection. Can you imagine if all our cars were required not to have mufflers? Oh, yeah, that's how it should be. Because look a criminal, if they're going to rob a bank, we don't want them to get away quietly. We want to hear that muffler. Well, that's the logic applied to guns, and it's about as stupid as it gets. You need suppressors, because not only does it stop the excessive sound, but it also removes a lot of the flash and recoil. It makes shooting a pleasure and allows for hunters to hunt game and listen without having to have heavy duty ear protection when they're hunting. You can listen to the game and be able to shoot. This is something that even in Europe where they are so crazy anti-gun, they mandate suppressors at a lot of the ranges. They mandate suppressors on shotguns. They're required because they don't want the noise pollution. They don't want the hearing damage. But New Jersey, of course, is never logical or reasonable. In fact, it's banned. Unfortunately, no suppressors in New Jersey at this time.

Evan Nappen 32:59

I have a great letter here from Rich, and Rich says thank you for the excellent education you provide about New Jersey gun law. I've listened to every episode. I have a few questions that would be interesting on air. So, first question he asked, last week you mentioned you can purchase a black powder revolver out of state that is deemed not a modern firearm. For example, the Remington 1858 or Colt Navy 1851. Do these revolvers have to be actual antiques? Or is a reproduction of an 1858 considered not a modern handgun even though it's brand new? Do they have to be exact replicas? Any black powder handguns new or old is not modern?

Evan Nappen 33:36

It can absolutely be a replica. It does not have to be an actual antique. It goes to the mechanism. If it fires by percussion or flintlock, then it is black powder, and it is not covered by federal law. So, you can have modern black powder firearms that fire by percussion. You can have a Remington 1858, or you can have their modern made that are not based on even trying to replicate a gun of the past. For example, the North American Arms mini revolver is made in a black powder. At least they did. I don't know if they still do, but they did make a black powder mini revolver that you can buy. It looks just like the .22 version, the .22 Long Rifle version, but it is strictly made to fire black powder with a percussion cap charge. Yet there it is - a mini revolver. It's not made to be a replica of any prior existing gun although they did have small revolvers in the old days. There's no question about it. But that model is unique to North American Arms, and it's pretty cool. So, you could have that as well and that's not a problem.

Evan Nappen 35:09

It does not have to be an authentic actual antique. As a matter of fact, I would not advise shooting authentic actual antiques, despite what you may see on like Pawn Stars where every antique gun that comes in, they have to shoot. I mean, it's nuts. Don't shoot them, okay? The steel, the metallurgy of the day, plus over time, there can be carbon deposit, rust, and other things. I mean, man, it just crazy. Don't do that unless it's absolutely certified by a gunsmith and checked out thoroughly. I would not be shooting those guns, although I'm sure many are safe to do so. But why are you doing that to an antique anyway? Why are you doing that? Why are you risking its destruction or danger to yourself by

shooting it? It needs to be appreciated for the historic value that it has. The modern made replicas are stronger, have even better steel, and are even higher quality. So, when you're shooting a replica, you're actually shooting a gun that was made better than the original anyway. They're safe and certified, you know, made by any modern major producer. That's really the better way to go. So not a problem for the black powder gun issue.

Evan Nappen 36:43

Then, Rich asks, can you shed some light on the details of carrying a handgun with a Permit to Carry in relation to businesses that post a gun free location sticker? So, we talked about this free sticker. You know, the sign? We don't want any guns here except for criminals carrying them creating havoc because law-abiding citizens will obey signs and criminals won't. What if you see that? Can you still go into that store? Is it prohibited? What's the deal? Well, it's not a sensitive place, currently, if it is open to the public. It doesn't matter if it has a sign. It doesn't make it a sensitive place if it's open to the public. That doesn't trigger a sensitive place. But what it does do is create a trespassing situation. In the same way as some establishments prohibit someone from having a dog in there, or things like that, they can say we don't want you with your gun. Then you could face a trespassing charge for not obeying their wishes, especially if you're told to leave and then you don't. That's defined trespassing. So, if you see the no gun signs, absolutely honor those signs, folks. Honor them with zest and passion. Say I will not spend my money, and I will not go in that store. You will not get my business. I'm not going to put myself in further danger because you're encouraging criminals and violent crime to hit your store by saying no guns. No, I'm not going there. Don't do it. Don't give them your money. And don't endanger yourself by going to any store foolish enough to have one of those signs.

