



August 17, 2007

Colonel Joseph R. Fuentes
Superintendent
Attn: Firearms Investigation Unit
New Jersey State Police
PO Box 7068
West Trenton, New Jersey 08638

Re: Comments on PRN 2007-199

Dear Colonel Fuentes:

I am writing on behalf of the New Jersey Association of Firearms Retailers (NJAFR) which is a non-profit trade association representing the New Jersey firearms retailers. The NJAFR appreciates this opportunity to explain why we are opposed to the proposed changes to the N.J. Administrative Code (PRN 2007-199) See 39 N.J.R. 2324(a) (June 18, 2007) that govern and impact our members.

As a retailer and the owner of a small business, I know firsthand how regulations, however well intentioned, can have a significant adverse financial impact on a business. Currently, New Jersey retailers are the most heavily regulated firearms dealers in the nation. We are required to comply with the nation's most stringent set of rules and regulations governing the lawful commerce in firearms. The financial burden that is created with each new measure makes it increasingly more difficult for law-abiding retailers to continue their livelihood, create jobs and tax revenue for the state. The proposed changes now under consideration will further burden New Jersey firearms retailers, most of which are small "mom-n-pop" businesses, without any clear public safety benefit. These regulations will do nothing to decrease violent crime in the state. New Jersey's firearm retailers are not the cause of the criminal misuse of firearms.

The security measures retailers are required to have in place, which are approved by the State Police, provides adequate and appropriate level of security to deter and prevent against the theft of firearms from dealers. Additional requirements to rule 13:54-6.5 would require dealers to secure any firearms on display with a steel cable. Not only will this physically damage the firearms, it will impose significant additional costs on retailers. Wholly independent of regulations and yet more regulations, firearms retailers have a powerful economic incentive to take appropriate measures to prevent the theft of inventory –

you cannot lawfully sell what has been stolen from you. Insurance premiums skyrocket when claims are made. This cost serves as a further incentive for dealers to guard against theft.

Rule 13:54-3.20 forces anyone who lawfully owns a firearm that they give to a dealer on consignment to obtain a permit to receive back their own lawfully owned property. As you should know, consignment does not result in the legal title to property being transferred to the consignee (the dealer). What happens when an owner is denied a permit? We have grave concerns about whether this regulation constitutes a due process violation or an unlawful "taking" by the government. Dealers will find themselves in a legal limbo, possessing a firearm they do not own, cannot sell and cannot return to the lawful owner. Dealers will be forced to file a lawsuit to seek a court order to adjudicate the disposition of the firearm, or being named in a lawsuit by the owner attempting to reclaim their lawfully owned property. In addition, this proposal is contrary to public safety because it will discourage individuals from bringing firearms to licensed dealers where a background check would be done in the event of a sale. We would be interested in knowing whether the State Police have any statistics available that would identify the number of firearms recovered in connection with crime in New Jersey that were sold by a New Jersey dealer on consignment?

Rule 13:54-5.1 Section (c) would render magazines that have a block limiting the number of cartridges they can accept illegal. This is completely at odds with prior opinions by New Jersey Attorneys General, both Democrat and Republican, that a magazine with a block is legal under New Jersey law. It is difficult for us to understand why the State Police are ignoring these past legal opinions. This will undoubtedly lead to costly litigation that will cost taxpayers money and divert the resources of the State Police away from fighting actual crime. We do not believe this proposal can withstand legal challenge, nor will it reduce crime in our state.

The New Jersey Association of Firearms Retailers strongly opposes these proposals because they will only serve to increase the regulatory burden on law-abiding licensed firearms retailers without benefiting public safety. Thank you for consideration of our concerns and please feel free to contact me at any time if I can be of assistance on this or any other matter.

Sincerely,

Robert Viden
President
New Jersey Association of Firearms Retailers