



*State of New Jersey*  
*Commission of Investigation*

# **ARMED** **AND DANGEROUS**



**Guns, Gangs and Easy Access  
to Firearms Ammunition  
in New Jersey**

*February 2007*

*State of New Jersey  
Commission of Investigation*



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**AND DANGEROUS**

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SCI  
28 West State St.  
P.O. Box 045  
Trenton, N.J.  
08625-0045

609-292-6767

[www.state.nj.us/sci](http://www.state.nj.us/sci)



# State of New Jersey

COMMISSION OF INVESTIGATION

28 WEST STATE STREET

PO BOX - 045

TRENTON, NEW JERSEY 08625-0045

TEL (609) 292-6767

FAX (609) 633-7366

**W. Cary Edwards**

*Chair*

**Joseph R. Mariniello, Jr.**

**Kathy Flicker**

**Patrick E. Hobbs**

*Commissioners*

**Alan A. Rockoff**

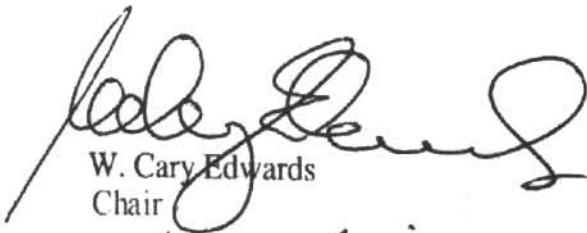
*Executive Director*

February 2007

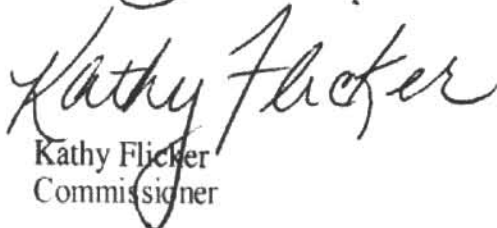
Governor Jon S. Corzine  
The President and Members of the Senate  
The Speaker and Members of the General Assembly

The State Commission of Investigation, pursuant to N.J.S.A. 52:9M, herewith formally submits the final report of its investigation into the subversion of legal firearms ammunition sales in New Jersey.

Respectfully,



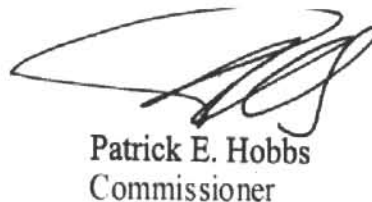
W. Cary Edwards  
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Kathy Flicker  
Commissioner



Joseph R. Mariniello, Jr.  
Commissioner



Patrick E. Hobbs  
Commissioner

# TABLE OF CONTENTS

<i>Executive Summary</i> . . . . .	1
<i>Guns vs. Ammunition: The Law</i> . . . . .	8
New Jersey's Mixed Message . . . . .	8
Other Jurisdictions: Tough Ammo Controls . . . . .	10
<i>The View From Law Enforcement</i> . . . . .	16
<i>Referrals and Recommendations</i> . . . . .	23
<i>Appendix</i> . . . . .	A-1

## *Executive Summary*

The Commission undertook an investigation into the sale and availability of firearms ammunition as part of an ongoing statutory mission to monitor organized crime and assist law enforcement. Initially focused on certain criminal activities involving street gangs and drug-dealing syndicates, the probe was broadened to encompass a wide range of disturbing issues stemming from the ease of legal access to ammunition, particularly for handguns.

In sum, the findings of this unprecedented statewide investigation shatter conventional wisdom and raise critical questions that bear directly upon government's fundamental duty to safeguard the public. While New Jersey maintains some of the most stringent and restrictive laws in the United States governing the purchase and sale of handguns, the trade in actual bullets – the very projectiles that make firearms lethal – remains a wide-open, unregulated bazaar of misguided commercial activity the practical effect of which includes exacerbated gun violence on the streets of communities across this state.

On any given day, shoppers in New Jersey can enter retail gun outlets, sporting goods stores and other venues and readily purchase firearms ammunition of virtually every caliber in about as much time, and with about as much effort, as it takes to buy a soccer ball or a bag of groceries. The sole prerequisite for an ammo transaction – and this is not even codified in law – is the display of some form of identification, however rudimentary, that purports to establish the buyer's proof-of-age. Proper credentials to own a gun are not required. Even if an individual is expressly prohibited by law from owning a gun, ammunition is another matter entirely. The buyer could be a convicted

felon, a gang member, someone with a history of mental illness or violence – a terrorist even. No matter: As currently structured, the system allows bullets to be sold indiscriminately.

To gain a clear and comprehensive understanding of just how vulnerable this system is to subversion by criminal elements, the Commission tested and examined lawful sales of handgun ammunition at 60 retail establishments licensed by the state to sell firearms.<sup>1</sup> The stores were selected randomly with wide geographic distribution across 19 of New Jersey's 21 counties. In some instances, criminal informants acting at the direction of Commission investigators entered the stores and successfully bought ammunition even in situations where they produced false identification. In others, handwritten sales logs – the only form of record-keeping required of such stores – revealed numerous purchases of handgun ammunition by persons with a veritable laundry list of criminal histories, including assaults on police officers, sex and drug offenses, domestic violence, child abuse and ties to organized crime.

In all, 43 of the 60 retail outlets surveyed by the Commission – nearly three-quarters of the sample – were found to have sold handgun ammunition to individuals with criminal records. Further analysis showed that most of these buyers did not possess proper credentials to own or possess any kind of firearm, either a handgun or a long gun (rifle or shotgun).

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<sup>1</sup> According to the State Police, there are approximately 330 wholesale and retail establishments in New Jersey licensed to sell firearms.

As a consequence of this unbridled traffic in firearms ammunition, the Commission found:

**Ammo Purchases by Gang Members/Associates**

- Individuals known to police as members or associates of criminal street gangs purchase handgun ammunition lawfully in New Jersey. Some of this ammunition has been traced to actual subsequent criminal activity, including homicides and other gang-related gun violence. In one instance, individuals later identified as members of the Bloods, the most notorious of the proliferating gangs in New Jersey, purchased ammunition at retail stores and took target practice at a legitimate indoor firing range.

**Ammo Purchases by Convicted Felons**

- Lawful purchases of ammunition by convicted felons are widespread. At one store alone, more than 15,000 rounds of handgun ammunition were sold to 42 convicted felons over one four-year period. The criminal history of one such individual included convictions for aggravated assault, unlawful possession of a handgun, unlawful use of a body-armor vest, and possession of a weapon for unlawful use.

**Repeat Purchases by Persons with Criminal Records**

- Repeat purchases of ammunition by individuals with criminal records are not uncommon. Indeed, store sales logs revealed repetitive

purchases of significant quantities of handgun ammunition – thousands of rounds at a time – by individuals over a relatively brief period.

### **Under-Age Purchases**

- Despite the proof-of-age requirement contained in the New Jersey Administrative Code, individuals later determined to be under-age – including juveniles – were found to have successfully purchased handgun ammunition at retail stores.

### **“Straw” Purchases**

- “Straw” purchases, in which ammunition is bought by a surrogate on behalf of someone seeking to conceal his/her own identity and involvement in the transaction, are carried out with ease in New Jersey.

### **Unrestricted Sale of Handgun Ammunition via the Internet**

- Handgun ammunition of every size and caliber – including particularly deadly hollow-point, or hollow-nose, bullets – is readily available from Internet Web sites maintained by dealers in New Jersey and elsewhere in the nation. Commission investigators using their real names, a simple credit card and the mailing address of the SCI’s Trenton headquarters as the ordering destination successfully purchased a small arsenal of handgun ammunition, including hollow-points, from internet sites without providing any proof of age or identification.



### **Limited Recourse for Ammunition Dealers**

- Under the current law allowing broad and largely unrestricted access to ammunition, store owners have little recourse but to complete sales transactions even when approached by suspect individuals. In effect, they must choose between risking confrontation with customers they turn away – including threats of possible civil action or worse – or acting as accomplices in the legal conveyance of merchandise possibly destined for the criminal underworld.

### **Obstacles to Law Enforcement**

- State and local police and prosecutors are restricted in their ability under current law to intervene in ammunition sales. They have no authority to bring charges for possession of ammunition and have their hands tied when it comes to referrals from retailers of suspicious customers. Police also have no recourse under the law in circumstances involving the seizure of ammunition during execution of a search warrant stemming from a suspected violent crime.
- Handwritten ammunition sales logs maintained by retailers are often illegible and contain inconsistent data. Moreover, local police and county prosecutors do not have legal access to these logs absent a court order.

While this investigation dealt primarily with the subversion of legal ammunition sales, the Commission during its course also discovered gaps and inconsistencies in the

current system for tracking and controlling possession of firearms. For example, although New Jersey law requires gun owners to relinquish their licensing credentials if they suffer certain disabilities – a permit in the case of a handgun, a firearms identification card in the case of a long gun – this requirement is not routinely or consistently enforced.

Given the combined urgency of these matters, the Commission on December 12, 2006 conducted a public hearing in Trenton to air the preliminary findings of its investigation and to gather additional facts and data through testimony from various expert witnesses. The full transcript of that proceeding is contained on a CD attached to this final summary report. The Commission wishes to express its gratitude to those distinguished members of the law enforcement community who participated in this investigation. Inter-agency cooperation at the federal, state and local levels made possible its successful completion.

But just as this report represents an end, it is also a beginning. Pursuant to its statutory mission to make recommendations for improvements in laws and regulations, the Commission herein outlines a series of practical systemic reforms designed to assist government in general, and law enforcement in particular, to fulfill their overarching responsibility to safeguard public safety and welfare. Under present circumstances, that responsibility is in deep peril. It is patently ridiculous, shocking even, to contemplate a system that requires a background check and an official permit to own a handgun but, unaccountably and astonishingly, mandates nothing of the sort as a condition for purchasing the means to transform that gun into a deadly weapon. It is a system that undermines the authority of our police, makes a mockery of our gun control laws and renders the streets of our towns and cities more dangerous at the very moment we are

struggling to come to grips with a rising tide of gang violence. The factual foundation established by the findings of this investigation provides an ample basis for long-overdue legislative, regulatory and prosecutorial remedies, and the Commission stands ready to assist in that vital effort.

