



# ILLEGAL FIREARMS

## Use & Trends In New Jersey

September 2024

NJ STATE COMMISSION OF  
INVESTIGATION





## State of New Jersey

COMMISSION OF INVESTIGATION

50 WEST STATE STREET

PO Box - 045

TRENTON, NEW JERSEY 08625-0045

Telephone (609) 292-6767

Fax (609) 633-7366

Tiffany Williams Brewer

*Chair*

Robert J. Burzichelli

Kevin R. Reina

John P. Lacey

*Commissioners*

September 2024

Governor Phil Murphy

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-1 to -20, herewith submits its final report of findings and recommendations stemming from an investigation into illegal firearms and gun violence trends in New Jersey.<sup>1</sup>

Respectfully,

A handwritten signature in cursive script that reads "Tiffany Williams Brewer".

Tiffany Williams Brewer

Chair

A handwritten signature in cursive script that reads "Robert J. Burzichelli".

Robert J. Burzichelli  
Commissioner

A handwritten signature in cursive script that reads "Kevin R. Reina".

Kevin R. Reina  
Commissioner

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<sup>1</sup> Commissioner John P. Lacey was formally recused from this matter and did not participate in any aspect of the inquiry.

# In Memory Of



# Chadd W. Lackey

AUGUST 24, 1968 - JULY 10, 2024

This report is dedicated to SCI Executive Director Chadd W. Lackey, who served the State of New Jersey for nearly 20 years. Chadd worked tirelessly to protect the integrity of the governmental process in New Jersey and to make the Garden State a better place for all of its citizens.

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## Executive Summary

The New Jersey State Commission of Investigation (the SCI or the Commission) launched an inquiry into illegal gun activity in New Jersey pursuant to its statutory authority under N.J.S.A. 52:9M-1 to -20 to investigate public safety matters and assist law enforcement. The SCI initiated this investigation after receiving a request from Deputy Speaker of the New Jersey General Assembly Herb Conaway, Jr., D-Burlington, based on concerns brought to him by local constituents about gun violence and gun kits.

In New Jersey, shootings and gun violence rose to significant levels in 2020 and 2021 during the height of the COVID-19 pandemic.<sup>1</sup> While gun violence has since declined, the proliferation of privately manufactured “ghost guns” and firearms corrupted with devices enabling them to function like weapons of war has allowed criminals to outgun the police in many communities.<sup>2</sup> Bought and built outside the state’s stringent gun purchase restrictions, even individuals precluded from legally purchasing or possessing firearms can easily obtain illicit ghost guns and gun conversion devices known as switches online.

Homemade ghost guns are easy to build, require no background checks and are virtually untraceable. Printing plans to build these firearms are readily accessible online. 3-D printing technology can also be used to create switches that when paired with an extended magazine can transform a semi-automatic pistol into a machine gun.<sup>3</sup> The growing presence of these illicit firearms and gun conversion devices represents a significant peril to public safety and to the law enforcement personnel responsible for protecting it. Some of these homemade and modified firearms have been linked to multiple shooting events in New Jersey where stray gunfire struck innocent bystanders.

In the course of this investigation, the Commission interviewed and took testimony from more than two dozen witnesses, including state, county and municipal law enforcement personnel, some with ballistics expertise, as well as individuals involved with the purchase and private manufacturing of ghost guns and gun conversion devices. SCI investigators issued approximately two dozen subpoenas and otherwise obtained and reviewed thousands of pages of business records, court documents and other materials, and investigated online black market activity. The Commission also took sworn testimony from individuals with knowledge of the underground criminal market. Finally, SCI investigators also obtained and analyzed federal and statewide shooting incident and other firearms-related data to identify larger trends.

The Commission’s investigation not only uncovered troubling trends regarding illegal gun violence in New Jersey, but it also identified areas where the State’s existing legal restrictions on guns, among the strictest in the nation in some respects, have gaps or lag behind other jurisdictions and need improvement. In particular, the Commission made the following findings:

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<sup>1</sup> Firearms-related data provided by the New Jersey State Police indicated the number of shooting victims in New Jersey rose to 1,300 in 2020 before peaking at 1,416 in 2021.

<sup>2</sup> There were 922 shooting victims in New Jersey in 2023, down from 1,029 in 2022, according to the State Police data.

<sup>3</sup> The devices are also called auto sears or Glock switches because they are often installed on Glock pistols, however they have no affiliation with the firearms manufacturer.

1. Although it is illegal in New Jersey to use a 3-D printer to manufacture guns and gun parts, state law fails to criminalize the possession of printing plans to create gun parts, which could lead to further deterrence.
2. State law does not prohibit the possession of switches that enable a semi-automatic weapon to be transformed into a machine gun, despite these devices being accessible to purchase for as little as \$20 online.
3. A small number of guns are driving a large share of the violence in numerous New Jersey municipalities, suggesting that current state law and prosecutorial strategies do not adequately address multi-shoot firearms.
4. A disparity between the timing of pretrial detention decisions and the availability of National Integrated Ballistic Information Network (NIBIN) data analysis precludes valuable information from being considered in bail decisions.
5. Current Public Safety Assessment (PSA) risk factor calculations fail to accurately reflect the dangerousness of firearms.
6. Additional protocols may strengthen shooting intelligence collection.

On April 16, 2024, the Commission held a public hearing to disclose the initial findings of its investigation. The public hearing featured expert testimony from SCI investigators who detailed the fact-finding and analysis that were the basis for identifying firearms trends in New Jersey. SCI agents also detailed their first-hand experience in creating gun parts using 3-D printing technology. Further, state law enforcement leaders testified about the challenges presented by the changing landscape of illegal gun violence. To view the archived video recording of the public hearing, click here: [SCI Public Hearing on Illegal Gun Trends](#).

The Commission's findings reveal that New Jersey should adopt or amend existing laws to address the latest technological advances used by criminal elements to circumvent gun restrictions and corrupt firearms to make them even more dangerous. To better protect communities and prepare law enforcement personnel to combat the continual threat posed by illicit gun violence, the Commission makes a series of reform recommendations, which are presented in detail at the end of this report.

## **Background**

### ***Ghost Guns***

Guns that are assembled or built by an individual rather than a licensed manufacturer are commonly referred to as ghost guns. The phrase "ghost guns" became more common because those firearms are missing serial numbers, making it difficult to track them.<sup>4</sup> Additionally, no background

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<sup>4</sup> The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) issued rules in August 2022 for the regulation of ghost guns, requiring ghost gun kits and some parts to be serialized, initially sold by a licensed dealer and subject to a background check. The United States Supreme Court will hear arguments in a legal challenge to portions of those rules, filed by a group

check is required to purchase illicit ghost guns or the parts needed to construct one, making them accessible to nearly anyone, including those legally banned from purchasing or possessing a firearm. Ghost guns have been illegal in New Jersey since 2018.<sup>5</sup>

In the last several years, the pervasiveness of ghost guns involved in criminal incidents in New Jersey has skyrocketed, according to statewide shooting data provided by the State Police's Regional Operations & Intelligence Center (ROIC). In 2019, law enforcement agencies recovered just 55 ghost guns statewide. The Commission's analysis revealed that recoveries in the years since grew tenfold, increasing by over 600 percent from 2019 to 2023, with ghost gun recoveries going from approximately one each week to one daily. The statewide data revealed more than 80 percent of all the ghost guns recovered by law enforcement authorities in 2023 were Polymer 80s, which are built from gun kits.<sup>6</sup> Privately manufactured firearms built from gun kits come with instructions and the component parts to create an operational firearm. Polymer 80s can be assembled and fully operational in about an hour.

### ***The Growing Presence of Switches***

Tiny devices, approximately the same size as a Lego block, are increasingly being installed on semi-automatic weapons to convert the firearms into miniature machine guns. Switches are made of metal or plastic and installed in place of the back plate of a semi-automatic firearm to override the mechanism that allows a gun to fire only one bullet at a time.<sup>7</sup> When used in combination with an extended magazine, a semi-automatic firearm is capable of releasing a full clip of 30 bullets or more in mere seconds with a single pull of the trigger, tripling the amount of ammunition the weapon can legally fire.

Firearms data collected by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) indicated that between 2017 and 2021, police agencies nationwide recovered more than 5,400 machine gun conversion parts – a 570 percent increase from the previous five-year period.<sup>8</sup> New Jersey State Police only began collecting data on the statewide recovery of firearms with conversion devices in the spring of 2024.

Apart from enabling a firearm to shoot more rapidly, gun conversion devices compromise weapons, making them less reliable, less accurate and more dangerous to bystanders and the public. During the SCI's public hearing on April 16, 2024, New Jersey State Police Lieutenant Colonel Joseph Brennan provided testimony explaining the hazards posed by firearms corrupted by switches. "They can't control where the bullets go to," said Brennan. "There's more likelihood of unintended targets."

SCI investigators discovered that the State Police recovered a ghost gun outfitted with a switch from an April 5, 2024 double shooting near the Rutgers University campus in New Brunswick where a woman, who was asleep in a nearby apartment, was struck by stray gunfire.<sup>9</sup> In Philadelphia, a Glock

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of gun owners, gun advocates and gun distributors, in its next term in October 2024.

<sup>5</sup> N.J.S.A. 2C:39-9(k); N.J.S.A. 2C:39-9(n).

<sup>6</sup> The New Jersey State Police Crime Analysis Unit provided this data to the SCI.

<sup>7</sup> Similar devices, called selector switches, enable a shooter to push a button on the side of a weapon to make a firearm fully automatic. Another type of switch is called a drop-in auto sear, designed for assault rifles.

<sup>8</sup> *National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two*, ATF (atf.gov).

<sup>9</sup> SCI agents reviewed court documents, open source intelligence and spoke with law enforcement about this matter. A defendant pleaded guilty to murder charges associated with this matter in July 2024. See <https://www.middlesexcountynj.gov/Home/Components/News/News/1448/736>. Charges are pending for remaining co-

22 pistol modified with a switch was also recovered by law enforcement authorities after three masked gunmen opened fire, spraying 30 shots in seconds at a SEPTA bus stop on March 6. Eight teenagers were shot in the incident.<sup>10</sup>

### ***The Process of Creating Ghost Guns and Gun Parts with a 3-D Printer***

SCI investigators undertook steps during the course of the Commission's investigation to understand some of the methods and strategies criminals use to fabricate ghost guns, firearm attachments and machine gun conversion devices. Commission agents with no prior experience with 3-D printing technology or building homemade weapons set out to create parts integral to fully functioning pistols and rifles, as well as illegal high capacity magazines and switches. After purchasing a 3-D printer and plastic filament, SCI investigators obtained and downloaded printing plans for pistols, rifles and other firearms-related items online. Once downloaded, SCI agents used the plans to create and build portions of switches, upper and lower receivers for an AR-15 rifle and extended magazines for the rifle and a pistol.<sup>11</sup> The gun parts were made cheaply, easily and quickly. SCI agents spent approximately 56 cents in materials for a switch part to just over \$6 to create an AR-15 rifle upper receiver. The time it took to build the gun parts and accessories ranged from approximately 12 minutes for a single switch part to about four hours to fabricate the upper receiver.

