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No

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Yes 5-7-2018

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No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

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REPORTS:

HEARINGS:

NEWSPAPER ARTICLES:

Yes

"With pen, Murphy tightens gun rules – 'common sense' laws fulfill campaign promise," The Record, 6-14-2018

"Murphy signs six gun-control bills into law - He vows N.J. to be a leader in fight for firearms safety," South Jersey Times, 6-14-2018

"Murphy signs 6 gun-control bills into law - He vows Jersey to be a leader in fight for firearms safety," The Times, 6-14-2018

"Governor set to sign 6 gun-control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

"Governor signs 6 gun control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

"The Latest: Gov signs 6 gun control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

RWH

P.L. 2018, CHAPTER 38, *approved June 13, 2018*
Assembly Committee Substitute for
Assembly, No. 2759

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-
2 1, N.J.S.2C:39-3, and N.J.S.2C:39-9.

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:39-1 is amended to read as follows:

8 Definitions. The following definitions apply to this chapter and
9 to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique
11 cannon" means a destructive device defined in paragraph (3) of
12 subsection c. of this section, if the rifle, shotgun or destructive
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy
20 the name of the maker, model designation, manufacturer's serial
21 number or any other distinguishing identification mark or number
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object
24 designed to explode or produce uncontrolled combustion, including
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any
26 rocket having a propellant charge of more than four ounces or any
27 missile having an explosive or incendiary charge of more than one-
28 quarter of an ounce; (3) any weapon capable of firing a projectile of
29 a caliber greater than 60 caliber, except a shotgun or shotgun
30 ammunition generally recognized as suitable for sporting purposes;
31 (4) any Molotov cocktail or other device consisting of a breakable
32 container containing flammable liquid and having a wick or similar
33 device capable of being ignited. The term does not include any
34 device manufactured for the purpose of illumination, distress
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that
40 is commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible

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

Matter underlined thus is new matter.

1 materials or other ingredients in such proportions, quantities or
2 packing that an ignition by fire, by friction, by concussion or by
3 detonation of any part of the compound or mixture may cause such
4 a sudden generation of highly heated gases that the resultant
5 gaseous pressures are capable of producing destructive effects on
6 contiguous objects. The term shall not include small arms
7 ammunition, or explosives in the form prescribed by the official
8 United States Pharmacopoeia.

9 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
10 automatic or semi-automatic rifle, or any gun, device or instrument
11 in the nature of a weapon from which may be fired or ejected any
12 solid projectable ball, slug, pellet, missile or bullet, or any gas,
13 vapor or other noxious thing, by means of a cartridge or shell or by
14 the action of an explosive or the igniting of flammable or explosive
15 substances. It shall also include, without limitation, any firearm
16 which is in the nature of an air gun, spring gun or pistol or other
17 weapon of a similar nature in which the propelling force is a spring,
18 elastic band, carbon dioxide, compressed or other gas or vapor, air
19 or compressed air, or is ignited by compressed air, and ejecting a
20 bullet or missile smaller than three-eighths of an inch in diameter,
21 with sufficient force to injure a person.

22 g. "Firearm silencer" means any instrument, attachment,
23 weapon or appliance for causing the firing of any gun, revolver,
24 pistol or other firearm to be silent, or intended to lessen or muffle
25 the noise of the firing of any gun, revolver, pistol or other firearm.

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

29 i. "Machine gun" means any firearm, mechanism or instrument
30 not requiring that the trigger be pressed for each shot and having a
31 reservoir, belt or other means of storing and carrying ammunition
32 which can be loaded into the firearm, mechanism or instrument and
33 fired therefrom. A machine gun also shall include, without
34 limitation, any firearm with a trigger crank attached.

35 j. "Manufacturer" means any person who receives or obtains
36 raw materials or parts and processes them into firearms or finished
37 parts of firearms, except a person who exclusively processes grips,
38 stocks and other nonmetal parts of firearms. The term does not
39 include a person who repairs existing firearms or receives new and
40 used raw materials or parts solely for the repair of existing firearms.

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

44 l. "Retail dealer" means any person including a gunsmith,
45 except a manufacturer or a wholesale dealer, who sells, transfers or
46 assigns for a fee or profit any firearm or parts of firearms or
47 ammunition which he has purchased or obtained with the intention,
48 or for the purpose, of reselling or reassigning to persons who are

- 1 reasonably understood to be the ultimate consumers, and includes
2 any person who is engaged in the business of repairing firearms or
3 who sells any firearm to satisfy a debt secured by the pledge of a
4 firearm.
- 5 m. "Rifle" means any firearm designed to be fired from the
6 shoulder and using the energy of the explosive in a fixed metallic
7 cartridge to fire a single projectile through a rifled bore for each
8 single pull of the trigger.
- 9 n. "Shotgun" means any firearm designed to be fired from the
10 shoulder and using the energy of the explosive in a fixed shotgun
11 shell to fire through a smooth bore either a number of ball shots or a
12 single projectile for each pull of the trigger, or any firearm designed
13 to be fired from the shoulder which does not fire fixed ammunition.
- 14 o. "Sawed-off shotgun" means any shotgun having a barrel or
15 barrels of less than 18 inches in length measured from the breech to
16 the muzzle, or a rifle having a barrel or barrels of less than 16
17 inches in length measured from the breech to the muzzle, or any
18 firearm made from a rifle or a shotgun, whether by alteration, or
19 otherwise, if such firearm as modified has an overall length of less
20 than 26 inches.
- 21 p. "Switchblade knife" means any knife or similar device
22 which has a blade which opens automatically by hand pressure
23 applied to a button, spring or other device in the handle of the knife.
- 24 q. "Superintendent" means the Superintendent of the State
25 Police.
- 26 r. "Weapon" means anything readily capable of lethal use or of
27 inflicting serious bodily injury. The term includes, but is not
28 limited to, all (1) firearms, even though not loaded or lacking a clip
29 or other component to render them immediately operable; (2)
30 components which can be readily assembled into a weapon; (3)
31 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
32 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
33 sandclubs, slingshots, cesti or similar leather bands studded with
34 metal filings or razor blades imbedded in wood; and (4) stun guns;
35 and any weapon or other device which projects, releases, or emits
36 tear gas or any other substance intended to produce temporary
37 physical discomfort or permanent injury through being vaporized or
38 otherwise dispensed in the air.
- 39 s. "Wholesale dealer" means any person, except a
40 manufacturer, who sells, transfers, or assigns firearms, or parts of
41 firearms, to persons who are reasonably understood not to be the
42 ultimate consumers, and includes persons who receive finished
43 parts of firearms and assemble them into completed or partially
44 completed firearms, in furtherance of such purpose, except that it
45 shall not include those persons dealing exclusively in grips, stocks
46 and other nonmetal parts of firearms.