# *Guns vs. Ammunition: The Law*

## **New Jersey's Mixed Message**

Under state law in New Jersey, it is far easier to buy the lethal ingredients for firearms than to purchase the weapons themselves.<sup>2</sup> Indeed, by way of comparison, the state's current statutory framework provides a more elaborate web of regulation for the ownership and operation of motor vehicles than for access to firearms ammunition.

It is noteworthy that few aspects involving access to ammunition even carry the force of statute. The only regulatory provisions, such as they are, reside instead in the state's Administrative Code at Title 13, Chapter 54. This section of the Code requires purchasers of ammunition to display personal identification but does not specify the type. For sales of handgun ammunition, the Code also requires retail dealers to maintain a written record of all sales transactions showing the name of the ammunition manufacturer; the type, caliber or gauge; the quantity sold and date of sale; and the name, address and date of birth of the purchaser. No such records are required for the sale or disposition of ammunition for rifles or shotguns. However, with respect to both handguns and long guns, dealers are required to confirm the lawful age of the buyer – 21 for handgun ammunition, 18 for rifles and shotguns – but the Code does not specify the method for doing so. Nor does the Code specify or require any means to verify or corroborate the veracity of the identification materials displayed.

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<sup>2</sup> The Appendix to this report contains two exhibits presented during the Commission's public hearing to illustrate weaknesses in current laws and regulations governing sales and possession of ammunition. Exhibit A-101 shows the sharp contrast between statutory prohibitions on the sale of guns versus ammunition, while Exhibit A-101-a is the official application required for the purchase of firearms.

The only statutory restrictions involving access to firearms ammunition in New Jersey are contained in N.J.S.A. 2C:39, which makes it a fourth degree crime to manufacture, transport, sell, ship or possess hollow-nose (also known by the terms “hollow-point” and “dum-dum”) and/or body-armor-piercing handgun ammunition. The apparent force of these prohibitions, however, are weakened by wholesale exemptions, which include not only law enforcement officers, military personnel, collectors and licensed sellers, but also any individual who purchases such ammunition and transports it to, or stores it at, his/her property or residence. Hollow-point bullets, which are designed to maximize physical trauma upon impact, are readily available without restriction via the Internet. During this investigation, Commission investigators purchased hundreds of rounds of such ammunition from dealers who maintain Web-based sales outlets in New Jersey and other states.

• • •

State laws governing the sale and purchase of actual firearms, meanwhile, are far more detailed and restrictive. The critical elements are as follows:

Retail dealers of firearms must be licensed by the state and adhere to a wide range of standards and qualifications designed to safeguard the public safety, health and welfare. Indeed, the statutory strictures related to firearms sales are so exacting under N.J.S.A. 2C:58-2 that dealers are not even allowed to place any “firearm or imitation thereof . . . in any window or in any other part of the premises where it can be readily seen from the outside.”

As to buyers, anyone purchasing or otherwise acquiring a handgun in New Jersey must be at least 21 old and possess a permit signed by the chief of police of the

municipality in which the applicant resides, or by the Superintendent of the State Police if the applicant's locale maintains no full-time police department. In the case of a long gun (rifle or shotgun), the minimum age for ownership is 18 and, upon approval of the local police chief or State Police Superintendent, the applicant is issued a Firearms Purchaser Identification Card.

With regard to both handguns and long guns, the application form is quite detailed as to the type and nature of information required. In addition to filling it out, applicants must submit two sets of fingerprints and sign a form consenting to a search of mental health records. Applicants are also required to undergo a criminal background check.

State law prohibits the sale or transfer of a handgun or long gun to any person who:

- Has been convicted of a felony.
- Is drug dependent.
- Has been or is confined to an institution for treatment of a mental disorder.
- Suffers from a physical disease or defect which would make it unsafe for him/her to handle firearms.
- Knowingly falsifies any information on the application form.
- Refuses to waive statutory or other rights of confidentiality relating to institutional confinement.
- Is subject to a domestic violence court order.
- Has been convicted in any court of a misdemeanor crime of domestic violence.
- If in possession of a firearm, would otherwise be determined to be a threat to the public health, safety and welfare.

## **Other Jurisdictions: Tough Ammo Controls**

While New Jersey leads the nation in some respects in its statutory framework for regulating ownership of guns, it lags behind the federal government and a number of states and cities in controlling access to ammunition. The following summary of legal

controls over the sale and possession of ammunition in other jurisdictions bears upon the fundamental issues raised in the Commission's investigation:

### ***Federal Law***

Title 18 of the United States Code makes it unlawful for any person to purchase a firearm and/or ammunition who:

- Has been convicted in any court of a crime punishable by a prison term exceeding one year.
- Is a fugitive from justice.
- Is an unlawful user of or addicted to any controlled substance.
- Has been adjudicated as a mental defective or who has been committed to an institution for treatment of a mental disorder.
- Is an undocumented alien.
- Has been dishonorably discharged from the U.S. Armed Forces.
- Has renounced his/her U.S. citizenship.
- Has been convicted in any court of a misdemeanor crime of domestic violence.

