

2C:39-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-3 and 2C:39-9 (Bullets prohibited—if capable of penetrating bullet-proof vests)

LAWS OF: 1983

CHAPTER: 58

Bill No.: S909

Sponsor(s): Feldman and Cardinale

Date Introduced: Feb. 1, 1982

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Law, Public Safety & Defense

Amended during passage Yes // Substituted for A698 (not attached since identical to S909)

according to Governor's recommendations:

Date of Passage: Assembly: June 14, 1982 Re-enacted 1-27-83

Senate: March 15, 1982 Re-enacted 12-6-83

Date of Approval: Feb. 7, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message Yes //

Message on Signing: /// ~~No~~ Yes

Following were printed:

Reports: /// No

Hearings: /// No

Sponsors' statement:

This bill would make it illegal for anyone to manufacture, sell or possess any bullets such as teflon-coated bullets which are capable of piercing a standard bullet-proof vest.

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SENATE, No. 909

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Senators FELDMAN and CARDINALE

Referred to Committee on Law, Public Safety and Defense

AN ACT prohibiting the manufacture, sale or possession of certain bullet cartridges and amending N. J. S. 2C:39-3 and N. J. S. 2C:39-9.

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

1 1. 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  
4 destructive 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 pos-  
11 session 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, without any explainable lawful purpose, is guilty  
18 of a crime of the fourth degree.

19 f. Dum-dum or *\*[bullet-proof vest]\* \*body armor\* penetrating*  
20 *bullets. (1) Any person, other than a law enforcement officer or*  
21 *persons engaged in activities pursuant to 2C:39-6f., who knowingly*

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:

\*—Assembly committee amendments adopted May 24, 1982.

\*\*—Senate amendments adopted in accordance with Governor's recommenda-  
tions September 16, 1982.

\*\*\*—Senate action of September 16, 1982, in adopting Governor's recom-  
mended amendments, receded from on October 25, 1982.

\*\*\*\*—Senate amendments adopted in accordance with Governor's recom-  
mendations November 8, 1982.

22 has in his possession any hollow nose or dum-dum bullet, or (2)  
 23-24 any person **\*\***[who knowingly has in his possession any]**\*\***  
 25 **\*\*\*\***[**\*\***who knowingly has in his possession any**\*\***]**\*\*\*\*** **\***[teflon-  
 26 coated or similar bullets capable of being fired from a handgun,  
 27 the projectile of which can penetrate a bullet-proof vest of the  
 28 type used as standard equipment by the New Jersey State Police]**\***  
 29 **\*\***[bullet, which by virtue of its shape, cross sectional density, or  
 30 any coating applied thereto, has been primarily manufactured or  
 31 designed to breach or penetrate body armor when fired from a hand-  
 32 gun\*, is guilty of a crime of the fourth degree.]**\*\*** **\*\*\*\***[**\*\***bullet,  
 33 which by virtue of its shape, cross sectional density, or any coating  
 34 applied thereto, has been primarily manufactured or designed to  
 35 breach or penetrate body armor when fired from a handgun, is  
 36-39 guilty of a crime of the fourth degree.**\*\***]**\*\*\*\*** **\*\*\*\***[**\*\***, other  
 40 than a collector of firearms or ammunition as curios or  
 41 relics as defined in Title 18 United States Code, Section  
 42 921 (a) (13) and has in his possession a valid Collec-  
 43 tor of Curios and Relics License issued by the Bureau of  
 44 Alcohol, Tobacco and Firearms, who knowingly has in his posses-  
 45 sion any body armor breaching or penetrating ammunition, which  
 46 means: (a) ammunition primarily designed for use in a handgun,  
 47 and (b) which is comprised of a bullet whose core or jacket, if the  
 48 jacket is thicker than .025 of an inch, is made of tungsten carbide,  
 49 or hard bronze, or other material which is harder than a rating of  
 50 72 or greater on the Rockwell B. Hardness Scale, and (c) is there-  
 51 fore capable of breaching or penetrating body armor, is guilty of  
 52 a crime of the fourth degree. For purposes of this section, a collec-  
 53 tor may possess not more than three examples of each distinctive  
 54 variation of the ammunition described above. A distinctive varia-  
 55-70 tion includes a different head stamp, composition, design,  
 71 or color**\*\***]**\*\*\*\*** **\*\*\*\***, other than a collector of firearms or  
 72 ammunition as curios or relics as defined in Title 18  
 73 United States Code, Section 921 (a) (13) and has in his possession  
 74 a valid Collector of Curios and Relics License issued by the Bureau  
 75 of Alcohol, Tobacco and Firearms, who knowingly has in his pos-  
 76 session any body armor breaching or penetrating ammunition,  
 77 which means: (a) ammunition primarily designed for use in a  
 78 handgun, and (b) which is comprised of a bullet whose core or  
 79 jacket, if the jacket is thicker than .025 of an inch, is made of tung-  
 80 sten carbide, or hard bronze, or other material which is harder  
 81 than a rating of 72 or greater on the Rockwell B. Hardness Scale,  
 82 and (c) is therefore capable of breaching or penetrating body  
 83 armor, is guilty of a crime of the fourth degree. For purposes of