- 1 t. "Stun gun" means any weapon or other device which emits
2 an electrical charge or current intended to temporarily or
3 permanently disable a person.
- 4 u. "Ballistic knife" means any weapon or other device capable
5 of lethal use and which can propel a knife blade.
- 6 v. "Imitation firearm" means an object or device reasonably
7 capable of being mistaken for a firearm.
- 8 w. "Assault firearm" means:
- 9 (1) The following firearms:
- 10 Algimec AGM1 type
11 Any shotgun with a revolving cylinder such as the "Street
12 Sweeper" or "Striker 12"
13 Armalite AR-180 type
14 Australian Automatic Arms SAR
15 Avtomat Kalashnikov type semi-automatic firearms
16 Beretta AR-70 and BM59 semi-automatic firearms
17 Bushmaster Assault Rifle
18 Calico M-900 Assault carbine and M-900
19 CETME G3
20 Chartered Industries of Singapore SR-88 type
21 Colt AR-15 and CAR-15 series
22 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
23 Demro TAC-1 carbine type
24 Encom MP-9 and MP-45 carbine types
25 FAMAS MAS223 types
26 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
27 Franchi SPAS 12 and LAW 12 shotguns
28 G3SA type
29 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
30 Intratec TEC 9 and 22 semi-automatic firearms
31 M1 carbine type
32 M14S type
33 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
34 PJK M-68 carbine type
35 Plainfield Machine Company Carbine
36 Ruger K-Mini-14/5F and Mini-14/5RF
37 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
38 SKS with detachable magazine type
39 Spectre Auto carbine type
40 Springfield Armory BM59 and SAR-48 type
41 Sterling MK-6, MK-7 and SAR types
42 Steyr A.U.G. semi-automatic firearms
43 USAS 12 semi-automatic type shotgun
44 Uzi type semi-automatic firearms
45 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
46 Weaver Arm Nighthawk.
- 47 (2) Any firearm manufactured under any designation which is
48 substantially identical to any of the firearms listed above.

- 1 (3) A semi-automatic shotgun with either a magazine capacity
2 exceeding six rounds, a pistol grip, or a folding stock.
- 3 (4) A semi-automatic rifle with a fixed magazine capacity
4 exceeding 15 rounds.
- 5 (5) A part or combination of parts designed or intended to
6 convert a firearm into an assault firearm, or any combination of
7 parts from which an assault firearm may be readily assembled if
8 those parts are in the possession or under the control of the same
9 person.
- 10 (6) A firearm with a bump stock attached.
- 11 x. "Semi-automatic" means a firearm which fires a single
12 projectile for each single pull of the trigger and is self-reloading or
13 automatically chambers a round, cartridge, or bullet.
- 14 y. "Large capacity ammunition magazine" means a box, drum,
15 tube or other container which is capable of holding more than 15
16 rounds of ammunition to be fed continuously and directly therefrom
17 into a semi-automatic firearm.
- 18 z. "Pistol grip" means a well-defined handle, similar to that
19 found on a handgun, that protrudes conspicuously beneath the
20 action of the weapon, and which permits the shotgun to be held and
21 fired with one hand.
- 22 aa. "Antique handgun" means a handgun manufactured before
23 1898, or a replica thereof, which is recognized as being historical in
24 nature or of historical significance and either (1) utilizes a match,
25 friction, flint, or percussion ignition, or which utilizes a pin-fire
26 cartridge in which the pin is part of the cartridge or (2) does not fire
27 fixed ammunition or for which cartridge ammunition is not
28 commercially available.
- 29 bb. "Trigger lock" means a commercially available device
30 approved by the Superintendent of State Police which is operated
31 with a key or combination lock that prevents a firearm from being
32 discharged while the device is attached to the firearm. It may
33 include, but need not be limited to, devices that obstruct the barrel
34 or cylinder of the firearm, as well as devices that immobilize the
35 trigger.
- 36 cc. "Trigger locking device" means a device that, if installed on
37 a firearm and secured by means of a key or mechanically,
38 electronically or electromechanically operated combination lock,
39 prevents the firearm from being discharged without first
40 deactivating or removing the device by means of a key or
41 mechanically, electronically or electromechanically operated
42 combination lock.
- 43 dd. "Personalized handgun" means a handgun which
44 incorporates within its design, and as part of its original
45 manufacture, technology which automatically limits its operational
46 use and which cannot be readily deactivated, so that it may only be
47 fired by an authorized or recognized user. The technology limiting
48 the handgun's operational use may include, but not be limited to:

1 radio frequency tagging, touch memory, remote control, fingerprint,
2 magnetic encoding and other automatic user identification systems
3 utilizing biometric, mechanical or electronic systems. No make or
4 model of a handgun shall be deemed to be a "personalized handgun"
5 unless the Attorney General has determined, through testing or
6 other reasonable means, that the handgun meets any reliability
7 standards that the manufacturer may require for its commercially
8 available handguns that are not personalized or, if the manufacturer
9 has no such reliability standards, the handgun meets the reliability
10 standards generally used in the industry for commercially available
11 handguns.

12 ee. "Bump stock" means any device or instrument for a firearm
13 that increases the rate of fire achievable with the firearm by using
14 energy from the recoil of the firearm to generate a reciprocating
15 action that facilitates repeated activation of the trigger.

16 ff. "Trigger crank" means any device or instrument to be
17 attached to a firearm that repeatedly activates the trigger of the
18 firearm through the use of a lever or other part that is turned in a
19 circular motion; provided, however, the term shall not include any
20 weapon initially designed and manufactured to fire through the use
21 of a crank or lever.

22 gg. "Armor piercing ammunition" means: (1) a projectile or
23 projectile core which may be used in a handgun and is constructed
24 entirely, excluding the presence of traces of other substances, from
25 one or a combination of tungsten alloys, steel, iron, brass, bronze,
26 beryllium copper, or depleted uranium; or (2) a full jacketed
27 projectile larger than .22 caliber designed and intended for use in a
28 handgun and whose jacket has a weight of more than 25 percent of
29 the total weight of the projectile. "Armor piercing ammunition"
30 shall not include shotgun shot required by federal or State
31 environmental or game regulations for hunting purposes, a frangible
32 projectile designed for target shooting, a projectile which the United
33 States Attorney General finds is primarily intended to be used for
34 sporting purposes, or any other projectile or projectile core which
35 the United States Attorney General finds is intended to be used for
36 industrial purposes, including a charge used in an oil gas well
37 perforating device.

38 (cf: P.L.2017, c.323, s.1)

39

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

41 2C:39-3. Prohibited Weapons and Devices.

42 a. Destructive devices. Any person who knowingly has in his
43 possession any destructive device is guilty of a crime of the third
44 degree.

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

48 c. Silencers. Any person who knowingly has in his possession

1 any firearm silencer is guilty of a crime of the fourth degree.

2 d. Defaced firearms. Any person who knowingly has in his
3 possession any firearm which has been defaced, except an antique
4 firearm or an antique handgun, is guilty of a crime of the fourth
5 degree.

6 e. Certain weapons. Any person who knowingly has in his
7 possession any gravity knife, switchblade knife, dagger, dirk,
8 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
9 or similar leather band studded with metal filings or razor blades
10 imbedded in wood, ballistic knife, without any explainable lawful
11 purpose, is guilty of a crime of the fourth degree.