### ***Other Jurisdictions***

#### **Delaware**

Like the federal government, Delaware prohibits convicted felons from purchasing and possessing ammunition but extends the prohibition to a far more extensive array of suspect individuals, including those

- Convicted of a crime of violence involving physical injury.
- Committed for treatment of a mental disorder.
- Convicted for unlawful use, possession or sale of illegal drugs.
- Adjudicated delinquent as juveniles.
- Subject to family court protection-from-abuse orders.
- Convicted of domestic violence.
- Found to be fugitives from justice.

Violation of these prohibitions is considered a felony under Delaware state law.

## **Illinois**

Persons seeking to purchase handgun ammunition must possess a valid firearm owner's identification card issued by the State Police. Applicants for such cards must be at least 21 years old or, if under-age, obtain written permission from a parent or legal guardian. Disqualifying factors include any felony conviction under the law of Illinois or any other state, addiction to narcotics, mental retardation, status as an undocumented alien and/or confinement to a psychiatric treatment institution within five years preceding the filing of an application.

Illinois also regulates the purchase of ammunition from out-of-state dealers. Any resident who does so must, prior to shipment, provide the seller with a copy of his/her valid firearm owner's identification card and either a valid Illinois driver's license or Illinois State Identification Card. The ammunition may only be shipped to an address on either of those two documents.

## **Massachusetts**

Purchasers of ammunition must obtain a state firearms identification card, valid for no more than six years, and be at least 18 years of age. Those between 15 and 18 must have written permission from a parent or legal guardian. Applicants must be fingerprinted to the State Police. Disqualifying factors include:

- Felony convictions punishable by imprisonment for more than two years.



- Violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental receipt or transportation of ammunition for which a term of imprisonment may be imposed.
- Conviction for possession or sale of illegal drugs.
- Current or past confinement to a psychiatric hospital or institution.
- Being under treatment or confinement for drug addiction or habitual drunkenness.
- Status as an alien.
- Being subject to an order for a permanent or temporary protection due to domestic violence.
- Being subject to an outstanding arrest warrant in any state or federal jurisdiction.

Massachusetts also requires ammunition dealers to be licensed and to report all ammunition sales within seven days to the state's Criminal History Systems Board. Failure to report such transactions can result in suspension or permanent revocation of an individual's firearms identification card or license to carry a firearm, or both, and is punishable by a fine of between \$200 and \$1,000 for the first offense and, for a second offense, a fine of between \$1,000 and \$5,000.

Massachusetts has also made it a crime to own, possess or transfer ammunition to any individual not holding a valid firearms identification card. Violation for this provision is punishable by up to two years in prison and/or a fine of up to \$500. Second or subsequent violations are punishable by imprisonment of up to two years and/or a fine of up to \$1,000.

### **California**

State law prohibits the sale of handgun ammunition to anyone under the age of 21 and makes it a crime to possess or own ammunition by individuals

convicted of felony offenses, violent crimes and sex offenses or by individuals with mental-health disorders or those with drug addictions.

### **Florida**

Besides making it a crime for convicted felons to buy or possess firearms ammunition, Florida has adopted expansive legislation that extends that prohibition to a wide category of persons whose actions have placed them into a statutory category called “violent felony offenders.” These are individuals previously convicted of a felony or a conspiracy to commit one or more of the following crimes: murder, manslaughter, aggravated manslaughter of a child, aggravated manslaughter of an elderly person or disabled adult, arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aggravated assault with a deadly weapon, armed burglary, aggravated battery, aggravated stalking and the unlawful throwing, placing or discharging of a destructive device or bomb. Individuals convicted of violating this section of the law as it pertains to the prohibition on ammunition possession face a mandatory prison sentence of 15 years without parole.

### **New York State**

State law makes it a misdemeanor for a dealer to sell handgun ammunition to any person not authorized to possess such a firearm.

### **New York City**

Through its administrative code, the city prohibits the sale of ammunition in its jurisdiction to anyone who does not possess a proper license to own a

handgun or rifle. Ownership credentials must also match the caliber of the ammunition purchased.

In addition, sellers of ammunition within the city are required to maintain sales records showing the caliber, quantity and type of ammunition sold; the name and address of the buyer; the date and time of each transaction; the number of the firearm license or permit or a description of the proof of status of an individual claiming to be exempt from licensure. Information contained in these records must be made available to all law enforcement agencies.

New York City also requires permits for any ammunition dealer who intends to store, sell or offer for sale more than 200 rounds of ammunition.

### **District of Columbia**

Under the city's municipal code, individuals must hold a valid city-issued registration certificate for a firearm in order to lawfully possess ammunition for a handgun or rifle. Further, the ammunition must be of the same caliber and gauge as the registered firearm.

Washington also has imposed some significant requirements on licensed retail dealers. The code prohibits the sale or transfer of ammunition unless

- The transaction is made in person;
- The buyer displays a valid firearms registration certificate or, in the case of a non-resident, provides proof that the weapon is lawfully owned in the jurisdiction where that person resides;
- The dealer checks to ensure that the ammunition requested matches the gauge and caliber of the registered firearm; and
- The buyer signs a receipt, which along with the gun registration identifiers, must be maintained by the dealer for a period of one year from the date of sale.