84 *this section, a collector may possess not more than three examples*  
85 *of each distinctive variation of the ammunition described above.*  
86 *A distinctive variation includes a different head stamp, composi-*  
87 *tion, design, or color\*\*\*\*.*

88 g. Exceptions. (1) Nothing in this section shall apply to any  
89 member of the Armed Forces of the United States or the National  
90 Guard, or except as otherwise provided by any law enforcement  
91 officer while actually on duty or traveling to or from an authorized  
92 place of duty, provided that his possession of the prohibited weapon  
93 or device has been duly authorized under the applicable laws,  
94 regulations or military or law enforcement orders, or to the  
95 possession of any weapon or device by a law enforcement officer  
96 who has confiscated, seized or otherwise taken possession of said  
97 weapon or device as evidence of the commission of a crime or  
98 because he believed it to be possessed illegally by the person from  
99 whom it was taken, provided that said law enforcement officer  
100 promptly notifies his superiors of his possession of such prohibited  
101 weapon or device.

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

112 \*\*\*[\*\* (3) *Nothing in paragraph (2) of subsection f. shall be con-*  
113 *strued to prevent any licensed retail or wholesale firearm dealer*  
114 *from possessing that ammunition at its licensed premises for sale or*  
115 *disposition to another licensed dealer, the Armed Forces of the*  
116 *United States or the National Guard, or to a law enforcement*  
117 *agency, provided that the seller maintains a record of any sale or*  
118 *disposition to a law enforcement agency. The record shall include*  
119 *the name of the purchasing agency, together with written authori-*  
120 *zation of the chief of police or highest ranking official of the agency,*  
121 *the name and rank of the purchasing law enforcement officer, if*  
122 *applicable, and the date, time and amount of ammunition sold or*  
123 *otherwise disposed. A copy of this record shall be forwarded by*  
124 *the seller to the Superintendent of the Division of State Police*  
125 *within 48 hours of the sale of disposition.\*\*]*\*\*\*\*

126-140 \*\*\*\*(3) *Nothing in paragraph (2) of subsection f. shall be con-*  
 141 *strued to prevent any licensed retail or wholesale firearm dealer*  
 142 *from possessing that ammunition at its licensed premises for sale*  
 143 *or disposition to another licensed dealer, the Armed Forces of the*  
 144 *United States or the National Guard, or to a law enforcement*  
 145 *agency, provided that the seller maintains a record of any sale or*  
 146 *disposition to a law enforcement agency. The record shall include*  
 147 *the name of the purchasing agency, together with written authori-*  
 148 *zation of the chief of police or highest ranking official of the agency,*  
 149 *the name and rank of the purchasing law enforcement officer, if*  
 150 *applicable, and the date, time and amount of ammunition sold or*  
 151 *otherwise disposed. A copy of this record shall be forwarded by*  
 152 *the seller to the Superintendent of the Division of State Police*  
 153 *within 48 hours of the sale of disposition.\*\*\*\**

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 includ-  
 16 ing gravity, knives, switchblade knives, daggers, dirks, stilettoes,  
 17 billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or  
 18 similar leather bands studded with metal filings, or in the case of  
 19 firearms if he is not licensed or registered to do so as provided in  
 20 chapter 58, is guilty of a crime of the fourth degree. Any person  
 21 who manufactures, causes to be manufactured, transports, ships,  
 22 sells or disposes of any weapon or other device which projects,  
 23 releases or emits tear gas or other substances intended to produce  
 24 temporary physical discomfort or permanent injury through being  
 25 vaporized or otherwise dispensed in the air, which is intended to  
 26 be used for any purpose other than for authorized military or law  
 27 enforcement purposes by duly authorized military or law enforce-  
 28 ment personnel or the device is for the purpose of personal  
 29 self-defense, is pocket-sized and contains not more than three-

30 quarters of an ounce of chemical substance not ordinarily capable  
 31 of lethal use or of inflicting serious bodily injury, or other than to  
 32 be used by any person permitted to possess such weapon or device  
 33 under the provisions of N. J. S. 2C:39-5d., which is intended for  
 34 use by financial and other business institutions as part of an inte-  
 35 grated security system, placed at fixed locations, for the protection  
 36 of money and property, by the duly authorized personnel of those  
 37 institutions, is guilty of a crime of the fourth degree.

