

2C:39-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-1 et al; 2C:58-3, 2C:58-7

(Cannons-antique-permit possession, transportation & discharge

LAWS OF: 1983

CHAPTER: 479

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Sponsor(s): Saxton

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Senate: -----

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CHAPTER 479 LAWS OF N. J. 1983
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ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY No. 3702 and SENATE No. 3502

STATE OF NEW JERSEY

ADOPTED DECEMBER 8, 1983

Sponsored by Senator Saxton and Assemblyman Meyer

AN ACT concerning antique cannons and amending sections 2C:39-1,
2C:39-5, 2C:39-6, 2C:58-3 and 2C:58-7 of the New Jersey
Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2C:39-1 is amended to read as follows:

2 2C:39-1. Definitions. The following definitions apply to this
3 chapter and to chapter 58:

4 a. "Antique firearm" means any firearm *and "antique cannon"*
5 *means a destructive device defined in paragraph (3) of subsection*
6 *c. of this section if the firearm or destructive device as the case may*
7 *be, [which] is incapable of being fired or discharged, or which does*
8 *not fire fixed ammunition regardless of date of manufacture, or*
9 *[which] was manufactured before 1898 for which cartridge ammuni-*
10 *tion is not commercially available, and is possessed as a curiosity or*
11 *ornament or for its historical significance or value.*

12 b. "Deface" means to remove, deface, cover, alter or destroy the
13 name of the maker, model designation, manufacturer's serial number
14 or any other distinguishing identification mark or number on any
15 firearm.

16 c. "Destructive device" means any device, instrument or object
17 designed to explode or produce uncontrolled combustion, including
18 (1) any explosive or incendiary bomb, mine or grenade; (2) any
19 rocket having a propellant charge of more than four ounces or any
20 missile having an explosive or incendiary charge of more than one-
21 quarter of an ounce; (3) any weapon capable of firing a projectile
22 of a caliber greater than 60 caliber, except a shotgun or shotgun
23 ammunition generally recognized as suitable for sporting purposes;

24 (4) any Molotov cocktail or other device consisting of a breakable
25 container containing flammable liquid and having a wick or similar
26 device capable of being ignited. The term does not include any
27 device manufactured for the purpose of illumination, distress sig-
28 naling, line-throwing, safety or similar purposes.

29 d. "Dispose of" means to give, give away, lease, loan, keep for
30 sale, offer, offer for sale, sell, transfer, or otherwise transfer
31 possession.

32 e. "Explosive" means any chemical compound or mixture that
33 is commonly used or is possessed for the purpose of producing
34 an explosion and which contains any oxidizing and combustible
35 materials or other ingredients in such proportions, quantities or
36 packing that an ignition by fire, by friction, by concussion or by
37 detonation of any part of the compound or mixture may cause
38 such a sudden generation of highly heated gases that the resultant
39 gaseous pressures are capable of producing destructive effects on
40 contiguous objects. The term shall not include small arms ammuni-
41 tion, or explosives in the form prescribed by the official United
42 States Pharmacopoeia.

43 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
44 automatic or semi-automatic rifle, or any gun, device or instrument
45 in the nature of a weapon from which may be fired or ejected any
46 solid projectable ball, slug, pellet, missile or bullet, or any gas,
47 vapor or other noxious thing, by means of a cartridge or shell or
48 by the action of an explosive or the igniting of flammable or explo-
49 sive substances. It shall also include, without limitation, any fire-
50 arm which is in the nature of an air gun, spring gun or pistol or
51 other weapon of a similar nature in which the propelling force is a
52 spring, elastic band, carbon dioxide, compressed or other gas or
53 vapor, air or compressed air, or is ignited by compressed air, and
54 ejecting a bullet or missile smaller than three-eighths of an inch
55 in diameter, with sufficient force to injure a person.

56 g. "Firearm silencer" means any instrument, attachment, wea-
57 pon or appliance for causing the firing of any gun, revolver, pistol
58 or other firearm to be silent, or intended to lessen or muffle the noise
59 of the firing of any gun, revolver, pistol or other firearm.

60 h. "Gravity knife" means any knife which has a blade which is
61 released from the handle or sheath thereof by the force of gravity
62 or the application of centrifugal force.

63 i. "Machine gun" means any firearm, mechanism or instrument
64 not requiring that the trigger be pressed for each shot and having
65 a reservoir, belt or other means of storing and carrying ammunition
66 which can be loaded into the firearm, mechanism or instrument and
67 fired therefrom.

68 j. "Manufacturer" means any person who receives or obtains
69 raw materials or parts and processes them into firearms or finished
70 parts of firearms, except a person who exclusively processes grips,
71 stocks and other nonmetal parts of firearms. The term does not
72 include a person who repairs existing firearms or receives new and
73 used raw materials or parts solely for the repair of existing fire-
74 arms.

75 k. "Handgun" means any pistol, revolver or other firearm
76 originally designed or manufactured to be fired by the use of a
77 single hand.

78 l. "Retail dealer" means any person including a gunsmith, except
79 a manufacturer or a wholesale dealer, who sells, transfers or assigns
80 for a fee or profit any firearm or parts of firearms or ammunition
81 which he has purchased or obtained with the intention, or for the
82 purpose, of reselling or reassigning to persons who are reasonably
83 understood to be the ultimate consumers and includes any person
84 who is engaged in the business of repairing firearms or who sells
85 any firearm to satisfy a debt secured by the pledge of a firearm.