## **KEY FINDINGS**

### **1. Although it is illegal in New Jersey to use a 3-D printer to manufacture guns and gun parts, state law fails to criminalize the possession of printing plans to create gun parts, which could lead to further deterrence**

New Jersey has recognized the ease with which 3-D printing technology can be used to create parts to build firearms. It is illegal in the state to distribute digital instructions for computer code for making weapons and related devices, unless the acquirer is registered or licensed by the state as a firearms manufacturer or dealer. However, New Jersey has not specifically banned possession of the printing plans to create ghost guns and gun parts with 3-D printers.<sup>12</sup> The SCI's investigation revealed the failure to criminalize possession of these printing plans poses a threat to public safety.

During the public hearing, Commission agents testified about the ease with which 3-D printing plans could be quickly found and procured online to create parts to build ghost guns and accessories. Even though it is illegal in New Jersey to distribute the computer code to print firearms and attachments, the SCI found the associated criminal statute has been charged infrequently.<sup>13</sup>

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defendants at this time.

<sup>10</sup> SCI agents reviewed court documents, open source intelligence, law enforcement statements and video footage of this incident.

<sup>11</sup> SCI agents did not create fully functioning switches because it is illegal to possess them under federal law. Only portions of switches were printed as part of the Commission's investigation.

<sup>12</sup> N.J.S.A 2C:39-9(l)(1) and N.J.S.A 2C:39-9(l)(2).

<sup>13</sup> According to law enforcement databases, N.J.S.A. 2C:39-9(l)(2) was charged three times in 2022, five times in 2023 and four times so far in 2024.



## **2. State law does not prohibit the possession of switches that enable a semi-automatic weapon to be transformed into a machine gun, despite these devices being accessible to purchase for as little as \$20 online**

While it is illegal to possess a machine gun in New Jersey, state law does not prohibit the possession of a device that can convert a semi-automatic weapon into a machine gun unless it is already installed on a firearm.<sup>14</sup> Federal law, meanwhile, criminalizes both the possession of a machine gun and the conversion devices known as switches or auto sears.<sup>15</sup> Other states, including Maryland, Virginia and Mississippi, have also restricted or outlawed the devices.<sup>16</sup>

Commission agents investigated the availability of switches and other devices online and found they can be purchased through an international black market operating on video-sharing, commerce-based websites and messaging applications. SCI investigators found that firearms conversion devices could be bought online for as little as \$20 to \$40 each.

The Commission found an active marketplace for buyers seeking illicit weapons and conversion devices on the multi-media messenger app Telegram, an encrypted messaging service that keeps users' information private and allows them to remain anonymous. Telegram has hundreds of millions of subscribers, many of whom are located in Russia and former Soviet Union countries, and has multiple channels that broadcast messages to subscribers advertising the sale of firearms and other gun accessories, including switches.

The Commission's findings concerning the ease of production, quick installation and rapid firing capability associated with switches, along with their growing prevalence evidenced by recent shootings and law enforcement recovery of these enhanced weapons, compels the need for New Jersey to join other states and jurisdictions that have already taken legislative actions to ban the attachments.

## **3. A small number of guns are driving a large share of the violence in numerous New Jersey municipalities, suggesting that current state law and prosecutorial strategies do not adequately address multi-shoot firearms**

The SCI, in partnership with the State Police, reviewed firearms and ballistics reports compiled by NIBIN between 2020 and 2024 and found more than 2,000 firearms tied to two or more shootings in the state.<sup>17</sup> Approximately 354 of those guns were tied to five or more shooting events.

To get a fuller picture of the multiple shooting events associated with certain firearms, Commission investigators undertook an in-depth examination into 21 firearms that were linked to

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<sup>14</sup> N.J.S.A. 2C:39-5a.

<sup>15</sup> 18 U.S. Code § 921(a)(24) and 922(a)(4) and 922(o)(1); 26 U.S. Code § 5845(b) defines the term "machine gun" to include "any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun."

<sup>16</sup> See Mississippi HB 903 (2024) and Miss. Code § 97-37-39; Maryland House Bill 810 (2024) and Maryland Criminal Law Code §§ 4-301, 4-305.1, and 4-306; Virginia HB 22 & SB 210 and Code of Virginia §§ 18.2-308.5:1 and 19.2-386.28.