12 f. Dum-dum or **body** armor **penetrating bullets** piercing
13 ammunition. (1) Any person, other than a law enforcement officer
14 or persons engaged in activities pursuant to subsection f. of
15 N.J.S.2C:39-6, who knowingly has in his possession any hollow
16 nose or dum-dum bullet, or (2) any person, other than a collector of
17 firearms or ammunition as curios or relics as defined in Title 18,
18 United States Code, section 921 (a) (13) and has in his possession a
19 valid Collector of Curios and Relics License issued by the Bureau
20 of Alcohol, Tobacco **and** , Firearms, and Explosives who
21 knowingly has in his possession any **body** armor **breaching or**
22 **penetrating** piercing ammunition **,** which means: (a) ammunition
23 primarily designed for use in a handgun, and (b) which is comprised
24 of a bullet whose core or jacket, if the jacket is thicker than .025
25 of an inch, is made of tungsten carbide, or hard bronze, or other
26 material which is harder than a rating of 72 or greater on the
27 Rockwell B. Hardness Scale, and (c) is therefore capable of
28 breaching or penetrating body armor, **as defined in subsection gg.**
29 **of N.J.S.2C:39-1** is guilty of a crime of the fourth degree. For
30 purposes of this section, a collector may possess not more than
31 three examples of each distinctive variation of the ammunition
32 described above. A distinctive variation includes a different head
33 stamp, composition, design, or color.

34 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
35 or k. of this section shall apply to any member of the Armed Forces
36 of the United States or the National Guard, or except as otherwise
37 provided, to any law enforcement officer while actually on duty or
38 traveling to or from an authorized place of duty, provided that his
39 possession of the prohibited weapon or device has been duly
40 authorized under the applicable laws, regulations or military or law
41 enforcement orders. Nothing in subsection h. of this section shall
42 apply to any law enforcement officer who is exempted from the
43 provisions of that subsection by the Attorney General. Nothing in
44 this section shall apply to the possession of any weapon or device
45 by a law enforcement officer who has confiscated, seized or
46 otherwise taken possession of said weapon or device as evidence of
47 the commission of a crime or because he believed it to be possessed

1 illegally by the person from whom it was taken, provided that said
2 law enforcement officer promptly notifies his superiors of his
3 possession of such prohibited weapon or device.

4 (2) a. Nothing in subsection f. (1) shall be construed to prevent
5 a person from keeping such ammunition at his dwelling, premises
6 or other land owned or possessed by him, or from carrying such
7 ammunition from the place of purchase to said dwelling or land, nor
8 shall subsection f. (1) be construed to prevent any licensed retail or
9 wholesale firearms dealer from possessing such ammunition at its
10 licensed premises, provided that the seller of any such ammunition
11 shall maintain a record of the name, age and place of residence of
12 any purchaser who is not a licensed dealer, together with the date of
13 sale and quantity of ammunition sold.

14 b. Nothing in subsection f. (1) shall be construed to prevent a
15 designated employee or designated licensed agent for a nuclear
16 power plant under the license of the Nuclear Regulatory
17 Commission from possessing hollow nose ammunition while in the
18 actual performance of his official duties, if the federal licensee
19 certifies that the designated employee or designated licensed agent
20 is assigned to perform site protection, guard, armed response or
21 armed escort duties and is appropriately trained and qualified, as
22 prescribed by federal regulation, to perform those duties.

23 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
24 shall be construed to prevent any licensed retail or wholesale
25 firearms dealer from possessing that ammunition or large capacity
26 ammunition magazine at its licensed premises for sale or disposition
27 to another licensed dealer, the Armed Forces of the United States or
28 the National Guard, or to a law enforcement agency, provided that
29 the seller maintains a record of any sale or disposition to a law
30 enforcement agency. The record shall include the name of the
31 purchasing agency, together with written authorization of the chief
32 of police or highest ranking official of the agency, the name and
33 rank of the purchasing law enforcement officer, if applicable, and
34 the date, time and amount of ammunition sold or otherwise
35 disposed. A copy of this record shall be forwarded by the seller to
36 the Superintendent of the Division of State Police within 48 hours
37 of the sale or disposition.

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

41 (5) Nothing in subsection c. of this section shall be construed to
42 apply to any person who is specifically identified in a special deer
43 management permit issued by the Division of Fish and Wildlife to
44 utilize a firearm silencer as part of an alternative deer control
45 method implemented in accordance with a special deer management
46 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
47 while the person is in the actual performance of the permitted
48 alternative deer control method and while going to and from the

1 place where the permitted alternative deer control method is being
2 utilized. This exception shall not, however, otherwise apply to any
3 person to authorize the purchase or possession of a firearm silencer.

4 h. Stun guns. Any person who knowingly has in his possession
5 any stun gun is guilty of a crime of the fourth degree.

6 i. Nothing in subsection e. of this section shall be construed to
7 prevent any guard in the employ of a private security company, who
8 is licensed to carry a firearm, from the possession of a nightstick
9 when in the actual performance of his official duties, provided that
10 he has satisfactorily completed a training course approved by the
11 Police Training Commission in the use of a nightstick.

12 j. Any person who knowingly has in his possession a large
13 capacity ammunition magazine is guilty of a crime of the fourth
14 degree unless the person has registered an assault firearm pursuant
15 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
16 maintained and used in connection with participation in competitive
17 shooting matches sanctioned by the Director of Civilian
18 Marksmanship of the United States Department of the Army.

19 k. Handcuffs. Any person who knowingly has in his
20 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
21 under circumstances not manifestly appropriate for such lawful uses
22 as handcuffs may have, is guilty of a disorderly persons offense. A
23 law enforcement officer shall confiscate handcuffs possessed in
24 violation of the law.

25 l. Bump stock or trigger crank. Any person who knowingly
26 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
27 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
28 regardless of whether the person is in possession of a firearm, is
29 guilty of a crime of the third degree.

30 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
31 provision of law, a conviction arising out of this subsection shall
32 not merge with a conviction for possessing an assault firearm in
33 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
34 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
35 shall be imposed upon each conviction. Notwithstanding the
36 provisions of N.J.S.2C:44-5 or any other provisions of law, the
37 sentence imposed pursuant to this subsection shall be served
38 consecutively to that imposed for unlawfully possessing an assault
39 firearm in violation of subsection f. of N.J.S.2C:39-5.

40 (cf: P.L.2017, c.323, s.2)

41
42 3. N.J.S.2C:39-9 is amended to read as follows:

43 2C:39-9. Manufacture, Transport, Disposition and Defacement
44 of Weapons and Dangerous Instruments and Appliances. a. Machine
45 guns. Any person who manufactures, causes to be manufactured,
46 transports, ships, sells or disposes of any machine gun without
47 being registered or licensed to do so as provided in chapter 58 is
48 guilty of a crime of the third degree.

- 1 b. Sawed-off shotguns. Any person who manufactures, causes
2 to be manufactured, transports, ships, sells or disposes of any
3 sawed-off shotgun is guilty of a crime of the third degree.
- 4 c. Firearm silencers. Any person who manufactures, causes to
5 be manufactured, transports, ships, sells or disposes of any firearm
6 silencer is guilty of a crime of the fourth degree.
- 7 d. Weapons. Any person who manufactures, causes to be
8 manufactured, transports, ships, sells or disposes of any weapon,
9 including gravity knives, switchblade knives, ballistic knives,
10 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
11 sandclubs, slingshots, cesti or similar leather bands studded with
12 metal filings, or, except as otherwise provided in subsection i. of
13 this section, in the case of firearms if he is not licensed or registered
14 to do so as provided in chapter 58, is guilty of a crime of the fourth
15 degree. Any person who manufactures, causes to be manufactured,
16 transports, ships, sells or disposes of any weapon or other device
17 which projects, releases or emits tear gas or other substances
18 intended to produce temporary physical discomfort or permanent
19 injury through being vaporized or otherwise dispensed in the air,
20 which is intended to be used for any purpose other than for
21 authorized military or law enforcement purposes by duly authorized
22 military or law enforcement personnel or the device is for the
23 purpose of personal self-defense, is pocket-sized and contains not
24 more than three-quarters of an ounce of chemical substance not
25 ordinarily capable of lethal use or of inflicting serious bodily injury,
26 or other than to be used by any person permitted to possess such
27 weapon or device under the provisions of subsection d. of
28 N.J.S.2C:39-5, which is intended for use by financial and other
29 business institutions as part of an integrated security system, placed
30 at fixed locations, for the protection of money and property, by the
31 duly authorized personnel of those institutions, is guilty of a crime
32 of the fourth degree.
- 33 e. Defaced firearms. Any person who defaces any firearm is
34 guilty of a crime of the third degree. Any person who knowingly
35 buys, receives, disposes of or conceals a defaced firearm, except an
36 antique firearm or an antique handgun, is guilty of a crime of the
37 fourth degree.
- 38 f. (1) Any person who manufactures, causes to be
39 manufactured, transports, ships, sells, or disposes of any **】**bullet,
40 which is primarily designed for use in a handgun, and which is
41 comprised of a bullet whose core or jacket, if the jacket is thicker
42 than .025 of an inch, is made of tungsten carbide, or hard bronze, or
43 other material which is harder than a rating of 72 or greater on the
44 Rockwell B. Hardness Scale, and is therefore capable of breaching
45 or penetrating body armor and **】** armor piercing ammunition as
46 defined in subsection gg. of N.J.S.2C:39-1 which is intended to be
47 used for any purpose other than for authorized military or law

1 enforcement purposes by duly authorized military or law
2 enforcement personnel, is guilty of a crime of the fourth degree.

3 (2) Nothing in this subsection shall be construed to prevent a
4 licensed collector of ammunition as defined in paragraph (2) of
5 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined
6 in paragraph (1) of this subsection from (a) any licensed retail or
7 wholesale firearms dealer's place of business to the collector's
8 dwelling, premises, or other land owned or possessed by him, or (b)
9 to or from the collector's dwelling, premises or other land owned or
10 possessed by him to any gun show for the purposes of display, sale,
11 trade, or transfer between collectors, or (c) to or from the collector's
12 dwelling, premises or other land owned or possessed by him to any
13 rifle or pistol club organized in accordance with the rules prescribed
14 by the National Board for the Promotion of Rifle Practice; provided
15 that the club has filed a copy of its charter with the superintendent
16 of the State Police and annually submits a list of its members to the
17 superintendent, and provided further that the ammunition being
18 transported shall be carried not loaded in any firearm and contained
19 in a closed and fastened case, gun box, or locked in the trunk of the
20 automobile in which it is being transported, and the course of travel
21 shall include only such deviations as are reasonably necessary under
22 the circumstances.

23 g. Assault firearms. Any person who manufactures, causes to
24 be manufactured, transports, ships, sells or disposes of an assault
25 firearm without being registered or licensed to do so pursuant to
26 N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

27 h. Large capacity ammunition magazines. Any person who
28 manufactures, causes to be manufactured, transports, ships, sells or
29 disposes of a large capacity ammunition magazine which is
30 intended to be used for any purpose other than for authorized
31 military or law enforcement purposes by duly authorized military or
32 law enforcement personnel is guilty of a crime of the fourth degree.

33 i. Transporting firearms into this State for an unlawful sale or
34 transfer. Any person who knowingly transports, ships or otherwise
35 brings into this State any firearm for the purpose of unlawfully
36 selling, transferring, giving, assigning or otherwise disposing of that
37 firearm to another individual is guilty of a crime of the second
38 degree. Any motor vehicle used by a person to transport, ship, or
39 otherwise bring a firearm into this State for unlawful sale or transfer
40 shall be subject to forfeiture in accordance with the provisions of
41 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision
42 shall not apply to innocent owners, nor shall it affect the rights of a
43 holder of a valid lien.

44 The temporary transfer of a firearm shall not constitute a
45 violation of this subsection if that firearm is transferred:

46 (1) while hunting or target shooting in accordance with the
47 provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

1 (2) for shooting competitions sponsored by a licensed dealer,
2 law enforcement agency, legally recognized military organization,
3 or a rifle or pistol club which has filed a copy of its charter with the
4 superintendent in accordance with the provisions of section 1 of
5 P.L.1992, c.74 (C.2C:58-3.1); or

6 (3) for participation in a training course conducted by a certified
7 instructor in accordance with the provisions of section 1 of
8 P.L.1997, c.375 (C.2C:58-3.2).

9 The transfer of any firearm that uses air or carbon dioxide to
10 expel a projectile; or the transfer of an antique firearm shall not
11 constitute a violation of this subsection.

12 j. Any person who manufactures, causes to be manufactured,
13 transports, ships, sells, or disposes of a bump stock as defined in
14 subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in
15 subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third
16 degree.

17 (cf: P.L.2017, c.323, s.3)

18

19 4. This act shall take effect immediately.

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23

24 _____
Adopts federal definition of armor piercing ammunition.

ASSEMBLY, No. 2759

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblymen Caputo and Eustace

SYNOPSIS

Prohibits possession of ammunition capable of penetrating body armor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2018)

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-
2 3.

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:39-3 is amended to read as follows:

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

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

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

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk,
23 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
24 or similar leather band studded with metal filings or razor blades
25 imbedded in wood, ballistic knife, without any explainable lawful
26 purpose, is guilty of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any
28 person, other than a law enforcement officer or persons engaged in
29 activities pursuant to subsection f. of N.J.S.2C:39-6, who
30 knowingly has in his possession any hollow nose or dum-dum
31 bullet, or (2) any person, other than a collector of firearms or
32 ammunition as curios or relics as defined in Title 18, United States
33 Code, section 921 (a) (13) and has in his possession a valid
34 Collector of Curios and Relics License issued by the Bureau of
35 Alcohol, Tobacco and Firearms, who knowingly has in his
36 possession any body armor breaching or penetrating ammunition,
37 which means: (a) ammunition primarily designed for use in a
38 handgun, and (b) which is comprised of a bullet whose core or
39 jacket, if the jacket is thicker than .025 of an inch, is made of
40 tungsten carbide, or hard bronze, or other material which is harder
41 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
42 and (c) is therefore capable of breaching or penetrating body armor,
43 or (3) any person, other than a law enforcement officer, who
44 knowingly has in his possession handgun ammunition which has a
45 full metal jacket and an ogive with a steel penetrator tip followed by

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

Matter underlined thus is new matter.

1 an aluminum core and is therefore capable of breaching or
2 penetrating body armor is guilty of a crime of the fourth degree.
3 For purposes of this section, a collector may possess not more than
4 three examples of each distinctive variation of the ammunition
5 described above. A distinctive variation includes a different head
6 stamp, composition, design, or color.

