



<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL NOTE:</b>	Yes
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	Yes
<b>OTHER:</b>	Yes

The New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety: Report to Governor Chris Christie.  
[Trenton, N.J.] : [Office of the Attorney General] , 2013.

<http://hdl.handle.net/10929/34559>

- "Christie signs extensive package of gun-control bills into law," NJ SPOTLIGHT, 8-9-13
- "Christie cautious on guns," The Record, 8-9-13
- "Christie signs limits on guns," The Philadelphia Inquirer, 8-9-13
- "Christie balks on Controversial gun bills," The Star-Ledger, 8-9-13
- "Christie signs 10 new gun bills, including local lawmakers' anti-trafficking measure, Burlington County Times, 8-9-13
- "Tougher gun measures signed," CourierPostOnline.com, 8-9-13
- "Christie signs some gun-control measures into law," The Trentonian, 8-9-13

LAW/KR

P.L. 2013, CHAPTER 111, *approved August 8, 2013*  
Senate, No. 2719 (*Third Reprint*)

1 AN ACT concerning penalties for certain firearms offenses <sup>1</sup>,  
2 designated as The Anti-Gun Trafficking Act of <sup>3</sup>[Act of]<sup>3</sup>  
3 2013,<sup>1</sup> and amending N.J.S.2C:39-9, N.J.S.2C:39-10, and  
4 P.L.1997, c.117.

5

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

8

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

10 2C:39-9. Manufacture, Transport, Disposition and Defacement  
11 of Weapons and Dangerous Instruments and Appliances. a. Machine  
12 guns. Any person who manufactures, causes to be manufactured,  
13 transports, ships, sells or disposes of any machine gun without  
14 being registered or licensed to do so as provided in chapter 58 is  
15 guilty of a crime of the third degree.

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

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

22 d. Weapons. Any person who manufactures, causes to be  
23 manufactured, transports, ships, sells or disposes of any weapon,  
24 including gravity knives, switchblade knives, ballistic knives,  
25 daggers, dirks, stilettos, billies, blackjacks, metal knuckles,  
26 sandclubs, slingshots, cesti or similar leather bands studded with  
27 metal filings, or, except as otherwise provided in subsection i. of  
28 this section, in the case of firearms if he is not licensed or registered  
29 to do so as provided in chapter 58, is guilty of a crime of the fourth  
30 degree. Any person who manufactures, causes to be manufactured,  
31 transports, ships, sells or disposes of any weapon or other device  
32 which projects, releases or emits tear gas or other substances  
33 intended to produce temporary physical discomfort or permanent  
34 injury through being vaporized or otherwise dispensed in the air,  
35 which is intended to be used for any purpose other than for  
36 authorized military or law enforcement purposes by duly authorized  
37 military or law enforcement personnel or the device is for the  
38 purpose of personal self-defense, is pocket-sized and contains not  
39 more than three-quarters of an ounce of chemical substance not

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 9, 2013.

<sup>2</sup>Senate SBA committee amendments adopted May 9, 2013.

<sup>3</sup>Assembly ALP committee amendments adopted June 6, 2013.

1 ordinarily capable of lethal use or of inflicting serious bodily injury,  
2 or other than to be used by any person permitted to possess such  
3 weapon or device under the provisions of subsection d. of  
4 N.J.S.2C:39-5, which is intended for use by financial and other  
5 business institutions as part of an integrated security system, placed  
6 at fixed locations, for the protection of money and property, by the  
7 duly authorized personnel of those institutions, is guilty of a crime  
8 of the fourth degree.

9 e. Defaced firearms. Any person who defaces any firearm is  
10 guilty of a crime of the third degree. Any person who knowingly  
11 buys, receives, disposes of or conceals a defaced firearm, except an  
12 antique firearm or an antique handgun, is guilty of a crime of the  
13 fourth degree.

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

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

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

1 h. Large capacity ammunition magazines. Any person who  
 2 manufactures, causes to be manufactured, transports, ships, sells or  
 3 disposes of a large capacity ammunition magazine which is  
 4 intended to be used for any purpose other than for authorized  
 5 military or law enforcement purposes by duly authorized military or  
 6 law enforcement personnel is guilty of a crime of the fourth degree.

7 i. Transporting firearms into this State for an unlawful sale or  
 8 transfer. Any person who knowingly transports, ships or otherwise  
 9 brings into this State any firearm for the purpose of unlawfully  
 10 selling, transferring, giving, assigning or otherwise disposing of that  
 11 firearm to another individual is guilty of a crime of the second  
 12 degree. Any motor vehicle used by a person to transport, ship, or  
 13 otherwise bring a firearm into this State for unlawful sale or transfer  
 14 shall be subject to forfeiture in accordance with the provisions of  
 15 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
 16 shall not apply to innocent owners, nor shall it affect the rights of a  
 17 holder of a valid lien.