86 m. "Rifle" means any firearm designed to be fired from the
87 shoulder and using the energy of the explosive in a fixed metallic
88 cartridge to fire a single projectile through a rifled bore for each
89 single pull of the trigger.

90 n. "Shotgun" means any firearm designed to be fired from the
91 shoulder and using the energy of the explosive in a fixed shotgun
92 shell to fire through a smooth bore either a number of ball shots
93 or a single projectile for each pull of the trigger, or any firearm
94 designed to be fired from the shoulder which does not fire fixed
95 ammunition.

96 o. "Sawed-off shotgun" means any shotgun having a barrel or
97 barrels of less than 18 inches in length measured from the breech
98 to the muzzle, or a rifle having a barrel or barrels of less than 16
99 inches in length measured from the breech to the muzzle, or any
100 firearm made from a rifle or a shotgun, whether by alteration, or
101 otherwise, if such firearm as modified has an overall length of less
102 than 26 inches.

103 p. "Switchblade knife" means any knife or similar device which
104 has a blade which opens automatically by hand pressure applied
105 to a button, spring or other device in the handle of the knife.

106 q. "Superintendent" means the Superintendent of the State
107 Police.

108 r. "Weapon" means anything readily capable of lethal use or of
109 inflicting serious bodily injury. The term includes, but is not
110 limited to, all (1) firearms, even though not loaded or lacking a

111 clip or other component to render them immediately operable; (2)
112 components which can be readily assembled into a weapon; and
113 (3) gravity knives, switchblade knives, daggers, dirks, stiletos, or
114 other dangerous knives, billies, blackjacks, bludgeons, metal
115 knuckles, sandclubs, slingshots, cesti or similar leather bands
116 studded with metal filings or razor blades imbedded in wood; and
117 any weapon or other device which projects, releases, or emits tear
118 gas or any other substance intended to produce temporary physical
119 discomfort or permanent injury through being vaporized or other-
120 wise dispensed in the air.

121 s. "Wholesale dealer" means any person, except a manufacturer,
122 who sells, transfers, or assigns firearms, or parts of firearms, to
123 persons who are reasonably understood not to be the ultimate
124 consumers, and includes persons who receive finished parts of fire-
125 arms and assemble them into completed or partially completed
126 firearms, in furtherance of such purpose, except that it shall not
127 include those persons dealing exclusively in grips, stocks and other
128 nonmetal parts of firearms.

1 2. N. J. S. 2C:39-3 is amended to read as follows:

2 2C:39-3. Prohibited Weapons and Devices. a. Destructive de-
3 vices. Any person who knowingly has in his possession any
4 destructive device is guilty of a crime of the third degree.

5 b. Sawed-off shotguns. Any person who knowingly has in his
6 possession any sawed-off shotgun is guilty of a crime of the third
7 degree.

8 c. Silencers. Any person who knowingly has in his possession
9 any firearm silencer is guilty of a crime of the fourth degree.

10 d. Defaced firearms. Any person who knowingly has in his pos-
11 session any firearm which has been defaced, except an antique
12 firearm, is guilty of a crime of the fourth degree.

13 e. Certain weapons. Any person who knowingly has in his pos-
14 session any gravity knife, switchblade knife, dagger, dirk, stiletto,
15 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
16 leather band studded with metal filings or razor blades imbedded in
17 wood, without any explainable lawful purpose, is guilty of a crime
18 of the fourth degree.

19 f. Dum-dum or body armor penetrating bullets. (1) Any person,
20 other than a law enforcement officer or persons engaged in activities
21 pursuant to 2C:39-6f., who knowingly has in his possession any
22 hollow nose or dum-dum bullet, or (2) any person, other than a
23 collector of firearms or ammunition as curios or relics as defined in
24 Title 18 United States Code, Section 921 (a) (13) and has in his
25 possession a valid Collector of Curios and Relics License issued by

26 the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
27 in his possession any body armor breaching or penetrating ammuni-
28 tion, which means: (a) ammunition primarily designed for use in a
29 handgun, and (b) which is comprised of a bullet whose core or
30 jacket, if the jacket is thicker than .025 of an inch, is made of tung-
31 sten carbide, or hard bronze, or other material which is harder
32 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
33 and (c) is therefore capable of breaching or penetrating body
34 armor, is guilty of a crime of the fourth degree. For purposes of
35 this section, a collector may possess not more than three examples
36 of each distinctive variation of the ammunition described above.
37 A distinctive variation includes a different head stamp, composi-
38 tion, design, or color.

39 g. Exceptions. (1) Nothing in this section shall apply to any
40 member of the Armed Forces of the United States or the National
41 Guard, or except as otherwise provided by any law enforcement
42 officer while actually on duty or traveling to or from an authorized
43 place of duty, provided that his possession of the prohibited weapon
44 or device has been duly authorized under the applicable laws,
45 regulations or military or law enforcement orders, or to the
46 possession of any weapon or device by a law enforcement officer
47 who has confiscated, seized or otherwise taken possession of said
48 weapon or device as evidence of the commission of a crime or
49 because he believed it to be possessed illegally by the person from
50 whom it was taken, provided that said law enforcement officer
51 promptly notifies his superiors of his possession of such prohibited
52 weapon or device.