7 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
8 or k. of this section shall apply to any member of the Armed Forces
9 of the United States or the National Guard, or except as otherwise
10 provided, to any law enforcement officer while actually on duty or
11 traveling to or from an authorized place of duty, provided that his
12 possession of the prohibited weapon or device has been duly
13 authorized under the applicable laws, regulations or military or law
14 enforcement orders. Nothing in subsection h. of this section shall
15 apply to any law enforcement officer who is exempted from the
16 provisions of that subsection by the Attorney General. Nothing in
17 this section shall apply to the possession of any weapon or device
18 by a law enforcement officer who has confiscated, seized or
19 otherwise taken possession of said weapon or device as evidence of
20 the commission of a crime or because he believed it to be possessed
21 illegally by the person from whom it was taken, provided that said
22 law enforcement officer promptly notifies his superiors of his
23 possession of such prohibited weapon or device.

24 (2) a. Nothing in subsection f. (1) shall be construed to prevent
25 a person from keeping such ammunition at his dwelling, premises
26 or other land owned or possessed by him, or from carrying such
27 ammunition from the place of purchase to said dwelling or land, nor
28 shall subsection f. (1) be construed to prevent any licensed retail or
29 wholesale firearms dealer from possessing such ammunition at its
30 licensed premises, provided that the seller of any such ammunition
31 shall maintain a record of the name, age and place of residence of
32 any purchaser who is not a licensed dealer, together with the date of
33 sale and quantity of ammunition sold.

34 b. Nothing in subsection f. (1) shall be construed to prevent a
35 designated employee or designated licensed agent for a nuclear
36 power plant under the license of the Nuclear Regulatory
37 Commission from possessing hollow nose ammunition while in the
38 actual performance of his official duties, if the federal licensee
39 certifies that the designated employee or designated licensed agent
40 is assigned to perform site protection, guard, armed response or
41 armed escort duties and is appropriately trained and qualified, as
42 prescribed by federal regulation, to perform those duties.

43 (3) Nothing in paragraph (2) or (3) of subsection f. or in
44 subsection j. shall be construed to prevent any licensed retail or
45 wholesale firearms dealer from possessing that ammunition or large
46 capacity ammunition magazine at its licensed premises for sale or
47 disposition to another licensed dealer, the Armed Forces of the
48 United States or the National Guard, or to a law enforcement

1 agency, provided that the seller maintains a record of any sale or
2 disposition to a law enforcement agency. The record shall include
3 the name of the purchasing agency, together with written
4 authorization of the chief of police or highest ranking official of the
5 agency, the name and rank of the purchasing law enforcement
6 officer, if applicable, and the date, time and amount of ammunition
7 sold or otherwise disposed. A copy of this record shall be forwarded
8 by the seller to the Superintendent of the Division of State Police
9 within 48 hours of the sale or disposition.

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

13 (5) Nothing in subsection c. of this section shall be construed to
14 apply to any person who is specifically identified in a special deer
15 management permit issued by the Division of Fish and Wildlife to
16 utilize a firearm silencer as part of an alternative deer control
17 method implemented in accordance with a special deer management
18 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
19 while the person is in the actual performance of the permitted
20 alternative deer control method and while going to and from the
21 place where the permitted alternative deer control method is being
22 utilized. This exception shall not, however, otherwise apply to any
23 person to authorize the purchase or possession of a firearm silencer.

24 h. Stun guns. Any person who knowingly has in his possession
25 any stun gun is guilty of a crime of the fourth degree.

26 i. Nothing in subsection e. of this section shall be construed to
27 prevent any guard in the employ of a private security company, who
28 is licensed to carry a firearm, from the possession of a nightstick
29 when in the actual performance of his official duties, provided that
30 he has satisfactorily completed a training course approved by the
31 Police Training Commission in the use of a nightstick.

32 j. Any person who knowingly has in his possession a large
33 capacity ammunition magazine is guilty of a crime of the fourth
34 degree unless the person has registered an assault firearm pursuant
35 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
36 maintained and used in connection with participation in competitive
37 shooting matches sanctioned by the Director of Civilian
38 Marksmanship of the United States Department of the Army.

39 k. Handcuffs. Any person who knowingly has in his
40 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
41 under circumstances not manifestly appropriate for such lawful uses
42 as handcuffs may have, is guilty of a disorderly persons offense. A
43 law enforcement officer shall confiscate handcuffs possessed in
44 violation of the law.

45 (cf: P.L.2003, c.168, s.1)

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47 2. This act shall take effect immediately.

STATEMENT

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This bill makes it a crime of the fourth degree to possess a new generation of handgun ammunition which poses a special threat to the law enforcement community because it has the capacity to breach or penetrate body armor.

Under current federal and State law, the possession of hollow nose or dum-dum bullets is prohibited, as is the possession of bullets which are Teflon-coated or which have specially hardened metal jackets or cores.

Police officers have encountered a new and highly destructive bullet. The SS190AP ammunition for the Five-seveN Tactical handgun is uniquely designed. It is a full metal jacketed bullet, but utilizes two metal inserts. The tip of the bullet has a steel penetrator which is followed by an aluminum core. The weight relationship between the two metals causes the bullet to tumble in soft body tissue, resulting in massive and, in many instances, deadly wounds.

But it is not just the substantial body trauma these bullets can cause that makes them a special threat to the law enforcement community. When fired from the Five-seveN handgun, the SS190AP bullet can penetrate 48 layers of Kevlar, the protective material used to make many types of body armor.

This bill prohibits individuals, other than law enforcement officers or other statutorily exempted parties, such as members of the Armed Forces of the United States and licensed dealers who sell these type of ammunition to the military or law enforcement agencies, from legally possessing ammunition designed and constructed like the SS190AP bullet that can penetrate body armor. Violators would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000; imprisonment for a term of not more than 18 months; or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2759

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2018

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2759.

As amended and reported by the committee, Assembly Bill No. 2759 makes it a crime of the fourth degree to possess a new generation of handgun ammunition which poses a special threat to the law enforcement community because it has the capacity to breach or penetrate body armor.

Under current federal and State law, the possession of hollow nose or dum-dum bullets is prohibited, as is the possession of bullets which are Teflon-coated or which have specially hardened metal jackets or cores.

Police officers have encountered a new and highly destructive bullet. The SS190AP ammunition for the Five-seveN Tactical handgun is uniquely designed. It is a full metal jacketed bullet, but utilizes two metal inserts. The tip of the bullet has a steel penetrator which is followed by an aluminum core. The weight relationship between the two metals causes the bullet to tumble in soft body tissue, resulting in massive and, in many instances, deadly wounds.

But it is not just the substantial body trauma these bullets can cause that makes them a special threat to the law enforcement community. When fired from the Five-seveN handgun, the SS190AP bullet can penetrate 48 layers of Kevlar, the protective material used to make many types of body armor.

This amended bill prohibits individuals, other than law enforcement officers or other statutorily exempted parties such as members of the Armed Forces of the United States and licensed dealers who sell these types of ammunition to military or law enforcement agencies, from legally possessing ammunition designed and constructed like the SS190AP bullet that can penetrate body armor. Violators would be guilty of a crime of the fourth degree, which is punishable by a fine of not more than \$10,000, imprisonment for a term of not more than 18 months, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to make a technical correction to update a provision of the bill to reflect the changes made pursuant to P.L.2017, c.323.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2759

STATE OF NEW JERSEY

DATED: MARCH 22, 2018

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2759.