<sup>17</sup> NIBIN, which is a program established by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), compares images of ballistic evidence from shooting scenes and recovered firearms and produces a list of possible similar results. Trained NIBIN technicians then conduct a correlation review of these results, identifying NIBIN leads or potential links or associations from the same firearm.

more than five shootings in locations throughout New Jersey. In total, those firearms were involved in 159 shootings. Among the incidents related to these multi-shoot firearms:

- The same firearm was linked to 10 shooting events in Paterson between April 2022 and April 2023. At least four victims were struck by gunfire during the incidents. One of the incidents occurred on the same block as Eastside High School while classes were in session, prompting a lockdown of the school. Several of the successive shootings happened on the same city block with bystanders present.
- In Newark, a firearm was fired in 10 separate shooting events in 2020 and 2021, including incidents that took place outside of a school while students were present, in a residential neighborhood and at places of businesses. Two of those shooting events – occurring only six days apart – resulted in the wounding of 17-year-old males. In one of the shootings, a bullet from the firearm ricocheted through a private residence and was later found on top of a Monopoly board game box stored in a closet.
- In Trenton, the same firearm was involved in five different shooting events between November 2020 and March 2021. Over those four months, the same gun was responsible for killing two people and striking nine other individuals with bullets. Police later recovered the weapon, a Polymer80 ghost gun, during the execution of a search warrant in a narcotics investigation.

Current community gun laws address the issue of the same guns being used again and again but necessitate proof of evidence of an association to commit crime between different individuals.<sup>18</sup>

Similarly, the reckless or intentional public discharge of a weapon is not explicitly addressed by New Jersey’s criminal laws. Instead, public discharges of a weapon are now generally treated as criminal mischief – an offense equivalent to spraying graffiti on a wall or breaking someone’s window.<sup>19</sup>

These multi-shooting events demonstrate that the reckless or intentional discharge of a firearm is more than merely a nuisance crime and represents a severe threat to public safety. While some municipalities have created local ordinances criminalizing the reckless or intentional public discharge of a firearm, state law does not explicitly criminalize firearms discharges.

#### **4. A disparity between the timing of pretrial detention decisions and the availability of NIBIN data analysis precludes valuable information from being considered in bail decisions**

In response to gun violence, law enforcement agencies have become more adept at utilizing data and technology. Detective Sergeant Brian Halaycio of the New Jersey State Police Ballistics Unit testified at the public hearing about the use of NIBIN analysis to tie firearms and spent bullet casings to multiple shootings. Lieutenant Colonel Joseph Brennan testified that the analysis of shooting and gun-related data drives policing priorities and operations of the New Jersey State Police, with the goal of reducing the number of people shot each year. Brennan told the Commission there was a 25 percent

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<sup>18</sup> N.J.S.A. 2C:39-4(a)(2).

<sup>19</sup> N.J.S.A. 2C:17-3.

decrease in shooting victims between 2021 and 2022, and a record-low number of shootings in 2023, the lowest since State Police began tracking these statistics nearly 15 years ago.

In recent years, the State Police has followed the principles of precision policing, a policing strategy that leverages data, technology and community engagement to target crime hotspots and individuals who drive crime.<sup>20</sup> Brennan told the Commission precision policing techniques have enabled the State Police to increase the number of guns recovered from shootings and to identify repeat gun offenders. Brennan also credited the New Jersey Office of the Attorney General's Gun Violence Reduction Task Force, comprised of attorneys and analysts from various state and federal agencies, for helping to contribute to the decline in shootings. The task force reviews the criminal history of defendants arrested for firearms-related offenses, comparing them to their previous arrests and the circumstances of their past crimes. Based on that review, the panel makes recommendations to prosecutors as to whether they should request pretrial detention for a defendant based on the individual's threat to public safety. According to data from the State Police, the number of shooting victims fell below 1,000 in 2023, the first time since data tracking began in 2009.

While echoing the importance of data and NIBIN analysis in tackling gun violence, Mark Musella, the President of the County Prosecutors Association of New Jersey, testified that the viability of some crime data in guiding pretrial detention decisions is challenged by restrictions imposed by New Jersey's bail reform law.<sup>21</sup> Musella, who is also the Bergen County Prosecutor, said the law does not always provide enough time for NIBIN data to be considered by the courts in making pretrial decisions for defendants charged with firearms-related crimes. The law mandates the courts to make pretrial release decisions within 48 hours, with some exceptions, after an eligible defendant's commitment to jail. However, a comprehensive NIBIN analysis takes at least twice that long.<sup>22</sup> Once a firearm is submitted to the New Jersey State Police Ballistics Unit for analysis, it takes approximately two days to test fire the weapon, another two days to perform the NIBIN examination and 24 hours for the investigator to be notified of a possible match. Moreover, the restricted time frame does not enable prosecutors to receive and review the information, provide it to defense counsel and prepare it for presentation to the judge.

SCI analysis of court documents showed that NIBIN analysis for the Paterson multi-shoot firearm previously discussed in this report was not available for the judge's consideration in a detention hearing for the defendant who was arrested in possession of the gun that had been fired in public on ten separate occasions in a one-year span. According to court documents, the defendant was released pre-trial on monitoring.

## **5. Current Public Safety Assessment (PSA) risk factor calculations fail to accurately reflect the dangerousness of firearms**

Since the enactment of the Criminal Justice Reform Act in 2017, which eliminated cash bail, judges in New Jersey must make pre-trial detention decisions partially informed by a Public Safety Assessment (PSA) tool. The PSA weighs nine risk factors based on the individual's adult criminal and

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<sup>20</sup> *Precision Policing: A Strategy for the Challenges of 21st Century Law Enforcement*, Urban Policy 2018, Manhattan Institute.

<sup>21</sup> N.J.S.A. 2A:162-16(b)(1).