53 (2) Nothing in subsection f. (1) shall be construed to prevent a
54 person from keeping such ammunition at his dwelling, premises or
55 other land owned or possessed by him, or from carrying such am-
56 muniton from the place of purchase to said dwelling or land, nor
57 shall subsection f. (1) be construed to prevent any licensed retail or
58 wholesale firearm dealer from possessing such ammunition at its
59 licensed premises, provided that the seller of any such ammunition
60 shall maintain a record of the name, age and place of residence of
61 any purchaser who is not a licensed dealer, together with the date
62 of sale and quantity of ammunition sold.

63 (3) Nothing in paragraph (2) of subsection f. shall be construed
64 to prevent any licensed retail or wholesale firearm dealer from
65 possessing that ammunition at its licensed premises for sale or
66 disposition to another licensed dealer, the Armed Forces of the
67 United States or the National Guard, or to a law enforcement
68 agency, provided that the seller maintains a record of any sale or

69 disposition to a law enforcement agency. The record shall include
70 the name of the purchasing agency, together with written authori-
71 zation of the chief of police or highest ranking official of the agency,
72 the name and rank of the purchasing law enforcement officer, if
73 applicable, and the date, time and amount of ammunition sold or
74 otherwise disposed. A copy of this record shall be forwarded by
75 the seller to the Superintendent of the Division of State Police
76 within 48 hours of the sale of disposition.

77 (4) *Nothing in subsection a. of this section shall be construed to*
78 *apply to antique cannons as exempted in subsection d. of N. J. S.*
79 *2C:39-6.*

1 3. N. J. S. 2C:39-6 is amended to read as follows:

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

3 (1) Members of the Armed Forces of the United States or of the
4 National Guard while actually on duty, or while traveling between
5 places of duty and carrying authorized weapons in the manner
6 prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other federal offi-
8 cers and employees required to carry firearms in the performance
9 of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
12 assistant prosecutor, prosecutor's detective or investigator, deputy
13 attorney general or State investigator employed by the Division
14 of Criminal Justice of the Department of Law and Public Safety,
15 investigator employed by the State Commission of Investigation,
16 inspectors and investigators of the Division of Alcoholic Beverage
17 Control in the Department of Law and Public Safety, State park
18 ranger, or State conservation officer;

19 (5) A prison or jail warden of any penal institution in this State
20 or his deputies, or an employee of the Department of Corrections
21 engaged in the interstate transportation of convicted offenders,
22 while in the performance of his duties, and when required to possess
23 such a weapon by his superior officer, or a correction officer or
24 keeper of a penal institution in this State at all times while in the
25 State of New Jersey provided he annually passes an examination
26 approved by the superintendent testing his proficiency in the han-
27 dling of firearms;

27A (6) A civilian employee of the United States Government under
28 the supervision of the commanding officer of any post, camp, sta-
29 tion, base or other military or naval installation located in this
30 State who is required, in the performance of his official duties, to
31 carry firearms, and who is authorized to carry such firearms by

32 said commanding officer, while in the actual performance of his
33 official duties;

34 (7) A regularly employed member, including a detective, of the
35 police department of any county or municipality, or of any State,
36 interstate, municipal or county park police force or boulevard police
37 force, at all times while in the State of New Jersey, or any special
38 policeman authorized to carry a revolver or other similar weapons
39 while off duty within the municipality where he is employed, as
40 provided in N. J. S. 40A:14-146, or a special policeman or airport
41 security officer appointed by the governing body of any county or
42 municipality except as provided in this paragraph, or by the com-
43 mission, board or other body having control of a county park or air-
44 port or boulevard police force, while engaged in the actual per-
45 formance of his official duties and when specifically authorized by
46 the governing body to carry weapons; or

47 (8) A paid member of a paid or part-paid fire department or
48 force of any municipality who is assigned full-time to an arson
49 investigation unit created pursuant to section 1 of P. L. 1981, c. 409
50 (C. 40A:14-7.1), while engaged in the actual performance of arson
51 investigation duties and when specifically authorized by the govern-
52 ing body to carry weapons.

53 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

54 (1) A law enforcement officer employed by a governmental
55 agency outside of the State of New Jersey while actually engaged
56 in his official duties, provided, however, that he has first notified
57 the superintendent or the chief law enforcement officer of the
58 municipality or the prosecutor of the county in which he is engaged;
59 or

60 (2) A licensed dealer in firearms and his registered employees
61 during the course of their normal business while traveling to and
62 from their place of business and other places for the purpose of
63 demonstration, exhibition or delivery in connection with a sale,
64 provided, however, that any such weapon is carried in the manner
65 specified in subsection g. of this section.

66 c. Subsections b. and c. of section 2C:39-5 do not apply to:

67 (1) A special agent of the Division of Taxation who has passed
68 an examination in an approved police training program testing
69 proficiency in the handling of any firearm which he may be required
70 to carry or a railway policeman, while in the actual performance
71 of his official duties and while going to or from his place of duty,
72 a campus police officer appointed pursuant to P. L. 1970, c. 211
73 (C. 18A:6-4.2 et seq.) or any police officer, while in the actual
74 performance of his official duties;

75 (2) A State deputy conservation officer or a full-time employee
76 of the Division of Parks and Forestry having the power of arrest
77 and authorized to carry weapons, while in the actual performance
78 of his official duties;

79 (3) A full-time member of the marine patrol force or a special
80 marine patrolman authorized to carry such a weapon by the Com-
81 missioner of Environmental Protection, while in the actual per-
82 formance of his official duties;

83 (4) A court attendant serving as such under appointment by the
84 sheriff of the county or by the judge of any municipal court or
85 other court of this State, while in the actual performance of his
86 official duties;

87 (5) A guard in the employ of any railway express company,
88 banking or building and loan or savings and loan institution of
89 this State, while in the actual performance of his official duties;

90 (6) A member of a legally recognized military organization while
91 actually under orders or while going to or from the prescribed place
92 of meeting and carrying the weapons prescribed for drill, exercise or
93 parade;

94 (7) An officer of the Society for the Prevention of Cruelty to
95 Animals, while in the actual performance of his duties; or

96 (8) An employee of a public utilities corporation actually en-
97 gaged in the transportation of explosives.

98 d. (1) Subsections c. and d. of section 2C:39-5 do not apply to
99 antique firearms, provided that such antique firearms are unloaded
100 or are being fired for the purposes of exhibition or demonstration
101 at an authorized target range or in such other manner as has been
102 approved in writing by the chief law enforcement officer of the
103 municipality in which the exhibition or demonstration is held, *or if*
104 *not held on property under the control of a particular municipality,*
105 *the superintendent.*

106 (2) *Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.*
107 *2C:39-5 do not apply to an antique cannon that is capable of being*
108 *fired but that is unloaded and immobile, provided that the antique*
109 *cannon is possessed by (a) a scholastic institution, a museum, a*
110 *municipality, a county or the State, or (b) a person who obtained a*
111 *firearms purchaser identification card as specified in N. J. S.*
112 *2C:58-3.*

113 (3) *Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.*
114 *2C:39-5 do not apply to an unloaded antique cannon that is being*
115 *transported by one eligible to possess it, in compliance with regula-*
116 *tions the superintendent may promulgate, between its permanent*
117 *location and place of purchase or repair.*

118 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
119 2C:39-5 do not apply to antique cannons that are being loaded or
120 fired by one eligible to possess an antique cannon, for purposes of
121 exhibition or demonstration at an authorized target range or in the
122 manner as has been approved in writing by the chief law enforce-
123 ment officer of the municipality in which the exhibition or demon-
124 stration is held, or if not held on property under the control of a
125 particular municipality the superintendent provided that per-
126 former has given at least 30 days notice of such to the superin-
127 tendent.

128 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
129 2C:39-5 do not apply to the transportation of unloaded antique
130 cannons directly to or from exhibitions or demonstrations autho-
131 rized under paragraph (4) of subsection d. of this section, provided
132 that the transportation is in compliance with safety regulations the
133 superintendent may promulgate. Nor do those subsections apply to
134 transportation directly to or from exhibitions or demonstrations
135 authorized under the law of another jurisdiction, provided that the
136 superintendent has been given 30 days notice of such and that the
137 transportation is in compliance with safety regulations the super-
138 intendent may promulgate.

139 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall be
140 construed to prevent a person keeping or carrying about his place
141 of business, residence, premises or other land owned or possessed by
142 him, any firearm, or from carrying the same, in the manner specified
143 in subsection g. of this section, from any place of purchase to his
144 residence or place of business, between his dwelling and his place of
145 business, between one place of business or residence and another
146 when moving, or between his dwelling or place of business and place
147 where such firearms are repaired, for the purpose of repair. For
148 the purposes of this section, a place of business shall be deemed to
149 be a fixed location.

150 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall be
151 construed to prevent:

152 (1) A member of any rifle or pistol club organized in accordance
153 with the rules prescribed by the National Board for the Promotion
154 of Rifle Practice, in going to or from a place of target practice,
155 carrying such firearms as are necessary for said target practice
156 provided that the club has filed a copy of its charter with the
157 superintendent and annually submits a list of its members to the
158 superintendent and provided further that the firearms are carried
159 in the manner specified in subsection g. of this section;

160 (2) A person carrying a firearm or knife in the woods or fields

161 or upon the waters of this State for the purpose of hunting, target
162 practice or fishing, provided that the firearm or knife is legal and
163 appropriate for hunting or fishing purposes in this State and he
164 has in his possession a valid hunting license, or, with respect to
165 fresh water fishing, a valid fishing license;

166 (3) A person transporting any firearm or knife while traveling:

167 (a) Directly to or from any place for the purpose of hunting or
168 fishing, provided such person has in his possession a valid hunting
169 or fishing license; or

170 (b) Directly to or from any target range, or other authorized
171 place for the purpose of practice, match, target, trap or skeet shoot-
172 ing exhibitions, provided in all cases that during the course of
173 such travel all firearms are carried in the manner specified in sub-
174 section g. of this section and the person has complied with all the
175 provisions and requirements of Title 23 of the Revised Statutes
176 and any amendments thereto and all rules and regulations promul-
177 gated thereunder; or

