

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:39-1 et al

(Assault weapons-
-regulate)

LAW S OF: 1990

CHAPTER: 32

Bill No: S166

Sponsor(s): Graves

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 17, 1990

Senate: May 17, 1990

Date of Approval: May 30, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

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Reports: No

Hearings: No

See newspaper clippings--attached:

KBG/SLJ



STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator GRAVES

1 AN ACT concerning assault firearms, amending ¹[N.J.S.2C:39-1,
2 2C:39-5, 2C:39-9, 2C:39-10, P.L.1983, c.515, N.J.S.2C:43-6,
3 2C:43-7, 2C:44-3, 2C:58-5, 2C:39-3] various parts of the
4 statutory law¹ and supplementing chapter 58 of Title 2C of the
5 New Jersey Statutes.
6

7 BE IT ENACTED *by the Senate and General Assembly of the*
8 *State of New Jersey:*

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

10 2C:39-1. Definitions. The following definitions apply to this
11 chapter and to chapter 58:

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

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

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

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 Senate SJU committee amendments adopted March 12, 1990.

² Senate floor amendments adopted May 14, 1990.

- 1 d. "Dispose of" means to give, give away, lease, loan, keep for
2 sale, offer, offer for sale, sell, transfer, or otherwise transfer
3 possession.
- 4 e. "Explosive" means any chemical compound or mixture that
5 is commonly used or is possessed for the purpose of producing an
6 explosion and which contains any oxidizing and combustible
7 materials or other ingredients in such proportions, quantities or
8 packing that an ignition by fire, by friction, by concussion or by
9 detonation of any part of the compound or mixture may cause
10 such a sudden generation of highly heated gases that the resultant
11 gaseous pressures are capable of producing destructive effects on
12 contiguous objects. The term shall not include small arms
13 ammunition, or explosives in the form prescribed by the official
14 United States Pharmacopoeia.
- 15 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
16 automatic or semi-automatic rifle, or any gun, device or
17 instrument in the nature of a weapon from which may be fired or
18 ejected any solid projectable ball, slug, pellet, missile or bullet,
19 or any gas, vapor or other noxious thing, by means of a cartridge
20 or shell or by the action of an explosive or the igniting of
21 flammable or explosive substances. It shall also include, without
22 limitation, any firearm which is in the nature of an air gun, spring
23 gun or pistol or other weapon of a similar nature in which the
24 propelling force is a spring, elastic band, carbon dioxide,
25 compressed or other gas or vapor, air or compressed air, or is
26 ignited by compressed air, and ejecting a bullet or missile smaller
27 than three-eighths of an inch in diameter, with sufficient force
28 to injure a person.
- 29 g. "Firearm silencer" means any instrument, attachment,
30 weapon or appliance for causing the firing of any gun, revolver,
31 pistol or other firearm to be silent, or intended to lessen or
32 muffle the noise of the firing of any gun, revolver, pistol or other
33 firearm.
- 34 h. "Gravity knife" means any knife which has a blade which is
35 released from the handle or sheath thereof by the force of
36 gravity or the application of centrifugal force.
- 37 i. "Machine gun" means any firearm, mechanism or instrument
38 not requiring that the trigger be pressed for each shot and having
39 a reservoir, belt or other means of storing and carrying
40 ammunition which can be loaded into the firearm, mechanism or
41 instrument and fired therefrom.
- 42 j. "Manufacturer" means any person who receives or obtains
43 raw materials or parts and processes them into firearms or
44 finished parts of firearms, except a person who exclusively
45 processes grips, stocks and other nonmetal parts of firearms. The
46 term does not include a person who repairs existing firearms or
47 receives new and used raw materials or parts solely for the repair
48 of existing firearms.
- 49 k. "Handgun" means any pistol, revolver or other firearm

1 originally designed or manufactured to be fired by the use of a
2 single hand.

3 l. "Retail dealer" means any person including a gunsmith,
4 except a manufacturer or a wholesale dealer, who sells, transfers
5 or assigns for a fee or profit any firearm or parts of firearms or
6 ammunition which he has purchased or obtained with the
7 intention, or for the purpose, of reselling or reassigning to
8 persons who are reasonably understood to be the ultimate
9 consumers, and includes any person who is engaged in the business
10 of repairing firearms or who sells any firearm to satisfy a debt
11 secured by the pledge of a firearm.

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

16 n. "Shotgun" means any firearm designed to be fired from the
17 shoulder and using the energy of the explosive in a fixed shotgun
18 shell to fire through a smooth bore either a number of ball shots
19 or a single projectile for each pull of the trigger, or any firearm
20 designed to be fired from the shoulder which does not fire fixed
21 ammunition.

22 o. "Sawed-off shotgun" means any shotgun having a barrel or
23 barrels of less than 18 inches in length measured from the breech
24 to the muzzle, or a rifle having a barrel or barrels of less than 16
25 inches in length measured from the breech to the muzzle, or any
26 firearm made from a rifle or a shotgun, whether by alteration, or
27 otherwise, if such firearm as modified has an overall length of
28 less than 26 inches.

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

33 q. "Superintendent" means the Superintendent of the State
34 Police.

35 r. "Weapon" means anything readily capable of lethal use or of
36 inflicting serious bodily injury. The term includes, but is not
37 limited to, all (1) firearms, even though not loaded or lacking a
38 clip or other component to render them immediately operable; (2)
39 components which can be readily assembled into a weapon; (3)
40 gravity knives, switchblade knives, daggers, dirks, stiletos, or
41 other dangerous knives, billies, blackjacks, bludgeons, metal
42 knuckles, sandclubs, slingshots, cesti or similar leather bands
43 studded with metal filings or razor blades imbedded in wood; and
44 (4) stun guns; and any weapon or other device which projects,
45 releases, or emits tear gas or any other substance intended to
46 produce temporary physical discomfort or permanent injury
47 through being vaporized or otherwise dispensed in the air.

48 s. "Wholesale dealer" means any person, except a
49 manufacturer, who sells, transfers, or assigns firearms, or parts

1 of firearms, to persons who are reasonably understood not to be
2 the ultimate consumers, and includes persons who receive
3 finished parts of firearms and assemble them into completed or
4 partially completed firearms, in furtherance of such purpose,
5 except that it shall not include those persons dealing exclusively
6 in grips, stocks and other nonmetal parts of firearms.

7 t. "Stun gun" means any weapon or other device which emits
8 an electrical charge or current intended to temporarily or
9 permanently disable a person.

10 u. "Ballistic knife" means any weapon or other device capable
11 of lethal use and which can propel a knife blade.

12 v. "Imitation firearm" means an object or device reasonably
13 capable of being mistaken for a firearm.

14 ¹[v. "Assault firearm" means:

15 (1) a semi-automatic rifle, carbine, or short rifle originally
16 designed to accept a detachable magazine with a capacity
17 exceeding 15 rounds. This definition shall not include a
18 semi-automatic rifle, carbine, or short rifle originally designed to
19 accept a detachable magazine of 15 rounds or less regardless of
20 the fact that magazines of larger capacity were subsequently
21 manufactured and made available for use with such a firearm.

22 (2) a semi-automatic shotgun with a magazine capacity of
23 more than six rounds, or with a pistol grip extending beneath the
24 trigger or folding stock.

25 (3) a semi-automatic rifle with a fixed magazine capacity
26 exceeding 15 rounds.

27 (4) a semi-automatic handgun originally designed to accept a
28 magazine with a capacity of 18 or more rounds. This definition
29 shall not include a semi-automatic handgun originally designed to
30 accept a detachable magazine of 17 rounds or less regardless of
31 the fact that magazines of larger capacity were subsequently
32 manufactured and made available for use with such a handgun.

33 (5) a firearm which may be readily restored to an operable
34 assault firearm.

35 (6) a part or combination of parts designed or intended to
36 convert a firearm into an assault firearm, or any combination of
37 parts from which an assault firearm may be readily assembled if
38 those parts are in the possession or under the control of the same
39 person.

40 An assault firearm which has been rendered permanently
41 inoperable shall no longer be considered an assault firearm under
42 this definition.

43 Assault firearm as defined above shall include, but shall not be
44 limited to, all versions or formats of any of the following
45 firearms or firearms manufactured under any designation which
46 are substantially identical:

47 Avtomat Kalashnikov semi-automatic firearms

48 Uzi semi-automatic firearms

49 Intratec TEC 9 or 22 semi-automatic firearm

- 1 Ruger Mini-14 semi-automatic firearm
2 Colt AR-15 semi-automatic firearm
3 Beretta AR-70 semi-automatic firearm
4 FN-FAL or FN-FNC semi-automatic firearms
5 Steyr A.U.G. semi-automatic firearm
6 Heckler and Koch HK91, HK93, HK94 semi-automatic rifles
7 and carbines
8 USAS 12 semi-automatic shotgun
9 Valmet M-76 or M-78 semi-automatic firearms
10 Shotgun with a revolving cylinder such as the "Street Sweeper"
11 or "Striker 12"
12 Firearms exempt from the definition of "assault firearm" shall
13 include, but shall not be limited to, the: Remington Model 1100
14 shotgun; Remington Model 870 shotgun; Ruger 10/22 carbine; HK
15 Model 300 rifle; Marlin Model 9 camp carbine; Stevens Model 987
16 rifle; and Remington Nylon 66 autoloading rifle. In addition,
17 "assault firearm" shall not include a firearm which does not use
18 fixed ammunition; a manually operated bolt action weapon that is
19 not a semi-automatic firearm such as a Winchester bolt action
20 rifle; a lever action weapon that is not a semi-automatic firearm
21 such as a Marlin lever action carbine; a slide action weapon that
22 is not a semi-automatic firearm; BB guns; gas and pneumatic
23 powered pellet guns; and air rifles.]
24 ²[w. (1) "Assault firearm" means:
25 (a) a semi-automatic rifle, carbine, or short rifle, with a barrel
26 length measuring not less than 16 inches or more than 22 inches
27 from breech to muzzle and which was originally designed to
28 accept a detachable magazine with a capacity exceeding 15
29 rounds;
30 (b) a semi-automatic shotgun with either a magazine capacity
31 exceeding six rounds, a pistol grip, or a folding stock;
32 (c) a semi-automatic rifle with a fixed magazine capacity
33 exceeding 15 rounds;
34 (d) a semi-automatic handgun originally designed to accept a
35 magazine with a capacity exceeding 17 rounds;
36 (e) a firearm which may be readily restored to an operable
37 assault firearm;
38 (f) a part or combination of parts designed or intended to
39 convert a firearm into an assault firearm, or any combination of
40 parts from which an assault firearm may be readily assembled if
41 those parts are in the possession or under the control of the same
42 person; or
43 (g) all versions or formats of any of the following firearms, or
44 firearms manufactured under any designation which are
45 substantially identical:
46 Avtomat Kalashnikov semi-automatic firearms;
47 Uzi semi-automatic firearms;
48 Intratec TEC 9 or 22 semi-automatic firearm;
49 Ruger Mini-14 semi-automatic firearm;

- 1 Colt AR-15 semi-automatic firearm;
 2 Beretta AR-70 semi-automatic firearm;
 3 FN-FAL or FN-FNC semi-automatic firearms;
 4 Steyr A.U.G. semi-automatic firearm;
 5 Heckler and Koch HK91, HK93, HK94 semi-automatic rifles
 6 and carbines;
 7 USAS 12 semi-automatic shotgun;
 8 Valmet M-76 or M-78 semi-automatic firearms; and
 9 Any shotgun with a revolving cylinder such as the "Street
 10 Sweeper" or "Striker 12."
- 11 (2) The term "assault firearm" shall not include the following
 12 firearms:
- 13 Remington Model 1100 shotgun;
 14 Remington Model 870 shotgun;
 15 Ruger 10/22 carbine;
 16 HK Model 300 rifle;
 17 Marlin Model 9 camp carbine;
 18 Stevens Model 987 rifle;
 19 Remington Nylon 66 autoloading rifle;
 20 a firearm which does not use fixed ammunition;
 21 a manually operated bolt action weapon that is not a
 22 semi-automatic firearm, such as a Winchester bolt action rifle;
 23 a lever action weapon that is not a semi-automatic firearm,
 24 such as a Marlin lever action carbine;
 25 a slide action weapon that is not a semi-automatic firearm;
 26 a BB gun;
 27 a gas and pneumatic powered pellet gun;
 28 an air rifle;
 29 an assault firearm which has been rendered permanently
 30 inoperable.^{1]}
- 31 w. "Assault firearm" means:
- 32 (1) The following firearms:
- 33 Algimec AGM1 type
 34 Any shotgun with a revolving cylinder such as the "Street
 35 Sweeper" or "Striker 12"
- 36 Armalite AR-180 type
 37 Australian Automatic Arms SAR
 38 Avtomat Kalashnikov type semi-automatic firearms
 39 Beretta AR-70 and BM59 semi-automatic firearms
 40 Bushmaster Assault Rifle
 41 Calico M-900 Assault carbine and M-900
 42 CETME G3
 43 Chartered Industries of Singapore SR-88 type
 44 Colt AR-15 and CAR-15 series
 45 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
 46 Demro TAC-1 carbine type
 47 Encom MP-9 and MP-45 carbine types
 48 FAMAS MAS223 types
 49 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

- 1 Franchi SPAS 12 and LAW 12 shotguns
 2 G3SA type
 3 Galil type
 4 Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
 5 Intratec TEC 9 and 22 semi-automatic firearms
 6 M1 carbine type
 7 M14S type
 8 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
 9 PJK M-68 carbine type
 10 Plainfield Machine Company Carbine
 11 Ruger K-Mini-14/5F and Mini-14/5RF
 12 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
 13 SKS with detachable magazine type
 14 Spectre Auto carbine type
 15 Springfield Armory BM59 and SAR-48 type
 16 Sterling MK-6, MK-7 and SAR types
 17 Steyr A.U.G. semi-automatic firearms
 18 USAS 12 semi-automatic type shotgun
 19 Uzi type semi-automatic firearms
 20 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
 21 Weaver Arm Nighthawk
 22 (2) Any firearm manufactured under any designation which is
 23 substantially identical to any of the firearms listed above.
 24 (3) A semi-automatic shotgun with either a magazine capacity
 25 exceeding six rounds, a pistol grip, or a folding stock.
 26 (4) A semi-automatic rifle with a fixed magazine capacity
 27 exceeding 15 rounds.
 28 (5) A part or combination of parts designed or intended to
 29 convert a firearm into an assault firearm, or any combination of
 30 parts from which an assault firearm may be readily assembled if
 31 those parts are in the possession or under the control of the same
 32 person.²
 33 x. "Semi-automatic" means a firearm which fires a single
 34 projectile for each single pull of the trigger and is self-reloading
 35 or automatically chambers a round, cartridge, or bullet.
 36 y. "Large capacity ammunition magazine" means a box, drum,
 37 tube or other container which is capable of holding more than 15
 38 rounds of ammunition to be fed continuously ¹and directly
 39 therefrom¹ into a semi-automatic firearm ²[, or a magazine
 40 which can be readily converted into a large capacity magazine]².
 41 ²z. "Pistol grip" means a well-defined handle, similar to that
 42 found on a handgun, that protrudes conspicuously beneath the
 43 action of the weapon, and which permits the shotgun to be held
 44 and fired with one hand.²
 45 (cf: P.L.1989, c.120, s.1)
 46 2. N.J.S.2C:39-5 is amended to read as follows:
 47 2C:39-5. Unlawful Possession of Weapons.
 48 a. Machine guns. Any person who knowingly has in his
 49 possession a machine gun or any instrument or device adaptable

1 for use as a machine gun, without being licensed to do so as
2 provided in section 2C:58-5, is guilty of a crime of the third
3 degree.

4 b. Handguns. Any person who knowingly has in his possession
5 any handgun, including any antique handgun without first having
6 obtained a permit to carry the same as provided in section
7 2C:58-4, is guilty of a crime of the third degree.

8 c. Rifles and shotguns. (1) Any person who knowingly has in
9 his possession any rifle or shotgun without having first obtained a
10 firearms purchaser identification card in accordance with the
11 provisions of section 2C:58-3, is guilty of a crime of the third
12 degree.

13 (2) Unless otherwise permitted by law, any person who
14 knowingly has in his possession any loaded rifle or shotgun is
15 guilty of a crime of the third degree.

16 d. Other weapons. Any person who knowingly has in his
17 possession any other weapon under circumstances not manifestly
18 appropriate for such lawful uses as it may have is guilty of a
19 crime of the fourth degree.

20 e. Firearms in educational institutions. Any person who
21 knowingly has in his possession any firearm in or upon any part of
22 the buildings or grounds of any school, college, university or other
23 educational institution, without the written authorization of the
24 governing officer of the institution, is guilty of a crime of the
25 third degree, irrespective of whether he possesses a valid permit
26 to carry the firearm or a valid firearms purchaser identification
27 card.

28 f. Assault firearms. ¹[(1)]¹ Any person who ¹knowingly¹ has in
29 his possession an assault firearm²[, without being licensed under
30 N.J.S.2C:58-5,]² is guilty of a crime of the third degree ²except
31 if the assault firearm is licensed pursuant to N.J.S.2C:58-5;
32 registered pursuant to section 11 of P.L. , c. (C.) (now
33 pending before the Legislature as this bill) or rendered inoperable
34 pursuant to section 12 of P.L. , c. (C.) (now pending
35 before the Legislature as this bill).²

36 ¹[(2) Unless otherwise permitted by law, any person who
37 knowingly has in his possession any loaded assault firearm is
38 guilty of a crime of the third degree.]¹

39 (cf: P.L.1979, c.179, s.4)

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

41 2C:39-9. Manufacture, Transport, Disposition and
42 Defacement of Weapons and Dangerous Instruments and
43 Appliances. a. Machine guns. Any person who manufactures,
44 causes to be manufactured, transports, ships, sells or disposes of
45 any machine gun without being registered or licensed to do so as
46 provided in chapter 58 is guilty of a crime of the third degree.

47 b. Sawed-off shotguns. Any person who manufactures, causes
48 to be manufactured, transports, ships, sells or disposes of any
49 sawed-off shotgun is guilty of a crime of the third degree.

1 c. Firearm silencers. Any person who manufactures, causes to
2 be manufactured, transports, ships, sells or disposes of any
3 firearm silencer is guilty of a crime of the fourth degree.

4 d. Weapons. Any person who manufactures, causes to be
5 manufactured, transports, ships, sells or disposes of any weapon,
6 including gravity knives, switchblade knives, ballistic knives,
7 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
8 sandclubs, slingshots, cesti or similar leather bands studded with
9 metal filings, or in the case of firearms if he is not licensed or
10 registered to do so as provided in chapter 58, is guilty of a crime
11 of the fourth degree. Any person who manufactures, causes to be
12 manufactured, transports, ships, sells or disposes of any weapon
13 or other device which projects, releases or emits tear gas or
14 other substances intended to produce temporary physical
15 discomfort or permanent injury through being vaporized or
16 otherwise dispensed in the air, which is intended to be used for
17 any purpose other than for authorized military or law
18 enforcement purposes by duly authorized military or law
19 enforcement personnel or the device is for the purpose of
20 personal self-defense, is pocket-sized and contains not more than
21 three-quarters of an ounce of chemical substance not ordinarily
22 capable of lethal use or of inflicting serious bodily injury, or
23 other than to be used by any person permitted to possess such
24 weapon or device under the provisions of subsection d. of
25 N.J.S.2C:39-5, which is intended for use by financial and other
26 business institutions as part of an integrated security system,
27 placed at fixed locations, for the protection of money and
28 property, by the duly authorized personnel of those institutions, is
29 guilty of a crime of the fourth degree.

30 e. Defaced firearms. Any person who defaces any firearm is
31 guilty of a crime of the third degree. Any person who knowingly
32 buys, receives, disposes of or conceals a defaced firearm, except
33 an antique firearm, is guilty of a crime of the fourth degree.

34 f. (1) Any person who manufactures, causes to be
35 manufactured, transports, ships, sells, or disposes of any bullet,
36 which is primarily designed for use in a handgun, and which is
37 comprised of a bullet whose core or jacket, if the jacket is
38 thicker than .025 of an inch, is made of tungsten carbide, or hard
39 bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and is therefore
41 capable of breaching or penetrating body armor and which is
42 intended to be used for any purpose other than for authorized
43 military or law enforcement purposes by duly authorized military
44 or law enforcement personnel, is guilty of a crime of the fourth
45 degree.

46 (2) Nothing in this subsection shall be construed to prevent a
47 licensed collector of ammunition as defined in paragraph (2) of
48 subsection f. of N.J.S.2C:39-3 from transporting the bullets
49 defined in paragraph (1) of this subsection from (a) any licensed

1 retail or wholesale firearms dealer's place of business to the
2 collector's dwelling, premises, or other land owned or possessed
3 by him, or (b) to or from the collector's dwelling, premises or
4 other land owned or possessed by him to any gun show for the
5 purposes of display, sale, trade, or transfer between collectors, or
6 (c) to or from the collector's dwelling, premises or other land
7 owned or possessed by him to any rifle or pistol club organized in
8 accordance with the rules prescribed by the National Board for
9 the Promotion of Rifle Practice; provided that the club has filed
10 a copy of its charter with the superintendent of the State Police
11 and annually submits a list of its members to the superintendent,
12 and provided further that the ammunition being transported shall
13 be carried not loaded in any firearm and contained in a closed and
14 fastened case, gunbox, or locked in the trunk of the automobile in
15 which it is being transported, and the course of travel shall
16 include only such deviations as are reasonably necessary under
17 the circumstances.

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

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

29 (cf: P.L.1987, c.228, s.3)

30 4. N.J.S.2C:39-10 is amended to read as follows:

31 2C:39-10. Violation of the Regulatory Provisions Relating to
32 Firearms; False Representation in Applications.

33 a. Any person who knowingly violates the regulatory provisions
34 relating to manufacturing or wholesaling of firearms (section
35 2C:58-1), retailing of firearms (section 2C:58-2), permits to
36 purchase certain firearms (section 2C:58-3), permits to carry
37 certain firearms (section 2C:58-4), licenses to procure machine
38 guns or assault firearms (section 2C:58-5), or incendiary or tracer
39 ammunition (section 2C:58-10), except acts which are punishable
40 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of
41 the fourth degree.

42 b. Any person who knowingly violates the regulatory provisions
43 relating to notifying the authorities of possessing certain items of
44 explosives (section 2C:58-7), or of certain wounds (section
45 2C:58-8) is a disorderly person.

46 c. Any person who gives or causes to be given any false
47 information, or signs a fictitious name or address, in applying for
48 a firearms purchaser identification card [or], a permit to
49 purchase [or] a handgun, a permit to carry a handgun, [or] a

1 permit to possess a machine gun, a permit to possess an assault
2 firearm, or in completing the certificate or any other instrument
3 required by law in purchasing or otherwise acquiring delivery of
4 any rifle, shotgun, handgun, machine gun, or assault firearm or
5 any other firearm, is guilty of a crime of the third degree.

6 ²d. Any person who gives or causes to be given any false
7 information in registering an assault firearm pursuant to section
8 11 of P.L. , c. (C.) (now pending before the Legislature
9 as this bill) or in certifying that an assault firearm was rendered
10 inoperable pursuant to section 12 of P.L. , c. (C.) (now
11 pending before the Legislature as this bill) commits a crime of
12 the fourth degree.²

13 (cf: P.L.1979, c.179, s.8)

14 5. Section 1 of P.L.1983, c.515 (C.2C:39-15) is amended to
15 read as follows:

16 1. Any person who offers to sell a machine gun [or],
17 semi-automatic rifle, or assault firearm by means of an
18 advertisement published in a newspaper circulating within this
19 State, which advertisement does not specify that the purchaser
20 shall hold a valid license to purchase and possess a machine gun
21 or assault firearm, or a valid firearms identification card to
22 purchase and possess an automatic or semi-automatic rifle, is a
23 disorderly person.

24 (cf: P.L.1983, c.515, s.1)

25 6. N.J.S.2C:43-6 is amended to read as follows:

26 2C:43-6. Sentence of Imprisonment for Crime; Ordinary
27 Terms; Mandatory Terms. a. Except as otherwise provided, a
28 person who has been convicted of a crime may be sentenced to
29 imprisonment, as follows:

30 (1) In the case of a crime of the first degree, for a specific
31 term of years which shall be fixed by the court and shall be
32 between 10 years and 20 years;

33 (2) In the case of a crime of the second degree, for a specific
34 term of years which shall be fixed by the court and shall be
35 between five years and 10 years;

36 (3) In the case of a crime of the third degree, for a specific
37 term of years which shall be fixed by the court and shall be
38 between three years and five years;

39 (4) In the case of a crime of the fourth degree, for a specific
40 term which shall be fixed by the court and shall not exceed 18
41 months.

42 b. As part of a sentence for any crime, where the court is
43 clearly convinced that the aggravating factors substantially
44 outweigh the mitigating factors, as set forth in subsections a. and
45 b. of 2C:44-1, the court may fix a minimum term not to exceed
46 one-half of the term set pursuant to subsection a., or one-half of
47 the term set pursuant to a maximum period of incarceration for a
48 crime set forth in any statute other than this code, during which
49 the defendant shall not be eligible for parole; provided that no

1 defendant shall be eligible for parole at a date earlier than
2 otherwise provided by the law governing parole.

3 c. A person who has been convicted under 2C:39-4a. of
4 possession of a firearm with intent to use it against the person of
5 another, or of a crime under any of the following sections:
6 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a.,
7 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of
8 committing or attempting to commit the crime, including the
9 immediate flight therefrom, used or was in possession of a
10 firearm as defined in 2C:39-1f., shall be sentenced to a term of
11 imprisonment by the court. The term of imprisonment shall
12 include the imposition of a minimum term. The minimum term
13 shall be fixed at, or between, one-third and one-half of the
14 sentence imposed by the court or three years, whichever is
15 greater, or 18 months in the case of a fourth degree crime, during
16 which the defendant shall be ineligible for parole.

17 The minimum terms established by this section shall not
18 prevent the court from imposing presumptive terms of
19 imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes
20 of the fourth degree.

21 A person who has been convicted of an offense enumerated by
22 this subsection and who used or possessed a firearm during its
23 commission, attempted commission or flight therefrom and who
24 has been previously convicted of an offense involving the use or
25 possession of a firearm as defined in 2C:44-3d., shall be
26 sentenced by the court to an extended term as authorized by
27 2C:43-7c., notwithstanding that extended terms are ordinarily
28 discretionary with the court.

29 d. The court shall not impose a mandatory sentence pursuant
30 to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless
31 the ground therefor has been established at a hearing. At the
32 hearing, which may occur at the time of sentencing, the
33 prosecutor shall establish by a preponderance of the evidence
34 that the weapon used or possessed was a firearm. In making its
35 finding, the court shall take judicial notice of any evidence,
36 testimony or information adduced at the trial, plea hearing, or
37 other court proceedings and shall also consider the presentence
38 report and any other relevant information.

39 e. A person convicted of a third or subsequent offense
40 involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any
41 other provision of this code, or under any of the provisions of
42 Title 54 of the Revised Statutes, or Title 54A of the New Jersey
43 Statutes, as amended and supplemented, shall be sentenced to a
44 term of imprisonment by the court. This shall not preclude an
45 application for and imposition of an extended term of
46 imprisonment under N.J.S.2C:44-3 if the provisions of that
47 section are applicable to the offender.

48 f. A person convicted of manufacturing, distributing,
49 dispensing or possessing with intent to distribute any dangerous

1 substance or controlled substance analog under N.J.S.2C:35-5, of
2 maintaining or operating a controlled dangerous substance
3 production facility under N.J.S.2C:35-4, of employing a juvenile
4 in a drug distribution scheme under N.J.S.2C:35-6, leader of a
5 narcotics trafficking network under N.J.S.2C:35-3, or of
6 distributing, dispensing or possessing with intent to distribute on
7 or near school property or buses under section 1 of P.L.1987,
8 c.101 (C.2C:35-7), who has been previously convicted of
9 manufacturing, distributing, dispensing or possessing with intent
10 to distribute a controlled dangerous substance or controlled
11 substance analog, shall upon application of the prosecuting
12 attorney be sentenced by the court to an extended term as
13 authorized by subsection c. of N.J.S.2C:43-7, notwithstanding
14 that extended terms are ordinarily discretionary with the court.
15 The term of imprisonment shall, except as may be provided in
16 N.J.S.2C:35-12, include the imposition of a minimum term. The
17 minimum term shall be fixed at, or between, one-third and
18 one-half of the sentence imposed by the court or three years,
19 whichever is greater, not less than seven years if the person is
20 convicted of a violation of N.J.S.2C:35-6, or 18 months in the
21 case of a fourth degree crime, during which the defendant shall
22 be ineligible for parole.

23 The court shall not impose an extended term pursuant to this
24 subsection unless the ground therefor has been established at a
25 hearing. At the hearing, which may occur at the time of
26 sentencing, the prosecutor shall establish the ground therefor by
27 a preponderance of the evidence. In making its finding, the court
28 shall take judicial notice of any evidence, testimony or
29 information adduced at the trial, plea hearing, or other court
30 proceedings and shall also consider the presentence report and
31 any other relevant information.

32 For the purpose of this subsection, a previous conviction exists
33 where the actor has at any time been convicted under chapter 35
34 of this title or Title 24 of the Revised Statutes or under any
35 similar statute of the United States, this State, or any other state
36 for an offense that is substantially equivalent to N.J.S.2C:35-3,
37 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of
38 P.L.1987, c.101 (C.2C:35-7).

39 g. Any person who has been convicted under subsection a. of
40 N.J.S.2C:39-4 of possessing a machine gun or assault firearm
41 with intent to use it against the person of another, or of a crime
42 under any of the following sections: N.J.S.2C:11-3,
43 N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a.,
44 N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5,
45 N.J.S.2C:35-5, who, while in the course of committing or
46 attempting to commit the crime, including the immediate flight
47 therefrom, used or was in possession of a machine gun or assault
48 firearm shall be sentenced to a term of imprisonment by the
49 court. The term of imprisonment shall include the imposition of

1 a minimum term. The minimum term shall be fixed at 10 years
2 for a crime of the first or second degree, five years for a crime
3 of the third degree, or 18 months in the case of a fourth degree
4 crime, during which the defendant shall be ineligible for parole.

5 The minimum terms established by this section shall not
6 prevent the court from imposing presumptive terms of
7 imprisonment pursuant to paragraph (1) of subsection f. of
8 N.J.S.2C:44-1 for crimes of the first degree.

9 A person who has been convicted of an offense enumerated in
10 this subsection and who used or possessed a machine gun or
11 assault firearm during its commission, attempted commission or
12 flight therefrom and who has been previously convicted of an
13 offense involving the use or possession of any firearm as defined
14 in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court
15 to an extended term as authorized by subsection d. of
16 N.J.S.2C:43-7, notwithstanding that extended terms are
17 ordinarily discretionary with the court.

18 h. The court shall not impose a mandatory sentence pursuant
19 to subsection g. of this section, subsections d. of N.J.S.2C:43-7 or
20 N.J.S.2C:44-3, unless the ground therefor has been established at
21 a hearing. At the hearing, which may occur at the time of
22 sentencing, the prosecutor shall establish by a preponderance of
23 the evidence that the weapon used or possessed was a machine
24 gun or assault firearm. In making its finding, the court shall take
25 judicial notice of any evidence, testimony or information adduced
26 at the trial, plea hearing, or other court proceedings and shall
27 also consider the presentence report and any other relevant
28 information.

29 (cf: P.L.1988, c.44, s.13)

30 7. N.J.S.2C:43-7 is amended to read as follows:

31 2C:43-7. Sentence of Imprisonment for Crime; Extended
32 Terms. a. In the cases designated in section 2C:44-3, a person
33 who has been convicted of a crime may be sentenced to an
34 extended term of imprisonment, as follows:

35 (1) In case of aggravated manslaughter sentenced under
36 subsection c. of N.J.S.2C:11-4 or kidnapping when sentenced as a
37 crime of the first degree under paragraph (1) of subsection c. of
38 2C:13-1 for a specific term of years which shall be between 30
39 years and life imprisonment;

40 (2) Except for the crime of murder and except as provided in
41 paragraph (1) of this subsection, in the case of a crime of the
42 first degree, for a specific term of years which shall be fixed by
43 the court and shall be between 20 years and life imprisonment;

44 (3) In the case of a crime of the second degree, for a term
45 which shall be fixed by the court between 10 and 20 years;

46 (4) In the case of a crime of the third degree, for a term which
47 shall be fixed by the court between five and 10 years;

48 (5) In the case of a crime of the fourth degree pursuant to
49 2C:43-6c. and 2C:44-3d. for a term of five years, and in the case

1 of a crime of the fourth degree pursuant to 2C:43-6f. for a term
2 which shall be fixed by the court between three and five years.

3 b. As part of a sentence for an extended term and
4 notwithstanding the provisions of 2C:43-9, the court may fix a
5 minimum term not to exceed one-half of the term set pursuant to
6 subsection a. during which the defendant shall not be eligible for
7 parole or a term of 25 years during which time the defendant
8 shall not be eligible for parole where the sentence imposed was
9 life imprisonment; provided that no defendant shall be eligible for
10 parole at a date earlier than otherwise provided by the law
11 governing parole.

12 c. In the case of a person sentenced to an extended term
13 pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall
14 impose a sentence within the ranges permitted by 2C:43-7a. (2),
15 (3), (4) or (5) according to the degree or nature of the crime for
16 which the defendant is being sentenced, which sentence shall
17 include a minimum term which shall, except as may be
18 specifically provided by N.J.S.2C:43-6f., be fixed at or between
19 one-third and one-half of the sentence imposed by the court or
20 five years, whichever is greater, during which the defendant shall
21 not be eligible for parole. Where the sentence imposed is life
22 imprisonment, the court shall impose a minimum term of 25 years
23 during which the defendant shall not be eligible for parole, except
24 that where the term of life imprisonment is imposed on a person
25 convicted for a violation of N.J.S.2C:35-3, the term of parole
26 ineligibility shall be 30 years.

27 d. In the case of a person sentenced to an extended term
28 pursuant to N.J.S.2C:43-6g., the court shall impose a sentence
29 within the ranges permitted by N.J.S.2C:43-7a. (2), (3), ¹[or] ¹(4)
30 ¹or (5) ¹ according to the degree or nature of the crime for which
31 the defendant is being sentenced, which sentence shall include a
32 minimum term which shall be fixed at 15 years for a crime of the
33 first or second degree, eight years for a crime of the third
34 degree, or ¹[four] ¹five¹ years for a crime of the fourth degree
35 during which the defendant shall not be eligible for parole.
36 Where the sentence imposed is life imprisonment, the court shall
37 impose a minimum term of 25 years during which the defendant
38 shall not be eligible for parole, except that where the term of life
39 imprisonment is imposed on a person convicted of a violation of
40 N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.
41 (cf: P.L.1988, c.44, s.14)

42 8. N.J.S.2C:44-3 is amended to read as follows:

43 2C:44-3. Criteria for Sentence of Extended Term of
44 Imprisonment.

45 The court may, upon application of the prosecuting attorney,
46 sentence a person who has been convicted of a crime of the first,
47 second or third degree to an extended term of imprisonment if it
48 finds one or more of the grounds specified in this section. If the
49 grounds specified in subsection d. are found, and the person is

1 being sentenced for commission of any of the offenses
2 enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall
3 sentence the defendant to an extended term as required by
4 N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the
5 prosecutor shall not be required. The finding of the court shall be
6 incorporated in the record.

7 a. The defendant is a persistent offender. A persistent
8 offender is a person who at the time of the commission of the
9 crime is 21 years of age or over, who has been previously
10 convicted on at least two separate occasions of two crimes,
11 committed at different times, when he was at least 18 years of
12 age, if the latest in time of these crimes or the date of the
13 defendant's last release from confinement, whichever is later, is
14 within 10 years of the date of the crime for which the defendant
15 is being sentenced.

16 b. The defendant is a professional criminal. A professional
17 criminal is a person who committed a crime as part of a
18 continuing criminal activity in concert with two or more persons,
19 and the circumstances of the crime show he has knowingly
20 devoted himself to criminal activity as a major source of
21 livelihood.

22 c. The defendant committed the crime as consideration for the
23 receipt, or in expectation of the receipt, of anything of pecuniary
24 value the amount of which was unrelated to the proceeds of the
25 crime or he procured the commission of the offense by payment
26 or promise of payment of anything of pecuniary value.

27 d. Second offender with a firearm. The defendant is at least
28 18 years of age and has been previously convicted of any of the
29 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1,
30 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or
31 has been previously convicted of an offense under Title 2A of the
32 New Jersey Statutes which is equivalent of the offenses
33 enumerated in this subsection and he used or possessed a firearm,
34 as defined in 2C:39-1f., in the course of committing or
35 attempting to commit any of these crimes, including the
36 immediate flight therefrom.

37 (cf: P.L.1981, c.31, s.3)

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

39 2C:58-5. Licenses to Possess and Carry Machine Guns ¹and
40 Assault Firearms¹.

41 a. Any person who desires to purchase, possess and carry a
42 machine gun or assault firearm in this State may apply for a
43 license to do so by filing in the Superior Court in the county in
44 which he resides, or conducts his business if a nonresident, a
45 written application setting forth in detail his reasons for desiring
46 such a license. The Superior Court shall refer the application to
47 the county prosecutor for investigation and recommendation. A
48 copy of the prosecutor's report, together with a copy of the
49 notice of the hearing on the application, shall be served upon the

1 superintendent and the chief police officer of every municipality
2 in which the applicant intends to carry the machine gun or assault
3 firearm, unless, for good cause shown, the court orders notice to
4 be given wholly or in part by publication.

5 b. No license shall be issued to any person who would not
6 qualify for a permit to carry a handgun under section 2C:58-4,
7 and no license shall be issued unless the court finds that the
8 public safety and welfare so require. Any person aggrieved by the
9 decision of the court in granting or denying an application,
10 including the applicant, the prosecutor, or any law enforcement
11 officer entitled to notice under subsection a. who appeared in
12 opposition to the application, may appeal said decision in
13 accordance with law and the rules governing the courts of this
14 State.

15 c. Upon the issuance of any license under this section, true
16 copies of such license shall be filed with the superintendent and
17 the chief police officer of the municipality where the licensee
18 resides or has his place of business.

19 d. In issuing any license under this section, the court shall
20 attach thereto such conditions and limitations as it deems to be
21 in the public interest. Unless otherwise provided by court order
22 at the time of issuance, each license shall expire 1 year from the
23 date of issuance, and may be renewed in the same manner and
24 under the same conditions as apply to original applications.

25 e. Any license may be revoked by the Superior Court, after a
26 hearing upon notice to the holder thereof, if the court finds that
27 the holder is no longer qualified for the issuance of such a license
28 or that revocation is necessary for the public safety and welfare.
29 Any citizen may apply to the court for revocation of a license
30 issued under this section.

31 ²[1f. If an applicant appeals a decision by a court denying an
32 application to purchase, possess, or carry an assault firearm and
33 the appeal is pending on the effective date of P.L. _____,
34 c. _____ (C. _____) (now pending before the Legislature as this
35 bill), the applicant shall deliver any assault firearm owned or
36 possessed by him to either the chief law enforcement officer of
37 the municipality in which the applicant resides or, in the case of
38 an applicant who resides outside this State but stores or possesses
39 an assault firearm in this State, to the Superintendent of State
40 Police. The chief law enforcement officer or superintendent
41 shall retain custody of the firearm pending a decision on the
42 appeal. If the denial of the application is upheld on appeal, the
43 assault firearm shall, in accordance with the decision of the
44 applicant, be rendered permanently inoperable and returned to
45 the applicant, or retained by the chief law enforcement officer or
46 the superintendent as a voluntarily surrendered firearm pursuant
47 to N.J.S.2C:39-12. ¹]

48 f. A filing fee of \$75.00 shall be required for each application
49 filed pursuant to the provisions of this section. Of this filing fee,

1 \$25.00 shall be forwarded to the State Treasury for deposit in the
2 account used by the Violent Crimes Compensation Board in
3 satisfying claims and for related administrative costs pursuant to
4 the provisions of the "Criminal Injuries Compensation Act of
5 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

6 g. Any license granted pursuant to the provisions of this
7 section shall expire two years from the date of issuance and may
8 be renewed in the same manner and under the same conditions as
9 apply to original applications. If the holder of a license dies, the
10 holder's heirs or estate shall have 90 days to dispose of that
11 firearm as provided in section 12 of P.L. , c. (C.) (now
12 pending before the Legislature as this bill).

13 h. If an assault firearm licensed pursuant to the provisions of
14 this section is used in the commission of a crime, the holder of
15 the license for that assault firearm shall be civilly liable for any
16 damages resulting from that crime. The liability imposed by this
17 subsection shall not apply if the assault firearm used in the
18 commission of the crime was stolen and the license holder
19 reported the theft of the firearm to law enforcement authorities
20 within 24 hours of the license holder's knowledge of the theft.

21 i. Nothing in P.L. c. (C.) (now pending before the
22 Legislature as this bill) shall be construed to abridge any
23 exemptions provided under N.J.S.2C:39-6.²

24 (cf: P.L.1979, c.179, s.13)

25 ¹[10. (New section) A person who is in lawful possession of an
26 assault firearm as defined in N.J.S.2C:39-1 on the effective day
27 of this act may apply within 15 days after the effective date for
28 a license to continue to possess an assault firearm in accordance
29 with N.J.S.2C:58-5. A person who intends to file an application
30 for a license shall deliver the assault firearm to the chief law
31 enforcement officer of the municipality in which the person
32 resides by the effective date of this act and shall sign a
33 statement of intent to apply for a license in accordance with
34 N.J.S.2C:58-5. The chief law enforcement officer shall retain
35 the assault firearm until the application is approved. If the
36 application is denied, the person may retain ownership of the
37 assault firearm for the purpose of sale for a period not exceeding
38 90 days, provided the assault firearm remains in the custody of
39 the chief until it may be turned over by the chief directly to the
40 purchaser. If the firearm is not sold within 90 days, it shall be
41 rendered permanently inoperable upon the request of the owner
42 and returned to the owner, or it shall be retained by the chief as
43 a voluntarily surrendered firearm pursuant to N.J.S.2C:39-12.

44 A person who is in possession of an assault firearm and who
45 does not intend to apply for a license in accordance with
46 N.J.S.2C:58-5 shall permanently dispose of the assault firearm by
47 sale, voluntary surrender under N.J.S.2C:39-12, or other lawful
48 means or shall render it permanently inoperable by the effective
49 date of this act. If an assault firearm is rendered permanently

1 inoperable, the person shall file an affidavit or notarized
2 statement with the Superior Court in the county in which the
3 person resides stating that the person possesses an assault
4 firearm which has been rendered permanently inoperable.]¹

5 ¹[11.] 10.¹ N.J.S.2C:39-3 is amended to read as follows:

6 2C:39-3. Prohibited Weapons and Devices. a. Destructive
7 devices. Any person who knowingly has in his possession any
8 destructive device is guilty of a crime of the third degree.

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

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

14 d. Defaced firearms. Any person who knowingly has in his
15 possession any firearm which has been defaced, except an antique
16 firearm, is guilty of a crime of the fourth degree.

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

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

44 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., [or]
45 f., or j. of this section shall apply to any member of the Armed
46 Forces of the United States or the National Guard, or except as
47 otherwise provided, to any law enforcement officer while
48 actually on duty or traveling to or from an authorized place of
49 duty, provided that his possession of the prohibited weapon or

1 device has been duly authorized under the applicable laws,
2 regulations or military or law enforcement orders. Nothing in
3 subsection h. of this section shall apply to any law enforcement
4 officer who is exempted from the provisions of that subsection by
5 the Attorney General. Nothing in this section shall apply to the
6 possession of any weapon or device by a law enforcement officer
7 who has confiscated, seized or otherwise taken possession of said
8 weapon or device as evidence of the commission of a crime or
9 because he believed it to be possessed illegally by the person
10 from whom it was taken, provided that said law enforcement
11 officer promptly notifies his superiors of his possession of such
12 prohibited weapon or device.

13 (2) Nothing in subsection f. (1) shall be construed to prevent a
14 person from keeping such ammunition at his dwelling, premises or
15 other land owned or possessed by him, or from carrying such
16 ammunition from the place of purchase to said dwelling or land,
17 nor shall subsection f. (1) be construed to prevent any licensed
18 retail or wholesale firearms dealer from possessing such
19 ammunition at its licensed premises, provided that the seller of
20 any such ammunition shall maintain a record of the name, age
21 and place of residence of any purchaser who is not a licensed
22 dealer, together with the date of sale and quantity of ammunition
23 sold.

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

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

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

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

1 nightstick.

2 j. Any person who knowingly has in his possession a large
3 capacity ammunition magazine is guilty of a crime of the fourth
4 degree ²unless the person has registered an assault firearm
5 pursuant to section 11 of P.L. , c. (C.) (now pending
6 before the Legislature as this bill) and the magazine is
7 maintained and used in connection with participation in
8 competitive shooting matches sanctioned by the Director of
9 Civilian Marksmanship of the United States Department of the
10 Army².

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

12 ²[¹11. (New section) Within 30 days after the date of
13 enactment of P.L. , c. (C.)(now pending
14 before the Legislature as this bill), the Attorney General shall
15 compile and publish a list naming those firearms which meet the
16 definition for "assault firearm" set forth in subsection w. of
17 N.J.S.2C:39-1. The list shall contain only those firearms which
18 meet the definition in paragraph (1) of subsection w. and shall not
19 contain any firearm named or described in paragraph (2) of
20 subsection w. of N.J.S.2C:39-1.

21 The Attorney General shall periodically review the list of
22 assault firearms and may, at any time, add to that list in
23 accordance with the provisions of this section.¹²

24 ²11. (New section) a. Within 90 days of the effective date of
25 P.L. , c. (C.) (now pending before the Legislature as
26 this bill), the Attorney General shall promulgate a list by trade
27 name of any assault firearm which the Attorney General
28 determines is an assault firearm which is used for legitimate
29 target-shooting purposes. This list shall include, but need not be
30 limited to, the Colt AR-15 and any other assault firearm used in
31 competitive shooting matches sanctioned by the Director of
32 Civilian Marksmanship of the United States Department of the
33 Army.

34 b. The owner of an assault firearm purchased on or before May
35 1, 1990 which is on the list of assault firearms determined by the
36 Attorney General to be legitimate for target-shooting purposes
37 shall have one year from the effective date of P.L. , c.
38 (C.) (now pending before the Legislature as this bill) to
39 register that firearm. In order to register an assault firearm, the
40 owner shall:

41 (1) Complete an assault firearm registration statement, in the
42 form to be prescribed by the Superintendent of the State Police;

43 (2) Pay a registration fee of \$50.00 per each assault firearm;

44 (3) Produce for inspection a valid firearms purchaser
45 identification card, a valid permit to carry handguns, or a copy of
46 the permit to purchase a handgun which was used to purchase the
47 assault firearm which is being registered; and

48 (4) Submit valid proof that the person is a member of a rifle or
49 pistol club in existence prior to the effective date of P.L. ,

- 1 c. (C.) (now pending before the Legislature as this bill).
2 Membership in a rifle or pistol club shall not be considered
3 valid unless the person joined the club no later than 210 days
4 after the effective date of P.L. , c. (C.) (now pending
5 before the Legislature as this bill) and unless the rifle or pistol
6 club files its charter with the Superintendent no later than 180
7 days following the effective date of P.L. , c. (C.) (now
8 pending before the Legislature as this bill). The rifle or pistol
9 club charter shall contain the name and address of the club's
10 headquarters and the name of the club's officers.
- 11 The information to be provided in the registration statement
12 shall include, but shall not be limited to: the name and address of
13 the registrant; the number or numbers on the registrant's
14 firearms purchaser identification card, permit to carry handguns,
15 or permit to purchase a handgun; the name, address, and
16 telephone number of the rifle or pistol club in which the
17 registrant is a member; and the make, model, and serial number
18 of the assault firearm being registered. Each registration
19 statement shall be signed by the registrant, and the signature
20 shall constitute a representation of the accuracy of the
21 information contained in the registration statement.
- 22 c. For an applicant who resides in a municipality with an
23 organized full-time police department, the registration shall take
24 place at the main office of the police department. For all other
25 applicants, the registration shall take place at any State Police
26 station.
- 27 d. Within 60 days of the effective date of P.L. , c. (C.)
28 (now pending before the Legislature as this bill), the
29 Superintendent shall prepare the form of registration statement
30 as described in subsection b. of this section and shall provide a
31 suitable supply of statements to each organized full-time
32 municipal police department and each State Police station.
- 33 e. One copy of the completed assault firearms registration
34 statement shall be returned to the registrant, a second copy shall
35 be sent to the Superintendent, and, if the registration takes place
36 at a municipal police department, a third copy shall be retained
37 by that municipal police department.
- 38 f. If the owner of an assault firearm which has been registered
39 pursuant to this section dies, the owner's heirs or estate shall
40 have 90 days to dispose of that firearm in accordance with
41 section 12 of P.L. , c. (C.) (now pending before the
42 Legislature as this bill).
- 43 g. If an assault firearm registered pursuant to the provisions of
44 this section is used in the commission of a crime, the registrant
45 of that assault firearm shall be civilly liable for any damages
46 resulting from that crime. The liability imposed by this
47 subsection shall not apply if the assault firearm used in the
48 commission of the crime was stolen and the registrant reported
49 the theft of the firearm to law enforcement authorities within 24

1 hours of the registrant's knowledge of the theft.

2 h. Of the registration fee required pursuant to subsection b. of
3 this section, \$20.00 shall be forwarded to the State Treasury for
4 deposit in the account used by the Violent Crimes Compensation
5 Board in satisfying claims and for related administrative costs
6 pursuant to the provisions of the "Criminal Injuries Compensation
7 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).²

8 ²12. (New section) a. Any person who legally owns an assault
9 firearm on the effective date of this act and who is unable to
10 register or chooses not to register the firearm pursuant to section
11 11 of P.L. , c. (C.) (now pending before the
12 Legislature as this bill) may retain possession of that firearm for
13 a period not to exceed one year from the effective date of this
14 act. During this time period, the owner of the assault firearm
15 shall either:

16 (1) Transfer the assault firearm to any person or firm lawfully
17 entitled to own or possess such firearm;

18 (2) Render the assault firearm inoperable; or

19 (3) Voluntarily surrender the assault firearm pursuant to the
20 provisions of N.J.S.2C:39-12.

21 b. If the owner of an assault firearm elects to render the
22 firearm inoperable, the owner shall file a certification on a form
23 prescribed by the Superintendent of the State Police indicating
24 the date on which the firearm was rendered inoperable. This
25 certification shall be filed with either the chief law enforcement
26 officer of the municipality in which the owner resides or, in the
27 case of an owner who resides outside this State but stores or
28 possesses an assault firearm in this State, with the
29 Superintendent of the State Police.

30 c. As used in this section, "inoperable" means that the firearm
31 is altered in such a manner that it cannot be immediately fired
32 and that the owner or possessor of the firearm does not possess or
33 have control over the parts necessary to make the firearm
34 operable.²

35 ²13. (New section) Within 180 days of the enactment of P.L. ,
36 c. (C.) (now pending before the Legislature as this bill),
37 and annually thereafter, the Attorney General shall present a
38 report to the Legislature which includes the types and quantities
39 of firearms surrendered or rendered inoperable pursuant to
40 section 12 of this act and the number and types of criminal
41 offenses involving assault firearms and any recommendations,
42 including additions or deletions to the inventory of assault
43 firearms delineated in N.J.S.2C:39-1, which the Attorney General
44 believes should be considered by the Legislature.²

45 ²[12.] 14.² This act shall take effect ²[on the first day of the
46 fourth month after enactment¹, except that sections 1, 9 and 11
47 shall take effect]² immediately¹.

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PUBLIC SAFETY

Makes certain statutory changes concerning the possession,
purchase and illegal use of assault firearms and large capacity
magazines.

SENATE, No. 166
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator GRAVES

1 **AN ACT** concerning assault firearms, amending N.J.S.2C:39-1,
2 2C:39-5, 2C:39-9, 2C:39-10, P.L.1983, c.515, N.J.S.2C:43-6,
3 2C:43-7, 2C:44-3, 2C:58-5, 2C:39-3 and supplementing chapter
4 58 of Title 2C of the New Jersey Statutes.

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

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

9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

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

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

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

38 d. "Dispose of" means to give, give away, lease, loan, keep for

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 sale, offer, offer for sale, sell, transfer, or otherwise transfer
2 possession.

3 e. "Explosive" means any chemical compound or mixture that
4 is commonly used or is possessed for the purpose of producing an
5 explosion and which contains any oxidizing and combustible
6 materials or other ingredients in such proportions, quantities or
7 packing that an ignition by fire, by friction, by concussion or by
8 detonation of any part of the compound or mixture may cause
9 such a sudden generation of highly heated gases that the resultant
10 gaseous pressures are capable of producing destructive effects on
11 contiguous objects. The term shall not include small arms
12 ammunition, or explosives in the form prescribed by the official
13 United States Pharmacopoeia.

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

28 g. "Firearm silencer" means any instrument, attachment,
29 weapon or appliance for causing the firing of any gun, revolver,
30 pistol or other firearm to be silent, or intended to lessen or
31 muffle the noise of the firing of any gun, revolver, pistol or other
32 firearm.

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

36 i. "Machine gun" means any firearm, mechanism or instrument
37 not requiring that the trigger be pressed for each shot and having
38 a reservoir, belt or other means of storing and carrying
39 ammunition which can be loaded into the firearm, mechanism or
40 instrument and fired therefrom.

41 j. "Manufacturer" means any person who receives or obtains
42 raw materials or parts and processes them into firearms or
43 finished parts of firearms, except a person who exclusively
44 processes grips, stocks and other nonmetal parts of firearms. The
45 term does not include a person who repairs existing firearms or
46 receives new and used raw materials or parts solely for the repair
47 of existing firearms.

48 k. "Handgun" means any pistol, revolver or other firearm

1 originally designed or manufactured to be fired by the use of a
2 single hand.

3 l. "Retail dealer" means any person including a gunsmith,
4 except a manufacturer or a wholesale dealer, who sells, transfers
5 or assigns for a fee or profit any firearm or parts of firearms or
6 ammunition which he has purchased or obtained with the
7 intention, or for the purpose, of reselling or reassigning to
8 persons who are reasonably understood to be the ultimate
9 consumers, and includes any person who is engaged in the business
10 of repairing firearms or who sells any firearm to satisfy a debt
11 secured by the pledge of a firearm.

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

16 n. "Shotgun" means any firearm designed to be fired from the
17 shoulder and using the energy of the explosive in a fixed shotgun
18 shell to fire through a smooth bore either a number of ball shots
19 or a single projectile for each pull of the trigger, or any firearm
20 designed to be fired from the shoulder which does not fire fixed
21 ammunition.

22 o. "Sawed-off shotgun" means any shotgun having a barrel or
23 barrels of less than 18 inches in length measured from the breech
24 to the muzzle, or a rifle having a barrel or barrels of less than 16
25 inches in length measured from the breech to the muzzle, or any
26 firearm made from a rifle or a shotgun, whether by alteration, or
27 otherwise, if such firearm as modified has an overall length of
28 less than 26 inches.

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

33 q. "Superintendent" means the Superintendent of the State
34 Police.

35 r. "Weapon" means anything readily capable of lethal use or of
36 inflicting serious bodily injury. The term includes, but is not
37 limited to, all (1) firearms, even though not loaded or lacking a
38 clip or other component to render them immediately operable; (2)
39 components which can be readily assembled into a weapon; (3)
40 gravity knives, switchblade knives, daggers, dirks, stilettos, or
41 other dangerous knives, billies, blackjacks, bludgeons, metal
42 knuckles, sandclubs, slingshots, cesti or similar leather bands
43 studded with metal filings or razor blades imbedded in wood; and
44 (4) stun guns; and any weapon or other device which projects,
45 releases, or emits tear gas or any other substance intended to
46 produce temporary physical discomfort or permanent injury
47 through being vaporized or otherwise dispensed in the air.

48 s. "Wholesale dealer" means any person, except a

1 manufacturer, who sells, transfers, or assigns firearms, or parts
2 of firearms, to persons who are reasonably understood not to be
3 the ultimate consumers, and includes persons who receive
4 finished parts of firearms and assemble them into completed or
5 partially completed firearms, in furtherance of such purpose,
6 except that it shall not include those persons dealing exclusively
7 in grips, stocks and other nonmetal parts of firearms.

8 t. "Stun gun" means any weapon or other device which emits
9 an electrical charge or current intended to temporarily or
10 permanently disable a person.

11 u. "Ballistic knife" means any weapon or other device capable
12 of lethal use and which can propel a knife blade.

13 v. "Assault firearm" means:

14 (1) a semi-automatic rifle, carbine, or short rifle originally
15 designed to accept a detachable magazine with a capacity
16 exceeding 15 rounds. This definition shall not include a
17 semi-automatic rifle, carbine, or short rifle originally designed to
18 accept a detachable magazine of 15 rounds or less regardless of
19 the fact that magazines of larger capacity were subsequently
20 manufactured and made available for use with such a firearm.

21 (2) a semi-automatic shotgun with a magazine capacity of
22 more than six rounds, or with a pistol grip or folding stock.

23 (3) a semi-automatic rifle with a fixed magazine capacity
24 exceeding 15 rounds.

25 (4) a semi-automatic handgun originally designed to accept a
26 magazine with a capacity of 18 or more rounds. This definition
27 shall not include a semi-automatic handgun originally designed to
28 accept a detachable magazine of 17 rounds or less regardless of
29 the fact that magazines of larger capacity were subsequently
30 manufactured and made available for use with such a handgun.

31 (5) a firearm which may be readily restored to an operable
32 assault firearm.

33 (6) a part or combination of parts designed or intended to
34 convert a firearm into an assault firearm, or any combination of
35 parts from which an assault firearm may be readily assembled if
36 those parts are in the possession or under the control of the same
37 person.

38 An assault firearm which has been rendered permanently
39 inoperable shall no longer be considered an assault firearm under
40 this definition.

41 Assault firearm as defined above shall include, but shall not be
42 limited to, all versions or formats of any of the following
43 firearms or firearms manufactured under any designation which
44 are substantially identical:

45 Avtomat Kalashnikov semi-automatic firearms

46 Uzi semi-automatic firearms

47 Intratec TEC 9 or 22 semi-automatic firearm

48 Ruger Mini-14 semi-automatic firearm

1 Colt AR-15 semi-automatic firearm
2 Beretta AR-70 semi-automatic firearm
3 FN-FAL or FN-FNC semi-automatic firearms
4 Steyr A.U.G. semi-automatic firearm
5 Heckler and Koch HK91, HK93, HK94 semi-automatic rifles
6 and carbines
7 USAS 12 semi-automatic shotgun
8 Valmet M-76 or M-78 semi-automatic firearms
9 Shotgun with a revolving cylinder such as the "Street Sweeper"
10 or "Striker 12"

11 Firearms exempt from the definition of "assault firearm" shall
12 include, but shall not be limited to, the: Remington Model 1100
13 shotgun; Remington Model 870 shotgun; Ruger 10/22 carbine; HK
14 Model 300 rifle; Marlin Model 9 camp carbine; Stevens Model 987
15 rifle; and Remington Nylon 66 autoloading rifle. In addition,
16 "assault firearm" shall not include a firearm which does not use
17 fixed ammunition; a manually operated bolt action weapon that is
18 not a semi-automatic firearm such as a Winchester bolt action
19 rifle; a lever action weapon that is not a semi-automatic firearm
20 such as a Marlin lever action carbine; a slide action weapon that
21 is not a semi-automatic firearm; BB guns; gas and pneumatic
22 powered pellet guns; and air rifles.

23 w. "Semi-automatic" means a firearm which fires a single
24 projectile for each single pull of the trigger and is self-reloading
25 or automatically chambers a round, cartridge, or bullet.

26 x. "Large capacity ammunition magazine" means a box, drum,
27 tube or other container which is capable of holding more than 15
28 rounds of ammunition to be fed continuously into a
29 semi-automatic firearm, or a magazine which can be readily
30 converted into a large capacity magazine.

31 (cf: P.L.1987, c.228, s.2)

32 2. N.J.S.2C:39-5 is amended to read as follows:

33 2C:39-5. Unlawful Possession of Weapons.

34 a. Machine guns. Any person who knowingly has in his
35 possession a machine gun or any instrument or device adaptable
36 for use as a machine gun, without being licensed to do so as
37 provided in section 2C:58-5, is guilty of a crime of the third
38 degree.

39 b. Handguns. Any person who knowingly has in his possession
40 any handgun, including any antique handgun without first having
41 obtained a permit to carry the same as provided in section
42 2C:58-4, is guilty of a crime of the third degree.

43 c. Rifles and shotguns. (1) Any person who knowingly has in
44 his possession any rifle or shotgun without having first obtained a
45 firearms purchaser identification card in accordance with the
46 provisions of section 2C:58-3, is guilty of a crime of the third
47 degree.

48 (2) Unless otherwise permitted by law, any person who

1 knowingly has in his possession any loaded rifle or shotgun is
2 guilty of a crime of the third degree.

3 d. Other weapons. Any person who knowingly has in his
4 possession any other weapon under circumstances not manifestly
5 appropriate for such lawful uses as it may have is guilty of a
6 crime of the fourth degree.

7 e. Firearms in educational institutions. Any person who
8 knowingly has in his possession any firearm in or upon any part of
9 the buildings or grounds of any school, college, university or other
10 educational institution, without the written authorization of the
11 governing officer of the institution, is guilty of a crime of the
12 third degree, irrespective of whether he possesses a valid permit
13 to carry the firearm or a valid firearms purchaser identification
14 card.

15 f. Assault firearms. (1) Any person who has in his possession
16 an assault firearm, without being licensed under N.J.S.2C:58-5, is
17 guilty of a crime of the third degree.

18 (2) Unless otherwise permitted by law, any person who
19 knowingly has in his possession any loaded assault firearm is
20 guilty of a crime of the third degree.

21 (cf: P.L.1979, c.179, s.4)

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

23 2C:39-9. Manufacture, transport, disposition and defacement
24 of weapons and dangerous instruments and appliances

25 Manufacture, Transport, Disposition and Defacement of
26 Weapons and Dangerous Instruments and Appliances. a. Machine
27 guns. Any person who manufactures, causes to be manufactured,
28 transports, ships, sells or disposes of any machine gun without
29 being registered or licensed to do so as provided in chapter 58 is
30 guilty of a crime of the third degree.

31 b. Sawed-off shotguns. Any person who manufactures, causes
32 to be manufactured, transports, ships, sells or disposes of any
33 sawed-off shotgun is guilty of a crime of the third degree.

34 c. Firearm silencers. Any person who manufactures, causes to
35 be manufactured, transports, ships, sells or disposes of any
36 firearm silencer is guilty of a crime of the fourth degree.

37 d. Weapons. Any person who manufactures, causes to be
38 manufactured, transports, ships, sells or disposes of any weapon,
39 including gravity knives, switchblade knives, ballistic knives,
40 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,
41 sandclubs, slingshots, cesti or similar leather bands studded with
42 metal filings, or in the case of firearms if he is not licensed or
43 registered to do so as provided in chapter 58, is guilty of a crime
44 of the fourth degree. Any person who manufactures, causes to be
45 manufactured, transports, ships, sells or disposes of any weapon
46 or other device which projects, releases or emits tear gas or
47 other substances intended to produce temporary physical
48 discomfort or permanent injury through being vaporized or

1 otherwise dispensed in the air, which is intended to be used for
2 any purpose other than for authorized military or law
3 enforcement purposes by duly authorized military or law
4 enforcement personnel or the device is for the purpose of
5 personal self-defense, is pocket-sized and contains not more than
6 three-quarters of an ounce of chemical substance not ordinarily
7 capable of lethal use or of inflicting serious bodily injury, or
8 other than to be used by any person permitted to possess such
9 weapon or device under the provisions of subsection d. of
10 N.J.S.2C:39-5, which is intended for use by financial and other
11 business institutions as part of an integrated security system,
12 placed at fixed locations, for the protection of money and
13 property, by the duly authorized personnel of those institutions, is
14 guilty of a crime of the fourth degree.

15 e. Defaced firearms. Any person who defaces any firearm is
16 guilty of a crime of the third degree. Any person who knowingly
17 buys, receives, disposes of or conceals a defaced firearm, except
18 an antique firearm, is guilty of a crime of the fourth degree.

19 f. (1) Any person who manufactures, causes to be
20 manufactured, transports, ships, sells, or disposes of any bullet,
21 which is primarily designed for use in a handgun, and which is
22 comprised of a bullet whose core or jacket, if the jacket is
23 thicker than .025 of an inch, is made of tungsten carbide, or hard
24 bronze, or other material which is harder than a rating of 72 or
25 greater on the Rockwell B. Hardness Scale, and is therefore
26 capable of breaching or penetrating body armor and which is
27 intended to be used for any purpose other than for authorized
28 military or law enforcement purposes by duly authorized military
29 or law enforcement personnel, is guilty of a crime of the fourth
30 degree.

31 (2) Nothing in this subsection shall be construed to prevent a
32 licensed collector of ammunition as defined in paragraph (2) of
33 subsection f. of N.J.S.2C:39-3 from transporting the bullets
34 defined in paragraph (1) of this subsection from (a) any licensed
35 retail or wholesale firearms dealer's place of business to the
36 collector's dwelling, premises, or other land owned or possessed
37 by him, or (b) to or from the collector's dwelling, premises or
38 other land owned or possessed by him to any gun show for the
39 purposes of display, sale, trade, or transfer between collectors, or
40 (c) to or from the collector's dwelling, premises or other land
41 owned or possessed by him to any rifle or pistol club organized in
42 accordance with the rules prescribed by the National Board for
43 the Promotion of Rifle Practice; provided that the club has filed
44 a copy of its charter with the superintendent of the State Police
45 and annually submits a list of its members to the superintendent,
46 and provided further that the ammunition being transported shall
47 be carried not loaded in any firearm and contained in a closed and
48 fastened case, gunbox, or locked in the trunk of the automobile in

1 which it is being transported, and the course of travel shall
2 include only such deviations as are reasonably necessary under
3 the circumstances.

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

8 h. Large capacity ammunition magazines. Any person who
9 manufactures, causes to be manufactured, transports, ships, sells
10 or disposes of a large capacity ammunition magazine which is
11 intended to be used for any purpose other than for authorized
12 military or law enforcement purposes by duly authorized military
13 or law enforcement personnel is guilty of a crime of the fourth
14 degree.

15 (cf: P.L.1987, c.228, s.3)

16 4. N.J.S.2C:39-10 is amended to read as follows:

17 2C:39-10. Violation of the Regulatory Provisions Relating to
18 Firearms; False Representation in Applications

19 a. Any person who knowingly violates the regulatory provisions
20 relating to manufacturing or wholesaling of firearms (section
21 2C:58-1), retailing of firearms (section 2C:58-2), permits to
22 purchase certain firearms (section 2C:58-3), permits to carry
23 certain firearms (section 2C:58-4), licenses to procure machine
24 guns or assault firearms (section 2C:58-5), or incendiary or tracer
25 ammunition (section 2C:58-10), except acts which are punishable
26 under section 2C:39-5 or section 2C:39-9, is guilty of a crime of
27 the fourth degree.

28 b. Any person who knowingly violates the regulatory provisions
29 relating to notifying the authorities of possessing certain items of
30 explosives (section 2C:58-7), or of certain wounds (section
31 2C:58-8) is a disorderly person.

32 c. Any person who gives or causes to be given any false
33 information, or signs a fictitious name or address, in applying for
34 a firearms purchaser identification card [or], a permit to
35 purchase [or] a handgun, a permit to carry a handgun, [or] a
36 permit to possess a machine gun, a permit to possess an assault
37 firearm, or in completing the certificate or any other instrument
38 required by law in purchasing or otherwise acquiring delivery of
39 any rifle, shotgun, handgun, machine gun, or assault firearm or
40 any other firearm, is guilty of a crime of the third degree.

41 (cf: P.L.1979, c.179, s.8)

42 5. Section 1 of P.L.1983, c.515 (C.2C:39-15) is amended to
43 read as follows:

44 1. Any person who offers to sell a machine gun [or],
45 semi-automatic rifle, or assault firearm by means of an
46 advertisement published in a newspaper circulating within this
47 State, which advertisement does not specify that the purchaser
48 shall hold a valid license to purchase and possess a machine gun

1 or assault firearm, or a valid firearms identification card to
2 purchase and possess an automatic or semi-automatic rifle, is a
3 disorderly person.

4 (cf: P.L.1983, c.515, s.1)

5 6. N.J.S.2C:43-6 is amended to read as follows:

6 2C:43-6. Sentence of Imprisonment for Crime; Ordinary
7 Terms; Mandatory Terms. a. Except as otherwise provided, a
8 person who has been convicted of a crime may be sentenced to
9 imprisonment, as follows:

10 (1) In the case of a crime of the first degree, for a specific
11 ~~term of years which shall be fixed by the court and shall be~~
12 between 10 years and 20 years;

13 (2) In the case of a crime of the second degree, for a specific
14 term of years which shall be fixed by the court and shall be
15 between five years and 10 years;

16 (3) In the case of a crime of the third degree, for a specific
17 term of years which shall be fixed by the court and shall be
18 between three years and five years;

19 (4) In the case of a crime of the fourth degree, for a specific
20 term which shall be fixed by the court and shall not exceed 18
21 months.

22 b. As part of a sentence for any crime, where the court is
23 clearly convinced that the aggravating factors substantially
24 outweigh the mitigating factors, as set forth in subsections a. and
25 b. of 2C:44-1, the court may fix a minimum term not to exceed
26 one-half of the term set pursuant to subsection a., or one-half of
27 the term set pursuant to a maximum period of incarceration for a
28 crime set forth in any statute other than this code, during which
29 the defendant shall not be eligible for parole; provided that no
30 defendant shall be eligible for parole at a date earlier than
31 otherwise provided by the law governing parole.

32 c. A person who has been convicted under 2C:39-4a. of
33 possession of a firearm with intent to use it against the person of
34 another, or of a crime under any of the following sections:
35 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a.,
36 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of
37 committing or attempting to commit the crime, including the
38 immediate flight therefrom, used or was in possession of a
39 firearm as defined in 2C:39-1f., shall be sentenced to a term of
40 imprisonment by the court. The term of imprisonment shall
41 include the imposition of a minimum term. The minimum term
42 shall be fixed at, or between, one-third and one-half of the
43 sentence imposed by the court or three years, whichever is
44 greater, or 18 months in the case of a fourth degree crime, during
45 which the defendant shall be ineligible for parole.

46 The minimum terms established by this section shall not
47 prevent the court from imposing presumptive terms of
48 imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes

1 of the fourth degree.

2 A person who has been convicted of an offense enumerated by
3 this subsection and who used or possessed a firearm during its
4 commission, attempted commission or flight therefrom and who
5 has been previously convicted of an offense involving the use or
6 possession of a firearm as defined in 2C:44-3d., shall be
7 sentenced by the court to an extended term as authorized by
8 2C:43-7c., notwithstanding that extended terms are ordinarily
9 discretionary with the court.

10 d. The court shall not impose a mandatory sentence pursuant
11 to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless
12 the ground therefor has been established at a hearing. At the
13 hearing, which may occur at the time of sentencing, the
14 prosecutor shall establish by a preponderance of the evidence
15 that the weapon used or possessed was a firearm. In making its
16 finding, the court shall take judicial notice of any evidence,
17 testimony or information adduced at the trial, plea hearing, or
18 other court proceedings and shall also consider the presentence
19 report and any other relevant information.

20 e. A person convicted of a third or subsequent offense
21 involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any
22 other provision of this code, or under any of the provisions of
23 Title 54 of the Revised Statutes, or Title 54A of the New Jersey
24 Statutes, as amended and supplemented, shall be sentenced to a
25 term of imprisonment by the court. This shall not preclude an
26 application for and imposition of an extended term of
27 imprisonment under N.J.S.2C:44-3 if the provisions of that
28 section are applicable to the offender.

29 f. A person convicted of manufacturing, distributing,
30 dispensing or possessing with intent to distribute any dangerous
31 substance or controlled substance analog under N.J.S.2C:35-5, of
32 maintaining or operating a controlled dangerous substance
33 production facility under N.J.S.2C:35-4, of employing a juvenile
34 in a drug distribution scheme under N.J.S.2C:35-6, leader of a
35 narcotics trafficking network under N.J.S.2C:35-3, or of
36 distributing, dispensing or possessing with intent to distribute on
37 or near school property or buses under section 1 of P.L.1987,
38 c.101 (C.2C:35-7), who has been previously convicted of
39 manufacturing, distributing, dispensing or possessing with intent
40 to distribute a controlled dangerous substance or controlled
41 substance analog, shall upon application of the prosecuting
42 attorney be sentenced by the court to an extended term as
43 authorized by subsection c. of N.J.S.2C:43-7, notwithstanding
44 that extended terms are ordinarily discretionary with the court.
45 The term of imprisonment shall, except as may be provided in
46 N.J.S.2C:35-12, include the imposition of a minimum term. The
47 minimum term shall be fixed at, or between, one-third and
48 one-half of the sentence imposed by the court or three years,

1 whichever is greater, not less than seven years if the person is
2 convicted of a violation of N.J.S.2C:35-6, or 18 months in the
3 case of a fourth degree crime, during which the defendant shall
4 be ineligible for parole.

5 The court shall not impose an extended term pursuant to this
6 subsection unless the ground therefor has been established at a
7 hearing. At the hearing, which may occur at the time of
8 sentencing, the prosecutor shall establish the ground therefor by
9 a preponderance of the evidence. In making its finding, the court
10 shall take judicial notice of any evidence, testimony or
11 information adduced at the trial, plea hearing, or other court
12 proceedings and shall also consider the presentence report and
13 any other relevant information.

14 For the purpose of this subsection, a previous conviction exists
15 where the actor has at any time been convicted under chapter 35
16 of this title or Title 24 of the Revised Statutes or under any
17 similar statute of the United States, this State, or any other state
18 for an offense that is substantially equivalent to N.J.S.2C:35-3,
19 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of
20 P.L.1987, c.101 (C.2C:35-7).

21 g. Any person who has been convicted under subsection a. of
22 N.J.S.2C:39-4 of possessing a machine gun or assault firearm
23 with intent to use it against the person of another, or of a crime
24 under any of the following sections: N.J.S.2C:11-3,
25 N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a.,
26 N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5,
27 N.J.S.2C:35-5, who, while in the course of committing or
28 attempting to commit the crime, including the immediate flight
29 therefrom, used or was in possession of a machine gun or assault
30 firearm shall be sentenced to a term of imprisonment by the
31 court. The term of imprisonment shall include the imposition of
32 a minimum term. The minimum term shall be fixed at 10 years
33 for a crime of the first or second degree, five years for a crime
34 of the third degree, or 18 months in the case of a fourth degree
35 crime, during which the defendant shall be ineligible for parole.

36 The minimum terms established by this section shall not
37 prevent the court from imposing presumptive terms of
38 imprisonment pursuant to paragraph (1) of subsection f. of
39 N.J.S.2C:44-1 for crimes of the first degree.

40 A person who has been convicted of an offense enumerated in
41 this subsection and who used or possessed a machine gun or
42 assault firearm during its commission, attempted commission or
43 flight therefrom and who has been previously convicted of an
44 offense involving the use or possession of any firearm as defined
45 in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court
46 to an extended term as authorized by subsection d. of
47 N.J.S.2C:43-7, notwithstanding that extended terms are
48 ordinarily discretionary with the court.

1 h. The court shall not impose a mandatory sentence pursuant
2 to subsection g. of this section, subsections d. of N.J.S.2C:43-7 or
3 N.J.S.2C:44-3, unless the ground therefor has been established at
4 a hearing. At the hearing, which may occur at the time of
5 sentencing, the prosecutor shall establish by a preponderance of
6 the evidence that the weapon used or possessed was a machine
7 gun or assault firearm. In making its finding, the court shall take
8 judicial notice of any evidence, testimony or information adduced
9 at the trial, plea hearing, or other court proceedings and shall
10 also consider the presentence report and any other relevant
11 information.

12 (cf: P.L.1988, c.44, s.13)

13 7. N.J.S.2C:43-7 is amended to read as follows:

14 2C:43-7. Sentence of Imprisonment for Crime; Extended
15 Terms. a. In the cases designated in section 2C:44-3, a person
16 who has been convicted of a crime may be sentenced to an
17 extended term of imprisonment, as follows:

18 (1) In case of aggravated manslaughter sentenced under
19 subsection c. of N.J.S.2C:11-4 or kidnapping when sentenced as a
20 crime of the first degree under paragraph (1) of subsection c. of
21 2C:13-1 for a specific term of years which shall be between 30
22 years and life imprisonment;

23 (2) Except for the crime of murder and except as provided in
24 paragraph (1) of this subsection, in the case of a crime of the
25 first degree, for a specific term of years which shall be fixed by
26 the court and shall be between 20 years and life imprisonment;

27 (3) In the case of a crime of the second degree, for a term
28 which shall be fixed by the court between 10 and 20 years;

29 (4) In the case of a crime of the third degree, for a term which
30 shall be fixed by the court between five and 10 years;

31 (5) In the case of a crime of the fourth degree pursuant to
32 2C:43-6c. and 2C:44-3d. for a term of five years, and in the case
33 of a crime of the fourth degree pursuant to 2C:43-6f. for a term
34 which shall be fixed by the court between three and five years.

35 b. As part of a sentence for an extended term and
36 notwithstanding the provisions of 2C:43-9, the court may fix a
37 minimum term not to exceed one-half of the term set pursuant to
38 subsection a. during which the defendant shall not be eligible for
39 parole or a term of 25 years during which time the defendant
40 shall not be eligible for parole where the sentence imposed was
41 life imprisonment; provided that no defendant shall be eligible for
42 parole at a date earlier than otherwise provided by the law
43 governing parole.

44 c. In the case of a person sentenced to an extended term
45 pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall
46 impose a sentence within the ranges permitted by 2C:43-7a. (2),
47 (3), (4) or (5) according to the degree or nature of the crime for
48 which the defendant is being sentenced, which sentence shall

1 include a minimum term which shall, except as may be
2 specifically provided by N.J.S.2C:43-6f., be fixed at or between
3 one-third and one-half of the sentence imposed by the court or
4 five years, whichever is greater, during which the defendant shall
5 not be eligible for parole. Where the sentence imposed is life
6 imprisonment, the court shall impose a minimum term of 25 years
7 during which the defendant shall not be eligible for parole, except
8 that where the term of life imprisonment is imposed on a person
9 convicted for a violation of N.J.S.2C:35-3, the term of parole
10 ineligibility shall be 30 years.

11 d. In the case of a person sentenced to an extended term
12 pursuant to N.J.S.2C:43-6g., the court shall impose a sentence
13 within the ranges permitted by N.J.S.2C:43-7a. (2), (3), or (4)
14 according to the degree or nature of the crime for which the
15 defendant is being sentenced, which sentence shall include a
16 minimum term which shall be fixed at 15 years for a crime of the
17 first or second degree, 8 years for a crime of the third degree, or
18 four years for a crime of the fourth degree during which the
19 defendant shall not be eligible for parole. Where the sentence
20 imposed is life imprisonment, the court shall impose a minimum
21 term of 25 years during which the defendant shall not be eligible
22 for parole, except that where the term of life imprisonment is
23 imposed on a person convicted of a violation of N.J.S.2C:35-3,
24 the term of parole ineligibility shall be 30 years.

25 (cf: P.L.1988, c.44, s.14)

26 8. N.J.S.2C:44-3 is amended to read as follows:

27 2C:44-3. Criteria for Sentence of Extended Term of
28 Imprisonment.

29 The court may, upon application of the prosecuting attorney,
30 sentence a person who has been convicted of a crime of the first,
31 second or third degree to an extended term of imprisonment if it
32 finds one or more of the grounds specified in this section. If the
33 grounds specified in subsection d. are found, and the person is
34 being sentenced for commission of any of the offenses
35 enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall
36 sentence the defendant to an extended term as required by
37 N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the
38 prosecutor shall not be required. The finding of the court shall be
39 incorporated in the record.

40 a. The defendant is a persistent offender. A persistent
41 offender is a person who at the time of the commission of the
42 crime is 21 years of age or over, who has been previously
43 convicted on at least two separate occasions of two crimes,
44 committed at different times, when he was at least 18 years of
45 age, if the latest in time of these crimes or the date of the
46 defendant's last release from confinement, whichever is later, is
47 within 10 years of the date of the crime for which the defendant
48 is being sentenced.

1 b. The defendant is a professional criminal. A professional
2 criminal is a person who committed a crime as part of a
3 continuing criminal activity in concert with two or more persons,
4 and the circumstances of the crime show he has knowingly
5 devoted himself to criminal activity as a major source of
6 livelihood.

7 c. The defendant committed the crime as consideration for the
8 receipt, or in expectation of the receipt, of anything of pecuniary
9 value the amount of which was unrelated to the proceeds of the
10 crime or he procured the commission of the offense by payment
11 or promise of payment of anything of pecuniary value.

12 d. Second offender with a firearm. The defendant is at least
13 18 years of age and has been previously convicted of any of the
14 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1,
15 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or
16 has been previously convicted of an offense under Title 2A of the
17 New Jersey Statutes which is equivalent of the offenses
18 enumerated in this subsection and he used or possessed a firearm,
19 as defined in 2C:39-1f., in the course of committing or
20 attempting to commit any of these crimes, including the
21 immediate flight therefrom.

22 (cf: P.L.1981, c.31, s.3)

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

24 2C:58-5. Licenses to possess and carry machine guns

25 a. Any person who desires to purchase, possess and carry a
26 machine gun or assault firearm in this State may apply for a
27 license to do so by filing in the Superior Court in the county in
28 which he resides, or conducts his business if a nonresident, a
29 written application setting forth in detail his reasons for desiring
30 such a license. The Superior Court shall refer the application to
31 the county prosecutor for investigation and recommendation. A
32 copy of the prosecutor's report, together with a copy of the
33 notice of the hearing on the application, shall be served upon the
34 ~~superintendent and the chief police officer~~ of every municipality
35 in which the applicant intends to carry the machine gun or assault
36 firearm, unless, for good cause shown, the court orders notice to
37 be given wholly or in part by publication.

38 b. No license shall be issued to any person who would not
39 qualify for a permit to carry a handgun under section 2C:58-4,
40 and no license shall be issued unless the court finds that the
41 public safety and welfare so require. Any person aggrieved by
42 the decision of the court in granting or denying an application,
43 including the applicant, the prosecutor, or any law enforcement
44 officer entitled to notice under subsection a. who appeared in
45 opposition to the application, may appeal said decision in
46 accordance with law and the rules governing the courts of this
47 State.

48 c. Upon the issuance of any license under this section, true

1 copies of such license shall be filed with the superintendent and
2 the chief police officer of the municipality where the licensee
3 resides or has his place of business.

4 d. In issuing any license under this section, the court shall
5 attach thereto such conditions and limitations as it deems to be
6 in the public interest. Unless otherwise provided by court order
7 at the time of issuance, each license shall expire 1 year from the
8 date of issuance, and may be renewed in the same manner and
9 under the same conditions as apply to original applications.

10 e. Any license may be revoked by the Superior Court, after a
11 hearing upon notice to the holder thereof, if the court finds that
12 the holder is no longer qualified for the issuance of such a license
13 or that revocation is necessary for the public safety and welfare.
14 Any citizen may apply to the court for revocation of a license
15 issued under this section.

16 (cf: P.L.1979, c.179, s.13)

17 10. (New section) A person who is in lawful possession of an
18 assault firearm as defined in N.J.S.2C:39-1 on the effective day
19 of this act may apply within 15 days after the effective date for
20 a license to continue to possess an assault firearm in accordance
21 with N.J.S.2C:58-5. A person who intends to file an application
22 for a license shall deliver the assault firearm to the chief law
23 enforcement officer of the municipality in which the person
24 resides by the effective date of this act and shall sign a
25 statement of intent to apply for a license in accordance with
26 N.J.S.2C:58-5. The chief law enforcement officer shall retain
27 the assault firearm until the application is approved. If the
28 application is denied, the person may retain ownership of the
29 assault firearm for the purpose of sale for a period not exceeding
30 90 days, provided the assault firearm remains in the custody of
31 the chief until it may be turned over by the chief directly to the
32 purchaser. If the firearm is not sold within 90 days, it shall be
33 rendered permanently inoperable upon the request of the owner
34 and returned to the owner, or it shall be retained by the chief as
35 a voluntarily surrendered firearm pursuant to N.J.S.2C:39-12.

36 A person who is in possession of an assault firearm and who
37 does not intend to apply for a license in accordance with
38 N.J.S.2C:58-5 shall permanently dispose of the assault firearm by
39 sale, voluntary surrender under N.J.S.2C:39-12, or other lawful
40 means or shall render it permanently inoperable by the effective
41 date of this act. If an assault firearm is rendered permanently
42 inoperable, the person shall file an affidavit or notarized
43 statement with the Superior Court in the county in which the
44 person resides stating that the person possesses an assault
45 firearm which has been rendered permanently inoperable.

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

47 2C:39-3. Prohibited weapons and devices

48 Prohibited Weapons and Devices. a. Destructive devices. Any

1 person who knowingly has in his possession any destructive device
2 is guilty of a crime of the third degree.

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

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

8 d. Defaced firearms. Any person who knowingly has in his
9 possession any firearm which has been defaced, except an antique
10 firearm, is guilty of a crime of the fourth degree.

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

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

38 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., [or]
39 f., or j. of this section shall apply to any member of the Armed
40 Forces of the United States or the National Guard, or except as
41 otherwise provided, to any law enforcement officer while
42 actually on duty or traveling to or from an authorized place of
43 duty, provided that his possession of the prohibited weapon or
44 device has been duly authorized under the applicable laws,
45 regulations or military or law enforcement orders. Nothing in
46 subsection h. of this section shall apply to any law enforcement
47 officer who is exempted from the provisions of that subsection by
48 the Attorney General. Nothing in this section shall apply to the

1 possession of any weapon or device by a law enforcement officer
2 who has confiscated, seized or otherwise taken possession of said
3 weapon or device as evidence of the commission of a crime or
4 because he believed it to be possessed illegally by the person
5 from whom it was taken, provided that said law enforcement
6 officer promptly notifies his superiors of his possession of such
7 prohibited weapon or device.

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

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

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

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

39 i. Nothing in subsection e. of this section shall be construed to
40 prevent any guard in the employ of a private security company,
41 who is licensed to carry a firearm, from the possession of a
42 nightstick when in the actual performance of his official duties,
43 provided that he has satisfactorily completed a training course
44 approved by the Police Training Commission in the use of a
45 nightstick.

46 j. Any person who knowingly has in his possession a large
47 capacity ammunition magazine is guilty of a crime of the fourth
48 degree.

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

1 12. This act shall take effect on the first day of the fourth
2 month after enactment.
3

4
5 STATEMENT
6

7 This bill would prohibit the manufacture, sale, or possession of
8 an assault firearm or large capacity ammunition magazine except
9 under certain circumstances. "Assault firearm" and "large
10 capacity ammunition magazine" are both defined in section 1 of
11 the bill.

12 Pursuant to the provisions of the bill, manufacture, sale, or
13 possession of a large capacity ammunition magazine would be
14 prohibited except for use by military or law enforcement
15 authorities; purchase and possession of an assault firearm would
16 be prohibited unless a person obtains a license, similar to the
17 current machine gun license, in accordance with N.J.S. 2C:58-5.
18 A person who possesses an assault firearm as of the day the bill,
19 if enacted into law, takes effect would have to obtain a permit to
20 keep it or must render it permanently inoperable, sell it, turn it
21 over to the police, or dispose of it in some other legal manner.

22 In addition, the bill would impose a mandatory minimum prison
23 term for the commission of certain crimes while in possession of
24 a machine gun or an assault firearm.
25

26
27 PUBLIC SAFETY
28

29 Makes certain statutory changes concerning the possession,
30 purchase and illegal use of assault firearms and large capacity
31 magazines.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 166

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 12, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 166.

This bill would prohibit the manufacture, sale, or possession of assault firearms and large capacity ammunition magazines except under certain circumstances.

Pursuant to the provisions of the bill, manufacture, sale, or possession of assault firearms and large capacity ammunition magazines would be prohibited except for use by military or law enforcement authorities; purchase and possession of an assault firearm would be prohibited unless a person obtains a license, similar to the current machine gun license, to purchase, possess or carry an assault firearm. The license and the licensing procedure would be identical to the current procedure for machine gun licenses set forth in N.J.S.2C:58-5.

A person who possesses an assault firearm as of the day the bill takes effect would have to have obtained a license or must render it permanently inoperable, sell it, turn it over to the police, or dispose of it in some other legal manner.

In addition, the bill would impose mandatory minimum prison terms for the commission of certain crimes while in possession of a machine gun or an assault firearm.

The following is a summary of the major provisions of the major provisions of the bill.

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.

DEFINITIONS:

"Assault firearm" means:

A semi-automatic rifle of a certain barrel length which was originally designed to take a detachable magazine with a capacity exceeding 15 rounds or a semi-automatic rifle with a fixed magazine with a capacity exceeding 15 rounds;

A semi-automatic shotgun with magazine capacity exceeding six rounds, or with pistol grip or folding stock;

A semi-automatic handgun originally designed to take a magazine with a capacity exceeding 17 rounds; or

A firearm which may be readily restored to an operable assault firearm.

The definition specifically includes: Avtomat Kalashnikov semi-automatic firearms; Uzi semi-automatic firearms; Intratec TEC 9 or 22 semi-automatic firearms; Ruger Mini-14 semi-automatic firearms; Colt AR-15 semi-automatic firearms; Beretta AR-70 semi-automatic firearms; FN-FAL or FN-FNC semi-automatic firearms; Steyr A.U.G. semi-automatic firearms; Heckler and Koch HK91, HK93, HK94 semi-automatic rifles and carbines; USAS 12 semi-automatic shotgun; Valmet M-76 and M-78 semi-automatic firearms; Shotguns like "Street Sweeper" or "Striker 12".

The definition specifically excludes the following:

- Remington Model 1100 shotgun;
- Remington Model 870 shotgun;
- Ruger 10/22 carbine;
- HK Model 300 rifle;
- Marlin Model 9 camp carbine;
- Stevens Model 987 rifle;
- Remington Nylon 66 autoloading rifle;
- a firearm which does not use fixed ammunition;
- a manually operated bolt action weapon that is not a semi-automatic firearm, such as a Winchester bolt action rifle;
- a lever action weapon that is not a semi-automatic firearm, such as a Marlin lever action carbine;
- a slide action weapon that is not a semi-automatic firearm;
- a BB gun;
- a gas and pneumatic powered pellet gun;
- an air rifle;
- an assault firearm rendered permanently inoperable.

"Large capacity ammunition magazine" means a box, drum, tube or other container capable of holding more than 15 rounds of ammunition.

CRIMINAL OFFENSES:

The bill would establish as a crime of the third degree, the possession of an assault firearm. Manufacturing, selling or disposing of an assault rifle without being registered or licensed would be a crime of the third degree.

Possession of a large capacity magazine except for military or law enforcement use would be a crime of the fourth degree. The manufacture, transport or sale of a large capacity magazine would also be a fourth degree crime.

MANDATORY MINIMUM PRISON TERMS:

Under the bill, if a person commits a crime of the first or second degree with a machine gun or assault firearm, the mandatory minimum term of imprisonment would be ten years. For crimes of the third degree, the term would be 5 years and for fourth degree crimes, 18 months.

For those offenders eligible for an extended term of imprisonment, if the crime involved was of the first or second degree

and a machine gun or assault firearm was used, the mandatory term of imprisonment would be 15 years. In cases involving crimes of the third degree, eight years and for crimes of the fourth degree, five years.

AMENDMENTS:

The committee adopted the following amendments:

1. The definition of "semi-automatic rifle" was changed to include a requirement of a barrel length of between 16 and 22 inches.
2. The Attorney General is required to compile a list of assault firearms by name within 30 days of the bill's enactment.
3. A person who is awaiting a decision on an appeal of an assault license denial on the bill's effective date must turn the firearm over to the police. If the denial is upheld on appeal, the police will either render the firearm permanently inoperable and return it to the owner or keep it as a voluntarily surrendered firearm.
4. The amendments delete a provision which would have allowed a person who intended to apply for a license to turn that firearm over to the law enforcement authorities.

SENATE SIU COMMITTEE

AMENDMENTS

to

SENATE, No. 166
(Sponsored by Senator Graves)

ADOPTED

MAR 12 1990

REPLACE TITLE TO READ

AN ACT concerning assault firearms, amending ¹[N.J.S.2C:39-1, 2C:39-5, 2C:39-9, 2C:39-10, P.L.1983, c.515, N.J.S.2C:43-6, 2C:43-7, 2C:44-3, 2C:58-5, 2C:39-3] various parts of the statutory law¹ and supplementing chapter 58 of Title 2C of the New Jersey Statutes.

REPLACE SECTION 1 TO READ:

1. N.J.S.2C:39-1 is amended to read as follows:
- 2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:
- a. "Antique firearm" means any firearm and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the firearm or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.
 - b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.
 - c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.
 - d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

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

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

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

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

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

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

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

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

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

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

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

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

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

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives; billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

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

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

1/v. "Assault firearm" means:

(1) a semi-automatic rifle, carbine, or short rifle originally designed to accept a detachable magazine with a capacity exceeding 15 rounds. This definition shall not include a semi-automatic rifle, carbine, or short rifle originally designed to accept a detachable magazine of 15 rounds or less regardless of the fact that magazines of larger capacity were subsequently manufactured and made available for use with such a firearm.

(2) a semi-automatic shotgun with a magazine capacity of more than six rounds, or with a pistol grip extending beneath the trigger or folding stock.

(3) a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(4) a semi-automatic handgun originally designed to accept a magazine with a capacity of 18 or more rounds. This definition shall not include a semi-automatic handgun originally designed to accept a detachable magazine of 17 rounds or less regardless of the fact that magazines of larger capacity were subsequently manufactured and made available for use with such a handgun.

(5) a firearm which may be readily restored to an operable assault firearm.

(6) a part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

An assault firearm which has been rendered permanently inoperable shall no longer be considered an assault firearm under this definition.

Assault firearm as defined above shall include, but shall not be limited to, all versions or formats of any of the following firearms or firearms manufactured under any designation which are substantially identical:

Avtomat Kalashnikov semi-automatic firearms
Uzi semi-automatic firearms
Intratec TEC 9 or 22 semi-automatic firearm
Ruger Mini-14 semi-automatic firearm
Colt AR-15 semi-automatic firearm
Beretta AR-70 semi-automatic firearm
FN-FAL or FN-FNC semi-automatic firearms
Steyr A.U.G. semi-automatic firearm
Heckler and Koch HK91, HK93, HK94 semi-automatic rifles and carbines
USAS 12 semi-automatic shotgun
Valmet M-76 or M-78 semi-automatic firearms
Shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Firearms exempt from the definition of "assault firearm" shall include, but shall not be limited to, the: Remington Model 1100 shotgun; Remington Model 870 shotgun; Ruger 10/22 carbine; HK Model 300 rifle; Marlin Model 9 camp carbine; Stevens Model 987 rifle; and Remington Nylon 66 autoloading rifle. In addition, "assault firearm" shall not include a firearm which does not use fixed ammunition; a manually operated bolt action weapon that is not a semi-automatic firearm such as a Winchester bolt action rifle; a lever action weapon that is not a semi-automatic firearm such as a Marlin lever action carbine; a slide action weapon that is not a semi-automatic firearm; BB guns; gas and pneumatic powered pellet guns; and air rifles.

w. (1) "Assault firearm" means:

(a) a semi-automatic rifle, carbine, or short rifle, with a barrel length measuring not less than 16 inches or more than 22 inches from breech to muzzle and which was originally designed to accept a detachable magazine with a capacity exceeding 15 rounds;

(b) a semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock;

(c) a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds;

(d) a semi-automatic handgun originally designed to accept a magazine with a capacity exceeding 17 rounds;

(e) a firearm which may be readily restored to an operable assault firearm;

(f) a part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person; or

(g) all versions or formats of any of the following firearms, or firearms manufactured under any designation which are substantially identical:

Avtomat Kalashnikov semi-automatic firearms;

Uzi semi-automatic firearms;
Intratec TEC 9 or 22 semi-automatic firearm;
Ruger Mini-14 semi-automatic firearm;
Colt AR-15 semi-automatic firearm;
Beretta AR-70 semi-automatic firearm;
FN-FAL or FN-FNC semi-automatic firearms;
Steyr A.U.G. semi-automatic firearm;
Heckler and Koch HK91, HK93, HK94 semi-automatic rifles
and carbines;
USAS 12 semi-automatic shotgun;
Valmet M-76 or M-78 semi-automatic firearms; and
Any shotgun with a revolving cylinder such as the "Street
Sweeper" or "Striker 12."

(2) The term "assault firearm" shall not include the following
firearms:

Remington Model 1100 shotgun;
Remington Model 870 shotgun;
Ruger 10/22 carbine;
HK Model 300 rifle;
Marlin Model 9 camp carbine;
Stevens Model 987 rifle;
Remington Nylon 66 autoloading rifle;
a firearm which does not use fixed ammunition;
a manually operated bolt action weapon that is not a
semi-automatic firearm, such as a Winchester bolt action rifle;
a lever action weapon that is not a semi-automatic firearm,
such as a Marlin lever action carbine;
a slide action weapon that is not a semi-automatic firearm;
a BB gun;
a gas and pneumatic powered pellet gun;
an air rifle;
an assault firearm which has been rendered permanently
inoperable.

"w" x. "Semi-automatic" means a firearm which fires a
single projectile for each single pull of the trigger and is
self-reloading or automatically chambers a round, cartridge, or
bullet.

"v." "Large capacity ammunition magazine" means a box,
drum, tube or other container which is capable of holding more
than 15 rounds of ammunition to be fed continuously and directly
therefrom into a semi-automatic firearm, or a magazine which
can be readily converted into a large capacity magazine.

(cf: P.L.1989, c.120, s.1)

REPLACE SECTION 2 TO READ:

2. N.J.S.2C:39-5 is amended to read as follows:

2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun without first having obtained a permit to carry the same as provided in section 2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

f. Assault firearms. ¹[(1)]¹ Any person who ¹ knowingly¹ has in his possession an assault firearm, without being licensed under N.J.S.2C:58-5, is guilty of a crime of the third degree.

¹[(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded assault firearm is guilty of a crime of the third degree.]¹

(cf: P.L.1979, c.179, s.4)

REPLACE SECTION 7 TO READ:

7. N.J.S.2C:43-7 is amended to read as follows:

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms. a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In case of aggravated manslaughter sentenced under subsection c. of N.J.S.2C:11-4 or kidnapping when sentenced as a crime of the first degree under paragraph (1) of subsection c. of 2C:13-1 for a specific term of years which shall be between 30 years and life imprisonment;

(2) Except for the crime of murder and except as provided in paragraph (1) of this subsection, in the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between five and 10 years;

(5) In the case of a crime of the fourth degree pursuant to 2C:43-6c. and 2C:44-3d. for a term of five years, and in the case of a crime of the fourth degree pursuant to 2C:43-6f. for a term which shall be fixed by the court between three and five years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a. during which the defendant shall not be eligible for parole or a term of 25 years during which time the defendant shall not be eligible for parole where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a. (2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall, except as may be specifically provided by N.J.S.2C:43-6f., be fixed at or between one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted for a violation of N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

d. In the case of a person sentenced to an extended term pursuant to N.J.S.2C:43-6g., the court shall impose a sentence within the ranges permitted by N.J.S.2C:43-7a. (2), (3), ¹[or] ¹(4) ¹, or ¹(5) ¹ according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall be fixed at 15 years for a crime of the first or second degree. (8) years

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for a crime of the third degree, or ¹[four] five¹ years for a crime of the fourth degree during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted of a violation of N.J.S.2C:35-3, the term of parole ineligibility shall be 30 years.

(cf: P.L.1988, c.44, s.14)

REPLACE SECTION 9 TO READ:

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

2C:58-5. Licenses to Possess and Carry Machine Guns and Assault Firearms .

a. Any person who desires to purchase, possess and carry a machine gun or assault firearm in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The Superior Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant intends to carry the machine gun or assault firearm, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a permit to carry a handgun under section 2C:58-4, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire 1 year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the Superior Court, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

1f. If an applicant appeals a decision by a court denying an application to purchase, possess, or carry an assault firearm and the appeal is pending on the effective date of P.L. c. (C.) (now pending before the Legislature as this bill), the applicant shall deliver any assault firearm owned or possessed by him to either the chief law enforcement officer of the municipality in which the applicant resides or, in the case of an applicant who resides outside this State but stores or possesses an assault firearm in this State, to the Superintendent of State Police. The chief law enforcement officer or superintendent shall retain custody of the firearm pending a decision on the appeal. If the denial of the application is upheld on appeal, the assault firearm shall, in accordance with the decision of the applicant, be rendered permanently inoperable and returned to the applicant, or retained by the chief law enforcement officer or the superintendent as a voluntarily surrendered firearm pursuant to N.J.S.2C:39-12.¹
(cf: P.L.1979, c.179, s.13)

DELETE SECTION 10 IN ENTIRETY

RENUMBER SECTION 11 AS SECTION 10

INSERT NEW SECTION 11 TO READ

11. (New section) Within 30 days after the date of enactment of P.L. c. (C.) (now pending before the Legislature as this bill), the Attorney General shall compile and publish a list naming those firearms which meet the definition for "assault firearm" set forth in subsection w. of N.J.S.2C:39-1. The list shall contain only those firearms which meet the definition in paragraph (1) of subsection w. and shall not contain any firearm named or described in paragraph (2) of subsection w. of N.J.S. 2C:39-1.

The Attorney General shall periodically review the list of assault firearms and may, at any time, add to that list in accordance with the provisions of this section.¹

REPLACE SECTION 12 TO READ:

12. This act shall take effect on the first day of the fourth month after enactment¹, except that sections 1, 9 and 11 shall take effect immediately¹.

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SENATE Amendments

(Proposed by)

Senator Russo

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SENATE, No. 166 (1R)

(Sponsored by Senator GRAVES)

REPLACE SECTION 1 TO READ:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

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

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

1v. "Assault firearm" means:

(1) a semi-automatic rifle, carbine, or short rifle originally designed to accept a detachable magazine with a capacity exceeding 15 rounds. This definition shall not include a semi-automatic rifle, carbine, or short rifle originally designed to accept a detachable magazine of 15 rounds or less regardless of the fact that magazines of larger capacity were subsequently manufactured and made available for use with such a firearm.

(2) a semi-automatic shotgun with a magazine capacity of more than six rounds, or with a pistol grip extending beneath the trigger or folding stock.

(3) a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(4) a semi-automatic handgun originally designed to accept a magazine with a capacity of 18 or more rounds. This definition shall not include a semi-automatic handgun originally designed to accept a detachable magazine of 17 rounds or less regardless of the fact that magazines of larger capacity were subsequently manufactured and made available for use with such a handgun.

(5) a firearm which may be readily restored to an operable assault firearm.

(6) a part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

An assault firearm which has been rendered permanently inoperable shall no longer be considered an assault firearm under this definition.

Assault firearm as defined above shall include, but shall not be limited to, all versions or formats of any of the following firearms or firearms manufactured under any designation which are substantially identical:

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Uzi semi-automatic firearms

Intratec TEC 9 or 22 semi-automatic firearm

Ruger Mini-14 semi-automatic firearm

Colt AR-15 semi-automatic firearm

Beretta AR-70 semi-automatic firearm

FN-FAL or FN-FNC semi-automatic firearms

Steyr A.U.G. semi-automatic firearm

Heckler and Koch HK91, HK93, HK94 semi-automatic rifles and carbines

USAS 12 semi-automatic shotgun

Valmet M-76 or M-78 semi-automatic firearms

Shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Firearms exempt from the definition of "assault firearm" shall include, but shall not be limited to, the: Remington Model 1100 shotgun; Remington Model 870 shotgun; Ruger 10/22 carbine; HK Model 300 rifle; Marlin Model 9 camp carbine; Stevens Model 987 rifle; and Remington Nylon 66 autoloading rifle. In addition, "assault firearm" shall not include a firearm which does not use fixed ammunition; a manually operated bolt action weapon that is not a semi-automatic firearm such as a Winchester bolt action rifle; a lever action weapon that

is not a semi-automatic firearm such as a Marlin lever action carbine; a slide action weapon that is not a semi-automatic firearm; BB guns; gas and pneumatic powered pellet guns; and air rifles.]

²[w. (1) "Assault firearm" means:

(a) a semi-automatic rifle, carbine, or short rifle, with a barrel length measuring not less than 16 inches or more than 22 inches from breech to muzzle and which was originally designed to accept a detachable magazine with a capacity exceeding 15 rounds;

(b) a semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock;

(c) a semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds;

(d) a semi-automatic handgun originally designed to accept a magazine with a capacity exceeding 17 rounds;

(e) a firearm which may be readily restored to an operable assault firearm;

(f) a part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person; or

(g) all versions or formats of any of the following firearms, or firearms manufactured under any designation which are substantially identical:

Avtomat Kalashnikov semi-automatic firearms;

Uzi semi-automatic firearms;

Intratec TEC 9 or 22 semi-automatic firearm;

Ruger Mini-14 semi-automatic firearm;

Colt AR-15 semi-automatic firearm;

Beretta AR-70 semi-automatic firearm;

FN-FAL or FN-FNC semi-automatic firearms;

Steyr A.U.G. semi-automatic firearm;

Heckler and Koch HK91, HK93, HK94 semi-automatic rifles

and carbines;

USAS 12 semi-automatic shotgun;

Valmet M-76 or M-78 semi-automatic firearms; and

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12."

(2) The term "assault firearm" shall not include the following firearms:

- Remington Model 1100 shotgun;
- Remington Model 870 shotgun;
- Ruger 10/22 carbine;
- HK Model 300 rifle;
- Marlin Model 9 camp carbine;
- Stevens Model 987 rifle;
- Remington Nylon 66 autoloading rifle;
- a firearm which does not use fixed ammunition;
- a manually operated bolt action weapon that is not a semi-automatic firearm, such as a Winchester bolt action rifle;
- a lever action weapon that is not a semi-automatic firearm, such as a Marlin lever action carbine;
- a slide action weapon that is not a semi-automatic firearm;
- a BB gun;
- a gas and pneumatic powered pellet gun;
- an air rifle;
- an assault firearm which has been rendered permanently inoperable.^{1]}

w. "Assault firearm" means:

(1) The following firearms:

- Algimec AGM1 type
- Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"
- Armalite AR-180 type
- Australian Automatic Arms SAR
- Avtomat Kalashnikov type semi-automatic firearms
- Beretta AR-70 and BM59 semi-automatic firearms
- Bushmaster Assault Rifle
- Calico M-900 Assault carbine and M-900
- CETME G3
- Chartered Industries of Singapore SR-88 type
- Colt AR-15 and CAR-15 series
- Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- Demro TAC-1 carbine type
- Encom MP-9 and MP-45 carbine types
- FAMAS MAS223 types
- FN-FAL, FN-LAR, or FN-FNG type semi-automatic firearms
- Franchi SPAS 12 and LAW 12 shotguns
- G3SA type
- Galil type
- Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms

PJK M-68 carbine type

Plainfield Machine Company Carbine

Ruger K-Mini-14/5F and Mini-14/5RF

SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types

Steyr A.U.G. semi-automatic firearms

USAS 12 semi-automatic type shotgun

Uzi type semi-automatic firearms

Valmet M62, M71S, M76, or M78 type semi-automatic firearms

Weaver Arm Nighthawk

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.²

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously¹ and directly therefrom¹ into a semi-automatic firearm² [or a magazine which can be readily converted into a large capacity magazine]².

²z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.²

(cf: P.L. 1989, c. 120, s. 1)

REPLACE SECTION 2 TO READ:

2. N.J.S.2C:39-5 is amended to read as follows:

2C:39-5. Unlawful Possession of Weapons.

a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58-5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, including any antique handgun without first having obtained a permit to carry the same as provided in section 2C:58-4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58-3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any other weapon under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

f. Assault firearms. ¹[(1)]¹ Any person who ¹knowingly¹ has in his possession an assault firearm², without being licensed under N.J.S.2C:58-5,² is guilty of a crime of the third degree ²except if the assault firearm is licensed pursuant to N.J.S. 2C:58-5; registered pursuant to section 11 of P.L. . c. (C.) (now pending before the Legislature as this bill) or rendered inoperable pursuant to section 12 of P.L. . c. (C.) (now pending before the Legislature as this bill).²

¹[(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded assault firearm is guilty of a crime of the third degree.]¹

(cf: P.L.1979, c.179, s.4)

REPLACE SECTION 4 TO READ:

4. N.J.S.2C:39-10 is amended to read as follows:

2C:39-10. ~~Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.~~

a. ~~Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.~~

b. ~~Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.~~

c. ~~Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card [or], a permit to purchase [or] a handgun, a permit to carry a handgun, [or] a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.~~

~~²d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L. , c. (C.) (now pending before the Legislature as this bill) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L. , c. (C.) (now pending before the Legislature as this bill) commits a crime of the fourth degree.²~~

(cf: P.L.1979, c.179, s.8)

REPLACE SECTION 9 TO READ:

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

2C:58-5. Licenses to Possess and Carry Machine Guns ¹and Assault Firearms¹.

a. Any person who desires to purchase, possess and carry a machine gun or assault firearm in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The Superior Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant intends to carry the machine gun or assault firearm, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a permit to carry a handgun under section 2C:58-4, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire 1 year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the Superior Court, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

2[f. If an applicant appeals a decision by a court denying an application to purchase, possess, or carry an assault firearm and the appeal is pending on the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill), the applicant shall deliver any assault firearm owned or possessed by him to either the chief law enforcement officer of the municipality in which the applicant resides or, in the case of an applicant who resides outside this State but stores or possesses an assault firearm in this State, to the Superintendent of State Police. The chief law enforcement officer or superintendent shall retain custody of the firearm pending a decision on the appeal. If the denial of the application is upheld on appeal, the assault firearm shall, in accordance with the decision of the applicant, be rendered permanently inoperable and returned to the applicant, or retained by the chief law enforcement officer or the superintendent as a voluntarily surrendered firearm pursuant to N.J.S.2C:39-12.]

f. A filing fee of \$75.00 shall be required for each application filed pursuant to the provisions of this section. Of this filing fee, \$25.00 shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L. 1971, c. 317 (C. 52:4B-1 et seq.).

g. Any license granted pursuant to the provisions of this section shall expire two years from the date of issuance and may be renewed in the same manner and under the same conditions as apply to original applications. If the holder of a license dies, the holder's heirs or estate shall have 90 days to dispose of that firearm as provided in section 12 of P.L. , c. (C.) (now pending before the Legislature as this bill).

h. If an assault firearm licensed pursuant to the provisions of this section is used in the commission of a crime, the holder of the license for that assault firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply if the assault firearm used in the commission of the crime was stolen and the license holder reported the theft of the firearm to law enforcement authorities within 24 hours of the license holder's knowledge of the theft.

i. Nothing in P.L. c. (C.) (now pending before the Legislature as this bill) shall be construed to abridge any exemptions provided under N.J.S. 2C:39-6.²

(cf: P.L.1979, c.179, s.13)

REPLACE SECTION 10 TO READ:

1[11.] 10.¹ N.J.S.2C:39-3 is amended to read as follows:

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

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

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

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

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

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) 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 (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

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

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

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

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

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

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

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

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L. . c. (C.) (now pending before the Legislature as this bill) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army².

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

OMIT SECTION 11 IN ITS ENTIRETY

INSERT NEW SECTIONS 11, 12, AND 13 AS FOLLOWS:

²11. (New section) a. Within 90 days of the effective date of P.L. . c. (C.) (now pending before the Legislature as this bill), the Attorney General shall promulgate a list by trade name of any assault firearm which the Attorney General determines is an assault firearm which is used for legitimate

target-shooting purposes. This list shall include, but need not be limited to, the Colt AR-15 and any other assault firearm used in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

b. The owner of an assault firearm purchased on or before May 1, 1990 which is on the list of assault firearms determined by the Attorney General to be legitimate for target-shooting purposes shall have one year from the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill) to register that firearm. In order to register an assault firearm, the owner shall:

(1) Complete an assault firearm registration statement, in the form to be prescribed by the Superintendent of ^{the} State Police;

(2) Pay a registration fee of \$50.00 per each assault firearm;

(3) Produce for inspection a valid firearms purchaser identification card, a valid permit to carry handguns, or a copy of the permit to purchase a handgun which was used to purchase the assault firearm which is being registered; and

(4) Submit valid proof that the person is a member of a rifle or pistol club in existence prior to the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill).

Membership in a rifle or pistol club shall not be considered valid unless the person joined the club no later than 210 days after the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill) and unless the rifle or pistol club files its charter with the Superintendent no later than 180 days following the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill). The rifle or pistol club charter shall contain the name and address of the club's headquarters and the name of the club's officers.

The information to be provided in the registration statement shall include, but shall not be limited to: the name and address of the registrant; the number or numbers on the registrant's firearms purchaser identification card, permit to carry handguns, or permit to purchase a handgun; the name, address, and telephone number of the rifle or pistol club in which the registrant is a member; and the make, model, and serial number of the assault firearm being registered. Each registration statement shall be signed by the registrant, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement.

c. For an applicant who resides in a municipality with an organized full-time police department, the registration shall take place at the main office of the police department. For all other applicants, the registration shall take place at any State Police station.

d. Within 60 days of the effective date of P.L. , c. (C.) (now pending before the Legislature as this bill), the Superintendent shall prepare the form of registration statement as described in subsection b. of this section and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station.

e. One copy of the completed assault firearms registration statement shall be returned to the registrant, a second copy shall be sent to the Superintendent, and, if the registration takes place at a municipal police department, a third copy shall be retained by that municipal police department.

f. If the owner of an assault firearm which has been registered pursuant to this section dies, the owner's heirs or estate shall have 90 days to dispose of that firearm in accordance with section 12 of P.L. , c. (C.) (now pending before the Legislature as this bill).

g. If an assault firearm registered pursuant to the provisions of this section is used in the commission of a crime, the registrant of that assault firearm shall be civilly liable for any damages resulting from that crime. The liability imposed by this subsection shall not apply if the assault firearm used in the commission of the crime was stolen and the registrant reported the theft of the firearm to law enforcement authorities within 24 hours of the registrant's knowledge of the theft.

h. Of the registration fee required pursuant to subsection b. of this section, \$20.00 shall be forwarded to the State Treasury for deposit in the account used by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L. 1971, c. 317 (C. 52:4B-1 et seq.).

-12. (New section) a. Any person who legally owns an assault firearm on the effective date of this act and who is unable to register or chooses to not register the firearm pursuant to section 11 of P.L. , c. (C.) (now pending before the Legislature as this bill) may retain possession of that firearm for a period not to exceed one year from the effective date of this act. During this time period, the owner of the assault firearm shall either:

(1) Transfer the assault firearm to any person or firm lawfully entitled to own or possess such firearm;

(2) Render the assault firearm inoperable; or

(3) Voluntarily surrender the assault firearm pursuant to the provisions of N.J.S. 2C:39-12.

b. If the owner of an assault firearm elects to render the firearm inoperable, the owner shall file a certification on a form prescribed by the Superintendent of ^{the} State Police indicating the date on which the firearm was rendered inoperable. This certification shall be filed with either the chief law enforcement officer of the municipality in which the owner resides or, in the case of an owner who resides outside this State but stores or possesses an assault firearm in this State, with the Superintendent of ^{the} State Police.

c. As used in this section, "inoperable" means that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable.

13. (New section) Within 180 days of the enactment of P.L. . . . c. (C. . . .) (now pending before the Legislature as this bill), and annually thereafter, the Attorney General shall present a report to the Legislature which includes the types and quantities of firearms surrendered or rendered inoperable pursuant to section 12 of this act and the number and types of criminal offenses involving assault firearms and any recommendations, including additions or deletions to the inventory of assault firearms delineated in N.J.S. 2C:39-1, which the Attorney General believes should be considered by the Legislature.²

REPLACE SECTION 12 TO READ:

²[12.] ¹⁴.² This act shall take effect ²[on the first day of the fourth month after enactment¹, except that sections 1, 9 and 11 shall take effect]² immediately¹.

STATEMENT

S-166 would prohibit the manufacture, sale or possession of assault firearms and large capacity ammunition magazines except under certain circumstances.

These amendments would:

1. Change the definition of "assault firearm" as used in S-166 to include both the assault weapons specified in the California statute banning assault firearms and in the Bureau of Alcohol, Tobacco and Firearms' list of assault weapons banned from importation.

2. Clarify that a person who has an assault firearm after the bill takes effect may legally retain that firearm for one year during which the person could elect to either render the firearm inoperable; voluntarily surrender the firearm or transfer the firearm to any person who may legally possess that firearm.

3. Clarify that nothing in S-166 is intended to abridge the rights of law enforcement officers to possess assault firearms both on and off duty.

4. Establish a procedure whereby persons who own assault firearms as of May 1, 1990 and who participate in target shooting may register those firearms.

5. Classify providing false information in connection with licensing or registering an assault firearm as a crime of the fourth degree. ✓

6. Clarify that certain criminal penalties provided in the bill are not applicable to assault firearms licensed or registered pursuant to the bill's provisions.

7. Dedicate a portion of the fees charged for registering or licensing an assault firearm for use by the Violent Crimes Compensation Board.

8. Provide that if an assault weapon licensed or registered pursuant to the act is used in the commission of a crime, that the owner of the firearm would be civilly liable for any damages resulting from that crime. Liability would not be imposed in the case of a stolen weapon if that theft is reported to law enforcement authorities.

9. Eliminate language requiring the Attorney General to compile a list of banned firearms and substitute language requiring the Attorney General to report annually concerning the number and type of firearms surrendered or rendered inoperable, and the number and types of criminal offenses involving assault firearms. It is intended that the Attorney General would have the input of the New Jersey State Association of Chiefs of Police in preparing this report and that the report would contain recommendations for additions and deletions to the list of banned weapons. ✓

10. Provide that the bill take effect immediately upon enactment.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

Emma Byrne
609/292-8956

TRENTON, N.J. 08625
Release:

Wednesday
May 30, 1990

FLORIO SIGNS NATION'S TOUGHEST ASSAULT WEAPON LAW

PATERSON -- Keeping a promise made during the campaign, Governor Jim Florio today signed a bill banning the sale and sharply restricting current possession of assault weapons in New Jersey, making it the toughest law in the nation.

Florio signed the bill during a ceremony in Paterson, the home of the late state Senator Frank Graves, the bill's original sponsor.

"One of our most basic rights is to be safe. But when the police are outgunned and innocent people can be gunned down in vast numbers, all of our other rights become meaningless," Governor Florio said. "I promised that I would ban assault weapons in New Jersey and I am proud to sign this bill into law today. It's the toughest law in the nation. It's right. It's fair, and it will make New Jersey a better place."

Under the law, no person will be able to legally purchase an assault weapon in the state. Unlike a California assault weapon ban, which exempts all current owners, the New Jersey law severely restricts possession of any assault weapon not used for legitimate collecting or target-shooting purposes.

"This is a common sense bill -- one that recognized that hunters don't need Uzis to shred their prey, and law abiding citizens don't need 'street-sweepers'," Florio said. "The ban on military-style assault weapons was Frank Graves' last fight. He believed, as I do, that guns capable of wholesale destruction are a direct threat to our police, our citizens and especially our children."

Current owners have one year to either sell their weapon or render it inoperable by certifying that the parts necessary to fire the weapon have been removed from his immediate possession, making it purely a collector's piece. Owners also have seven months to join a chartered rifle/pistol club, but may do so only if their firearm was purchased as of May 1, 1990, and is included on a list

currently being drawn up by the Attorney General based on those weapons used in U.S. Army-sanctioned competitions.

"This bill says that no one can walk off the street and purchase a gun that is designed to wipe out the greatest number of people in the shortest possible time," Florio said. "I call that common sense. So do the majority of people in New Jersey and so does the State Legislature."

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REMARKS PREPARED FOR DELIVERY BY GOVERNOR JIM FLORIO
ASSAULT WEAPONS BAN BILL SIGNING
TRENTON, NEW JERSEY
WEDNESDAY, MAY 30, 1990

A FEW MONTHS AGO, I PLANNED TO STAND ON THIS SPOT IN PATERSON WITH FRANK GRAVES. TOGETHER, WITH ASSEMBLYMAN JOE MECCA, WE WERE GOING TO FIGHT FOR SOMETHING THAT WAS RIGHT.

THAT'S WHAT FRANK GRAVES WAS ALL ABOUT -- STANDING UP FOR WHAT WAS RIGHT AND FOR WHAT HE BELIEVED IN. HE DID IT IN HIS HOME TOWN OF PATERSON, HE DID IT IN THE NEW JERSEY SENATE.

BUT TWO DAYS BEFORE I WAS SUPPOSED TO COME UP HERE, FRANK GRAVES DIED. NEW JERSEY LOST ONE OF ITS BEST FRIENDS, AND HIS FAMILY LOST A LOVING HUSBAND AND FATHER.

WHEN HIS COLLEAGUES AND HIS FRIENDS GATHERED TO PAY THEIR RESPECTS, A COMMON THEME RAN THROUGH THE WORDS THAT WERE SPOKEN: HE WOULD BE MISSED, AND HE MADE A DIFFERENCE.

FRANK GRAVES LOVED THIS STATE. HE LOVED ITS PEOPLE. AND HE WAGED A ONE-MAN WAR AGAINST THOSE WHO WOULD HURT THEM THROUGH THE VIOLENCE OF CRIME.

HE FOUGHT BACK WITH THE LAW, AND HE WROTE SOME TOUGH ONES. THE LAWS THAT BEAR HIS NAME ARE A MONUMENT TO A PUBLIC LIFE WORTH REMEMBERING.

I'M PROUD TO BE HERE AND SIGN ONE OF THOSE LAWS.

THE BAN ON MILITARY-STYLE ASSAULT WEAPONS WAS FRANK GRAVES' LAST FIGHT. HE BELIEVED -- AS I DO -- THAT BATTLEFIELD WEAPONS HAD NO PLACE ON OUR STREETS OR IN OUR NEIGHBORHOODS.

HE BELIEVED -- AS I DO -- THAT GUNS CAPABLE OF WHOLESALE DESTRUCTION ARE A DIRECT THREAT TO OUR POLICE, OUR CITIZENS AND ESPECIALLY OUR CHILDREN.

ONE OF OUR MOST BASIC RIGHTS IS TO BE SAFE. BUT WHEN THE POLICE ARE OUTGUNNED AND INNOCENT PEOPLE CAN BE GUNNED DOWN IN VAST NUMBERS, ALL OUR OTHER RIGHTS BECOME MEANINGLESS.

I PROMISED THAT I WOULD BAN ASSAULT WEAPONS IN NEW JERSEY, AND FRANK GRAVES WROTE THE BILL THAT WOULD DO IT.

IT WAS A COMMON SENSE BILL -- ONE THAT RECOGNIZED THAT HUNTERS DON'T NEED UZIS TO SHRED THEIR PREY, AND LAW ABIDING CITIZENS DON'T NEED "STREET SWEEPERS."

SOME PEOPLE DISAGREED. WE LISTENED TO THOSE WHO WERE REASONABLE; COMMONS SENSE PREVAILED OVER THOSE WHO WERE NOT.

WE MADE THIS BILL TOUGH -- AS TOUGH AS FRANK GRAVES -- AND WE MADE IT FAIR.

THIS BILL SAYS THAT NO ONE CAN WALK OFF THE STREET AND PURCHASE A GUN THAT IS DESIGNED TO WIPE OUT THE MOST AMOUNT OF PEOPLE IN THE SHORTEST POSSIBLE TIME.

I CALL THAT COMMON SENSE. SO DO THE MAJORITY OF PEOPLE IN NEW JERSEY, AND SO DOES THE STATE LEGISLATURE.

SO I'M PLEASED TO STAND HERE TODAY AND FINISH THE FIGHT FRANK GRAVES STARTED. AND I WANT TO THANK ASSEMBLYMAN MECCA AND SENATOR RUSSO, WHO STEPPED IN ON SHORT NOTICE FOR HIS COLLEAGUE AND VIGOROUSLY SUPPORTED THIS BILL IN THE SENATE, AND ALL THE LEGISLATORS WHO ACTED SO COURAGEOUSLY.

AND NOW, I'M GOING TO SIGN THIS BILL INTO LAW. IT'S THE TOUGHEST IN THE NATION. IT'S RIGHT, IT'S FAIR, AND IT WILL MAKE NEW JERSEY A BETTER PLACE.

I CAN THINK OF NO MORE FITTING TRIBUTE TO FRANK GRAVES.

NEW JERSEY ASSAULT FIREARMS BILL
Fact Sheet

The signing of the New Jersey Assault Firearms Bill will give New Jersey the toughest assault weapon control law in the country. It imposes a strict ban on the sale and ownership of a wide range of semiautomatic weapons by amending the state's current Criminal Code to regulate the use, possession and transfer of assault firearms.

The New Jersey statute will be the toughest law in the nation because unlike the California ban, it does not exempt all current owners.

A current owner of an assault firearm who wishes to keep a weapon has several options: registration, rendering inoperable and licensing.

Registration

Only certain specific types of assault weapons can be registered. Within 90 days the Attorney General will publish a list of assault weapons which are used for legitimate target-shooting purposes. The list must include any assault weapon used in U.S. Army sanctioned competitions.

*A person who owned such a weapon prior to May 1, 1990 has one year from the signing of the bill to register the weapon.

*The owner must fill out a registration form, pay a one-time registration fee of \$50 per weapon.

*The owner must submit proof that he or she is a member of a rifle or pistol club which was in existence before the signing of this bill and which had filed its club charter with the State Police.

*The owner must produce a valid firearms purchasers' identification card or handgun permit.

*Any club which has not already filed its charter has six months in which to do so. Any person who is not already a member of a chartered club has seven months to join one.

*In cases where a crime is committed with a registered assault firearm, the registrant is strictly civilly liable for any damages resulting from that crime. This penalty does not apply if the weapon was stolen and the theft reported within 24 hours.

*When a registrant of an assault weapon dies, his or her heirs or estate have 90 days to legally transfer, voluntarily surrender or render inoperable all registered assault firearms.

Rendering Inoperable

Owners of assault firearms who choose not to register their firearms have one year to either lawfully transfer the weapon, voluntarily surrender it or render it inoperable. "Inoperable" means that the firearm is altered so that it cannot immediately be fired and that the owner does not possess or have control of the parts necessary to make it operable.

The owner must certify to local or State Police that he or she has rendered an assault weapon inoperable and the date on which it was done. No fee is required and there are no restrictions on passing the weapon on to heirs except that it must remain inoperable. Additionally, the owner is not strictly liable for damages caused by the weapon.

A weapon may be rendered inoperable by removing the firing pin.

Voluntary surrender: A person may inform local or State Police of their intention to surrender a weapon and establish a time to do so.

Lawful transfer: Anyone wishing to transfer a weapon has one year from the signing of this bill to lawfully do so.

Licensing

The same provisions apply for licensing assault weapons as apply for machine guns. Since no licenses have been issued in this state to possess and carry a machine gun, it is expected that no licenses will be granted for assault firearms. The only exception has been for temporary permits for movie production companies.

Penalties

The sentencing provisions of the Criminal Code have been amended to provide for mandatory minimum terms of parole ineligibility for persons who commit certain crimes with an assault firearm. It extends incarceration periods for those convicted of certain crimes while possessing an assault weapon if they have previously been convicted of another crime involving any type of gun.

- *10-20 years for crimes of the first degree
- *5-10 years for crimes of the second degree
- *3-5 years for crimes of the third degree
- *up to 18 months for crimes of the fourth degree

Assault Weapon Ban

A full list of the firearms banned under this legislation is attached.

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NEW JERSEY ASSAULT WEAPON BAN

Firearms banned under this legislation include:

- . Algimec AGM 1 type
- . Any shotgun with a revolving cylinder, such as the "Street Sweeper" or "Striker 12"
- . Armalite AR-180 types
- . Australian Automatic Arms SAR
- . Avtomat Kalashnikov type semiautomatic firearms
- . Beretta AR-70 and BM59 semiautomatic firearms
- . Bushmaster Assault rifle
- . Calico M-900 Assault carbine and M-900
- . CETME G3
- . Chartered Industries of Singapore SR-88 type
- . Colt AR-15 and CAR-15 series
- . Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- . Demro TAC-1 carbine types
- . Encom MP-9 and MP-45 carbine types
- . FAMAS MAS223 types
- . FN-FAL, FN-LAR or FN-FNC type semiautomatic firearms
- . Franchi SPAS 12 and LAW 12 shotguns
- . G3SA type
- . Galil type
- . Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- . Intratec TEC9 and 22 semiautomatic firearms
- . M1 carbine type
- . M14S type
- . MAC 10, MAC11, MAC11 9-mm carbine type firearm
- . PJK M-68 carbine type
- . Plainfield Machine Company carbine
- . Ruger K-Mini 14/5F and Mini-14 5RF
- . SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- . SKS with detachable magazine type
- . Spectre Auto carbine type
- . Springfield Armory BM59 and SAR 48 type
- . Sterling MK-6, MK-7 and SAR types
- . Steyr A.U.G. semiautomatic firearms
- . USAS 12 semiautomatic type shotgun
- . Uzi type semiautomatic firearms
- . Valmet M62, M71S, M76 or M78 type semiautomatic firearms
- . Weaver Arm Nighthawk