<sup>22</sup> R. 3:4A(b)(1) Pretrial release detention hearings may be held beyond the 48-hour mandate if a prosecutor requests a brief adjournment or the defense counsel requests or agrees to an additional time extension.

court appearance history to estimate the likelihood that a defendant will later appear in court for trial and not commit additional crimes while on release. Greater weight in those decisions is assigned to violent crime, particularly for prior convictions.

According to the PSA’s risk factor definitions, a prior conviction is categorized as violent when a person causes or attempts to cause physical injury using force or violence against another person. An offense is not categorized as violent when the crime involves recklessness or negligence, unless it is charged at the level of manslaughter or homicide.

SCI staff reviewed Judiciary-published documents, including the list of “violent offenses” for PSA calculation purposes, and found that some offenses involving firearm discharges were categorically excluded.<sup>23</sup> State charges for criminal mischief and endangering another person are currently excluded from the violent offense categorization. Additionally, municipal offenses involving firearms, such as reckless and public discharges, are not counted as part of the violent offense calculation.

## **6. Additional protocols may strengthen shooting intelligence collection**

SCI staff interviewed the State Police’s Crime Analysis Unit at the Regional Operations and Intelligence Center (ROIC) about current shooting intelligence. The ROIC collects and compiles shooting hit data – incidents where individuals are struck and injured by gunfire. The collection and analysis of gunfire-related data provide meaningful intelligence for law enforcement officers and prosecutors, enabling the identification of violence trends and trouble spots to better target resources and personnel. The information can also increase the odds that police and emergency medical personnel quickly reach victims of gunfire.

The Commission learned that although the ROIC is successful at compiling accurate shooting numbers, there is no directive or guidance for law enforcement agencies to report on shooting events. Although large police departments with numerous shootings consistently report shooting hit events in their communities, ROIC staff reported often having to reach out to smaller police departments to obtain data on shootings in their areas. Additionally, there is also no centralized collection of non-hit shooting events, so the amount of gun activity where shooters miss their target is unknown.

The Commission is aware that there have been ongoing discussions between ROIC personnel and representatives from the Attorney General’s Office to develop guidance or a directive mandating all New Jersey law enforcement agencies to report shooting hits promptly to the ROIC for intelligence analysis.

## **Referrals**

Pursuant to N.J.S.A. 52:9M-1 to -20, the Commission is required to refer any findings or evidence of potential criminal wrongdoing to the Office of the Attorney General. The Commission also routinely makes referrals to other local, state and federal government agencies concerning certain

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<sup>23</sup> Public Safety Assessment New Jersey Risk Factor Definitions – December 2018, <https://www.njcourts.gov/sites/default/files/psariskfactor.pdf>.

evidence and findings uncovered during its investigations for any action that is deemed appropriate. In this investigation, the Commission's findings were referred to the following agencies:

- The United States Department of Justice – Bureau of Alcohol, Tobacco, Firearms and Explosives
- The New Jersey Department of Law and Public Safety – Division of State Police
- The New Jersey Department of Law and Public Safety – Division of Criminal Justice

## **Recommendations**

The Commission's findings regarding the pervasiveness of homemade ghost guns and gun conversion devices, some of which have been used in multiple shooting events across the state near schools and neighborhoods, represent a clear danger to the citizens of the state of New Jersey and require robust remedies. In furtherance of improving and expanding gun laws and other measures to safeguard the citizens of the state and better prepare law enforcement personnel in addressing gun violence, the Commission presents the following recommendations:

### **1. Criminalize Possession of Machine Gun Conversion Devices**

The Commission recommends that the State of New Jersey criminalize the possession of machine gun conversion devices. Given the Commission's findings concerning the ease of production, quick installation and rapid firing capability associated with these devices, New Jersey should join other states, including Maryland, Virginia and Mississippi that have already taken legislative actions to ban the attachments.

The Commission recommends that any state criminal law outlawing possession of machine gun conversion devices should include – at a minimum – the following:

- Simple switches that, when installed, fully convert a semiautomatic pistol to automatic fire.
- Selector switches which permit a shooter to convert between automatic and semiautomatic.
- Drop-in auto sears, which convert rifles to fully automatic.

Further, any proposed law should also contain language broad enough to encompass technologies that could be developed by bad actors to alter or convert firearms in the future. The proposed criminal law should prohibit any component, device, attachment or conversion kit which permits a firearm to expel more than one projectile as a consequence of initiating a firing sequence through the pull of the trigger or any other method.

Finally, the Commission recommends that any law prohibiting machine gun conversion devices be a second-degree crime with a presumption of incarceration. The President of the County

Prosecutors Association of New Jersey endorsed this as an appropriate penalty during the SCI's public hearing.

## **2. Prohibit Possession of 3-D Printing Plans for Ghost Guns**

New Jersey should outlaw the possession of 3-D printing plans to manufacture ghost guns and firearm components, including receivers or magazines. The SCI's investigation found 3-D printing plans are widely available and easily procured online, enabling individuals to print and build component gun parts in the privacy of their own homes. In addition to prosecuting those who distribute this data, lawmakers should amend the law to mandate that individuals who have procured and possess digital directions to construct and produce firearms, magazines, receivers or other firearms components on a 3-D printer also face criminal penalties.

## **3. Criminalize Firearms Discharges**

The Commission's analysis of gunshot detection data revealed numerous shooting incidents taking place in neighborhoods and near schools across New Jersey where shooters unloaded a battery of bullets. These shooting events demonstrate that the reckless or intentional discharge of a firearm is more than merely a nuisance crime and represents a severe threat to public safety. The State of New Jersey should address the current gap in the law and create a criminal law to make unjustified public firearms discharges illegal.