178 (c) In the case of a firearm, directly to or from any exhibition
179 or display of firearms which is sponsored by any law enforcement
180 agency, any rifle or pistol club, or any firearms collectors club,
181 for the purpose of displaying of the firearms to the public or to the
182 members of such organization or club, provided, however, that not
183 less than 30 days prior to such exhibition or display, notice of such
184 exhibition or display shall be given to the Superintendent of the
185 State Police by the sponsoring organization or club, and the sponsor
186 has complied with such reasonable safety regulations as the super-
187 intendent may promulgate. Any firearms transported pursuant
188 to this section shall be transported in the manner specified in sub-
189 section g. of this section;

190 (4) A person from keeping or carrying about a private or com-
191 mercial aircraft or any boat, or from transporting to or from such
192 vessel for the purpose of installation or repair a visual distress
193 signalling device approved by the United States Coast Guard.

194 g. All weapons being transported under subsections b. (2), e.
195 or f. (1) or (3) of this section shall be carried unloaded and con-
196 tained in a closed and fastened case, gunbox, securely tied package,
197 or locked in the trunk of the automobile in which it is being trans-
198 ported, and in the course of travel shall include only such deviations
199 as are reasonably necessary under the circumstances.

200 h. Nothing in subsection d. of section 2C:39-5 shall be construed
201 to prevent any employee of a public utility, as defined in R. S.
202 48:2-13, doing business in this State or any United States Postal
203 Service employee, while in the actual performance of duties which

204 specifically require regular and frequent visits to private premises,
205 from possessing, carrying or using any device which projects, re-
206 leases or emits any substance specified as being noninjurious to
207 canines or other animals by the Commissioner of Health and which
208 immobilizes only on a temporary basis and produces only tempo-
209 rary physical discomfort through being vaporized or otherwise
210 dispensed in the air for the sole purpose of repelling canine or
211 other animal attacks.

212 The device shall be used solely to repel only those canine or other
213 animal attacks when the canines or other animals are not restrained
214 in a fashion sufficient to allow the employee to properly perform
215 his duties.

216 Any device used pursuant to this act shall be selected from a list
217 of products, which consist of active and inert ingredients, permitted
218 by the Commissioner of Health.

219 i. Nothing in subsection d. of 2C:39-5 shall be construed to
220 prevent any person who is 18 years of age or older and who has
221 not been convicted of a felony, from possession for the purpose of
222 personal self-defense of one pocket-sized device which contains and
223 releases not more than three-quarters of an ounce of chemical
224 substance not ordinarily capable of lethal use or of inflicting serious
225 bodily injury, but rather, is intended to produce temporary physical
226 discomfort or disability through being vaporized or otherwise dis-
227 pensed in the air. Any person in possession of any device in vio-
228 lation of this subsection shall be deemed and adjudged to be a
229 disorderly person, and upon conviction thereof, shall be punished
230 by a fine of not less than \$100.00.

1 4. N. J. S. 2C:58-3 is amended to read as follows:

2 2C:58-3. Purchase of Firearms. a. Permit to purchase a hand-
3 gun. No person shall sell, give, transfer, assign or otherwise dis-
4 pose of, nor receive, purchase, or otherwise acquire a handgun
5 unless the purchaser, assignee, donee, receiver or holder is licensed
6 as a dealer under this chapter or has first secured a permit to
7 purchase a handgun as provided by this section.

8 b. Firearms purchaser identification card. No person shall sell,
9 give, transfer, assign or otherwise dispose of nor receive, purchase
10 or otherwise acquire *an antique cannon or* a rifle or shotgun, other
11 than an antique rifle or shotgun, unless the purchaser, assignee,
12 donee, receiver or holder is licensed as a dealer under this chapter
13 or possesses a valid firearms purchaser identification card, and first
14 exhibits said card to the seller, donor, transferor or assignor, and
15 unless the purchaser, assignee, donee, receiver or holder signs a
16 written certification, on a form prescribed by the superintendent,

17 which shall indicate that he presently complies with the require-
18 ments of subsection c. of this section and shall contain his name,
19 address and firearms purchaser identification card number or
20 dealer's registration number. The said certification shall be re-
21 tained by the seller, as provided in section 2C:58-2 a., or, in the case
22 of a person who is not a dealer, it may be filed with the chief of
23 police of the municipality in which he resides or with the superin-
24 tendent.

25 c. Who may obtain. No person of good character and good
26 repute in the community in which he lives, and who is not subject
27 to any of the disabilities set forth in this section or other sections
28 of this chapter, shall be denied a permit to purchase a handgun
29 or a firearms purchaser identification card, except as hereinafter
30 set forth. No handgun purchase permit or firearms purchaser
31 identification card shall be issued:

32 (1) To any person who has been convicted of a crime, whether
33 or not armed with or possessing a weapon at the time of such
34 offense;

35 (2) To any drug dependent person as defined in P. L. 1970, c. 226
36 (C. 24:21-2), to any person who is confined for a mental disorder
37 to a hospital, mental institution or sanitarium, or to any person
38 who is presently an habitual drunkard;

39 (3) To any person who suffers from a physical defect or disease
40 which would make it unsafe for him to handle firearms, to any
41 person who has ever been confined for a mental disorder, or to any
42 alcoholic unless any of the foregoing persons produces a certificate
43 of a medical doctor or psychiatrist licensed in New Jersey, or other
44 satisfactory proof, that he is no longer suffering from that par-
45 ticular disability in such a manner that would interfere with or
46 handicap him in the handling of firearms; to any person who know-
47 ingly falsifies any information on the application form for a hand-
48 gun purchase permit or firearms purchaser identification card;

49 (4) To any person under the age of 18 years; or

50 (5) To any person where the issuance would not be in the interest
51 of the public health, safety or welfare.

52 d. Issuance. The chief of police of an organized full-time police
53 department of the municipality where the applicant resides or the
54 superintendent, in all other cases, shall upon application, issue to
55 any person qualified under the provisions of subsection c. of this
56 section a permit to purchase a handgun or a firearms purchaser
57 identification card.

58 Any person aggrieved by the denial of a permit or identification
59 card may request a hearing in the Superior Court of the county in

60 which he resides if he is a resident of New Jersey or in the Superior
61 Court of the county in which his application was filed if he is a
62 nonresident. The request for a hearing shall be made in writing
63 within 30 days of the denial of the application for a permit or
64 identification card. The applicant shall serve a copy of his request
65 for a hearing upon the chief of police of the municipality in which
66 he resides, if he is a resident of New Jersey, and upon the super-
67 intendent in all cases. The hearing shall be held and a record made
68 thereof within 30 days of the receipt of the application for such
69 hearing by the judge of the Superior Court. No formal pleading
70 and no filing fee shall be required as a preliminary to such hearing.
71 Appeals from the results of such hearing shall be in accordance
72 with law.

73 e. Applications. Applications for permits to purchase a handgun
74 and for firearms purchaser identification cards shall be in the form
75 prescribed by the superintendent and shall set forth the name,
76 residence, place of business, age, date of birth, occupation, sex and
77 physical description, including distinguishing physical character-
78 istics, if any, of the applicant, and shall state whether the applicant
79 is a citizen, whether he is an alcoholic, habitual drunkard, drug
80 dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2)
81 whether he has ever been confined or committed to a mental insti-
82 tution or hospital for treatment or observation of a mental or
83 psychiatric condition on a temporary, interim or permanent basis,
84 giving the name and location of the institution or hospital and the
85 dates of such confinement or commitment, whether he has been
86 attended, treated or observed by any doctor or psychiatrist or at
87 any hospital or mental institution on an inpatient or outpatient
88 basis for any mental or psychiatric condition giving the name and
89 location of the doctor, psychiatrist, hospital or institution and the
90 dates of such occurrence, whether he presently or ever has been a
91 member of any organization which advocates or approves the com-
92 mission of acts of force and violence to overthrow the Government
93 of the United States or of this State, or which seeks to deny others
94 their rights under the Constitution of either the United States or
95 the State of New Jersey, whether he has ever been convicted of
96 a crime or disorderly persons offense, and such other information
97 as the superintendent shall deem necessary for the proper enforc-
98 ment of this chapter. For the purpose of complying with this sub-
99 section, the applicant shall waive any statutory or other right of
100 confidentiality relating to institutional confinement. The applica-
101 tion shall be signed by the applicant and shall contain as references

102 the names and addresses of two reputable citizens personally
103 acquainted with him.

104 Application blanks shall be obtainable from the superintendent,
105 from any other officer authorized to grant such permit or identi-
106 fication card, and from licensed retail dealers.

107 The chief police officer or the superintendent shall obtain the
108 fingerprints of the applicant and shall have them compared with
109 any and all records of fingerprints in the municipality and county
110 in which the applicant resides and also the records of the State
111 Bureau of Identification and the Federal Bureau of Investigation
112 provided that an applicant for a handgun purchase permit who
113 possesses a valid firearms purchaser identification card, or who
114 has previously obtained a handgun purchase permit from the same
115 licensing authority for which he was previously fingerprinted, and
116 who provides other reasonably satisfactory proof of his identity,
117 need not be fingerprinted again; however, the chief police officer
118 or the superintendent shall proceed to investigate the application
119 to determine whether or not the applicant has become subject to
120 any of the disabilities set forth in this chapter.

121 f. Granting of permit or identification card; fee; term; renewal;
122 revocation. The application for the permit to purchase a handgun
123 together with a fee of \$2.00, or the application for the firearms
124 purchaser identification card together with a fee of \$5.00, shall be
125 delivered or forwarded to the licensing authority who shall investi-
126 gate the same and, unless good cause for the denial thereof appears,
127 shall grant the permit or the identification card, or both, if applica-
128 tion has been made therefor, within 30 days from the date of receipt
129 of the application for residents of this State and within 45 days for
130 nonresident applicants. A permit to purchase a handgun shall be
131 valid for a period of 90 days from the date of issuance and may be
132 renewed by the issuing authority for good cause for an additional
133 90 days. A firearms purchaser identification card shall be valid
134 until such time as the holder becomes subject to any of the dis-
135 abilities set forth in subsection c. of this section, whereupon the
136 card shall be void and shall be returned within five days by the
137 holder to the superintendent, who shall then advise the licensing
138 authority. Failure of the holder to return the firearms purchaser
139 identification card to the superintendent within the said five days
140 shall be an offense under section 2C :39-10 a. Any firearms purchaser
141 identification card may be revoked by the Superior Court of the
142 county wherein the card was issued, after hearing upon notice, upon
143 a finding that the holder thereof no longer qualifies for the issuance
144 of such permit. The county prosecutor of any county, the chief

145 police officer of any municipality or any citizen may apply to such
146 court at any time for the revocation of such card.