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

42 f. ~~\*\*\*[\*\* (1) \*\*]~~ ~~\*\*\* (1) \*\*\*\*~~ *Any person who manufac-*  
 43 *tures, causes to be manufactured, transports, ships, sells, or*  
 44 *disposes of any \* [teflon-coated or similar bullet cartridge capable*  
 45 *of being fired from a handgun, the projectile of which can penetrate*  
 46 *a bullet-proof vest of the type used as standard equipment by the*  
 47 *New Jersey State Police] \* bullet, \*\* [which by virtue of its shape,*  
 48 *cross sectional density, or any coating applied thereto, has been*  
 49 *primarily manufactured or designed to breach or penetrate body*  
 50 *armor when fired from a handgun] \*\* \*\*\*\* [\*\*\* which by virtue of*  
 51 *its shape, cross sectional density, or any coating applied thereto,*  
 52 *has been primarily manufactured or designed to breach or penetrate*  
 53-56 *body armor when fired from a handgun] \*\*\*\* \*\*\* [\*\* which*  
 57 *is primarily designed for use in a handgun, and which is comprised*  
 58 *of a bullet whose core or jacket, if the jacket is thicker than .025 of*  
 59 *an inch, is made of tungsten carbide, or hard bronze, or other*  
 60 *material which is harder than a rating of 72 or greater on the*  
 61 *Rockwell B. Hardness Scale, and is therefore capable of breaching*  
 62 *or penetrating body armor\*\*] \*\*\*\* \*\*\*\* which is primarily designed*  
 63-69 *for use in a handgun, and which is comprised of a bullet whose*  
 70 *core or jacket, if the jacket is thicker than .025 of an inch, is made*  
 71 *of tungsten carbide, or hard bronze, or other material which is*  
 72 *harder than a rating of 72 or greater on the Rockwell B. Hardness*  
 73 *Scale, and is therefore capable of breaching or penetrating body*  
 74 *armor\*\*\*\* and which is intended to be used for any purpose other*  
 75 *than for authorized military or law enforcement purposes by duly*  
 76 *authorized military or law enforcement personnel\*, is guilty of a*  
 77 *crime of the fourth degree.*

78 ~~\*\*\* [\*\* (2) Nothing in this subsection shall be construed to prevent~~  
 79 ~~a licensed collector of ammunition as defined in N. J. S. 2C:39-3~~  
 80 ~~f.(2) from transporting the bullets defined in paragraph (1) of~~  
 81 ~~this subsection from (a) any licensed retail or wholesale firearm~~

82 dealer's place of business to the collector's dwelling, premises, or  
 83 other land owned or possessed by him, or (b) to or from the col-  
 84 lector's dwelling, premises or other land owned or possessed by  
 85 him to any gun show for the purposes of display, sale, trade, or  
 86 transfer between collectors, or (c) to or from the collector's dwell-  
 87 ing, premises or other land owned or possessed by him to any rifle  
 88 or pistol club organized in accordance with the rules prescribed by  
 89 the National Board for the Promotion of Rifle Practice provided  
 90 that the club has filed a copy of its charter with the superintendent  
 91 of the State Police and annually submits a list of its members to the  
 92 superintendent, and provided further that the ammunition being  
 93 transported shall be carried not loaded in any firearm and con-  
 94 tained in a closed and fastened case, gunbox, or locked in the trunk  
 95 of the automobile in which it is being transported, and the course  
 96 of travel shall include only such deviations as are reasonably neces-  
 97 sary under the circumstances.\*\*】\*\*\*

98-118 \*\*\*\*(2) Nothing in this subsection shall be construed to prevent  
 119 a licensed collector of ammunition as defined in N. J. S. 2C:39-3  
 120 f.(2) from transporting the bullets defined in paragraph (1) of  
 121 this subsection from (a) any licensed retail or wholesale firearm  
 122 dealer's place of business to the collector's dwelling, premises, or  
 123 other land owned or possessed by him, or (b) to or from the col-  
 124 lector's dwelling, premises or other land owned or possessed by  
 125 him to any gun show for the purposes of display, sale, trade, or  
 126 transfer between collectors, or (c) to or from the collector's dwell-  
 127 ing, premises or other land owned or possessed by him to any rifle  
 128 or pistol club organized in accordance with the rules prescribed by  
 129 the National Board for the Promotion of Rifle Practice provided  
 130 that the club has filed a copy of its charter with the superintendent  
 131 of the State Police and annually submits a list of its members to the  
 132 superintendent, and provided further that the ammunition being  
 133 transported shall be carried not loaded in any firearm and con-  
 134 tained in a closed and fastened case, gunbox, or locked in the trunk  
 135 of the automobile in which it is being transported, and the course  
 136 of travel shall include only such deviations as are reasonably neces-  
 137 sary under the circumstances.\*\*\*\*

1 3. This act shall take effect immediately.