This Assembly Committee Substitute adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree. Currently, under N.J.S.2C:39-3, "body armor breaching or penetrating ammunition" is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The committee substitute revises the definition of "armor piercing ammunition" to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile. Under the committee substitute, the definition of "armor piercing ammunition," would not include a shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

A person in possession of armor piercing ammunition would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000; imprisonment for a term of not more than 18 months; or both.

FISCAL IMPACT:

The Office of Legislative Services anticipates that State, county, and municipal government law enforcement agencies, prosecutor's

offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders.

The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by the bill. The OLS lacks sufficient information to quantify the bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession of body armor penetrating handgun ammunition following enactment.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2759

STATE OF NEW JERSEY

DATED: APRIL 16, 2018

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2759 ACS.

As reported by the committee, this bill adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree.

Under current law, “body armor breaching or penetrating ammunition” is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The committee substitute revises the definition of “armor piercing ammunition” to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

Under the committee substitute, the definition of “armor piercing ammunition,” would not include a shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

The committee substitute provides that a person who possesses or manufactures armor piercing ammunition is guilty of a fourth degree crime. A fourth degree crime is punishable by a fine of up to \$10,000, imprisonment of up to 18 months, or both.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 2759 is identical to the Senate Committee Substitute for Senate Bill No. 2245, which was also reported by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2759
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: MAY 7, 2018

SUMMARY

Synopsis: Prohibits possession of armor piercing ammunition.

Types of Impact: Annual State and Local Government Expenditure Increases.
Annual State Revenue Increase.

Agencies Affected: Department of Law and Public Safety.
Administrative Office of the Courts.
Office of the Public Defender.
Department of Corrections.
County and Municipal Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs and Revenue		Indeterminate	
Annual Increase in Local Costs		Indeterminate	

- The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor’s offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this bill.
- The OLS lacks sufficient information to quantify the bill’s fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.



BILL DESCRIPTION

This bill prohibits the possession of armor piercing ammunition. Exempt from the prohibition are law enforcement officers and other statutorily exempted persons, such as members of the Armed Forces of the United States and licensed dealers who sell these types of ammunition to military or law enforcement agencies.

This bill makes it a crime of the fourth degree to possess or manufacture the prohibited ammunition. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of not more than 18 months, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders. The State also may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this bill.

However, the OLS lacks sufficient information to quantify the bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.

Expenditure Increases: The OLS estimates that the bill will produce indeterminate annual expenditure increases to the State, counties, and municipalities.

The bill's establishment of a new crime of the fourth degree will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, the Office of the Public Defender, and municipal courts, as additional defendants will be prosecuted and tried. After initial arraignment, crimes of the fourth degree are adjudicated by the Superior Court.

A presumption of non-incarceration applies to first-time offenders of crimes of the fourth degree. Repeat offenders, however, could be incarcerated. The OLS notes that to the extent that the bill will result in additional incarcerations, the Department of Corrections has indicated that the average estimated per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$45,000. Department data also indicate that the marginal cost for food, wages and clothing for an additional prison inmate in its facilities totaled \$7.15 per day, or \$2,610 annually.

The OLS, however, cannot project the number of future prosecutions, trials, and incarcerations related to the crime established by the bill.

Revenue Gains: In establishing the new fourth degree crime, the bill creates the potential for recurring State revenue gains as convictions of fourth degree crimes result in a criminal fine of up to \$10,000. Given the lack of information regarding the number of future convictions of

the new fourth degree crime established by the bill, the OLS cannot project the annual amount of related penalty assessments and collections.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2759

STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2759 (ACS).

This bill adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree.

The substitute bill revises the definition of “armor piercing ammunition” to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

Under the substitute bill, the definition of “armor piercing ammunition,” does not include a shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

In contrast, under current law, “body armor breaching or penetrating ammunition” is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The substitute bill provides that a person who possesses or manufactures armor piercing ammunition is guilty of a fourth degree crime. A fourth degree crime is punishable by a fine of up to \$10,000, imprisonment of up to 18 months, or both.

As reported, this bill is identical to Senate Bill No. 2245 (SCS), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the substitute bill, and incarcerating any offenders.

The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this substitute bill.

The OLS lacks sufficient information to quantify the substitute bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.

SENATE, No. 2245

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 8, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

Prohibits possession of ammunition capable of penetrating body armor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/13/2018)

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-
2 3.

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:39-3 is amended to read as follows:

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

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

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

18 d. Defaced firearms. Any person who knowingly has in his
19 possession any firearm which has been defaced, except an antique
20 firearm or an antique handgun, is guilty of a crime of the fourth
21 degree.

22 e. Certain weapons. Any person who knowingly has in his
23 possession any gravity knife, switchblade knife, dagger, dirk,
24 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus,
25 or similar leather band studded with metal filings or razor blades
26 imbedded in wood, ballistic knife, without any explainable lawful
27 purpose, is guilty of a crime of the fourth degree.

28 f. Dum-dum or body armor penetrating bullets. (1) Any
29 person, other than a law enforcement officer or persons engaged in
30 activities pursuant to subsection f. of N.J.S.2C:39-6, who
31 knowingly has in his possession any hollow nose or dum-dum
32 bullet, or (2) any person, other than a collector of firearms or
33 ammunition as curios or relics as defined in **【Title 18, United States**
34 **Code, section 921 (a) (13)】** 18 U.S.C. s.921 (a)(13) and has in his
35 possession a valid Collector of Curios and Relics License issued by
36 the Bureau of Alcohol, Tobacco **【and】** Firearms**【,】** and Explosives
37 who knowingly has in his possession any body armor breaching or
38 penetrating ammunition, which means: (a) ammunition primarily
39 designed for use in a handgun, and (b) which is comprised of a
40 bullet whose core or jacket, if the jacket is thicker than .025 of an
41 inch, is made of tungsten carbide, or hard bronze, or other material
42 which is harder than a rating of 72 or greater on the Rockwell B.
43 Hardness Scale, and (c) is therefore capable of breaching or
44 penetrating body armor, or (3) any person, other than a law

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

Matter underlined thus is new matter.

1 enforcement officer, who knowingly has in his possession handgun
2 ammunition which has a full metal jacket and an ogive with a steel
3 penetrator tip followed by an aluminum core and is therefore
4 capable of breaching or penetrating body armor is guilty of a crime
5 of the fourth degree. For purposes of **【this section】** paragraph (2)
6 of this subsection, a collector may possess not more than three
7 examples of each distinctive variation of the ammunition described
8 above. A distinctive variation includes a different head stamp,
9 composition, design, or color.

10 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.,
11 or k. of this section shall apply to any member of the Armed Forces
12 of the United States or the National Guard, or except as otherwise
13 provided, to any law enforcement officer while actually on duty or
14 traveling to or from an authorized place of duty, provided that his
15 possession of the prohibited weapon or device has been duly
16 authorized under the applicable laws, regulations or military or law
17 enforcement orders. Nothing in subsection h. of this section shall
18 apply to any law enforcement officer who is exempted from the
19 provisions of that subsection by the Attorney General. Nothing in
20 this section shall apply to the possession of any weapon or device
21 by a law enforcement officer who has confiscated, seized or
22 otherwise taken possession of **【said】** the weapon or device as
23 evidence of the commission of a crime or because he believed it to
24 be possessed illegally by the person from whom it was taken,
25 provided that **【said】** the law enforcement officer promptly notifies
26 his superiors of his possession of **【such】** the prohibited weapon or
27 device.