## *The View from Law Enforcement*

During its December 2006 public hearing on these matters, the Commission received extensive testimony from prominent federal, state and local law enforcement officials who characterized free-wheeling access to ammunition as a dangerous and unnecessarily prevalent component of rising gun violence. Gregory Paw, Director of the State Division of Criminal Justice, starkly summarized the situation as follows:

“We have the toughest laws on sale, ownership, possession and transportation of firearms, but no statute regulating sale of ammunition. . . We need these regulations so that gangsters and thugs have to worry about where they’re going to get their next round. . . . This is what is fueling these violent street gangs . . . [and] there’s no question day-to-day in our cities that this is the number one issue facing law enforcement in New Jersey. It’s a long-term issue. It affects the safety and quality of life for citizens across the state, and it’s turned parts of our urban landscape into very tragically a killing field, and it’s because of these bullets and the guns that these killing fields exist.”

Paw called, at a minimum, for legislation to ban the sale of ammunition without proof that a buyer possesses proper ownership credentials for a gun of the same caliber as the bullets sought. He said such a measure would constitute “one important weapon . . . in our fight against illegal guns and our fight against gangs in New Jersey.”

Similarly, Christopher J. Christie, the United States Attorney for New Jersey, described guns and ammunition as “the stock and trade of the street gangs in New Jersey” and testified that “there is not a county in this state that is immune from gang violence.”

Christie told the Commission he is particularly concerned about the ease with which ammunition can be obtained by seemingly legitimate individuals acting secretly as surrogates for gang members and others linked to the criminal underworld.

“. . . [T]he straw purchaser aspect of the ammunition problem is enormous,” he testified. “Not only with [individuals] using fake ID, but people who are just going in at the direction of members of gangs and buying just incredible amounts of ammunition . . . tens of thousands of rounds of ammunition that they will use and they will store in safehouses throughout the city, separate from where they keep the firearms, and then they have people who . . . will collect the ammunition from the safehouses for use.

“I think that a great service [the Commission] will be doing is to look at those laws that cover the sale of ammunition, and I think the federal government has to look at that as well because you’re only dealing with half the problem when you’re dealing with the gun issue.”

Three investigators for the Monmouth County Prosecutor’s Office – Captain Brian Rubino, Lieutenant James Scully and Detective Rosendo Perez – described the purchase of handgun ammunition from a suburban sporting goods store by under-age members of the Bloods street gang and called for more stringent controls and identification requirements. At a minimum, they said, the system for providing official credentials for the purchase of firearms should be strengthened and extended to ammunition and include photographic I.D. cards with fixed expiration dates.

“. . . [I]f you talk to the average law-abiding citizen, they would be amazed to hear how easy it is to buy ammunition in the State of New Jersey,” Rubino stated. “Not many law enforcement officers understand how easy it is to purchase ammunition.”

Indeed, Rubino said it has been his experience that criminals, gang members and others have easily adapted to the paradoxical statutory structure governing access to guns and ammunition. “There is what is called a sharing of firearms,” he stated. “There might be one firearm with six individuals that have access to it. It’s not unusual over the last number of years to find ammunition on individuals on the street or in their houses. Most of them that we come across . . . are convicted felons, but they have access to ammunition. When they need their gun, they make a phone call and it’s delivered to them or they go to a location and pick it up.

“. . . [I]f they didn’t have access to buy [ammunition], being required to have a firearms ID card, they wouldn’t get to the first step to get it in their hands.”

Trenton Police Detective Frank Clayton and Frank Guido, an investigator for the Mercer County Prosecutor’s office, testified that it is not unusual to find caches of commercially-purchased ammunition during searches of property linked to criminal suspects. In one such instance, they recounted the discovery of assorted boxes of handgun ammunition inside the car of an individual stopped by Trenton police and found to be the subject of outstanding arrest warrants. The bullets, including 50 rounds each of .380 cal., .25 cal. and 9 mm ammunition, were found in a bag bearing the name of a prominent sporting goods store along with what appeared to be a handwritten ammunition shopping list. Subsequent investigation determined that the ammunition was purchased at the behest of a high-ranking member of the Bloods.

“There are a lot of things that can be done,” Guido stated. “This gets tossed around among law enforcement officers all the time. . . .One of the things that really doesn’t make sense to us is that a person who does not have the ability or the legality to

purchase a handgun or permit to purchase a handgun [is now] allowed to purchase handgun ammunition just because they're [a certain age] and have identification."

Guido and Clayton also expressed serious concern over the absence in the current system of any mechanism to alert retailers, prior to completion of a transaction, that they might be selling ammunition to an individual with a criminal record. Likewise, they noted that law enforcement agencies across New Jersey presently lack the ability to "red flag" excessive ammunition purchases or purchases by persons linked to gangs or other criminal organizations and threat groups.

State Police Lt. Col. Frank Rodgers, meanwhile, pointed to recent record levels of gun-related homicides in New Jersey's major cities and stated bluntly, "The citizens of those communities are absolutely terrorized." By maintaining a system that allows virtually unrestricted firearms ammunition sales, he said, "we're making it easy for them to shoot at us. It's that simple."