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SENATE, No. 909

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Senators FELDMAN and CARDINALE

Referred to Committee on Law, Public Safety and Defense

AN ACT prohibiting the manufacture, sale or possession of certain bullet cartridges and amending N. J. S. 2C:39-3 and N. J. S. 2C:39-9.

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

1 1. 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  
4 destructive 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 pos-  
11 session 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, sandelub, slingshot, cestus or  
16 similar leather band studded with metal filings or razor blades  
17 imbedded in wood, without any explainable lawful purpose, is guilty  
18 of a crime of the fourth degree.

19 f. Dum-dum or \***[bullet-proof vest]**\* \*body armor\* penetrating  
20 bullets. (1) Any person, other than a law enforcement officer or  
21 persons engaged in activities pursuant to 2C:39-6f., who knowingly

**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:

\*—Assembly committee amendments adopted May 24, 1982.

\*\*—Senate amendments adopted in accordance with Governor's recommendations September 16, 1982.

\*\*\*—Senate action of September 16, 1982, in adopting Governor's recommended amendments, receded from on October 25, 1982.

\*\*\*\*—Senate amendments adopted in accordance with Governor's recommendations November 8, 1982.

22 has in his possession any hollow nose or dum-dum bullet, or (2)  
 23 **\*\*[any person who knowingly has in his possession any]\*\***  
 24 **\*\*\*any person who knowingly has in his possession any\*\*\*** **\*\*\*\*[any**  
 25 **person who knowingly has in his possession any]\*\*\*\*** **\*[teflon-**  
 26 **coated or similar bullets capable of being fired from a handgun,**  
 27 **the projectile of which can penetrate a bullet-proof vest of the**  
 28 **type used as standard equipment by the New Jersey State Police]\*\***  
 29 **\*\*[bullet, which by virtue of its shape, cross sectional density, or**  
 30 **any coating applied thereto, has been primarily manufactured or**  
 31 **designed to breach or penetrate body armor when fired from a**  
 32 **handgun\*, is guilty of a crime of the fourth degree.]\*\*** **\*\*\*bullet,**  
 33 **which by virtue of its shape, cross sectional density, or any coating**  
 34 **applied thereto, has been primarily manufactured or designed to**  
 35 **breach or penetrate body armor when fired from a handgun, is**  
 36 **guilty of a crime of the fourth degree.\*\*\*** **\*\*\*\*[bullet, which by**  
 37 **virtue of its shape, cross sectional density, or any coating applied**  
 38 **thereto, has been primarily manufactured or designed to breach**  
 39 **or penetrate body armor when fired from a handgun\*, is guilty of**  
 40 **a crime of the fourth degree.]]\*\*\*\*** **\*\***, other than a collector of fire-  
 41 arms or ammunition as curios or relics as defined in Title 18 United  
 42 States Code, Section 921 (a) (13) and has in his possession a valid  
 43 Collector of Curios and Relics License issued by the Bureau of  
 44 Alcohol, Tobacco and Firearms, who knowingly has in his posses-  
 45 sion any body armor breaching or penetrating ammunition, which  
 46 means: (a) ammunition primarily designed for use in a handgun,  
 47 and (b) which is comprised of a bullet whose core or jacket, if the  
 48 jacket is thicker than .025 of an inch, is made of tungsten carbide,  
 49 or hard bronze, or other material which is harder than a rating of  
 50 72 or greater on the Rockwell B. Hardness Scale, and (c) is there-  
 51 fore capable of breaching or penetrating body armor, is guilty of  
 52 a crime of the fourth degree. For purposes of this section, a collec-  
 53 tor may possess not more than three examples of each distinctive  
 54 variation of the ammunition described above. A distinctive varia-  
 55 tion includes a different head stamp, composition, design, or color\*\*  
 56 **\*\*\*[**, other than a collector of firearms or ammunition as curios or  
 57 relics as defined in Title 18 United States Code, Section 921 (a)  
 58 (13) and has in his possession a valid Collector of Curios and Relics  
 59 License issued by the Bureau of Alcohol, Tobacco and Firearms,  
 60 who knowingly has in his possession any body armor breaching or  
 61 penetrating ammunition, which means: (a) ammunition primarily  
 62 designed for use in a handgun, and (b) which is comprised of a  
 63 bullet whose core or jacket, if the jacket is thicker than .025 of an  
 64 inch, is made of tungsten carbide, or hard bronze, or other material

