

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4369

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4369.

As amended and reported, this bill establishes prohibitions on the possession of body armor by certain persons and a registration requirement for body armor.

The bill provides that it is unlawful for a person to own or otherwise possess body armor unless the person has registered the body armor in accordance with the bill's provisions. The bill requires the Attorney General to establish a registration process for body armor owned prior to the effective date of the bill and provides that an owner has 90 days from the effective date to register each piece of body armor owned in compliance with the registration process.

For purchases of body armor occurring after the bill's effective date, a person would be required to meet eligibility criteria established by the Attorney General and obtain a permit to purchase body armor, and a seller of body armor would be required to register the sale of the body armor with the Attorney General.

Under the amended bill, the eligibility criteria would include: (1) law enforcement officers; (2) law enforcement officers who retired in good standing; (3) persons engaged in active duty military service; (4) persons whose duties of employment expose them to serious bodily injury that may be prevented or mitigated by the use of body armor, as determined by the Attorney General; (5) bona fide dealers of body armor; and (6) any other persons meeting good cause eligibility criteria established by the Attorney General.

The bill requires the Attorney General to establish a permit to purchase body armor and an application process for a person to obtain the permit. The application is required to include, but need not be limited to an applicant's: name; date of birth; street and mailing address; telephone number; email address; and proof that the applicant meets the eligibility criteria set forth in the bill. The bill provides that the permit would remain in effect for 30 days following issuance.

Under the bill, a person is prohibited from selling, giving, transferring, assigning, or otherwise disposing of body armor to a person unless the person purchasing or otherwise taking possession of

the body armor has first secured a permit to purchase body armor and displays the same to the seller.

Following the sale or other transfer of body armor, a seller is required to take possession of the purchaser's permit to purchase body armor and complete a registration form that includes the personal identifying information of the purchaser and a description of the body armor purchased. The bill requires the seller to submit the registration form and the permit to purchase body armor obtained from the purchaser to the Attorney General within three business days. A seller who violates these provisions would be subject to a civil penalty of up to \$500 for a first offense and up to \$1,000 for a second or subsequent offense.

The provisions of the bill would not apply to: (1) a State or local government entity which purchases or possesses body armor for the purpose of furnishing body armor to employees; or (2) possession of body armor by employees of a State or local government entity during the employee's period of employment and used for employment-related purposes.

The registration and permit to purchase body armor provisions of the bill would not apply to a bona fide dealer of body armor who has registered with the Attorney General. A dealer in business prior to the bill's effective date has 60 days following the effective date to register with the Attorney General.

Possessing or purchasing body armor in violation of the bill's provisions are both crimes of the third degree. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill defines "body armor" as any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

The bill additionally amends current law concerning unlawful use of body vests. Under current law, it is a crime of the second or third degree, depending on circumstances, to use a body vest during the commission of certain crimes. The bill redefines the term "body vest" as "body armor" and expands the current law to include all body armor.

COMMITTEE AMENDMENTS

The committee amendments include law enforcement officers who retired in good standing as persons who meet the eligibility criteria established by the Attorney General under the bill to obtain a permit to purchase body armor. Under the bill as introduced, only current law enforcement officers would meet the eligibility criteria.