147 There shall be no conditions or requirements added to the form
148 or content of the application, or required by the licensing authority
149 for the issuance of a permit or identification card, other than those
150 that are specifically set forth in this chapter.

151 g. Disposition of fees. All fees for permits shall be paid to the
152 State Treasury if the permit is issued by the superintendent, to the
153 municipality if issued by the chief of police, and to the county
154 treasurer if issued by the judge of the Superior Court.

155 h. Form of permit; quadruplicate; disposition of copies. The
156 permit shall be in the form prescribed by the superintendent and
157 shall be issued to the applicant in quadruplicate. Prior to the time
158 he receives the handgun from the seller, the applicant shall deliver
159 to the seller the permit in quadruplicate and the seller shall com-
160 plete all of the information required on the form. Within five days
161 of the date of the sale, the seller shall forward the original copy
162 to the superintendent and the second copy to the chief of police of
163 the municipality in which the purchaser resides, except that in a
164 municipality having no chief of police, such copy shall be forwarded
165 to the superintendent. The third copy shall then be returned to the
166 purchaser with the pistol or revolver and the fourth copy shall be
166A kept by the seller as a permanent record.

167 i. Restriction on number of firearms person may purchase. Only
168 one handgun shall be purchased or delivered on each permit, but a
169 person shall not be restricted as to the number of rifles or shotguns
170 he may purchase, provided he possesses a valid firearms purchaser
171 identification card and provided further that he signs the certifica-
172 tion required in subsection b. of this section for each transaction.

173 j. Firearms passing to heirs or legatees. Notwithstanding any
174 other provision of this section concerning the transfer, receipt or
175 acquisition of a firearm, a permit to purchase or a firearms pur-
176 chaser identification card shall not be required for the passing of a
177 firearm upon the death of an owner thereof to his heir or legatee,
178 whether the same be by testamentary bequest or by the laws of
179 intestacy. The person who shall so receive, or acquire said firearm
180 shall, however, be subject to all other provisions of this chapter.
181 If the heir or legatee of such firearm does not qualify to possess
182 or carry it, he may retain ownership of the firearm for the purpose
183 of sale for a period not exceeding 180 days, or for such further
184 limited period as may be approved by the chief law enforcement
185 officer of the municipality in which the heir or legatee resides or
186 the superintendent, provided that such firearm is in the custody of

187 the chief law enforcement officer of the municipality or the super-
188 intendent during such period.

189 k. Sawed-off shotguns. Nothing in this section shall be construed
190 to authorize the purchase or possession of any sawed-off shotgun.

191 l. Nothing in this section and in N. J. S. 2C:58-2 shall apply to
192 the sale or purchase of a visual distress signalling device approved
193 by the United States Coast Guard, solely for possession on a pri-
194 vate or commercial aircraft or any boat; provided, however, that
195 no person under the age of 18 years shall purchase nor shall any
196 person sell to a person under the age of 18 years such a visual
197 distress signalling device.

1 5. N. J. S. 2C:58-7 is amended to read as follows:

2 2C:58-7. Persons Possessing Explosives or Destructive Devices
3 to Notify Police. a. Any person who becomes the possessor of any
4 explosive, destructive device, or ammunition therefor, which is or
5 may be loaded or otherwise dangerous, except such as is possessed
6 for any lawful commercial or other purpose in connection with
7 which the use of explosives is authorized *or as is authorized in sub-*
8 *section d. of N. J. S. 2C:39-6*, shall within 15 days notify the police
9 authorities of the municipality in which he resides or the State
10 Police that the same is in his possession and shall present the same
11 to them for inspection.

12 b. When any such ammunition, explosive or destructive device
13 is presented for inspection it shall be inspected to ascertain whether
14 or not it is loaded or of a dangerous character, and if it is found to
15 be loaded or of dangerous character, it shall be destroyed or be un-
16 loaded or so processed as to remove its dangerous character before
17 being returned to the possessor.

18 c. Any police officer having reasonable cause to believe that any
19 person is possessed of any such ammunition, explosive, or destruc-
20 tive device shall investigate, under a proper search warrant when
21 necessary, and shall seize the same for the purpose of inspection,
22 unloading, processing or destruction, as provided in this section,
23 and the same shall not be returned to the possessor thereof until
24 it has been unloaded or so processed.

1 6. This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY No. 3702 and SENATE No. 3502

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Assembly Committee Substitute for Assembly Bill No. 3702 and Senate Bill No. 3502 amends chapters 39 and 58 of Title 2C of the New Jersey Statutes to exempt "antique cannons" from those sections of the law (N. J. S. 2C:39-5) which would otherwise prohibit their possession. The bill would require that a person transporting, exhibiting or firing an antique cannon, comply with any regulations promulgated by the Superintendent of the State Police and to notify the State Police of an exhibition or discharge of an antique cannon not less than 30 days before the event.

Changes to the original bills were made at the request of the Attorney General's office.