65 *which is harder than a rating of 72 or greater on the Rockwell B.*  
 66 *Hardness Scale, and (c) is therefore capable of breaching or pene-*  
 67 *trating body armor, is guilty of a crime of the fourth degree. For*  
 68 *purposes of this section, a collector may possess not more than*  
 69 *three examples of each distinctive variation of the ammunition de-*  
 70 *scribed above. A distinctive variation includes a different head*  
 71 *stamp, composition, design, or color\*\*\*\*, other than a collector*  
 72 *of firearms or ammunition as curios or relics as defined in Title 18*  
 73 *United States Code, Section 921 (a) (13) and has in his possession*  
 74 *a valid Collector of Curios and Relics License issued by the Bureau*  
 75 *of Alcohol, Tobacco and Firearms, who knowingly has in his pos-*  
 76 *session any body armor breaching or penetrating ammunition,*  
 77 *which means: (a) ammunition primarily designed for use in a*  
 78 *handgun, and (b) which is comprised of a bullet whose core or*  
 79 *jacket, if the jacket is thicker than .025 of an inch, is made of tung-*  
 80 *sten carbide, or hard bronze, or other material which is harder*  
 81 *than a rating of 72 or greater on the Rockwell B. Hardness Scale,*  
 82 *and (c) is therefore capable of breaching or penetrating body*  
 83 *armor, is guilty of a crime of the fourth degree. For purposes of*  
 84 *this section, a collector may possess not more than three examples*  
 85 *of each distinctive variation of the ammunition described above.*  
 86 *A distinctive variation includes a different head stamp, composi-*  
 87 *tion, design, or color\*\*\*\*.*

88 g. Exceptions. (1) Nothing in this section shall apply to any  
 89 member of the Armed Forces of the United States or the National  
 90 Guard, or except as otherwise provided by any law enforcement  
 91 officer while actually on duty or traveling to or from an authorized  
 92 place of duty, provided that his possession of the prohibited weapon  
 93 or device has been duly authorized under the applicable laws,  
 94 regulations or military or law enforcement orders, or to the  
 95 possession of any weapon or device by a law enforcement officer  
 96 who has confiscated, seized or otherwise taken possession of said  
 97 weapon or device as evidence of the commission of a crime or  
 98 because he believed it to be possessed illegally by the person from  
 99 whom it was taken, provided that said law enforcement officer  
 100 promptly notifies his superiors of his possession of such prohibited  
 101 weapon or device.

102 (2) Nothing in subsection f. (1) shall be construed to prevent a  
 103 person from keeping such ammunition at his dwelling, premises or  
 104 other land owned or possessed by him, or from carrying such am-  
 105 muniton from the place of purchase to said dwelling or land, nor  
 106 shall subsection f. (1) be construed to prevent any licensed retail or  
 107 wholesale firearm dealer from possessing such ammunition at its

108 licensed premises, provided that the seller of any such ammunition  
 109 shall maintain a record of the name, age and place of residence of  
 110 any purchaser who is not a licensed dealer, together with the date  
 111 of sale and quantity of ammunition sold.

112 *\*\* (3) Nothing in paragraph (2) of subsection f. shall be con-*  
 113 *strued to prevent any licensed retail or wholesale firearm dealer*  
 114 *from possessing that ammunition at its licensed premises for sale or*  
 115 *disposition to another licensed dealer, the Armed Forces of the*  
 116 *United States or the National Guard, or to a law enforcement*  
 117 *agency, provided that the seller maintains a record of any sale or*  
 118 *disposition to a law enforcement agency. The record shall include*  
 119 *the name of the purchasing agency, together with written authori-*  
 120 *zation of the chief of police or highest ranking official of the agency,*  
 121 *the name and rank of the purchasing law enforcement officer, if*  
 122 *applicable, and the date, time and amount of ammunition sold or*  
 123 *otherwise disposed. A copy of this record shall be forwarded by*  
 124 *the seller to the Superintendent of the Division of State Police*  
 125 *within 48 hours of the sale of disposition.\*\**

126 *\*\*\*[(3) Nothing in paragraph (2) of subsection f. shall be con-*  
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151 *otherwise disposed. A copy of this record shall be forwarded by*  
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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 includ-  
 16 ing gravity, knives, switchblade knives, daggers, dirks, stilettos,  
 17 billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or  
 18 similar leather bands studded with metal filings, or in the case of  
 19 firearms if he is not licensed or registered to do so as provided in  
 20 chapter 58, is guilty of a crime of the fourth degree. Any person  
 21 who manufactures, causes to be manufactured, transports, ships,  
 22 sells or disposes of any weapon or other device which projects,  
 23 releases or emits tear gas or other substances intended to produce  
 24 temporary physical discomfort or permanent injury through being  
 25 vaporized or otherwise dispensed in the air, which is intended to  
 26 be used for any purpose other than for authorized military or law  
 27 enforcement purposes by duly authorized military or law enforce-  
 28 ment personnel or the device is for the purpose of personal  
 29 self-defense, is pocket-sized and contains not more than three-  
 30 quarters of an ounce of chemical substance not ordinarily capable  
 31 of lethal use or of inflicting serious bodily injury, or other than to  
 32 be used by any person permitted to possess such weapon or device  
 33 under the provisions of N. J. S. 2C:39-5d., which is intended for  
 34 use by financial and other business institutions as part of an inte-  
 35 grated security system, placed at fixed locations, for the protection  
 36 of money and property, by the duly authorized personnel of those  
 37 institutions, is guilty of a crime of the fourth degree.