Rodgers, who appeared with Detective Sgt. First Class John Cunha of the State Police Firearms Investigation Unit, told the Commission that, at a minimum, restrictions mirroring federal law should be imposed at the state level to prohibit access to ammunition by felons. "I feel strongly that a convicted offender should not be allowed to purchase or be in the possession of ammunition for the same reason that they shouldn't be allowed to own a gun," he stated. As to the issue of how to control "straw purchases", Rodgers said criminal sanctions should be part of the strategy. "Those penalties have to be substantially enhanced to bring to bear some level of deterrence," he testified. "Very specific facts that I'm familiar with in ongoing investigations demonstrate to me that there [is] no deterrence whatsoever [in] the statutes that exist today."

Rodgers devoted substantial testimony to an evaluation of the need to bring computer databases, digital identification systems and other forms of high-technology – as well as adequate resources – to bear on the challenge of tracking and controlling access to both ammunition and firearms. Echoing concerns expressed by others about gaps like the lack of photographic identification requirements for firearms ownership credentials, he stated that more than five years after the September 11, 2001 terrorist attacks “it’s almost unbelievable that we have taken all of the steps that we have to protect ourselves, and [we have] digital driver’s licenses and everything else, yet we let someone walk into a business to purchase a firearm and we don’t exercise that same level of precaution. . . . At minimum, . . . [the state should] adopt the same standards that we use to protect us when we give a 17-year-old the control of a car. If we’re going to give an 18-year-old control of a gun, it seems logical that we at least do the same thing.” In this context, Rodgers said it is vital for the public to understand how “sophisticated” violent criminal elements in New Jersey have become in recent years in their use of high-technology to communicate with each other and camouflage their activities. “They’ve entirely embraced the Internet,” he said. They’ve optimized it, no bones about it.”

From the law enforcement perspective, the sales logs required of ammunition retailers are emblematic of the type of materials ripe for upgrading through computer technology, Rodgers observed. Currently handwritten in bound volumes, these documents often are difficult to read and contain inconsistent and/or incomplete information. “It seems to me that assuming that we never went beyond the paper system,” he stated, “[it] need[s] to be standardized, and [it] would be incumbent upon us a division to issue something that requires the standard reporting of certain identifiers, master index



type of data. Taking it beyond that, I think the logical step is moving to some sort of electronic medium.” He warned, however, that such an initiative would itself present a challenge because it would require the establishment of an effective high-tech “infrastructure” upon which it could be built.

Rodgers also testified that it is vital for law enforcement agencies in New Jersey to enhance and coordinate the processing and sharing of criminal intelligence information via a comprehensive central repository of data relevant to firearms-related investigations and other activities. New Jersey’s existing State Intelligence Management System (SIMS) provides an effective foundation for such an initiative, he stated, but it also requires “a robust analytical network” to function at full potential. “We can have all the information in the world,” he said, “but if we don’t have somebody that is putting together the types of products, assessments, that will influence law enforcement, decision-makers, legislator[s] and others, we will continue to expend resources in areas where we don’t receive the return on investment that the public demands.”

Finally, Rodgers and Sgt. Cunha addressed the challenge faced by the State Police Firearms Investigation Unit in keeping pace with an ever-increasing workload. The unit is charged with a range of diverse responsibilities, including conducting criminal background checks on applicants for gun permits, auditing weapons-storage practices by retailers and reviewing sales logs. The sheer volume of such activity, combined with limited staff and resources, leaves the Unit little time to track phenomena such as whether, and to what extent, gun owners who suffer disabilities relinquish permits or firearms identification cards, as required by state law. “It’s an antiquated system,” Rodgers testified, “one that didn’t anticipate our reality today, didn’t take account [of] the

resources that we could bring to tighten this up. It certainly was the intention of the legislature back then to put some provisions into place that would . . . keep this in check, and it's a whole different world today.”

## *Referrals and Recommendations*

The Commission refers the finding of this investigation to the following governmental agencies for any action they deem appropriate:

- The New Jersey Department of Law and Public Safety, including the Office of the Attorney General, the Division of Criminal Justice and the State Police.
- The Office of the United States Attorney for the District of New Jersey.

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### **1. Strengthen Requirements for Purchasing Firearms Ammunition in New Jersey**

Legislation should be enacted to mandate the following requirements for the lawful purchase of firearms ammunition in New Jersey:

- For a handgun, any individual seeking to buy ammunition must, at the time of sale, present proof that he/she is at least 21 years of age and possesses a valid New Jersey permit or license to own such a weapon. In the case of a non-resident of New Jersey, proof must be presented that the weapon is lawfully possessed in the jurisdiction where the buyer resides.
- For a long gun (rifle or shotgun), any individual seeking to buy ammunition must, at the time of sale, present proof that he/she is at least 18 years of age and possesses a valid permit or license to own such a weapon. In the case of a nonresident of New Jersey, proof must be

presented that the weapon is lawfully possessed in the jurisdiction where the buyer resides.

- Firearms ownership credentials should be subject to renewal every three years.
- Ammunition to be purchased must be of the same gauge and caliber as the firearm(s) reflected on the official permit or licensure documents.

## **2. Upgrade and Modernize Firearms/Ammunition Ownership Credentials**

- Any person who obtains a permit or license to purchase and possess a firearm, whether a handgun or long gun, should, as a condition of ownership, be issued an official identification card bearing his/her name, address, physical description, photograph, firearm serial number and license expiration date.
- Any person seeking to purchase ammunition should be required to display this digital photographic identification card as a condition of purchase.

## **3. Tighten Ammunition Sales Practices**

- Any sale or transfer of firearms ammunition physically conducted in New Jersey should be made in person between the seller and the person for whom the ammunition is intended.
- Sellers should be required to examine the firearm permit or licensure documents presented by purchasers to ensure that the ammunition sought

is of the gauge and caliber of the weapon for which such documents were issued.

- Prior to completion of any ammunition sale, the purchaser should be required to sign a receipt, a copy of which must be retained by the seller.
- Boxes and other containers of ammunition to be sold in New Jersey should be stamped with bar-codes containing information about the contents, and sellers should be equipped with appropriate bar-code scanning technology so that an electronic record of sales transactions can be maintained.
- Vendors should be required to report all ammunition sales within seven days of each transaction to the state, and a determination should be made as to which entity, whether the State Police Firearms Investigation Unit or some other unit of government, would be the most appropriate repository for such information.
- Sellers should be provided with a mechanism to track large-volume and/or unusually frequent purchases of ammunition by buyers.

#### **4. Regulate Out-of-State Ammunition Purchases by New Jersey Residents**

- Any New Jersey resident who seeks to purchase ammunition from out-of-state vendors, either directly or through mail-order catalogs or the internet, should be required to provide such vendors with a copy of his/her firearms permit or licensure documents and a copy of his/her New Jersey photo driver's license or other form of currently valid government-issued photo identification, such as a passport.

- All ammunition purchased in this manner should only be shipped to an address listed on the presented personal identification documents.

## **5. Enact Prohibitions on the Sale, Transfer and/or Ownership of Ammunition**

Legislation should be enacted to prohibit the sale or transfer of firearms ammunition to, and the possession of such ammunition by, any individual who:

- Has been convicted of, or pled guilty to, any crime listed in Title 2C of the New Jersey Criminal Code or any comparable crime in any other state or federal jurisdiction.
- Has been adjudicated a youthful offender or juvenile delinquent in New Jersey or other jurisdiction.
- Has been confined within the past five years to a hospital or institution for the treatment of mental illness.
- Is residing in the U.S. illegally.
- Is currently subject to a restraining order or other order of protection.
- Is currently subject to an outstanding arrest warrant in any state or federal jurisdiction.
- Has been convicted of, or pled guilty to, any violation of law regulating the use, possession, sale, ownership, transfer, purchase, lease, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed.
- Has been convicted of, or pled guilty to, any violation of law regulating the use, possession or sale of controlled dangerous substances or other illegal drugs.

Appropriate criminal penalties should be imposed against anyone convicted of violating such prohibitions. Further, it should be considered a violation of the terms of probation or parole for any offender in any of the above categories to be found in possession of a firearm or ammunition.

## **6. Strengthen Criminal Penalties**

Appropriate criminal penalties, including fines and terms of incarceration, should be enacted for:

- The ownership, possession or transfer of ammunition by anyone not possessing a valid permit or license for a firearm.
- Individuals who leave firearms ammunition unattended in the presence of children or for purposes of illegally transferring it to a person or persons not possessing valid firearms ownership credentials.
- Anyone who possesses ammunition of a caliber, gauge or type but who does not also possess a valid license or permit to own or possess a firearm with which the ammunition may be used.

## **7. Strengthen the N.J. State Police Firearms Investigation Unit**

Licensure fees for the sale and purchase of firearms in New Jersey should be increased to realistically reflect the cost of maintaining effective oversight of such activity, and the proceeds of such fees should be dedicated to the operation of the Division of State Police Firearms Investigation Unit.

## **8. Enhance and Modernize Receipt and Maintenance of Information by Ammunition Sellers**

Under current law, licensed ammunition vendors in New Jersey are required to collect only rudimentary information from buyers – name, address, date of transaction and the amount, type, and caliber of ammunition sold. This information is then entered, by hand, into sales log books subject to periodic inspection by agents of the U.S. Bureau

of Alcohol, Tobacco and Firearms. As the Commission's investigation has shown, however, this limited record-keeping provides law enforcement with a thoroughly inadequate system of oversight over the commerce in guns and bullets.

Legislation, therefore, should be enacted to require that buyers relinquish additional significant information, including the serial numbers of the firearms for which ammunition is being purchased and identifying data from gun ownership permits or licensure documents.

Efforts should also be made to equip vendors with state-of-the-art computer technology that would enable them to forego handwritten logs and enter all information obtained from buyers into a central database accessible to law enforcement.

#### **9. Require Ready Access by Law Enforcement Agencies to Ammunition Sales Information**

Legislation should be enacted to ensure that all information logged by vendors pertaining to the sale of firearms ammunition be made available at any time to all local, state and county law enforcement authorities. In the event a licensed vendor ceases business operations, such records should immediately be surrendered to the local chief of police, county prosecutor or Division of State Police.



