

2C:39-1 and 2C:39-3 ✓

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 2C:39-1 and 2C:39-3 (Stun guns--possession)  
**LAWS OF:** 1985 **CHAPTER:** 360  
**BILL NO:** S2871  
**Sponsor(s):** Graves, Codey and Bassano  
**Date Introduced:** May 2, 1985  
**Committee: Assembly:** Judiciary  
**Senate:** Law Public Safety and Defense  
**Amended during passage:** Yes Substituted for A3590 (not attached since identical to S2871)  
**Date of Passage: Assembly:** September 9, 1985  
**Senate:** June 27, 1985  
**Date of Approval:** November 12, 1985  
**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:

- "Kean signs bill banning stun guns," 11-14-85 Trenton Times.
- "Are stun guns a plus or a minus?" 6-30-85 Bergen Record.
- "N.J. ruling outlaws stun-gun ownership," 4-12-85 Bergen Record.
- "Opponents of stun guns are mobilizing to short-circuit them," 4-10-85 Bergen Record.

11-12-85

[OFFICIAL COPY REPRINT]

**SENATE, No. 2871****STATE OF NEW JERSEY**

INTRODUCED MAY 2, 1985

By Senators GRAVES, CODEY and BASSANO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning certain weapons and amending sections  
2C:39-1 and 2C:39-3 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 may  
7 be, is incapable of being fired or discharged, or which does not fire  
8 fixed ammunition regardless of date of manufacture, or was manu-  
9 factured before 1898 for which cartridge ammunition is not com-  
10 mercially available, and is possessed as a curiosity or ornament or  
11 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 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  
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 June 20, 1985.**

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

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

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

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

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

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

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

39 g. Exceptions. (1) Nothing in *subsections a., b., c., d., e., or f. of*  
 40 *this section shall apply to any member of the Armed Forces of*  
 41 *the United States or the National Guard, or except as otherwise*  
 42 *provided, [by] to any law enforcement officer while actually on*  
 43 *duty or traveling to or from an authorized place of duty, provided*  
 44 *that his possession of the prohibited weapon or device has been duly*  
 45 *authorized under the applicable laws, regulations or military or law*  
 46 *enforcement orders[ , or]. \*Nothing in subsection h. of this section*  
 47 *shall apply to any law enforcement officer who is exempted from the*  
 48 *provisions of that subsection by the Attorney General.\* Nothing in*  
 49 *this section shall apply to the possession of any weapon or device*  
 50 *by a law enforcement officer who has confiscated, seized or other-*  
 51 *wise taken possession of said weapon or device as evidence of the*  
 52 *commission of a crime or because he believed it to be possessed*  
 53 *illegally by the person from whom it was taken, provided that said*  
 53A *law enforcement officer promptly notifies his superiors of his*  
 53B *possession of such prohibited weapon or device.*

54 (2) Nothing in subsection f. (1) shall be construed to prevent a  
 55 person from keeping such ammunition at his dwelling, premises or  
 56 other land owned or possessed by him, or from carrying such am-  
 57 munition from the place of purchase to said dwelling or land, nor  
 58 shall subsection f. (1) be construed to prevent any licensed retail or

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## Sponsor's STATEMENT

The purpose of this bill is to prohibit the possession of stun guns by any person, including a law enforcement officer, as a crime of the third degree.

The bill defines "stun gun" as any weapon or device that emits an electrical charge or current intended to temporarily or permanently disable a person. A crime of the third degree carries a penalty of imprisonment for three to five years, a fine of up to \$7,500.00 or both.

Recent accounts of the ease with which the public, including criminals, can obtain stun guns indicate the need for a law prohibiting their sale and possession. Health experts have expressed doubts about the safety of stun guns, especially when used on pregnant women, persons with pacemakers, and children. Given the existence of these safety questions, stun guns should be banned for use not only by members of the public but also by law enforcement officers.

S2871 (1985)

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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 2871**

**STATE OF NEW JERSEY**

DATED: AUGUST 12, 1985

Senate Bill No. 2871, as amended by the Senate Law, Public Safety and Defense Committee, prohibits as a crime of the fourth degree the possession of a stun gun by any person, including a law enforcement officer. A crime of the fourth degree carries a penalty of imprisonment for up to 18 months, a fine of up to \$7,500.00, or both. Prior to being amended the bill classified possession of a stun gun as a crime of the third degree.

The Senate committee amended the bill to include a provision authorizing the Attorney General, at his discretion, to exempt law enforcement officers from the prohibition against possessing stun guns.

The bill was also amended by the Senate committee to include stun guns in the definition of "weapon" in paragraph r. of N. J. S. 2C:39-1.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 2871**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JUNE 20, 1985

Senate Bill No. 2781, as amended by the Senate Law, Public Safety and Defense Committee, prohibits as a crime of the fourth degree the possession of a stun gun by any person, including a law enforcement officer. A crime of the fourth degree carries a penalty of imprisonment for up to 18 months, a fine of up to \$7,500.00, or both. Prior to being amended the bill classified possession of a stun gun as a crime of the third degree.

The committee amended the bill to include a provision authorizing the Attorney General, at his discretion, to exempt law enforcement officers from the prohibition against possessing stun guns.

The bill was also amended by the committee to include stun guns in the definition of "weapon" in paragraph r. of N. J. S. 2C:39-1.