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

42 . . . f. **(1)** **\*\*\*[(1)]\*\*\*** **\*\*\*\*(1)\*\*\*\*** Any person who manu-  
 43 factures, causes to be manufactured, transports, ships, sells, or  
 44 disposes of any **\*[teflon-coated or similar bullet cartridge capable**  
 45 **of being fired from a handgun, the projectile of which can penetrate**  
 46 **a bullet-proof vest of the type used as standard equipment by the**  
 47 **New Jersey State Police]** **\*bullet, \*\*[which by virtue of its shape,**  
 48 **cross sectional density, or any coating applied thereto, has been**  
 49 **primarily manufactured or designed to breach or penetrate body**  
 50 **armor when fired from a handgun]** **\*\* \*\*\*which by virtue of its**  
 51 **shape, cross sectional density, or any coating applied thereto, has**  
 52 **been primarily manufactured or designed to breach or penetrate**  
 53 **body armor when fired from a handgun\*\*\*** **\*\*\*\*[which by virtue**  
 54 **of its shape, cross sectional density, or any coating applied thereto,**  
 55 **has been primarily manufactured or designed to breach or pene-**  
 56 **trate body armor when fired from a handgun]** **\*\*\*\* \*\*which is**  
 57 **primarily designed for use in a handgun, and which is comprised of**  
 58 **a bullet whose core or jacket, if the jacket is thicker than .025 of**  
 59 **an inch, is made of tungsten carbide, or hard bronze, or other**  
 60 **material which is harder than a rating of 72 or greater on the**  
 61 **Rockwell B. Hardness Scale, and is therefore capable of breaching**  
 62 **or penetrating body armor\*\*** **\*\*\*[which is primarily designed for**  
 63 **use in a handgun, and which is comprised of a bullet whose core or**  
 64 **jacket, if the jacket is thicker than .025 of an inch, is made of**  
 65 **tungsten carbide, or hard bronze, or other material which is harder**  
 66 **than a rating of 72 or greater on the Rockwell B. Hardness Scale,**  
 67 **and is therefore capable of breaching or penetrating body**  
 68 **armor]** **\*\*\*\* \*\*\*which is primarily designed for use in a handgun,**  
 69 **and which is comprised of a bullet whose core or jacket, if the**  
 70 **jacket is thicker than .025 of an inch, is made of tungsten carbide,**  
 71 **or hard bronze, or other material which is harder than a rating of**  
 72 **72 or greater on the Rockwell B. Hardness Scale, and is therefore**  
 73 **capable of breaching or penetrating body armor\*\*\*\*** **and which is**  
 74 **intended to be used for any purpose other than for authorized**  
 75 **military or law enforcement purposes by duly authorized military**  
 76 **or law enforcement personnel\*, is guilty of a crime of the fourth**  
 77 **degree.**

78 **\*(2)** Nothing in this subsection shall be construed to prevent  
 79 a licensed collector of ammunition as defined in N. J. S. 2C:39-3  
 80 f.(2) from transporting the bullets defined in paragraph (1) of  
 81 this subsection from (a) any licensed retail or wholesale firearm  
 82 dealer's place of business to the collector's dwelling, premises, or  
 83 other land owned or possessed by him, or (b) to or from the col-  
 84 lector's dwelling, premises or other land owned or possessed by

85 *him to any gun show for the purposes of display, sale, trade, or*  
 86 *transfer between collectors, or (c) to or from the collector's dwell-*  
 87 *ing, premises or other land owned or possessed by him to any rifle*  
 88 *or pistol club organized in accordance with the rules prescribed by*  
 89 *the National Board for the Promotion of Rifle Practice provided*  
 90 *that the club has filed a copy of its charter with the superintendent*  
 91 *of the State Police and annually submits a list of its members to the*  
 92 *superintendent, and provided further that the ammunition being*  
 93 *transported shall be carried not loaded in any firearm and con-*  
 94 *tained in a closed and fastened case, gunbox, or locked in the trunk*  
 95 *of the automobile in which it is being transported, and the course*  
 96 *of travel shall include only such deviations as are reasonably neces-*  
 97 *sary under the circumstances.\*\**

