

2C:39-3

LEGISLATIVE HISTORY CHECKLIST  
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(Handcuffs-restrict sale)

NJSA: 2C:39-3

LAWS OF: 1991 CHAPTER: 437

BILL NO: S1440

SPONSOR(S): Bassano

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary  
SENATE: Law, Public Safety & Defense

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 10, 1992  
SENATE: June 28, 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

[FIRST REPRINT]  
SENATE, No. 1440

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator BASSANO

1 AN ACT concerning handcuffs, amending N.J.S.2C:39-3 and  
2 supplementing chapter 39 of Title 2C of the New Jersey  
3 Statutes.

4

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

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, is guilty of a crime of the fourth degree.

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

26 f. Dum-dum or body armor penetrating bullets. (1) Any  
27 person, other than a law enforcement officer or persons engaged  
28 in activities pursuant to subsection f. of N.J.S.2C:39-6, who  
29 knowingly has in his possession any hollow nose or dum-dum  
30 bullet, or (2) any person, other than a collector of firearms or  
31 ammunition as curios or relics as defined in Title 18, United  
32 States Code, section 921 (a) (13) and has in his possession a valid  
33 Collector of Curios and Relics License issued by the Bureau of  
34 Alcohol, Tobacco and Firearms, who knowingly has in his  
35 possession any body armor breaching or penetrating ammunition,  
36 which means: (a) ammunition primarily designed for use in a  
37 handgun, and (b) which is comprised of a bullet whose core or

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:  
1 Assembly AJL committee amendments adopted January 6, 1992.

1 jacket, if the jacket is thicker than .025 of an inch, is made of  
2 tungsten carbide, or hard bronze, or other material which is  
3 harder than a rating of 72 or greater on the Rockwell B. Hardness  
4 Scale, and (c) is therefore capable of breaching or penetrating  
5 body armor, is guilty of a crime of the fourth degree. For  
6 purposes of this section, a collector may possess not more than  
7 three examples of each distinctive variation of the ammunition  
8 described above. A distinctive variation includes a different head  
9 stamp, composition, design, or color.

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

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

39 (3) Nothing in paragraph (2) of subsection f. <sup>1</sup>or in subsection  
40 j.<sup>1</sup> shall be construed to prevent any licensed retail or wholesale  
41 firearms dealer from possessing that ammunition <sup>1</sup>or large  
42 capacity ammunition magazine<sup>1</sup> at its licensed premises for sale  
43 or disposition to another licensed dealer, the Armed Forces of the  
44 United States or the National Guard, or to a law enforcement  
45 agency, provided that the seller maintains a record of any sale or  
46 disposition to a law enforcement agency. The record shall  
47 include the name of the purchasing agency, together with written  
48 authorization of the chief of police or highest ranking official of  
49 the agency, the name and rank of the purchasing law enforcement

1 officer, if applicable, and the date, time and amount of  
2 ammunition sold or otherwise disposed. A copy of this record  
3 shall be forwarded by the seller to the Superintendent of the  
4 Division of State Police within 48 hours of the sale or disposition.

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

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

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

17 j. <sup>1</sup>Any person who knowingly has in his possession a large  
18 capacity ammunition magazine is guilty of a crime of the fourth  
19 degree unless the person has registered an assault firearm  
20 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the  
21 magazine is maintained and used in connection with participation  
22 in competitive shooting matches sanctioned by the Director of  
23 Civilian Marksmanship of the United States Department of the  
24 Army.

25 k. <sup>1</sup> Handcuffs. Any person who knowingly has in his possession  
26 handcuffs as defined in P.L. , c. (C. ) (now pending before  
27 the Legislature as this bill), under circumstances not manifestly  
28 appropriate for such lawful uses as <sup>1</sup>[they] handcuffs<sup>1</sup> may have,  
29 is guilty of a disorderly persons offense. A law enforcement  
30 officer shall confiscate handcuffs possessed in violation of the  
31 law.

32 (cf: P.L.1990, c.32, s.10)

33 2. (New section) A person who sells handcuffs to a person  
34 under 18 years of age is guilty of a disorderly persons offense. A  
35 law enforcement officer shall confiscate handcuffs sold in  
36 violation of the law. As used in this section, "handcuffs" mean a  
37 device, conventionally used for law enforcement purposes, that  
38 can be tightened and locked about the wrists for the purpose of  
39 restraining a person's movement.

40 3. This act shall take effect immediately.

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42  
43 PUBLIC SAFETY

44  
45 Establishes restrictions on sale and possession of handcuffs.

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2 shall be forwarded by the seller to the Superintendent of the  
3 Division of State Police within 48 hours of the sale or disposition.

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5 to apply to antique cannons as exempted in subsection d. of  
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10 prevent any guard in the employ of a private security company,  
11 who is licensed to carry a firearm, from the possession of a  
12 nightstick when in the actual performance of his official duties,  
13 provided that he has satisfactorily completed a training course  
14 approved by the Police Training Commission in the use of a  
15 nightstick.

16 j. Handcuffs. Any person who knowingly has in his possession  
17 handcuffs as defined in P.L. , c. (C. ) (now pending before  
18 the Legislature as this bill), under circumstances not manifestly  
19 appropriate for such lawful uses as they may have, is guilty of a  
20 disorderly persons offense. A law enforcement officer shall  
21 confiscate handcuffs possessed in violation of the law.

22 (cf: P.L.1989, c.11, s.1)

23 2. (New section) A person who sells handcuffs to a person  
24 under 18 years of age is guilty of a disorderly persons offense. A  
25 law enforcement officer shall confiscate handcuffs sold in  
26 violation of the law. As used in this section, "handcuffs" mean a  
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28 can be tightened and locked about the wrists for the purpose of  
29 restraining a person's movement.

30 3. This act shall take effect immediately.

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#### STATEMENT

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35 This bill would prohibit as a disorderly persons offense the sale  
36 of handcuffs to any person who is under 18 years of age. In  
37 addition, the bill would prohibit as a disorderly persons offense  
38 the possession of handcuffs by a person under circumstances not  
39 manifestly appropriate for such lawful uses as handcuffs may  
40 have. A law enforcement officer is authorized to confiscate  
41 handcuffs possessed in violation of the law.

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#### PUBLIC SAFETY

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Establishes restrictions on sale and possession of handcuffs.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE, No. 1440

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1440.

This bill would prohibit, as a disorderly persons offense, the sale of handcuffs to any person who is under 18 years of age. In addition, the bill would prohibit as a disorderly persons offense the possession of handcuffs by any person under circumstances not manifestly appropriate for such lawful uses as handcuffs may have. Law enforcement officers are authorized to confiscate handcuffs possessed in violation of the law. A disorderly persons offense is punishable by a maximum term of imprisonment of six months, a maximum fine of \$1,000, or both.

The committee amended the bill to clarify that the use of handcuffs by military or law enforcement is not prohibited.

In addition, the amendments committee adopted amendments which were technical in nature and conform the bill to recently enacted legislation, P.L.1990, c.32.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1440

STATE OF NEW JERSEY

DATED: MARCH 5, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 1440.

This bill would prohibit, as a disorderly persons offense, the sale of handcuffs to any person who is under 18 years of age. In addition, the bill would prohibit as a disorderly persons offense the possession of handcuffs by a person under circumstances not manifestly appropriate for such lawful uses as handcuffs may have. Law enforcement officers are authorized to confiscate handcuffs possessed in violation of the law.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.