28 (2) a. Nothing in paragraph (1) of subsection f. **【(1)】** shall be
29 construed to prevent a person from keeping **【such】** that ammunition
30 at his dwelling, premises or other land owned or possessed by him,
31 or from carrying **【such】** that ammunition from the place of
32 purchase to **【said】** that dwelling or land, nor shall paragraph (1) of
33 subsection f. **【(1)】** be construed to prevent any licensed retail or
34 wholesale firearms dealer from possessing **【such】** that ammunition
35 at its licensed premises, provided that the seller of **【any such】** that
36 ammunition shall maintain a record of the name, age, and place of
37 residence of any purchaser who is not a licensed dealer, together
38 with the date of sale and quantity of ammunition sold.

39 b. Nothing in paragraph (1) of subsection f. **【(1)】** shall be
40 construed to prevent a designated employee or designated licensed
41 agent for a nuclear power plant under the license of the Nuclear
42 Regulatory Commission from possessing hollow nose ammunition
43 while in the actual performance of his official duties, if the federal
44 licensee certifies that the designated employee or designated
45 licensed agent is assigned to perform site protection, guard, armed
46 response, or armed escort duties and is appropriately trained and
47 qualified, as prescribed by federal regulation, to perform those

1 duties.

2 (3) Nothing in paragraph (2) or (3) of subsection f. or in
3 subsection j. shall be construed to prevent any licensed retail or
4 wholesale firearms dealer from possessing that ammunition or large
5 capacity ammunition magazine at its licensed premises for sale or
6 disposition to another licensed dealer, the Armed Forces of the
7 United States or the National Guard, or to a law enforcement
8 agency, provided that the seller maintains a record of any sale or
9 disposition to a law enforcement agency. The record shall include
10 the name of the purchasing agency, together with written
11 authorization of the chief of police or highest ranking official of the
12 agency, the name and rank of the purchasing law enforcement
13 officer, if applicable, and the date, time, and amount of ammunition
14 sold or otherwise disposed. A copy of this record shall be forwarded
15 by the seller to the Superintendent of the Division of State Police
16 within 48 hours of the sale or disposition.

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

20 (5) Nothing in subsection c. of this section shall be construed to
21 apply to any person who is specifically identified in a special deer
22 management permit issued by the Division of Fish and Wildlife to
23 utilize a firearm silencer as part of an alternative deer control
24 method implemented in accordance with a special deer management
25 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
26 while the person is in the actual performance of the permitted
27 alternative deer control method and while going to and from the
28 place where the permitted alternative deer control method is being
29 utilized. This exception shall not, however, otherwise apply to any
30 person to authorize the purchase or possession of a firearm silencer.

31 h. Stun guns. Any person who knowingly has in his possession
32 any stun gun is guilty of a crime of the fourth degree.

33 i. Nothing in subsection e. of this section shall be construed to
34 prevent any guard in the employ of a private security company, who
35 is licensed to carry a firearm, from the possession of a nightstick
36 when in the actual performance of his official duties, provided that
37 he has satisfactorily completed a training course approved by the
38 Police Training Commission in the use of a nightstick.

39 j. Any person who knowingly has in his possession a large
40 capacity ammunition magazine is guilty of a crime of the fourth
41 degree unless the person has registered an assault firearm pursuant
42 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
43 maintained and used in connection with participation in competitive
44 shooting matches sanctioned by the Director of Civilian
45 Marksmanship of the United States Department of the Army.

46 k. Handcuffs. Any person who knowingly has in his
47 possession handcuffs as defined in section 2 of P.L.1991, c.437
48 (C.2C:39-9.2), under circumstances not manifestly appropriate for

1 **[such]** lawful uses as handcuffs may have, is guilty of a disorderly
2 persons offense. A law enforcement officer shall confiscate
3 handcuffs possessed in violation of the law.

4 1. Bump stock or trigger crank. Any person who knowingly
5 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
6 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
7 regardless of whether the person is in possession of a firearm, is
8 guilty of a crime of the third degree.

9 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
10 provision of law, a conviction arising out of this subsection shall
11 not merge with a conviction for possessing an assault firearm in
12 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
13 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
14 shall be imposed upon each conviction. Notwithstanding the
15 provisions of N.J.S.2C:44-5 or any other provisions of law, the
16 sentence imposed pursuant to this subsection shall be served
17 consecutively to that imposed for unlawfully possessing an assault
18 firearm in violation of subsection f. of N.J.S.2C:39-5.

19 (cf: P.L.2017, c.323, s.2)

20

21 2. This act shall take effect immediately.

22

23

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STATEMENT

25

26 This bill makes it a fourth degree crime to possess a new
27 generation of handgun ammunition which poses a special threat to the
28 law enforcement community as it has the capacity to breach or
29 penetrate body armor.

30 Under current federal and State law, the possession of hollow nose
31 or dum-dum bullets is prohibited, as is the possession of bullets which
32 are Teflon-coated or which have specially hardened metal jackets or
33 cores.

34 Police officers have encountered a new and highly destructive
35 bullet. The SS190AP ammunition for the Five-seven Tactical handgun
36 is uniquely designed. It is a full metal jacketed bullet, but utilizes two
37 metal inserts. The tip of the bullet has a steel penetrator which is
38 followed by an aluminum core. The weight relationship between the
39 two metals causes the bullet to tumble in soft body tissue, resulting in
40 massive and, in many instances, deadly wounds.

41 In addition to the substantial body trauma these bullets can cause,
42 they are a special threat to the law enforcement community because
43 when the SS190AP bullet is fired from the Five-seven handgun, it can
44 penetrate 48 layers of Kevlar, the protective material used to make
45 many types of body armor.

46 This bill prohibits individuals, other than law enforcement officers
47 or other statutorily exempted parties, such as members of the Armed
48 Forces of the United States and licensed dealers who sell these types of

S2245 MADDEN, GREENSTEIN

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1 ammunition to the military or law enforcement agencies, from legally
2 possessing ammunition designed and constructed like the SS190AP
3 bullet that can penetrate body armor.

4 A person who violates this provision is guilty of a fourth degree
5 crime, which is punishable by imprisonment of up to 18 months, a fine
6 of up to \$10,000, or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 2245

STATE OF NEW JERSEY

DATED: APRIL 16, 2018

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2245.

As reported by the committee, this committee substitute adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree.

Under current law, “body armor breaching or penetrating ammunition” is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The committee substitute revises the definition of “armor piercing ammunition” to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

Under the committee substitute, the definition of “armor piercing ammunition,” would not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

The committee substitute provides that a person who possesses or manufactures armor piercing ammunition is guilty of a fourth degree crime. A fourth degree crime is punishable by a fine of up to \$10,000, imprisonment of up to 18 months, or both.

As reported by the committee, the Senate Committee Substitute for Senate Bill No. 2245 is identical to the Assembly Committee Substitute for Assembly Bill No. 2759, which also was reported by the committee on this same date.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2245
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: MAY 7, 2018

SUMMARY

- Synopsis:** Prohibits possession of armor piercing ammunition.
- Types of Impact:** Annual State and Local Government Expenditure Increases.
Annual State Revenue Increase.
- Agencies Affected:** Department of Law and Public Safety.
Administrative Office of the Courts.
Office of the Public Defender.
Department of Corrections.
County and Municipal Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs and Revenue		Indeterminate	
Annual Increase in Local Costs		Indeterminate	

- The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor’s offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this bill.
- The OLS lacks sufficient information to quantify the bill’s fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.

