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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"New law allows use of less-lethal weapons by cops," 1-6-2006 The Record, p.A4

IS 11/30/07

P.L. 2005, CHAPTER 250, *approved January 4, 2006*  
Senate, No. 252

1 **AN ACT** concerning the use of certain ammunition by law enforcement  
2 officers and amending N.J.S.2C:3-11.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. N.J.S.2C:3-11 is amended to read as follows:

8 2C:3-11. Definitions. In this chapter, unless a different meaning  
9 plainly is required: a. "Unlawful force" means force, including  
10 confinement, which is employed without the consent of the person  
11 against whom it is directed and the employment of which constitutes  
12 an offense or actionable tort or would constitute such offense or tort  
13 except for a defense (such as the absence of intent, negligence, or  
14 mental capacity; duress, youth, or diplomatic status) not amounting to  
15 a privilege to use the force. Assent constitutes consent, within the  
16 meaning of this section, whether or not it otherwise is legally effective,  
17 except assent to the infliction of death or serious bodily harm.

18 b. "Deadly force" means force which the actor uses with the  
19 purpose of causing or which he knows to create a substantial risk of  
20 causing death or serious bodily harm. Purposely firing a firearm in the  
21 direction of another person or at a vehicle, building or structure in  
22 which another person is believed to be constitutes deadly force unless  
23 the firearm is loaded with less-lethal ammunition and fired by a law  
24 enforcement officer in the performance of the officer's official duties.  
25 A threat to cause death or serious bodily harm, by the production of  
26 a weapon or otherwise, so long as the actor's purpose is limited to  
27 creating an apprehension that he will use deadly force if necessary,  
28 does not constitute deadly force.

29 c. "Dwelling" means any building or structure, though movable or  
30 temporary, or a portion thereof, which is for the time being the actor's  
31 home or place of lodging except that, as used in 2C:3-7, the building  
32 or structure need not be the actor's own home or place of lodging.

33 d. "Serious bodily harm" means bodily harm which creates a  
34 substantial risk of death or which causes serious, permanent  
35 disfigurement or protracted loss or impairment of the function of any  
36 bodily member or organ or which results from aggravated sexual  
37 assault or sexual assault.

38 e. "Bodily harm" means physical pain, or temporary disfigurement,  
39 or impairment of physical condition.

40 f. "Less-lethal ammunition" means ammunition approved by the  
41 Attorney General which is designed to stun, temporarily incapacitate

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 or cause temporary discomfort to a person without penetrating the  
2 person's body. The term shall also include ammunition approved by  
3 the Attorney General which is designed to gain access to a building or  
4 structure and is used for that purpose.

5 (cf: P.L.1987, c.120, s.3)

6

7 2. This act shall take effect immediately.

8

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12 Affords exemption from "deadly force" justification standards for  
13 police using less-lethal ammunition.

**SENATE, No. 252**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Affords exemption from "deadly force" justification standards for police using less-lethal ammunition.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/27/2004)**

1 AN ACT concerning the use of certain ammunition by law enforcement  
2 officers and amending N.J.S.2C:3-11.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. N.J.S.2C:3-11 is amended to read as follows:

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9 plainly is required: a. "Unlawful force" means force, including  
10 confinement, which is employed without the consent of the person  
11 against whom it is directed and the employment of which constitutes  
12 an offense or actionable tort or would constitute such offense or tort  
13 except for a defense (such as the absence of intent, negligence, or  
14 mental capacity; duress, youth, or diplomatic status) not amounting to  
15 a privilege to use the force. Assent constitutes consent, within the  
16 meaning of this section, whether or not it otherwise is legally effective,  
17 except assent to the infliction of death or serious bodily harm.

18 b. "Deadly force" means force which the actor uses with the  
19 purpose of causing or which he knows to create a substantial risk of  
20 causing death or serious bodily harm. Purposely firing a firearm in the  
21 direction of another person or at a vehicle, building or structure in  
22 which another person is believed to be constitutes deadly force unless  
23 the firearm is loaded with less-lethal ammunition and fired by a law  
24 enforcement officer in the performance of the officer's official duties.  
25 A threat to cause death or serious bodily harm, by the production of  
26 a weapon or otherwise, so long as the actor's purpose is limited to  
27 creating an apprehension that he will use deadly force if necessary,  
28 does not constitute deadly force.

