



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 080
TRENTON, NJ 08625-0080

PHILIP D. MURPHY
Governor

MATTHEW J. PLATKIN
Attorney General

SHEILA Y. OLIVER
Lt. Governor

**Personalized Handgun Authorization Commission
Public Session Meeting Minutes
Friday, June 23**

The June 23, 2023 meeting of the New Jersey State Personalized Handgun Authorization Commission (PHAC, or “the Commission”) was conducted electronically via Zoom. Pursuant to the Open Public Meetings Act, notice was provided at least 48 hours before the scheduled meeting. Notice was filed with the Secretary of State, faxed to approved news publications including the Star Ledger, the Times of Trenton, the Bergen Record, the Courier Post, and the Press of Atlantic City, and also posted at the Hughes Justice Complex. The meeting began at 11:03 a.m. and was accessible to the public by dial-in information provided on the Commission’s public agenda.

1. Open Public Meetings Act Notice – read by Mr. Ershow

2. Roll Call

- Commission Members Present: Nico Bocour, Jennifer Chuang, Jeremy Ershow, Nashon Hornsby, Robert Nixon
- Commission Members Not Present: Lt. Col. Joseph Brennan
- Department of Law & Public Safety Staff Present: Deputy Attorney General Daniel Roman, Eric Barlow, Jolitha Joanem

3. Minutes for Meeting of June 9, 2023

The Commission discussed draft minutes for the meeting of June 9, 2023. Mr. Hornsby moved to adopt the draft minutes, Mr. Nixon seconded, and the motion passed unanimously.

4. Performance Standards and Qualifying Criteria (Jeremy Ershow)

The Commission discussed a draft resolution to establish performance standards and qualifying criteria that Mr. Ershow circulated prior to the meeting. Mr. Ershow and Mr. Nixon



discussed the Commission’s collaboration and work to develop the performance standards and qualifying criteria.

Mr. Hornsby moved to adopt the resolution, and Dr. Chuang seconded. The motion passed unanimously. The adopted resolution is enclosed hereto.

5. Minutes for Meetings Prior to May 2023

The Commission approved minutes for meetings held from January 2022 to January 2023, drafts of which were circulated prior to the meeting. Commissioners acknowledged that no more than three commissioners present had attended any one of those meetings, however discussed that it was appropriate to invoke a rule of necessity and proceed on voting for minutes. Mr. Ershow proposed a motion “that with respect to PHAC’s adoption of minutes for meetings taking place between January 2022 and January 2023, PHAC delegates the authority to adopt minutes for those meetings to commissioners who were present at the meeting in question, and present at today’s meeting of June 23, 2023.” Mr. Hornsby moved, Dr. Chuang seconded, and the motion passed unanimously.

The Commission voted as follows:

- January 24, 2022 – Mr. Nixon moved, Dr. Chuang seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- February 25, 2022 – Mr. Nixon moved, Ms. Bocour seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- March 25, 2022 – Mr. Nixon moved, Dr. Chuang seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- April 29, 2022 – Dr. Chuang moved, Mr. Nixon seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- May 24, 2022 – Dr. Chuang moved, Mr. Nixon seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- June 27, 2022 – Ms. Bocour moved, Dr. Chuang seconded. The motion passed unanimously (Bocour, Chuang).
- July 29, 2022 – Mr. Nixon moved, Dr. Chuang seconded. The motion passed unanimously (Chuang, Nixon).
- August 11, 2022 – Dr. Chuang moved, Mr. Nixon seconded. The motion passed unanimously (Chuang, Nixon).
- September 30, 2022 – Mr. Nixon moved, Dr. Chuang seconded. The motion passed unanimously (Bocour, Chuang, Nixon).
- October 21, 2022 – Dr. Chuang moved, thus passing the motion (Chuang).
- November 18, 2022 – Mr. Nixon moved, Ms. Bocour seconded. The motion passed unanimously (Bocour, Chuang, Nixon).

- January 27, 2023 – Mr. Nixon moved, Ms. Bocour seconded. The motion passed unanimously (Bocour, Chuang, Nixon).

6. Public Comments

No members of the public attended or otherwise provided comment.

7. Adjournment and Discussion of Next Meetings

Mr. Ershow discussed that the date of the next meeting will be determined, and that the Commission’s focus will now turn to establishing testing protocols corresponding to the performance standards and qualifying criteria, and an application process.

Mr. Ershow proposed possible processes for the Commission to approve minutes for this June 23, 2023 meeting prior to the next meeting of the Commission. After discussion, Mr. Hornsby made a motion “to delegate to the Chair the authority to approve minutes for the meeting of June 23, 2023, provided that the Chair first circulate a draft of the minutes to the other Commissioners and afford Commissioners present at the June 23, 2023 meeting the opportunity to provide the Chair with comments on the draft prior to the Chair exercising his authority to approve those minutes.” Mr. Nixon seconded, and the motion passed unanimously (minus Mr. Ershow, who recused from the vote at Mr. Hornsby’s suggestion).

The meeting adjourned at 11:47 a.m., on motion by Mr. Ershow, seconded by Mr. Hornsby.

**Personalized Handgun Authorization Commission
Performance Standards and Qualifying Criteria Resolution
Meeting of June 23, 2023**

Whereas, P.L. 19-164, N.J.S. 2C:58-2.7 *et seq.* establishes the Personalized Handgun Authorization Commission; and,

N.J.S. 2C:58-2.8(c) provides that “Within one year of organizing, the commission shall develop personalized handgun performance standards and qualifying criteria which a personalized handgun shall meet in order to be placed on the personalized handgun roster;” and,

N.J.S. 2C:58-2.8(c) further states that “The personalized handgun performance standards and qualifying criteria shall include, but not be limited to” three performance standards enumerated in 2C:58-2.8(c)(1)-(3) plus (4) “any other reliability standards generally used in the industry for other commercially available handguns;” and,

The Commission has reviewed American National Standard “SAAMI Z299.5 – 2016 – Voluntary Industry Performance Standards Criteria for Evaluation of New Firearms Designs Under Conditions of Abusive Mishandling for the Use of Commercial Manufacturers,” and at this time has identified no other apparent “reliability standards generally used in the industry for other commercially available handguns;” and,

The Commission held public meetings on May 12, 2023 and June 9, 2023 in which it discussed and deliberated on the below performance standards and qualifying criteria,

The Commission hereby establishes the following performance standards and qualifying criteria which a personalized handgun shall meet in order to be placed on the personalized handgun roster:

1. The handgun shall be reasonably resistant to being fired by anyone other than the handgun’s authorized user as defined in N.J.S. 2C:39-1.
2. The personalized technology shall be incorporated into the design of the personalized handgun and shall be a permanent, irremovable part of the handgun and any device or object necessary for the authorized user to fire the handgun.
3. The personalized handgun shall not be manufactured so as to permit the personalized characteristics of the handgun to be readily deactivated.
4. The handgun shall not discharge in response to abuse or mishandling of the handgun.
5. The handgun shall not physically deform or deteriorate as a result of firing rounds.
6. The handgun’s design shall comply with all applicable New Jersey and federal laws.
7. The handgun and its packaging shall not bear any statements that may be deceptive to consumers, or otherwise appear to violate the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-2.
8. The handgun shall be made by a manufacturer possessing all licenses required by law for such manufacturers.
9. The handgun 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.