When crafting legislation to criminalize firearms discharges, lawmakers should consider laws enacted in other states that have criminalized the discharge of a weapon under specific conditions or if a shooting incident occurs near particular locations. For instance, Pennsylvania has a law against "the knowing, intentional, or reckless discharge of a weapon into an occupied structure."<sup>24</sup> Florida law prohibits knowingly discharging a firearm in any public place, or on or over a public road, or from a vehicle located within 1,000 feet of any person.<sup>25</sup> Those laws are akin to how New Jersey's criminal statutes address drug-related activities that transpire in close proximity to schools. Within drug-free school zones, illegal drug dealers and users face harsher penalties, including mandatory jail terms for suppliers charged with distributing, dispensing or possessing controlled dangerous substances within a 1,000 feet radius of a school or school bus.

## **4. Permit Extensions for Pre-trial Detention Hearings for Gun Offenders Pending Ballistic Analysis**

To enable judges to consider more complete information concerning a defendant's possession of a firearm at the time of an offense when making pretrial detention decisions, the Legislature should amend the Criminal Justice Reform Act to permit those proceedings to occur beyond the current statutorily required timeline in cases where firearms analysis is pending. Further, the Legislature should evaluate whether capping the extension at a finite duration is necessary to avoid abuses of this proposed delay, including prolonged initial custody of defendants. The goal of the additional time is to ensure all parties involved in the process, including the arresting law enforcement officers, are working

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<sup>24</sup> 18 Pa.G.S. § 2707.1.

<sup>25</sup> Section 790.15, Florida Statutes.

expeditiously to forward ballistics information to prosecutors and judges promptly, while also permitting adequate preparatory time for the defense.

## **5. Reassess the Public Safety Assessment Risk Factors to More Accurately Reflect the Dangerousness of Firearms**

The Commission recommends that the Judiciary reassess the Public Safety Assessment risk factors, particularly to address cases in which firearms are discharged, but the conduct would not currently be categorized as a violent offense. The PSA's violent offense list should include reckless and public discharges of a firearm, including but not limited to instances when public discharges are charged as criminal mischief or endangering another person offenses, both of which are presently excluded from the violent offense categorization. Any time a gun is fired in public it is an inherently violent offense. Shooting events with numerous shots fired only serve to increase the likelihood that errant gunfire strikes or kills bystanders, or causes damage. This outcome is even more probable now, considering the prevalence of gun conversion devices that turn semi-automatic firearms into rapid-fire machine guns.

## **6. Expand Police Training for Machine Gun Conversion Device Identification**

The Commission recommends making training regarding the identification of machine gun conversion devices and associated weapons components mandatory for all law enforcement personnel in the state.<sup>26</sup> While all sworn law enforcement officers in New Jersey receive training in the operation and maintenance of firearms, most personnel do not receive specific training on how to identify a switch and other gun conversion devices, which may not be immediately recognizable on a weapon.

## **7. Establish Protocols for Law Enforcement Agencies to Report on Shooting Events for Statewide Collection**

To provide a fuller picture of gun violence in the state, the Commission recommends that law enforcement agencies expand the collection and reporting of shooting-related intelligence to include non-hit shooting events where there is evidence that firearms were discharged but no victims were struck.

To ensure the consistent and timely collection and analysis of gunfire-related data by law enforcement agencies in New Jersey, the Commission recommends the development of protocols to assist law enforcement personnel throughout the State in compiling and reporting this information to the State Police.

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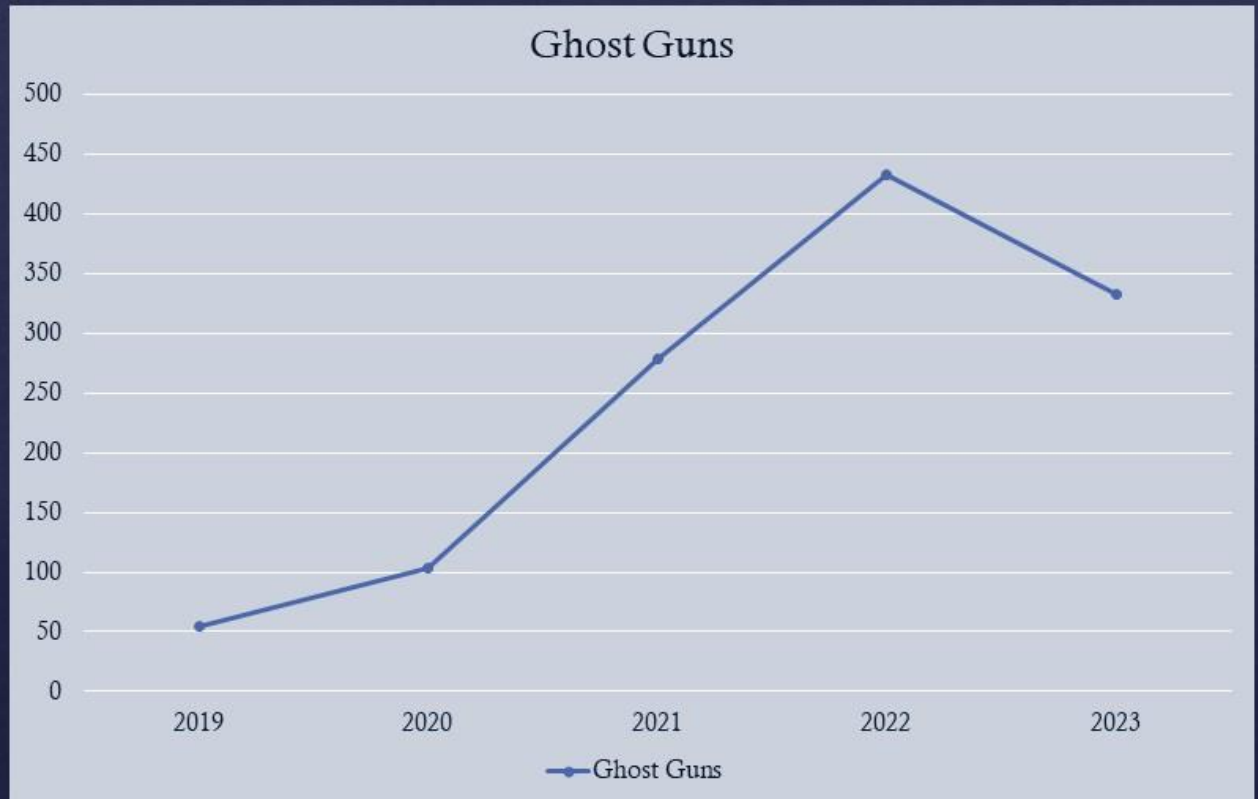
<sup>26</sup> The ATF conducts this type of training and has already provided it to law enforcement in some jurisdictions in New Jersey.