# **APPENDIX**

# SALES PROHIBITIONS

## *Guns vs. Ammunition*

### Guns

- **Criminal Record**
- **Public Health, Safety and Welfare**
- **Medical, Mental or Alcoholic Background**
- **Narcotics/Dangerous Drug Offense**
- **Falsification of Application**
- **Domestic Violence**
- **Other**

### Ammunition

- **Under Age**



**This form is prescribed by the Superintendent for use by applicants for Firearms I.D. Cards and Handgun Purchase Permits. Any alteration to this form is expressly forbidden.**



# STATE OF NEW JERSEY

- Application for Firearms Purchaser Identification Card  
 Application to Purchase a Handgun Amount of permits being applied for: \_\_\_\_\_

All persons wishing to obtain a Firearms Purchaser Identification Card or Permit to Purchase a Handgun are required to complete this application form.  
**Submit in duplicate. (If internet form, make and sign two originals)**

Municipality Code # \_\_\_\_\_

(1) Last Name (If female, include maiden) First Middle (2) Resident Address (Number - Street - City - State - Zip)

(3) Date of Birth (4) Age (Place of Birth - City - State or Country) (5) U.S. Citizen (6) Social Security Number  
 Month / Day / Year  Yes  No - -

(7) Sex Height Weight Eyes Race Hair Complexion (8) Distinguishing Physical Characteristics

(9) Name of Employer (10) Employer's Address (Number - Street - City - State - Zip)

(11) Occupation (12) Home Telephone (13) Business Telephone  
 ( ) - ( ) -

(14) Driver's License Number & State (15) If you possess a N.J. Firearms Purchaser ID Card, list the number

(16) Have you ever been adjudged a juvenile delinquent?  Yes  No If Yes, List Date(s) Place(s) Offense(s)

(17) Have you ever been convicted of a disorderly persons offense, that has not been expunged or sealed?  Yes  No If Yes, List Date(s) Place(s) Offense(s)

(18) Have you ever been convicted of a criminal offense that has not been expunged or sealed?  Yes  No If Yes, List Date(s) Place(s) Offense(s)

(19) Have you ever had a firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun refused or revoked?  Yes  No If Yes, By Whom? When? Where Why?

(20) Have you ever had an Employee of Firearms Dealer License refused or revoked?  Yes  No If Yes, By Whom? When? Where Why?

(21) Are you an Alcoholic?  Yes  No (22) Have you ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis? If Yes, give the name and location of the institution or hospital and the date(s) of such confinement or commitment.  Yes  No

(23) Are you dependent upon the use of any narcotic or other controlled dangerous substance?  Yes  No

(24) Are you now being treated for a drug abuse problem?  Yes  No (25) Have you ever been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an in-patient or outpatient basis for any mental or psychiatric conditions? If Yes, give the name & location of the doctor, psychiatrist, hospital or institution and the date(s) of such occurrence.  Yes  No

(26) Do you suffer from a physical defect or sickness?  Yes  No

(27) If answer to question 26 is yes, does this make it unsafe for you to handle firearms? If not, explain.  Yes  No (28) Are you subject to any court order issued pursuant to Domestic Violence? If yes, explain.  Yes  No

(29) Have you ever been convicted of any domestic violence in any jurisdiction which involved the elements of (1) striking, kicking, shoving, or (2) purposely or attempting to or knowingly or recklessly causing bodily injury, or (3) negligently causing bodily injury to another with a weapon? If Yes, explain.  Yes  No

(30) Are you presently, or have you ever been a member of any organization which advocates or approves the commission of acts of violence, either to overthrow the government of the United States or of this State, or to deny others of their rights under the Constitution of either the United States or the State of New Jersey? If yes, list name and address of organization(s) here.  Yes  No

(31) Names & Addresses of two reputable persons who are presently acquainted with the applicant, other than relatives:  
 Name Address Telephone Number  
 A. \_\_\_\_\_  
 B. \_\_\_\_\_

**APPLICANT: DO NOT WRITE BELOW THIS SPACE**

A non-refundable fee of \$5.00 for a Firearms Purchaser Identification Card or \$2.00 for each Permit to Purchase a Handgun, payable to either the Superintendent of State Police or the Chief of Police in the municipality in which you reside, must accompany this application.

**APPROVED** IDENTIFICATION CARD/PERMIT NUMBER(S)

**DISAPPROVED**

**GRANTED ON APPEAL**

**Reason for Disapproval**

A. CRIMINAL RECORD  
 B. PUBLIC HEALTH SAFETY AND WELFARE  
 C. MEDICAL, MENTAL OR ALCOHOLIC BACKGROUND  
 D. NARCOTICS/ DANGEROUS DRUG OFFENSE  
 E. FALSIFICATION OF APPLICATION  
 F. DOMESTIC VIOLENCE  
 G. OTHER (SPECIFY) \_\_\_\_\_

I hereby certify that the answers given on this application are complete, true and correct in every particular. I realize that if any of the foregoing answers made by me are false, I am subject to punishment.

(27) \_\_\_\_\_  
 Signature of Applicant Date of Application  
 (The disclosure of my social security number is voluntary. Without this number, the processing of my application may be delayed. This number is considered confidential.)

Falsification of this form is a crime of the third degree.

**APPLICANT: DO NOT WRITE BELOW THIS SPACE**

This \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

**Exhibit  
 A - 101a**