

MICROSTAMPING
Performance Standards and Qualifying Criteria

For a firearm to qualify as a microstamping-enabled firearm for inclusion on the microstamping roster as set forth under N.J.S.A. 2C:58-2.13 *et seq.*, the firearm must meet the following performance standards and qualifying criteria:

1. When the firearm fires a round, it shall impart an imprint, etching, stamp, or other marker onto the expended cartridge case that is readily associable by law enforcement and other governmental authorities with the specific firearm from which the cartridge case was expended.
2. The firearm must impart such a marker regularly, including after sustained firing of the firearm.
3. The firearm shall not physically deform or deteriorate as a result of firing rounds, and shall not fire with less reliability than other commercial firearms sold in New Jersey.
4. The firearm shall not discharge in response to abuse or mishandling of the firearm.
5. The firearm's design shall comply with all applicable New Jersey and federal laws.
6. The firearm shall be made by a manufacturer possessing all licenses required by law for such manufacturers.
7. The firearm shall be submitted for application by the manufacturer or its authorized distributor or dealer, or otherwise with the consent of the manufacturer or authorized distributor or dealer.

MICROSTAMPING
Process for Determination of Microstamping-Enabled Firearms

Statutory Background

A Microstamping Examiner appointed by the Attorney General will determine whether the make and model of firearm proposed by an Applicant may be designated as a microstamping-enabled firearm. N.J.S.A. 2C:58-2.13(e). The Microstamping Examiner's determination is based on whether the firearm meets the Attorney General's microstamping performance standards and qualifying criteria. N.J.S.A. 2C:58-2.13(c). Upon designation of the first microstamping-enabled firearm, the Microstamping Examiner shall create a microstamping roster, which shall include all firearms designated as such. N.J.S.A. 2C:58-2.13(d).

Process

1. The Microstamping Examiner's determination of whether a make and model of firearm meets the microstamping performance standards and qualifying criteria shall be based upon (1) application materials submitted by the Applicant; and (2) live-fire testing by a testing entity of one or more firearms of that make and model. The testing shall be conducted according to criteria to be issued by the Microstamping Examiner.
2. The Microstamping Examiner will issue application materials and additional guidance, in conjunction with the Office of the Attorney General and New Jersey State Police, for Applicants as quickly as practicable after their appointment. The guidance will include further information on how the Microstamping Examiner will review and approve an Applicant's testing plan, including protocols for conducting live-fire tests and evaluating test results. The guidance will also include further information on what the Microstamping Examiner will consider to be an imprint, etching, stamp, or other marker that is readily associable with the specific firearm from which the cartridge case was expended.
3. The entity conducting live-fire testing shall issue a Final Test Report to the Applicant at the conclusion of the testing process, with a copy to the New Jersey State Police, and the Attorney General or designee.
4. Once the Final Test Report is issued, the Applicant may apply to the Microstamping Examiner for their determination of whether a firearm can be designated as a microstamping-enabled firearm. Application materials shall include the Final Test Report; a statement of how the imprint, etching, stamp, or other marker shall be readily associable by law enforcement and other governmental authorities to a specific firearm, and of how any associated records will be maintained; and certifications of compliance

with federal and New Jersey law. The Microstamping Examiner may ask the Applicant for additional information or materials if needed to reach their determination.

5. After reviewing Applicant's materials, the Microstamping Examiner will determine whether the firearm meets the microstamping performance standards and qualifying criteria. The Microstamping Examiner will issue a Preliminary Decision with a written justification.
6. If the Applicant's firearm is denied for inclusion on the roster by the Microstamping Examiner, an Applicant may, within 30 days of the Microstamping Examiner's Preliminary Decision, submit a letter to the Microstamping Examiner seeking reconsideration. The Microstamping Examiner must then respond to the reconsideration letter with a Final Decision accompanied by a written justification. If the Applicant does not submit a reconsideration letter within 30 days of the issuance of the Preliminary Decision, then the Preliminary Decision shall automatically convert to a Final Decision. The Applicant may submit a new application for the rejected firearm to the Microstamping Examiner no earlier than 60 days after the issuance of the Final Decision.
7. If the Applicant's firearm is approved by the Microstamping Examiner, the firearm shall be designated as a microstamping-enabled firearm and placed on the microstamping roster, which shall be maintained by the Microstamping Examiner and published on a website maintained by the New Jersey State Police.
8. Any alteration to the design of a make and model of firearm that has been approved for addition on the roster shall require a determination from the Microstamping Examiner that the firearm continues to meet the performance standards and qualifying criteria. The Microstamping Examiner also reserves the right to remove firearms from the microstamping roster if new information indicates that the firearm does not meet the performance standards and qualifying criteria, or is otherwise in violation of New Jersey or federal laws.
9. If the Microstamping Examiner determines that a firearm should be removed from the microstamping roster, they must provide a Notice of Intent to the manufacturer of the firearm. The Notice of Intent must provide a written justification for the removal of the firearm. The manufacturer may respond to the Notice of Intent in writing within 30 days of issuance of the Notice of Intent. If no written response is submitted by the manufacturer challenging the Notice of Intent, then the firearm shall be removed from the microstamping roster immediately after the 30-day period. If a written response by the manufacturer is submitted within the 30-day period, the Microstamping Examiner must issue a Final Decision of Removal with a written justification for the decision.