98 *\*\*\*[(2) Nothing in this subsection shall be construed to prevent*  
 99 *a licensed collector of ammunition as defined in N. J. S. 2C:39-3*  
 100 *f.(2) from transporting the bullets defined in paragraph (1) of*  
 101 *this subsection from (a) any licensed retail or wholesale firearm*  
 102 *dealer's place of business to the collector's dwelling, premises, or*  
 103 *other land owned or possessed by him, or (b) to or from the col-*  
 104 *lector's dwelling, premises or other land owned or possessed by*  
 105 *him to any gun show for the purposes of display, sale, trade, or*  
 106 *transfer between collectors, or (c) to or from the collector's dwell-*  
 107 *ing, premises or other land owned or possessed by him to any rifle*  
 108 *or pistol club organized in accordance with the rules prescribed by*  
 109 *the National Board for the Promotion of Rifle Practice provided*  
 110 *that the club has filed a copy of its charter with the superintendent*  
 111 *of the State Police and annually submits a list of its members to the*  
 112 *superintendent, and provided further that the ammunition being*  
 113 *transported shall be carried not loaded in any firearm and con-*  
 114 *tained in a closed and fastened case, gunbox, or locked in the trunk*  
 115 *of the automobile in which it is being transported, and the course*  
 116 *of travel shall include only such deviations as are reasonably neces-*  
 117 *sary under the circumstances.]\*\*\**

118 *\*\*\*\*(2) Nothing in this subsection shall be construed to prevent*  
 119 *a licensed collector of ammunition as defined in N. J. S. 2C:39-3*  
 120 *f.(2) from transporting the bullets defined in paragraph (1) of*  
 121 *this subsection from (a) any licensed retail or wholesale firearm*  
 122 *dealer's place of business to the collector's dwelling, premises, or*  
 123 *other land owned or possessed by him, or (b) to or from the col-*  
 124 *lector's dwelling, premises or other land owned or possessed by*  
 125 *him to any gun show for the purposes of display, sale, trade, or*  
 126 *transfer between collectors, or (c) to or from the collector's dwell-*  
 127 *ing, premises or other land owned or possessed by him to any rifle*

128 *or pistol club organized in accordance with the rules prescribed by*  
129 *the National Board for the Promotion of Rifle Practice provided*  
130 *that the club has filed a copy of its charter with the superintendent*  
131 *of the State Police and annually submits a list of its members to the*  
132 *superintendent, and provided further that the ammunition being*  
133 *transported shall be carried not loaded in any firearm and con-*  
134 *tained in a closed and fastened case, gunbox, or locked in the trunk*  
135 *of the automobile in which it is being transported, and the course*  
136 *of travel shall include only such deviations as are reasonably neces-*  
137 *sary under the circumstances.\*\*\*\**

1     3. This act shall take effect immediately.

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20 chapter 58, is guilty of a crime of the fourth degree. Any person  
21 who manufactures, causes to be manufactured, transports, ships,  
22 sells or disposes of any weapon or other device which projects,  
23 releases or emits tear gas or other substances intended to produce  
24 temporary physical discomfort or permanent injury through being  
25 vaporized or otherwise dispensed in the air, which is intended to  
26 be used for any purpose other than for authorized military or law  
27 enforcement purposes by duly authorized military or law enforce-  
27A ment personnel or the device is for the purpose of personal  
28 self-defense, is pocket-sized and contains not more than three-  
29 quarters of an ounce of chemical substance not ordinarily capable  
30 of lethal use or of inflicting serious bodily injury, or other than to  
31 be used by any person permitted to possess such weapon or device  
32 under the provisions of N. J. S. 2C:39-5d., which is intended for  
33 use by financial and other business institutions as part of an inte-  
34 grated security system, placed at fixed locations, for the protection  
35 of money and property, by the duly authorized personnel of those  
36 institutions, is guilty of a crime of the fourth degree.

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

41 f. *Any person who manufactures, causes to be manufactured,*  
42 *transports, ships, sells, or disposes of any teflon-coated or similar*  
43 *bullet cartridge capable of being fired from a handgun, the pro-*  
44 *jectile of which can penetrate a bullet-proof vest of the type used*  
45 *as standard equipment by the New Jersey State Police, is guilty*  
46 *of a crime of the fourth degree.*

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill would make it illegal for anyone to manufacture, sell or possess any bullets such as teflon-coated bullets which are capable of piercing a standard bullet-proof vest.

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**ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE**

STATEMENT TO

**SENATE, No. 909**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 20, 1982

The purpose of this bill, as amended, is to control the availability of bullets which are designed to penetrate or breach body armor.

The committee amendments provide a specific definition of the type bullet which is prohibited.

The committee also released Assembly Bill No. 698 which, as amended, is the same as this bill.

**SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE**

STATEMENT TO  
**SENATE, No. 909**

**STATE OF NEW JERSEY**

DATED: MARCH 8, 1982

The purpose of this bill is to control the availability of bullets capable of penetrating a bullet-proof vest.

Section 1 of the bill amends 2C:39-3 so that any person who knowingly possesses any teflon-coated or similar bullet capable of being fired from a handgun and capable of penetrating the type of bullet-proof vest used as standard equipment by the New Jersey State Police is guilty of a crime of the fourth degree.

Section 2 of the bill amends 2C:39-9 so that manufacturing, transporting, or selling the bullets is a crime of the fourth degree.