Evan Nappen 38:41

Then three, I have not heard any of your shows talk about bulletproof vests. Okay. Let me tell you about bulletproof vests. Bulletproof vests are lots of fun, and New Jersey allows bulletproof vests. Let me just tell you about the law in Jersey. Rich says, in his question, I understand it has to be registered with the state. What is the process for registration? And does it need to be transported in a lock box or other such silliness? The answer is they don't need to be registered, and they don't need to be transported in a lockbox. What you may have heard was a bill that was proposed and it's still out there to be voted on, but it has not passed to require registration and restrictions on vests, etc. But that bill has not passed. The law in New Jersey, which you can find under N.J.S. 2C:39-13, and what they're talking about is bullet resistant body armor. As long as you're not engaging in or attempting to commit or fleeing the scene after committing murder, manslaughter, robbery, sexual assault, burglary, kidnapping, criminal escape or assault, then you're okay to have a vest. You cannot wear a vest while committing or attempting to commit a crime of the first degree or the second degree. You're lawful as long as you're not attempting to commit or flee the scene after committing a crime. There is no prohibition on bulletproof vests other than not wearing it to commit a crime or fleeing the scene of a crime, etc. That's the limitation.

Evan Nappen 40:37

The other legislation has not passed. Although Jersey, I'm sure, may try to do that. They not only want us to be victims and defenseless, but they also want us to be even more vulnerable to criminals' guns. So that only the criminals have guns, and you can't even have a vest to protect yourself unless again,

registration you know, big brother, always there registration. Good thing that vest was registered. What does that have to do with anything? Come on. It's just more intrusions and more turning law-abiding citizens into victims. It's just never ending with New Jersey and their schemes and things they can intrude on our rights with. It's crazy.

Evan Nappen 41:31

Now let's talk about the GOFU, one of our favorite segments, GOFU, the Gun Owner Fuck Up of the week. This GOFU is a little different. Because this one isn't necessarily a GOFU on the gun owner. But it sure is a GOFU on the police who are acting as issuing authorities. The letter I received said, I applied for my CCW, of course, you meant a PTC, Permit to Carry, and put on his application that he wants to carry the Ruger-5.7 handgun. The Ruger-5.7, if you are familiar with the 5.7, it's similar to same round that the FN Five-seven, etc. Five-7 is a caliber of a cartridge. Get ready for this, folks. The detective where he applied told him he could not carry it due to the round can pierce body armor. Oh, my god. And if a LEO wanted to carry it, they would have to qualify with it every three months. He could not get clarification from New Jersey State Police or the Attorney General on this firearm. I told him it's different for a civilian. It is a New Jersey acquired firearm and is legal to own and have.

Evan Nappen 43:10

Okay, folks, can you believe this? They are now attempting to deny a carry because the person wants to carry the Ruger-5.7 handgun because it fires a round that can penetrate body armor. Really? Really? Except it doesn't. It doesn't because the armor piercing ammunition is banned federally and banned statewide. You cannot lawfully purchase armor piercing ammo for the 5.7. The gun is a gun. Armor piercing ammo is a whole other story. Look, you can buy armor piercing ammo for any gun and that's unlawful. It doesn't matter if you have AP ammo for your 9mm. That's unlawful ammo. If you have AP ammo for your .45, or you have AP ammo for any handgun. AP ammo, Armor Piercing ammo, is prohibited under New Jersey State law and prohibited under federal law. The 5.7 by itself is not armor piercing. It's not.

Evan Nappen 44:33

Yet, here is somebody who is facing potential denial of their Permit to Carry because this detective has some media view, some absolute false view, based on media hype from the Imperial Media about armor piercing ammunition, and the 5.7 is a vest popper, a cop killer. No, only if it's got AP ammo, which you can't buy and can't legally have. It's banned federally and state. So, the gun of choice that is lawful for the person to have, the handgun that is legal in Jersey for the person, is legal for them to carry, and if they put it on their permit or put it on the form, they've met their obligation. It's not a basis to deny a permit to carry. That is a GOFU on the part of this issuing authority or the one doing the investigation. That's what it is. Hopefully, they'll come to their senses and realize that denying the PTC for this will cost them a legal action over its absurdity. Then they can be on the stand under oath explaining how the 5.7 with civilian ammunition is a., armor piercing and b., a basis to deny a carry permit. I'm looking forward to that, if they actually want to go that far with this. So, folks, this is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 46:45

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. The information and opinions in this broadcast do not constitute legal advice. Consult a licensed attorney in your state.