# APPENDIX

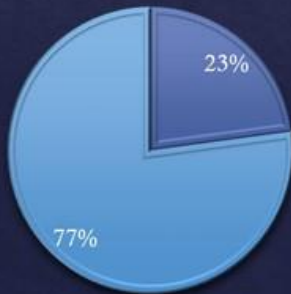


# Ghost Gun Recoveries in NJ

Year	# Recovered
2019	55
2020	103
2021	279
2022	433
2023	332



## Ghost Guns



■ Other Ghost Guns ■ Polymer 80s

# Types of Ghost Guns



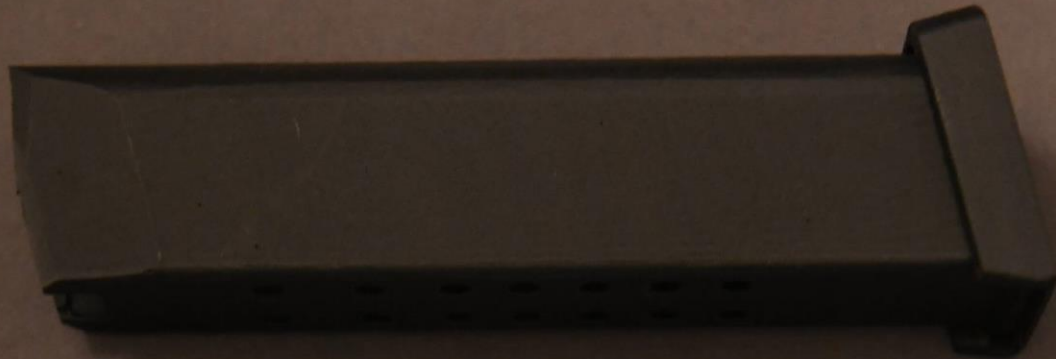
3D Printed



Gun Kit



Re-manufactured  
firearm

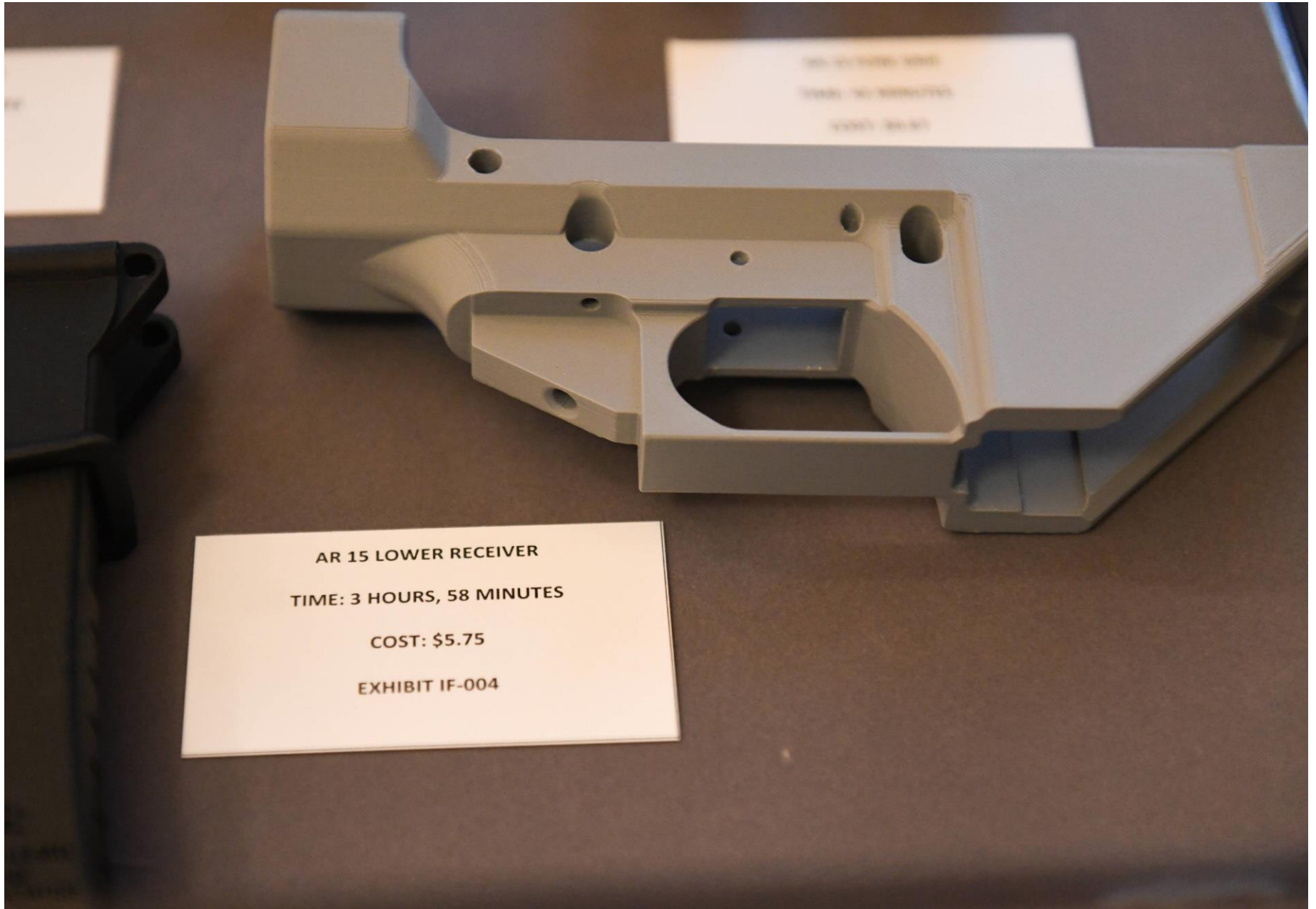


GLOCK 17 MAGAZINE 17 ROUNDS

TIME: 54 MINUTES