29 c. "Dwelling" means any building or structure, though movable or  
30 temporary, or a portion thereof, which is for the time being the actor's  
31 home or place of lodging except that, as used in 2C:3-7, the building  
32 or structure need not be the actor's own home or place of lodging.

33 d. "Serious bodily harm" means bodily harm which creates a  
34 substantial risk of death or which causes serious, permanent  
35 disfigurement or protracted loss or impairment of the function of any  
36 bodily member or organ or which results from aggravated sexual  
37 assault or sexual assault.

38 e. "Bodily harm" means physical pain, or temporary disfigurement,  
39 or impairment of physical condition.

40 f. "Less-lethal ammunition" means ammunition approved by the  
41 Attorney General which is designed to stun, temporarily incapacitate  
42 or cause temporary discomfort to a person without penetrating the  
43 person's body. The term shall also include ammunition approved by

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the Attorney General which is designed to gain access to a building or  
2 structure and is used for that purpose.

3 (cf: P.L.1987, c.120, s.3)

4

5 2. This act shall take effect immediately.

6

7

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#### STATEMENT

9

10 This bill amends the definition of "deadly force" to provide an  
11 exemption for law enforcement officers who are using less-lethal  
12 ammunition in the performance of their duties.

13 Less-lethal ammunition is designed to stun, temporarily incapacitate  
14 or cause temporary discomfort to a person without penetrating the  
15 person's body, or is designed and used to gain access to a building or  
16 structure. This ammunition has become popular since the enactment  
17 of the New Jersey Code of Criminal Justice in 1978 (Title 2C), and the  
18 technology has developed substantially.

19 There are many situations where the use of this ammunition would  
20 be beneficial to a law enforcement officer. For example, an officer  
21 could use this special type of munitions to stop a mentally ill person  
22 from injuring himself or someone else with some type of weapon; to  
23 disarm an individual threatening to commit suicide; to disperse a  
24 rioting crowd; to neutralize an armed suspect; or to facilitate quick  
25 access to a structure during the execution of a high-risk search or  
26 arrest warrant.

27 Under current law, however, such uses of this ammunition would  
28 constitute deadly force and could only be justified if necessary to  
29 protect the officer or another from death or serious bodily injury, to  
30 arrest or prevent the escape of a violent criminal or to prevent the  
31 commission of a violent crime.

32 This bill would provide an exemption for this current standard for  
33 law enforcement officers who use less-lethal ammunition in the  
34 performance of their duties.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 252

# STATE OF NEW JERSEY

DATED: MAY 3, 2004

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 252.

Senate Bill No. 252 amends the definition of "deadly force" to provide an exemption for law enforcement officers who are using less-lethal ammunition in the performance of their duties.

Less-lethal ammunition is designed to stun, temporarily incapacitate or cause temporary discomfort to a person without penetrating the person's body, or is designed and used to gain access to a building or structure. This ammunition has become popular since the enactment of the New Jersey Code of Criminal Justice in 1978 (Title 2C), and the technology has developed substantially.

There are many situations where the use of this ammunition would be beneficial to a law enforcement officer. For example, an officer could use this special type of munitions to stop a mentally ill person from injuring himself or someone else with some type of weapon; to disarm an individual threatening to commit suicide; to disperse a rioting crowd; to neutralize an armed suspect; or to facilitate quick access to a structure during the execution of a high-risk search or arrest warrant.

Under current law, however, such uses of this ammunition would constitute deadly force and could only be justified if necessary to protect the officer or another from death or serious bodily injury, to arrest or prevent the escape of a violent criminal or to prevent the commission of a violent crime.

This bill would provide an exemption for law enforcement officers who use less-lethal ammunition in the performance of their duties.

This bill is identical to Assembly Bill No.2379, also released by the committee on this same date.



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 252**

**STATE OF NEW JERSEY**

DATED: JANUARY 26, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 252.

This bill amends the definition of "deadly force" to provide an exemption for law enforcement officers who are using less-lethal ammunition in the performance of their duties.

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This bill would provide an exemption for law enforcement officers who use less-lethal ammunition in the performance of their duties.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 2379

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 24, 2004

**Sponsored by:**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblymen Chivukula, R.Smith, Egan, Gibson and Conaway**

**SYNOPSIS**

Affords exemption from "deadly force" justification standards for police using less-lethal ammunition.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/13/2005)

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2 officers and amending N.J.S.2C:3-11.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

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# STATE OF NEW JERSEY

DATED: MAY 3, 2004

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2379.

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This bill is identical to Senate Bill No.252, also released by the committee on this same date.