A crime of the fourth degree is punishable by imprisonment for up to 18 months and/or a fine of up to \$7,500.00.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

September 16, 1982

SENATE BILL NO. 909 (AR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 909 (AR) with my objections, for reconsideration.

The purpose of this bill is to prohibit the possession or manufacture of bullets capable of penetrating body armor. While I strongly support the basic purpose of this bill, there are valid arguments against the bill, namely,

1. The definition of the proscribed bullet contained in the bill places hundreds of thousands of New Jersey residents who are collectors, sportsmen, hunters, range shooters, etc. in criminal jeopardy because ammunition which is primarily manufactured and/or designed to breach or penetrate body armor has a core to the bullet of tungsten carbide, steel, bronze and in some cases, even spent uranium. Such ammunition often cannot be identified as body armor piercing by the average shooter because it is the same ammunition regularly used for legitimate purposes. The United States Army has sold millions of surplus .30 caliber rounds of ammunition to the American public who regularly use these rounds while hunting. This ammunition would be proscribed under this bill.

2. Paragraph 1g.(1) permits the Armed Forces of the United States, the National Guard, and law enforcement agencies to possess these proscribed bullets and paragraph 2f permits the manufacture of these proscribed bullets for military and law enforcement use, yet there is no provision to allow licensed retailers or dealers to possess these proscribed bullets for sale to the military or law enforcement authorities. Such a provision was included in Assembly Bill No. 880 (OCR) which was introduced by Assemblyman Franks. In my opinion Assembly Bill No. 880 (OCR) is a more comprehensive bill than Senate Bill No. 909 (AR).

Accordingly, I herewith return Senate Bill No. 909 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1f., Line 23 through 27E: Delete "who knowingly has in his possession any bullet, which by virtue of its shape, cross sectional density, or any coating applied thereto, has been primarily manufactured or designed to breach or penetrate body armor when fired from a handgun.", insert ", 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: 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. Harness 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 3 examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color."

Page 2, after Section 1g.(2): Insert "(3) Nothing in paragraph (2) of subsection f. shall be construed to prevent any licensed retail or wholesale firearm dealer from possessing that ammunition 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 of disposition."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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The above amendment is adopted from Assembly Bill No. 880 (OCR) introduced by Assemblyman Franks.

Page 3, Section 2f., Line 41: After "f." , insert "(1)".

Page 3, Section 2f., Line 46 through 48: Delete "which by virtue of its shape, cross sectional density, or any coating applied thereto, has been primarily manufactured or designed to breach or penetrate body armor from a handgun", insert "which is primarily designed for use in a handgun, and 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 is therefore capable of breaching or penetrating body armor and"

Page 3, Section 2F., Line 52: After ".", insert "(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in N.J.S. 2C:39-3 f.(2) from transporting the bullets defined in subsection f.(1) from (a) any licensed retail or wholesale firearm dealer's place of business to the collectors dwelling, premises, or other land owned or possessed by him, or (b) to or from the collectors dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or (c) to or from the collectors dwelling, premises or other land owned or possessed by him to any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice provided that the club has filed a copy of its charter with the Superintendent of the State Police and annually submits a list of its members to the superintendent, and provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gunbox, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel to the Governor

OFFICE OF THE GOVERNOR

RELEASE IMMEDIATE

CONTACT PAUL WOLCOTT

TUESDAY, FEBRUARY 8, 1983

Governor Thomas H. Kean has signed the following bills:

S-909, sponsored by State Senator Matthew Feldman, (D-Bergen), which prohibits the possession or manufacture, with certain exceptions, of bullets capable of penetrating body armor (Bullet-Proof Vests). The bill was signed after legislative concurrence with recommendations contained in the Governor's conditional veto of the bill on September 16, 1982. The recommendations created exceptions to the law for bona fide sportsmen, collectors and licensed retailers.

A-1476, sponsored by Assemblyman Anthony M. Villane Jr., (R-Monmouth) which includes the State Treasurer as a member of the Lottery Commission.

S-534, sponsored by State Senator John H. Dorsey, (R-Morris) which provides immunity from civil liability to trained persons who provide assistance to police or other agencies in connection with accidents or other emergencies involving liquified natural gas or liquified petroleum gas.

A-412, sponsored by Assemblyman Walter J. Kavanaugh, (R-Somerset) which permits eye-level brake lights to be placed on passenger cars.

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A-3076, sponsored by Assemblyman Robert C. Janiszewski, (D-Hudson) which permits certain hospitals to borrow from private sources to meet their expenses. The bill is aimed at the current problems of the Jersey City Medical Center, and will allow the Medical Center to borrow money to avoid closing its doors. The bill would permit Jersey City to guarantee the loan. It is believed that without that financial assistance, the Medical Center would be forced to close.

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