COST: \$0.48

EXHIBIT IF-013



AR 15 LOWER RECEIVER  
TIME: 3 HOURS, 58 MINUTES  
COST: \$5.75  
EXHIBIT IF-004

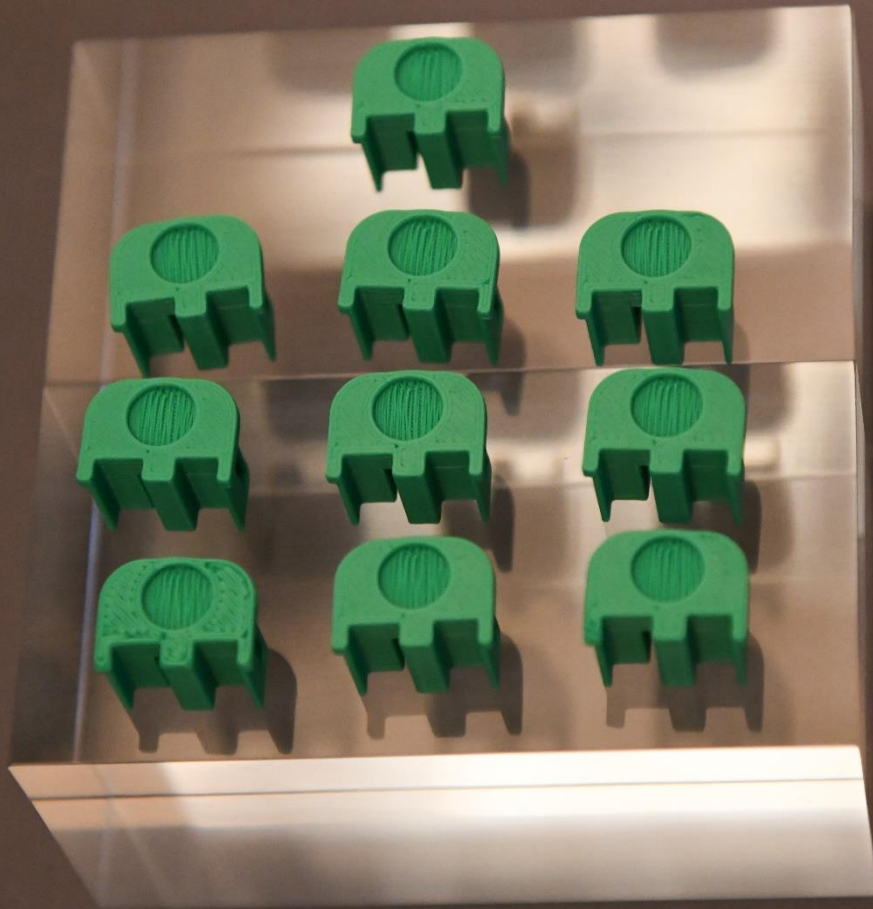


AUTO SEAR AKA "SWITCH SINGLE"

TIME: 12 MINUTES

COST: \$0.09

EXHIBIT IF-015



AUTO SEARS AKA "SWITCHES"  
X12

TIME: 1 HOUR, 8 MINUTES

COST: \$1.12

EXHIBIT IF-014



AR 15 FORE GRIP  
TIME: 42 MINUTES  
COST: \$0.67  
EXHIBIT IF-010