SENATE, No. 3502

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1983

By Senator SAXTON

(Without Reference)

AN ACT concerning cannons and supplementary chapter 39 of Title
2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. a. The provisions of N. J. S. 2C:39-3, N. J. S. 2C:39-5 and
2 N. J. S. 2C:39-9 shall not be construed to prohibit the possession
3 of an antique cannon or a replica of an antique cannon which is
4 capable of being fired or discharged and which is fired or discharged
5 only during ceremonial or commemorative events or historical
6 reenactments For the purposes of this section, "antique cannon"
7 means a cannon incapable of being fired or discharged or which
8 does not fire fixed ammunition regardless of the date of manufac-
9 ture, or which was manufactured before 1898 for which ammunition
10 is not commercially available and is possessed as a curiosity or
11 ornament or for its historical significance or value.

12 b. A person may transport a cannon while traveling directly to
13 or from an exhibition of weapons which includes cannons, or a
14 ceremonial or commemorative event, or the place of historical
15 reenactment. The sponsor of an exhibition or event which includes
16 cannons must give no less than 30 days notice of that exhibition
17 or event to the Superintendent of the Division of State Police in
18 the Department of Law and Public Safety. The sponsor shall
19 comply with the safety regulations which the superintendent may
20 promulgate and which relate to the exhibition of a cannon. A
21 person who fails to comply with the safety regulations relating to

22 the exhibition of cannons promulgated by the superintendent is
23 guilty of a disorderly persons offense.

24 c. A cannon shall be transported while unloaded and securely
25 tied to the transporting vehicle or locked in the trunk of the
26 automobile used for transport. The cannon shall also be completely
27 covered with an opaque covering during the transport.

28 d. A cannon may be fired or discharged during an exhibition
29 of weapons or ceremonial or commemorative event or historical
30 reenactment, provided that not less than 30 days prior to such
31 an exhibition or event notice is given of the intended firing or
32 discharge to the superintendent by the sponsor of the exhibition
33 or event. The sponsor shall comply with the reasonable safety
34 regulation relating to the firing or discharge of cannons that the
35 superintendent may promulgate. A person who fails to comply
36 with the safety regulations promulgated by the superintendent
37 relating to the firing or discharge of cannons is guilty of a dis-
38 orderly persons offense.

39 e. The superintendent shall promulgate rules and regulations
40 under the "Administrative Procedure Act," P. L. 1968, c. 410
41 (C. 52:14B-1 et seq.) necessary to effectuate the purpose of this
42 act.

1 2. This act shall take effect immediately.

STATEMENT

This bill allows a person to possess, transport and discharge under certain conditions an antique cannon which is incapable of being discharged or for which ammunition is not commercially available or a replica of an antique cannon which is capable of being discharged and which is discharged only for ceremonial or commemorative events.

ASSEMBLY, No. 3702

STATE OF NEW JERSEY

INTRODUCED JUNE 30, 1983

By Assemblymen MEYER and HAINES

AN ACT concerning cannons and supplementing chapter 39 of Title
2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. a. The provisions of N. J. S. 2C:39-3, N. J. S. 2C:39-5 and
2 N. J. S. 2C:39-9 shall not be construed to prohibit the possession
3 of an antique cannon or a replica of an antique cannon which is
4 capable of being fired or discharged and which is fired or discharged
5 only during ceremonial or commemorative events or historical re-
6 enactments. For the purposes of this section, "antique cannon"
7 means a cannon incapable of being fired or discharged or which
8 does not fire fixed ammunition regardless of the date of manufac-
9 ture, or which was manufactured before 1898 for which ammunition
10 is not commercially available and is possessed as a curiosity or
11 ornament or for its historical significance or value.

12 b. A person may transport a cannon while traveling directly to
13 or from an exhibition of weapons which includes cannons, or a
14 ceremonial or commemorative event, or the place of historical re-
15 enactment. The sponsor of an exhibition or event which includes
16 cannons must give no less than 30 days notice of that exhibition
17 or event to the Superintendent of the Division of State Police in
18 the Department of Law and Public Safety. The sponsor shall
19 comply with the safety regulations which the superintendent may
20 promulgate and which relate to the exhibition of a cannon. A per-
21 son who fails to comply with the safety regulations relating to the

22 exhibition of cannons promulgated by the superintendent is guilty
23 of a disorderly persons offense.

24 c. A cannon shall be transported while unloaded and securely
25 tied to the transporting vehicle or locked in the trunk of the auto-
26 mobile used for transport. The cannon shall also be completely
27 covered with an opaque covering during the transport.

28 d. A cannon may be fired or discharged during an exhibition
29 of weapons or ceremonial or commemorative event or historical
30 reenactment, provided that not less than 30 days prior to such an
31 exhibition or event notice is given of the intended firing or dis-
32 charge to the superintendent by the sponsor of the exhibition or
33 event. The sponsor shall comply with the reasonable safety regu-
34 lation relating to the firing or discharge of cannons that the super-
35 intendent may promulgate. A person who fails to comply with the
36 safety regulations promulgated by the superintendent relating to
37 the firing or discharge of cannons is guilty of a disorderly persons
38 offense.

39 e. The superintendent shall promulgate rules and regulations
40 under the "Administrative Procedure Act," P. L. 1968, c. 410
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