

**ASSEMBLY BILL NO. 3797**  
**(Second Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3797 (Second Reprint) with my recommendations for reconsideration.

By Directive of the Attorney General of the State of New Jersey, law enforcement officers and agencies are required to report information regarding firearms that are seized from criminals, recovered in a criminal investigation, or discovered as abandoned or discarded. The Attorney General's Directive requires this information be shared with database systems including the National Crime Information Center's 2000 System; NJ Trace (a part of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives' ("ATF") e-Trace System); and the National Integrated Ballistics Identification Network. This bill would require the same reporting. Codifying our existing law enforcement regulations is sensible, and ensures that all State and local officials follow a single set of practices. I am pleased to be able to add this valuable resource to our ongoing fight against the criminal use of firearms, and the dangers to our families and communities by those who scornfully abuse our right to bear arms.

I recommend only a minor improvement to this bill that will avoid unnecessary conflicts with our federal partners in the war on crime. As currently drafted, this bill would also require the Superintendent of State Police to issue various reports that disclose firearms trace data received from the ATF. This

reporting requirement extends to data already provided by the federal government, data currently in the possession of law enforcement, and all future data received. According to the Office of the Attorney General, that requirement violates federal law. Named for their sponsor, United States Representative Todd Tiahrt, the "Tiahrt Amendments" have been attached to the appropriations bills of the United States Department of Justice since 2003, and prohibit the knowing and public disclosure of ATF trace data information that law enforcement entities receive by virtue of their participation in the ATF firearms trace system database program.

Signing this bill with this reporting requirement, therefore, would unnecessarily place New Jersey into conflict with the superseding requirements of federal law, leading to wasteful litigation, inconsistent enforcement, and widespread uncertainty among the men and women who serve each day to protect all New Jerseyans from violence. Without question, mandating the submission of crime gun and abandoned gun information is a laudable program that enhances efforts to combat gun trafficking. Equally clear is the need to make sure that our laws work in harmony with the requirements of federal standards. To ensure that result, I recommend this slight modification to this bill to conform with the Tiahrt Amendments, and ask that the Legislature swiftly concur.

Accordingly, I herewith return Assembly Bill No. 3797 (Second Reprint) and recommend that it be amended as follows:

Page 4, Section 4, Lines 15-28: Delete in their entirety

Page 4, Section 5, Line 30:

Delete "5." and insert  
"4."

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor