

2C:39-1 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-1 et al (Knives-- large hunting, fishing & combat-- prohibit)

LAWS OF: 1987 CHAPTER: 228

Bill No: A2626, A2807, S2108

Sponsor(s): Girgenti and Marsella

Date Introduced: June 12, 1986

Committee: Assembly: Judiciary
Senate: Law, Public Safety and Defense

Amended during passage: Yes OCR/ACS enacted: Amendments during passage denoted by asterisks.

Date of Passage: Assembly: September 29, 1986
Senate: May 18, 1987

Date of Approval: July 30, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings-- attached:

"Jersey clamps bar on sale and use of lethal missile-like 'ballistic knives'," 7-3-87 Star Ledger.

"Kean signs bill banning ballistic knives," 7-31-87 Trenton Times.

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2626, 2807 and
SENATE, No. 2108

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 8, 1986

AN ACT concerning the possession and sale of ***[**martial arts devices, and**]*** ballistic and certain other knives, amending N. J. S. 2C:39-1, N. J. S. 2C:39-3 and N. J. S. 2C:39-9, and supplementing chapter 39 of Title 2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

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

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

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

16 c. "Destructive device" means any device, instrument or object
17 designed to explode or produce uncontrolled combustion, including
18 (1) any explosive or incendiary bomb, mine or grenade; (2) any
19 rocket having a propellant charge of more than four ounces or any
20 missile having an explosive or incendiary charge of more than one-
21 quarter of an ounce; (3) any weapon capable of firing a projectile
22 of a caliber greater than 60 caliber, except a shotgun or shotgun
23 ammunition generally recognized as suitable for sporting 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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted February 19, 1987.**

24 (4) any Molotov cocktail or other device consisting of a break-
25 able container containing flammable liquid and having a wick or
26 similar device capable of being ignited. The term does not include
27 any device manufactured for the purpose of illumination, distress
28 signaling, line-throwing, safety or similar purposes.

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

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

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

56 g. "Firearm silencer" means any instrument, attachment, wea-
57 pon or appliance for causing the firing of any gun, revolver, pistol
58 or other firearm to be silent, or intended to lessen or muffle the
59 noise of the firing of any gun, revolver, pistol or other firearm.

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

63 i. "Machine gun" means any firearm, mechanism or instrument
64 not requiring that the trigger be pressed for each shot and having
65 a reservoir, belt or other means of storing and carrying ammuni-

66 tion which can be loaded into the firearm, mechanism or instru-
67 ment and fired therefrom.

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

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

78 l. "Retail dealer" means any person including a gunsmith, ex-
79 cept a manufacturer or a wholesale dealer, who sells, transfers
80 or assigns for a fee or profit any firearm or parts of firearms or
81 ammunition which he has purchased or obtained with the inten-
82 tion, or for the purpose, of reselling or reassigning to persons
83 who are reasonably understood to be the ultimate consumers, and
84 includes any person who is engaged in the business of repairing
85 firearms or who sells any firearm to satisfy a debt secured by
86 the pledge of a firearm.

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

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

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

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

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

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

122 s. "Wholesale dealer" means any person, except a manufac-
 123 turer, who sells, transfers, or assigns firearms, or parts of fire-
 124 arms, to persons who are reasonably understood not to be the
 125 ultimate consumers, and includes persons who receive finished
 126 parts of firearms and assemble them into completed or partially
 127 completed firearms, in furtherance of such purpose, except that
 128 it shall not include those persons dealing exclusively in grips,
 129 stocks and other nonmetal parts of firearms.

130 t. "Stun gun" means any weapon or other device which emits
 131 an electrical charge or current intended to temporarily or per-
 132 manently disable a person.

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

135 **[v. "Martial arts device" means any device, instrument, or ob-*
 136 *ject designed for defensive or offensive purposes, or both, and which*
 137 *may be properly used in the course of instruction at a school of*
 138 *the martial arts or self-defense. The term includes, but is not*
 139 *limited to, the following devices: (1) dagger devices including the*
 140 *aikuchi, badek, dagger darts, and tiger claws; (2) nunchuka or*
 141 *other chain flail devices consisting of two identical sticks which*
 142 *may be tapered or of the same diameter top to bottom, joined by*
 143 *a cord, wire or chain and (3) shuriken or other small pointed mis-*
 144 *siles which may be concealed in the hand and come in various*
 145 *shapes including a cross and a five point and eight point star*
 146 *shape.]**

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

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

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

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

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

13 e. Certain weapons. Any person who knowingly has in his pos-
14 session any gravity knife, switchblade knife, dagger, dirk, stiletto,
15 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or
16 similar leather band studded with metal filings or razor blades
17 imbedded in wood, *ballistic knife* ***[or any martial arts device]***,
18 without any explainable lawful purpose, is guilty of a crime of the
19 fourth degree.

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

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

47 law enforcement orders. Nothing in subsection h. of this section
48 shall apply to any law enforcement officer who is exempted from
49 the provisions of that subsection by the Attorney General. Nothing
50 in this section shall apply to the possession of any weapon or
51 device by a law enforcement officer who has confiscated, seized or
52 otherwise taken possession of said weapon or device as evidence
53 of the commission of a crime or because he believed it to be pos-
54 sessed illegally by the person from whom it was taken, provided
55 that said law enforcement officer promptly notifies his superiors of
56 his possession of such prohibited weapon or device.

57 (2) Nothing in subsection f. (1) shall be construed to prevent a
58 person from keeping such ammunition at his dwelling, premises or
59 other land owned or possessed by him, or from carrying such am-
60 munition from the place of purchase to said dwelling or land, nor
61 shall subsection f. (1) be construed to prevent any licensed retail
62 or wholesale firearms dealer from possessing such ammunition at
63 its licensed premises, provided that the seller of any such ammu-
64 nition shall maintain a record of the name, age and place of resi-
65 dence of any purchaser who is not a licensed dealer, together with
66 the date of sale and quantity of ammunition sold.

67 (3) Nothing in paragraph (2) of subsection f. shall be construed
68 to prevent any licensed retail or wholesale firearms dealer from
69 possessing that ammunition at its licensed premises for sale or
70 disposition to another licensed dealer, the Armed Forces of the
71 United States or the National Guard, or to a law enforcement
72 agency, provided that the seller maintains a record of any sale or
73 disposition to a law enforcement agency. The record shall include
74 the name of the purchasing agency, together with written authori-
75 zation of the chief of police or highest ranking official of the agency,
76 the name and rank of the purchasing law enforcement officer, if
77 applicable, and the date, time and amount of ammunition sold or
78 otherwise disposed. A copy of this record shall be forwarded by
79 the seller to the Superintendent of the Division of State Police
80 within 48 hours of the sale or disposition.

81 (4) Nothing in subsection a. of this section shall be construed to
82 apply to antique cannons as exempted in subsection d. of N. J. S.
83 2C:39-6.

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

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

2 2C:39-9. Manufacture, Transport, Disposition and Defacement
3 of Weapons and Dangerous Instruments and Appliances. a. Ma-

4 chine guns. Any person who manufactures, causes to be manufac-
 5 tured, transports, ships, sells or disposes of any machine gun
 6 without being registered or licensed to do so as provided in
 7 chapter 58 is guilty of a crime of the third degree.

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

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

14 d. Weapons. Any person who manufactures, causes to be manu-
 15 factured, transports, ships, sells or disposes of any weapon, includ-
 16 ing gravity knives, switchblade knives, *ballistic knives*, daggers,
 17 dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, sling-
 18 shots, cesti or similar leather bands studded with metal filings,
 19 or in the case of firearms if he is not licensed or registered to
 20 do so as provided in chapter 58, is guilty of a crime of the fourth
 21 degree. **[Any person who manufactures, causes to be manufac-*
 22 *tured, transports, ships, sells, or disposes of any martial arts device*
 23 *except for manufacture for sale to, or the sale to, a school or*
 24 *organization which teaches the arts of self-defense or otherwise*
 25 *provides instruction in the martial arts is guilty of a crime of*
 26 *the fourth degree.]** Any person who manufactures, causes to be
 27 manufactured, transports, ships, sells or disposes of any weapon
 28 or other device which projects, releases or emits tear gas or other
 29 substances intended to produce temporary physical discomfort
 30 or permanent injury through being vaporized or otherwise dis-
 31 pensed in the air, which is intended to be used for any purpose
 32 other than for authorized military or law enforcement purposes
 33 by duly authorized military or law enforcement personnel or the
 34 device is for the purpose of personal self-defense, is pocket-sized
 35 and contains not more than three-quarters of an ounce of chemical
 36 substance not ordinarily capable of lethal use or of inflicting
 37 serious bodily injury, or other than to be used by any person
 38 permitted to possess such weapon or device under the provisions
 39 of **[N. J. S. 2C:39-5d.]** **subsection d. of N. J. S. 2C:39-5**, which
 40 is intended for use by financial and other business institutions as
 41 part of an integrated security system, placed at fixed locations, for
 42 the protection of money and property, by the duly authorized per-
 43 sonnel of those institutions, is guilty of a crime of the fourth degree.
 44 e. Defaced firearms. Any person who defaces any firearm is
 45 guilty of a crime of the third degree. Any person who knowingly

46 buys, receives, disposes of or conceals a defaced firearm, except
47 an antique firearm, is guilty of a crime of the fourth degree.

48 f. (1) Any person who manufactures, causes to be manufac-
49 tured, transports, ships, sells, or disposes of any bullet, which is
50 primarily designed for use in a handgun, and which is comprised
51 of a bullet whose core or jacket, if the jacket is thicker than .025
52 of an inch, is made of tungsten carbide, or hard bronze, or other
53 material which is harder than a rating of 72 or greater on the
54 Rockwell B. Hardness Scale, and is therefore capable of breach-
55 ing or penetrating body armor and which is intended to be used
56 for any purpose other than for authorized military or law en-
57 forcement purposes by duly authorized military or law enforcement
58 personnel, is guilty of a crime of the fourth degree.

59 (2) Nothing in this subsection shall be construed to prevent
60 a licensed collector of ammunition as defined in ***[N. J. S. 2C:39-3**
61 **f. (2)]*** *paragraph (2) of subsection f. of N. J. S. 2C:39-3** from
62 transporting the bullets defined in paragraph (1) of this subsec-
63 tion from (a) any licensed retail or wholesale firearms dealer's
64 place of business to the collector's dwelling, premises, or other
65 land owned or possessed by him, or (b) to or from the collector's
66 dwelling, premises or other land owned or possessed by him to
67 any gun show for the purposes of display, sale, trade, or transfer
68 between collectors, or (c) to or from the collector's dwelling,
68A premises or other land owned or possessed by him to any rifle
69 or pistol club organized in accordance with the rules prescribed by
70 the National Board for the Promotion of Rifle Practice; provided
71 that the club has filed a copy of its charter with the superintendent
72 of the State Police and annually submits a list of its members to
73 the superintendent, and provided further that the ammunition
74 being transported shall be carried not loaded in any firearm and
75 contained in a closed and fastened case, gunbox, or locked in the
76 trunk of the automobile in which it is being transported, and the
77 course of travel shall include only such deviations as are reason-
78 ably necessary under the circumstances.

1 4. (New section) A person who sells any hunting, fishing,
2 combat or survival knife having a blade length of five inches or
3 more or an overall length of 10 inches or more to a person under
4 18 years of age ***[is a disorderly person]*** *commits a crime of the*
5 *fourth degree**; except that the establishment by a preponderance
6 of the evidence of all of the following facts by a person making the
7 sale shall constitute an affirmative defense to any prosecution
8 therefor: a. that the purchaser falsely represented his age by

9 producing a driver's license bearing a photograph of the licensee,
10 or by producing a photographic identification card issued pursuant
11 to section 1 of P. L. 1968, c. 313 (C. 33:1-81.2) or by producing a
12 similar card purporting to be a valid identification card indicating
13 that he was 18 years of age or older, and b. that the appearance
14 of the purchaser was such that an ordinary prudent person would
15 believe him to be 18 years of age or older, and c. that the sale was
16 made in good faith relying upon the indicators of age listed in a.
17 and b. above.

1 5. This act shall take effect immediately.

WEAPONS

Makes possession, sale and manufacture of ballistic and certain
other knives a fourth degree crime.

ASSEMBLY, No. 2807
STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1986

By Assemblymen GIRGENTI and MARSELLA

AN ACT concerning the possession and sale of ballistic knives, amending N. J. S. 2C:39-1 and N. J. S. 2C:39-9 and supplementing chapter 39 of Title 2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

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

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

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

16 c. "Destructive device" means any device, instrument or object
17 designed to explode or produce uncontrolled combustion, including
18 (1) any explosive or incendiary bomb, mine or grenade; (2) any
19 rocket having a propellant charge of more than four ounces or any
20 missile having an explosive or incendiary charge of more than one-
21 quarter of an ounce; (3) any weapon capable of firing a projectile

**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 printed in italics thus is new matter.**

22 of a caliber greater than 60 caliber, except a shotgun or shotgun
23 ammunition generally recognized as suitable for sporting pur-
24 poses; (4) any Molotov cocktail or other device consisting of a
25 breakable container containing flammable liquid and having a wick
26 or similar device capable of being ignited. The term does not
27 include any device manufactured for the purpose of illumination,
28 distress signaling, line-throwing, safety or similar purposes.

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

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

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

56 g. "Firearm silencer" means any instrument, attachment, wea-
57 pon or appliance for causing the firing of any gun, revolver, pistol
58 or other firearm to be silent, or intended to lessen or muffle the
59 noise of the firing of any gun, revolver, pistol or other firearm.

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

63 i. "Machine gun" means any firearm, mechanism or instrument
64 not requiring that the trigger be pressed for each shot and having

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67 ment and fired therefrom.

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69 raw materials or parts and processes them into firearms or finished
70 parts of firearms, except a person who exclusively processes grips,
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72 include a person who repairs existing firearms or receives new and
73 used raw materials or parts solely for the repair of existing fire-
74 arms.

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77 single hand.

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80 or assigns for a fee or profit any firearm or parts of firearms or
81 ammunition which he has purchased or obtained with the intention,
82 or for the purpose, of reselling or reassigning to persons who are
83 reasonably understood to be the ultimate consumers, and includes
84 any person who is engaged in the business of repairing firearms
85 or who sells any firearm to satisfy a debt secured by the pledge of
86 a firearm.

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

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

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

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

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

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 110 inflicting serious bodily injury. The term includes, but is not
 111 limited to, all (1) firearms, even though not loaded or lacking a
 112 clip or other component to render them immediately operable; (2)
 113 components, which can be readily assembled into a weapon; (3)
 114 gravity knives, switchblade knives, *ballistic knives*, daggers, dirks,
 115 stilettos, or other dangerous knives, billies, blackjacks, bludgeons,
 116 metal knuckles, sandclubs, slingshots, cesti or similar leather bands
 117 studded with metal filings or razor blades imbedded in wood; and
 118 (4) stun guns; and any weapon or other device which projects,
 119 releases, or emits tear gas or any other substance intended to pro-
 120 duce temporary physical discomfort or permanent injury through
 121 being vaporized or otherwise dispensed in the air.

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

130 t. "Stun gun" means any weapon or other device which emits an
 131 electrical charge or current intended to temporarily or perma-
 132 nently disable a person.

133 u. "*Ballistic knife*" means any weapon or other device capable
 134 of lethal use that resembles a nightstick and which can propel a
 135 knife blade.

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

2 2C:39-9. Manufacture, Transport, Disposition and Defacement
 3 of Weapons and Dangerous Instruments and Appliances. a. Ma-
 4 chine guns. Any person who manufactures, causes to be manufac-
 5 tured, transports, ships, sells or disposes of any machine gun
 6 without being registered or licensed to do so as provided in
 7 chapter 58 is guilty of a crime of the third degree.

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

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

14 d. Weapons. Any person who manufactures, cause to be manu-
 15 factured, transports, ships, sells or disposes of any weapon,
 16 including gravity knives, switchblade knives, *ballistic knives*, dag-

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

39 e. Defaced firearms. Any person who defaces any firearm is
40 guilty of a crime of the third degree. Any person who knowingly
41 buys, receives, disposes of or conceals a defaced firearm, except
42 an antique firearm, is guilty of a crime of the fourth degree.

43 f. (1) Any person who manufactures, causes to be manufactured,
44 transports, ships, sells or disposes of any bullet, which is primarily
45 designed for use in a handgun, and which is comprised of a bullet
46 whose core or jacket, if the jacket is thicker than .025 of an inch, is
47 made of tungsten carbide, or hard bronze, or other material which
48 is harder than a rating of 72 or greater on the Rockwell B.
49 Hardness Scale, and is therefore capable of breaching or pene-
50 trating body armor and which is intended to be used for any
51 purpose other than for authorized military or law enforcement
52 purposes by duly authorized military or law enforcement person-
53 nel, is guilty of a crime of the fourth degree.

54 (2) Nothing in this subsection shall be construed to prevent
55 a licensed collector of ammunition as defined in N. J. S. 2C:39-3
56 f. (2) from transporting the bullets defined in paragraph (1) of
57 this subsection from (a) any licensed retail or wholesale firearms
58 dealer's place of business to the collector's dwelling, premises, or
59 other land owned or possessed by him, or (b) to or from the col-

60 lector's dwelling, premises or other land owned or possessed by
 61 him to any gun show for the purposes of display, sale, trade, or
 62 transfer between collectors, or (c) to or from the collector's dwell-
 63 ing, premises or other land owned or possessed by him to any rifle
 64 or pistol club organized in accordance with the rules prescribed by
 65 the National Board for the Promotion of Rifle Practice; provided
 66 that the club has filed a copy of its charter with the superintendent
 67 of the State Police and annually submits a list of its members to
 68 the superintendent, and provided further that the ammunition
 69 being transported shall be carried not loaded in any firearm and
 70 contained in a closed and fastened case, gunbox, or locked in the
 71 trunk of the automobile in which it is being transported, and the
 72 course of travel shall include only such deviations as are reasonably
 73 necessary under the circumstances.

1 3. (New section) A person who knowingly has in his possession
 2 a ballistic knife without any explainable lawful purpose is guilty
 3 of a crime of the fourth degree. This section shall not apply to a
 4 law enforcement officer who has confiscated, seized or otherwise
 5 taken possession of a ballistic knife as evidence of the commission
 6 of a crime or because he believed it to be possessed illegally by the
 7 person from whom it was taken, provided that the law enforcement
 8 officer promptly notifies his superiors of his possession of the
 9 ballistic knife.

1 4. This act shall take effect immediately.

STATEMENT

This bill makes sale, possession or manufacture of ballistic knives a crime of the fourth degree. This type of weapon looks like a nightstick, but contains a spring mechanism which can propel a knife blade 30 feet. It is a lethal weapon and is being advertised nationally.

WEAPONS

Makes possession, sale and manufacture of ballistic knives a fourth degree crime.

SENATE, No. 2108
STATE OF NEW JERSEY

INTRODUCED MAY 5, 1986

By Senator GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the possession and sale of ballistic knives,
amending N. J. S. 2C:39-1 and N. J. S. 2C:39-9 and supple-
menting chapter 39 of Title 2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

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

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

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

16 c. "Destructive device" means any device, instrument or object
17 designed to explode or produce uncontrolled combustion, including
18 (1) any explosive or incendiary bomb, mine or grenade; (2) any
19 rocket having a propellant charge of more than four ounces or any
20 missile having an explosive or incendiary charge of more than one-

**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 printed in italics *thus* is new matter.**

21 quarter of an ounce; (3) any weapon capable of firing a projectile
22 of a caliber greater than 60 caliber, except a shotgun or shotgun
23 ammunition generally recognized as suitable for sporting pur-
24 poses; (4) any Molotov cocktail or other device consisting of a
25 breakable container containing flammable liquid and having a wick
26 or similar device capable of being ignited. The term does not
27 include any device manufactured for the purpose of illumination,
28 distress signaling, line-throwing, safety or similar purposes.

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

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

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

56 g. "Firearm silencer" means any instrument, attachment, wea-
57 pon or appliance for causing the firing of any gun, revolver, pistol
58 or other firearm to be silent, or intended to lessen or muffle the
59 noise of the firing of any gun, revolver, pistol or other firearm.

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

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

68 j. "Manufacturer" means any person who receives or obtains
69 raw materials or parts and processes them into firearms or finished
70 parts of firearms, except a person who exclusively processes grips,
71 stocks and other nonmetal parts of firearms. The term does not
72 include a person who repairs existing firearms or receives new and
73 used raw materials or parts solely for the repair of existing firearms.
74

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

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

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

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

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

104 p. "Switchblade knife" means any knife or similar device which

105 has a blade which opens automatically by hand pressure applied
106 to a button, spring or other device in the handle of the knife.

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

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

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

130 t. "Stun gun" means any weapon or other device which emits an
131 electrical charge or current intended to temporarily or perma-
132 nently disable a person.

133 u. "*Ballistic knife*" means any weapon or other device capable
134 of lethal use that resembles a nightstick and which can propel a
135 knife blade.

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

2 2C:39-9. Manufacture, Transport, Disposition and Defacement
3 of Weapons and Dangerous Instruments and Appliances. a. Ma-
4 chine guns. Any person who manufactures, causes to be manufac-
5 tured, transports, ships, sells or disposes of any machine gun
6 without being registered or licensed to do so as provided in
7 chapter 58 is guilty of a crime of the third degree.

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

11 c. Firearm silencers. Any person who manufactures, causes to

12 be manufactured, transports, ships, sells or disposes of any firearm
13 silencer is guilty of a crime of the fourth degree.

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

39 e. Defaced firearms. Any person who defaces any firearm is
40 guilty of a crime of the third degree. Any person who knowingly
41 buys, receives, disposes of or conceals a defaced firearm, except
42 an antique firearm, is guilty of a crime of the fourth degree.

43 f. (1) Any person who manufactures, causes to be manufactured,
44 transports, ships, sells, or disposes of any bullet, which is primarily
45 designed for use in a handgun, and which is comprised of a bullet
46 whose core or jacket, if the jacket is thicker than .025 of an inch, is
47 made of tungsten carbide, or hard bronze, or other material which
48 is harder than a rating of 72 or greater on the Rockwell B.
49 Hardness Scale, and is therefore capable of breaching or pene-
50 trating body armor and which is intended to be used for any
51 purpose other than for authorized military or law enforcement
52 purposes by duly authorized military or law enforcement person-
53 nel, is guilty of a crime of the fourth degree.

54 (2) Nothing in this subsection shall be construed to prevent
 55 a licensed collector of ammunition as defined in N. J. S. 2C:39-3
 56 f. (2) from transporting the bullets defined in paragraph (1) of
 57 this subsection from (a) any licensed retail or wholesale firearms
 58 dealer's place of business to the collector's dwelling, premises, or
 59 other land owned or possessed by him, or (b) to or from the col-
 60 lector's dwelling, premises or other land owned or possessed by
 61 him to any gun show for the purposes of display, sale, trade, or
 62 transfer between collectors, or (c) to or from the collector's dwell-
 63 ing, premises or other land owned or possessed by him to any rifle
 64 or pistol club organized in accordance with the rules prescribed by
 65 the National Board for the Promotion of Rifle Practice; provided
 66 that the club has filed a copy of its charter with the superintendent
 67 of the State Police and annually submits a list of its members to
 68 the superintendent, and provided further that the ammunition
 69 being transported shall be carried not loaded in any firearm and
 70 contained in a closed and fastened case, gunbox, or locked in the
 71 trunk of the automobile in which it is being transported, and the
 72 course of travel shall include only such deviations as are reasonably
 73 necessary under the circumstances.

1 3. (New section) A person who knowingly has in his possession
 2 a ballistic knife without any explainable lawful purpose is guilty
 3 of a crime of the fourth degree. This section shall not apply to a
 4 law enforcement officer who has confiscated, seized or otherwise
 5 taken possession of a ballistic knife as evidence of the commission
 6 of a crime or because he believed it to be possessed illegally by the
 7 person from whom it was taken, provided that the law enforcement
 8 officer promptly notifies his superiors of his possession of the
 9 ballistic knife.

1 4. This act shall take effect immediately.

STATEMENT

This bill makes sale, possession or manufacture of ballistic knives a crime of the fourth degree. This type of weapon looks like a nightstick, but contains a spring mechanism which can propel a knife blade 30 feet. It is a lethal weapon and is being advertised nationally.

WEAPONS

Makes possession, sale and manufacture of ballistic knives a fourth degree crime.

ASSEMBLY, No. 2626

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1986

By Assemblyman GENOVA and Assemblywoman RANDALL

AN ACT concerning the sale of certain knives to minors and supplementing Chapter 39 of Title 2C of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. A person who sells any hunting, fishing, combat or survival
2 knife having a blade length of five inches or more or an overall
3 length of 10 inches or more to a person under 18 years of age is a
4 disorderly person; except that the establishment by a preponderance
5 of the evidence of all of the following facts by a person
6 making any such sale shall constitute an affirmative defense to any
7 prosecution therefor: (a) that the purchaser falsely represented
8 his age by producing a driver's license bearing a photograph of the
9 licensee, or by producing a photographic identification card issued
10 pursuant to section 1 of P. L. 1968, c. 313 (C. 33:1-81.2) or by
11 producing a similar card purporting to be a valid identification card
12 indicating that he was 18 years of age or older, and (b) that the
13 appearance of the purchaser was such that an ordinary prudent
14 person would believe him to be 18 years of age or older, and (c)
15 that the sale was made in good faith relying upon the indicators
16 of age listed in a. and b. above.

1 2. This act shall take effect immediately.

STATEMENT

This bill would prohibit the sale of certain large hunting, fishing, combat and survival knives to persons under 18 years of age. The bill would provide an affirmative defense to the seller only if it can be established by a preponderance of the evidence that the sale

was done in the reasonable, good faith belief that the purchaser was 18 years of age or older, where such belief is based upon documented proof of age provided by the purchaser as well as the purchaser's appearance. This bill should make it more difficult for mail order sellers to sell such weapons to underage persons, since the seller could not establish the facts necessary to constitute the affirmative defense. This bill is a response to the recent proliferation of print and electronic media advertisements which have the effect of encouraging children in this State to purchase these potentially dangerous weapons.

WEAPONS

Prohibits sale of certain large hunting, fishing, combat and survival knives and provides defenses to the sellers of these weapons.

ASSEMBLY JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2626, 2807 and
SENATE, No. 2108

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 1986

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2626/2807 and Senate Bill No. 2108.

This substitute would prohibit the sale of certain large hunting, fishing, combat and survival knives to persons under 18 years of age. The bill would provide an affirmative defense to the seller only if it can be established by a preponderance of the evidence that the sale was done in the reasonable, good faith belief that the purchaser was 18 years of age or older, where such belief is based upon documented proof of age provided by the purchaser as well as the purchaser appearance.

This substitute bill also makes it a crime of the fourth degree to manufacture, transport, sell, dispose of or possess without an explainable, lawful purpose a ballistic knife or various martial arts devices. A law enforcement officer who confiscates a ballistic knife as evidence of the commission of a crime or because the officer believes the knife to be possessed illegally by the person from whom it is exempt from the prohibition if the officer promptly notifies his superiors.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2626, 2807 and
SENATE, No. 2108

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1987

The Senate Law, Public Safety and Defense Committee favorably reports the Assembly Committee Substitute for Assembly Bill Nos. 2626 and 2807 and Senate Bill No. 2108 with amendments.

As amended, this bill prohibits as a crime of the fourth degree the sale of hunting, fishing, combat, and survival knives with blade lengths of five inches or more or overall lengths of 10 inches or more to persons under the age of 18. The bill provides an affirmative defense to any seller prosecuted for violating this provision if the seller establishes all of the following circumstances by a preponderance of the evidence: (a) that the purchaser falsely represented his age by producing a driver's license bearing a photograph of the licensee or by producing a photographic identification issued pursuant to section 1 of P. L. 1969, c. 313 (C. 33:1-81.2) or by producing a similar card purporting to be a valid identification card indicating that he was 18 years of age or older; and (b) that the appearance of the purchaser was such that an ordinary, prudent person would believe him to be 18 years of age or older; and (c) that the sale was made in good faith relying upon the indicators of age mentioned above.

In addition, the bill makes it a crime of the fourth degree to manufacture, transport, sell, dispose of, or possess without an explainable lawful purpose a ballistic knife. A law enforcement officer who confiscates a ballistic knife as evidence of the commission of a crime or because he believes the knife to be possessed illegally by the person from whom it is taken is exempt from the prohibition if the officer promptly notifies his superiors.

The committee amended the bill to delete the definition of martial arts device and the provision which would have made it a crime of the fourth degree to manufacture, transport, sell, dispose of, or possess without an explainable lawful purpose a martial arts device.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: THUR., JULY 30, 1987

Governor Thomas H. Kean today signed legislation making the manufacture, sale transport of possession of a ballistic knife, without a lawful purpose, a crime of the fourth degree. Ballistic knives are lethal weapons which can propel knife blades.

The legislation, A-2626/2807/S-2108, sponsored by Assemblyman Peter Genova, R-Union, Assemblyman John Girgenti, D-Passaic and Senator Frank Graves, D-Passaic, also makes it a crime to sell certain large hunting, fishing, combat and survival knives to persons under the age of 18.

Crimes of the fourth degree are punishable by up to 18 months in prison and/or a fine up to \$7,500.

The legislation is in response to the proliferation of ballistic knives which can propel a blade up to thirty feet and to a recent surge in advertisements that encourage young persons to purchase these weapons through the mail.

At the bill signing in his outer office, Governor Kean stated, "If you hunt or fish or if you're a Boy Scout you have a legitimate reason for owning a knife, and you still can. But we don't want anyone playing samurai or playing pirate with a real sword. I commend the sponsors of this legislation for recognizing that we certainly don't want to give criminals another lethal weapon to use."

The legislation is effective immediately.

#