BILL DESCRIPTION

This bill prohibits the possession of armor piercing ammunition. Exempt from the prohibition are law enforcement officers and other statutorily exempted persons, such as



members of the Armed Forces of the United States and licensed dealers who sell these types of ammunition to military or law enforcement agencies.

This bill makes it a crime of the fourth degree to possess or manufacture the prohibited ammunition. A crime of the fourth degree is punishable by a fine of not more than \$10,000, imprisonment for a term of not more than 18 months, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders. The State also may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this bill.

However, the OLS lacks sufficient information to quantify the bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.

Expenditure Increases: The OLS estimates that the bill will produce indeterminate annual expenditure increases to the State, counties, and municipalities.

The bill's establishment of a new crime of the fourth degree will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, the Office of the Public Defender, and municipal courts, as additional defendants will be prosecuted and tried. After initial arraignment, crimes of the fourth degree are adjudicated by the Superior Court.

A presumption of non-incarceration applies to first-time offenders of crimes of the fourth degree. Repeat offenders, however, could be incarcerated. The OLS notes that to the extent that the bill will result in additional incarcerations, the Department of Corrections has indicated that the average estimated per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$45,000. Department data also indicate that the marginal cost for food, wages and clothing for an additional prison inmate in its facilities totaled \$7.15 per day, or \$2,610 annually.

The OLS, however, cannot project the number of future prosecutions, trials, and incarcerations related to the crime established by the bill.

Revenue Gains: In establishing the new fourth degree crime, the bill creates the potential for recurring State revenue gains as convictions of fourth degree crimes result in a criminal fine of up to \$10,000. Given the lack of information regarding the number of future convictions of the new fourth degree crime established by the bill, the OLS cannot project the annual amount of related penalty assessments and collections.

FE to SCS for S2245

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Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2245**

STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2245 (SCS).

This bill adopts the federal definition of armor piercing ammunition and clarifies that possession or manufacture of this ammunition is a crime of the fourth degree.

The substitute bill revises the definition of “armor piercing ammunition” to mean: (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or (2) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

Under the substitute bill, the definition of “armor piercing ammunition,” does not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device.

In contrast, under current law, “body armor breaching or penetrating ammunition” is defined as: (1) ammunition primarily designed for use in a handgun; (2) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale; and (3) is therefore capable of breaching or penetrating body armor.

The substitute bill provides that a person who possesses or manufactures armor piercing ammunition is guilty of a fourth degree crime. A fourth degree crime is punishable by a fine of up to \$10,000, imprisonment of up to 18 months, or both.

As reported, this bill is identical to Assembly Bill No. 2759 (ACS), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the substitute bill, and incarcerating any offenders.

The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the offense established by this substitute bill.

The OLS lacks sufficient information to quantify the substitute bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession or manufacture of armor piercing ammunition following enactment.



Newark, N.J.

Governor Murphy Toughens New Jersey's Gun Laws by Signing Safety Measures to Protect Children and Families

06/13/2018

TRENTON - Governor Phil Murphy today signed a package of common-sense gun safety bills that make New Jersey among the states with the strongest and most formidable gun laws in the nation. More than 2,000 shootings occur annually in New Jersey, with around 500 firearm-related deaths each year. Firearm-related violence costs the state's economy approximately \$1.2 billion annually, and directly costs taxpayers nearly \$275 million.

"Today, I'm proud to sign this series of common-sense gun safety bills into law to protect our children and families from the reckless dangers of gun violence, something the federal government has failed to do on behalf of its residents," **said Governor Murphy**. "By setting these higher standards for gun safety, New Jersey continues to bolster its reputation as a national leader on this critical social and public health issue."

The six bills include:

A1181, which allows mental health practitioners and law enforcement officials to keep firearms away from mental health and therapy patients who seek to harm themselves or others. The bill amends current law to require that licensed mental health practitioners exercise their duty to warn and protect by alerting law enforcement if a patient has threatened to and intends to commit imminent, serious physical violence against themselves or others. If law enforcement determines that the patient is incapable under statute of possessing a firearm, then any firearm ID card or purchasing or carrying permit is voided and subject to revocation by the Superior Court.

Sponsors include Assembly members Patricia Egan Jones, Gabriela M. Mosquera, Shavonda E. Sumter, JoAnn Downey, Arthur Barclay and Paul D. Moriarty.

A1217, known as the Extreme Risk Protective Order Act of 2018, authorizes New Jersey courts to issue gun violence protective orders to individuals who pose a significant risk of personal injury to themselves or others by possessing or owning a firearm. The protective orders prohibit the person who the order is filed against from securing or possessing any permit or license allowing firearm possession during the protective-order period. The bill also makes it a fourth-degree crime for a person to purposely or knowingly violate any provision of an extreme risk protective order.

Sponsors include Assembly members John F. McKeon, Louis D. Greenwald, Mila M. Jasey, Tim Eustace, Andrew Zwicker, Carol A. Murphy and Paul D. Moriarty.

A2757 strengthens the safety of firearm transfers by requiring background checks on individuals who are purchasing from or being transferred firearms by private dealers. The bill amends current law to require any person who is not a licensed firearm retail dealer and who privately sells or transfers a firearm to another person to conduct the transaction through a licensed retail dealer. Licensed dealers are required to conduct a background check of

the person acquiring the firearm before the transaction occurs. In addition, the legislation exempts sales and transfers between members of an immediate family; law enforcement; licensed collectors of antique firearms; or a temporary transfer from being conducted through a licensed dealer and subject to a background check.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

A2758 amends the requirements necessary to show a justifiable need to carry a hand gun in public. This bill changes the serious threat threshold established by the previous administration by expressly defining justifiable need to require a showing of specific threats or previous attacks that demonstrate a special danger to the applicant's life and that cannot be avoided other than by issuance of a permit to carry a handgun. The bill's requirement to show specific threats tightens the qualifications for firearm carrying.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

A2759 adds armor piercing ammunition to the list of ammunition that is prohibited in New Jersey. The bill was written to prevent civilians from legally possessing ammunition that is designed and constructed to penetrate 48 layers of Kevlar and clarifies that possession or manufacture of this ammunition is a fourth-degree crime.

Sponsors include Assembly members Louis D. Greenwald, Carol A. Murphy, Annette Quijano, Jamel C. Holley, and Paul D. Moriarity and Senators Fred H. Madden, Jr. and Linda R. Greenstein.

A2761 reduces the maximum capacity of ammunition magazines from 15 to 10 rounds. The exception is for current law enforcement who are on-duty or traveling to or from duty and retired law enforcement. Individuals who legally own a firearm with an unmodifiable fixed magazine capacity of up to 15 rounds or legally own a firearm that only accepts an unmodifiable detachable magazine of up to 15 rounds prior to the effective date of the bill must register the firearm with their local law enforcement agency. The bill makes it a fourth-degree crime for a person to knowingly possess a large capacity ammunition magazine unless a firearm such a magazine is registered as required.

Sponsors include Assembly members Louis D. Greenwald, Annette Quijano, Gordon M. Johnson, Jamel C. Holley, and Paul D. Moriarity.

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Governor Phil Murphy

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