

2C: 39-7

LEGISLATIVE HISTORY CHECKLIST
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(Weapons--denial of permit)

NJSA: 2C:39-7

LAWS OF: 1991 CHAPTER: 436

BILL NO: S1336

SPONSOR(S): O'Connor

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 9, 1992
SENATE: May 17, 1990

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

1 AN ACT concerning the possession of weapons in certain cases
2 and amending P.L.1979, c.179.

3

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

6 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
7 as follows:

8 6. **Certain Persons Not to Have Weapons.** Any person, having
9 been convicted in this State or elsewhere of the crime of
10 aggravated assault, arson, burglary, escape, extortion, homicide,
11 kidnapping, robbery, aggravated sexual assault, or sexual assault,
12 whether or not armed with or having in his possession any weapon
13 enumerated in section 2C:39-1r., or any person convicted of a
14 crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4
15 ¹[N.J.S.2C:39-5]¹ or N.J.S.2C:39-9, or any person who has ever
16 been committed for a mental disorder to any hospital, mental
17 institution or sanitarium unless he possesses a certificate of a
18 medical doctor or psychiatrist licensed to practice in New Jersey
19 or other satisfactory proof that he is no longer suffering from a
20 mental disorder which interferes with or handicaps him in the
21 handling of a firearm, or any person who has been convicted of
22 other than a disorderly persons or petty disorderly persons
23 offense for the unlawful use, possession or sale of a controlled
24 dangerous substance as defined in N.J.S.2C:35-2 who purchases,
25 owns, possesses or controls any of the said weapons is guilty of a
26 crime of the fourth degree.

27 Whenever any person shall have been convicted in another
28 state, territory, commonwealth or other jurisdiction of the
29 United States, or any country in the world, in a court of
30 competent jurisdiction, of a crime which in said other jurisdiction
31 or country is comparable to one of the crimes enumerated above,
32 then that person shall be subject to the provisions of this section.
33 (cf: P.L.1987, c.106, s.6)

34 2. This act shall take effect immediately.

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CRIMINAL JUSTICE

37

38 Prohibits the possession of weapons by persons convicted of
39 certain weapons-related crimes.

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.

Matter enclosed in superscript numerals has been adopted as follows:
Senate SJU committee amendments adopted March 5, 1990.

SENATE, No. 1336

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator O'CONNOR

1 AN ACT concerning the possession of weapons in certain cases
2 and amending P.L.1979, c.179.

3

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

6 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
7 as follows:

8 6. Certain Persons Not to Have Weapons. Any person, having
9 been convicted in this State or elsewhere of the crime of
10 aggravated assault, arson, burglary, escape, extortion, homicide,
11 kidnapping, robbery, aggravated sexual assault, or sexual assault,
12 whether or not armed with or having in his possession any weapon
13 enumerated in section 2C:39-1r., or any person convicted of a
14 crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4
15 N.J.S.2C:39-5 or N.J.S.2C:39-9, or any person who has ever been
16 committed for a mental disorder to any hospital, mental
17 institution or sanitarium unless he possesses a certificate of a
18 medical doctor or psychiatrist licensed to practice in New Jersey
19 or other satisfactory proof that he is no longer suffering from a
20 mental disorder which interferes with or handicaps him in the
21 handling of a firearm, or any person who has been convicted of
22 other than a disorderly persons or petty disorderly persons
23 offense for the unlawful use, possession or sale of a controlled
24 dangerous substance as defined in N.J.S.2C:35-2 who purchases,
25 owns, possesses or controls any of the said weapons is guilty of a
26 crime of the fourth degree.

27 Whenever any person shall have been convicted in another
28 state, territory, commonwealth or other jurisdiction of the
29 United States, or any country in the world, in a court of
30 competent jurisdiction, of a crime which in said other jurisdiction
31 or country is comparable to one of the crimes enumerated above,
32 then that person shall be subject to the provisions of this section.
33 (cf: P.L.1987, c.106, s.6)

34 2. This act shall take effect immediately.

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SP-11 STATEMENT

N.J.S.2C:39-7 presently classifies as a crime of the fourth
degree the possession of weapons such as firearms; stun guns and

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 switchblades by persons previously convicted of crimes such
2 aggregated assault, arson, kidnapping or sexual assault. This bill
3 would extend this prohibition against the possession of these
4 weapons to persons previously convicted of the unlawful
5 possession of a weapon (N.J.S.2C:39-5) or of possession of a
6 weapon for an unlawful purpose (N.J.S.2C:39-4).

7 The bill also makes N.J.S. 2C:39-7 applicable to those
8 previously convicted of crimes under N.J.S.2C:39-3 (possession of
9 certain weapons such as silencers and sawed-off shotguns) and
10 N.J.S.2C:39-9 (trafficking in certain weapons such as machine
11 guns).

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14 CRIMINAL JUSTICE

15

16 Prohibits the possession of weapons by persons convicted of
17 certain weapons-related crimes.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1336

STATE OF NEW JERSEY

DATED: AUGUST 5, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1336 (1R).

Under N.J.S.A.2C:39-7, possession of weapons such as firearms, stun guns and switchblades by persons previously convicted of crimes such as aggravated assault, arson, kidnapping or sexual assault is classified as a crime of the fourth degree. The bill would extend the provisions of N.J.S.A.2C:39-7 to include persons previously convicted of any of the following offenses: possession of a weapon for an unlawful purpose (N.J.S.2C:39-4); possession of certain weapons such as silencers and sawed-off shotguns (N.J.S.2C:39-3) and trafficking in certain weapons such as machine guns, assault firearms or large capacity ammunition magazines, silencers or defaced firearms (N.J.S.2C:39-9).

This bill is identical to the Assembly Committee Substitute for Assembly Bills Nos. 3981 and 1804.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1336

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1336.

Under N.J.S.2C:39-7, possession of weapons such as firearms, stun guns and switchblades by persons previously convicted of crimes such as aggravated assault, arson, kidnapping or sexual assault is classified as a crime of the fourth degree. The bill would extend the provisions of N.J.S.2C:39-7 to include persons previously convicted of any of the following offenses: possession of a weapon for an unlawful purpose (N.J.S.2C:39-4); possession of certain weapons such as silencers and sawed-off shotguns (N.J.S.2C:39-3) and trafficking in certain weapons such as machine guns (N.J.S.2C:39-9). By amendment, the committee deleted a reference which would have included persons convicted under N.J.S.2C:39-5 (unlawful possession of a weapon) among those covered by N.J.S.2C:39-7.

SENATE JUDICIARY COMMITTEE

ADOPTED

MAR 5 1990

AMENDMENTS

to

SENATE, No.1336

(Sponsored by Senator O' Connor)

REPLACE SECTION 1 TO READ:

1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read as follows:

6. **Certain Persons Not to Have Weapons.** Any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in section 2C:39-1r., or any person convicted of a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4 ¹[N.J.S.2C:39-5]¹ or N.J.S.2C:39-9, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted of other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2 who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated above, then that person shall be subject to the provisions of this section.
(cf: P.L.1987, c.106, s.6)