18 The temporary transfer of a firearm <sup>1</sup>shall not constitute a  
 19 violation of this subsection if that firearm is <sup>3</sup>~~transferred~~  
 20 transferred<sup>3</sup>:

21 (1)<sup>1</sup> while hunting ~~or~~ <sup>1</sup>~~or~~ <sup>1</sup>target shooting <sup>1</sup>~~in~~  
 22 accordance with the provisions of section 1 of P.L.1992, c.74  
 23 (C.2C:58-3.1);

24 (2)<sup>1</sup> for shooting competitions sponsored by a licensed dealer,  
 25 law enforcement agency, legally recognized military organization,  
 26 or a rifle or pistol club which has filed a copy of its charter with the  
 27 superintendent <sup>1</sup>in accordance with the provisions of section 1 of  
 28 P.L.1992, c.74 (C.2C:58-3.1) <sup>1</sup>; <sup>1</sup>or

29 (3)<sup>1</sup> for participation in a training course conducted by a certified  
 30 instructor in accordance with the provisions of section 1 of  
 31 P.L.1997, c.375 (C.2C:58-3.2) <sup>1</sup>~~or~~ <sup>1</sup>

32 <sup>1</sup>~~the~~ <sup>1</sup>The transfer of any firearm that uses air or carbon  
 33 dioxide to expel a projectile~~or~~; or the transfer of an antique  
 34 firearm shall not constitute a violation of this subsection.

35 (cf: P.L.2007, c.298, s.1)

36

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

38 2C:39-10. Violation of the regulatory provisions relating to  
 39 firearms; false representation in applications.

40 a. (1) Except as otherwise provided in paragraph (2) and  
 41 paragraph (4) of this subsection, any person who knowingly violates  
 42 the regulatory provisions relating to manufacturing or wholesaling  
 43 of firearms <sup>1</sup>~~(section 2C:58-1)~~ N.J.S.2C:58-1<sup>1</sup>, retailing of  
 44 firearms <sup>1</sup>~~(section 2C:58-2)~~ N.J.S.2C:58-2<sup>1</sup>, permits to purchase  
 45 certain firearms <sup>1</sup>~~(section 2C:58-3)~~ N.J.S.2C:58-3<sup>1</sup>, permits to  
 46 carry certain firearms <sup>1</sup>~~(section 2C:58-4)~~ N.J.S.2C:58-4<sup>1</sup>, licenses

1 to procure machine guns or assault firearms <sup>1</sup>[(section 2C:58-5)]  
2 N.J.S.2C:58-5<sup>1</sup>, or incendiary or tracer ammunition <sup>1</sup>[(section  
3 2C:58-10)] N.J.S.2C:58-10<sup>1</sup>, except acts which are punishable  
4 under section <sup>1</sup>[2C:39-5] N.J.S.2C:58-5<sup>1</sup> or section <sup>1</sup>[2C:39-9]  
5 N.J.S.2C:58-2<sup>1</sup>, is guilty of a crime of the fourth degree.

6 (2) A licensed dealer who knowingly violates the provisions of  
7 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
8 is a disorderly person.

9 (3) <sup>2</sup>[If, upon review, a law enforcement agency determines that  
10 a licensed dealer knowingly and intentionally has sold, transferred,  
11 assigned, or otherwise disposed of an inordinate number of firearms  
12 that, subsequent to that sale, transfer, assignment, or disposal, have  
13 been recovered as abandoned or discarded firearms, or as firearms  
14 seized or recovered because they were unlawfully possessed, or as  
15 firearms used for an unlawful purpose, or as firearms recovered  
16 from the scene of a crime, or as firearms reasonably believed to  
17 have been used or associated with the commission of a crime, that  
18 dealer's license shall, after hearing, be revoked permanently by the  
19 State Police.] If, upon review, a law enforcement agency  
20 determines that a licensed dealer has sold, transferred, assigned, or  
21 otherwise disposed of an inordinate number of firearms and that  
22 licensed dealer knew, or should have known, that the firearms  
23 would be used in the commission of a crime or would be transferred  
24 to a person in order for the firearms to be used for an unlawful  
25 purpose, that dealer's license shall, after a hearing, be  
26 <sup>3</sup>permanently<sup>3</sup> revoked <sup>3</sup>[permanently by the State Police]<sup>3, 2</sup>

27 (4) A licensed dealer who sells or transfers a firearm to a person  
28 knowing that person intends to sell, transfer, assign, or otherwise  
29 dispose of that firearm to a person who is disqualified from  
30 possessing a firearm under State or federal law is guilty of a crime  
31 of the second degree. Notwithstanding any other provisions of law  
32 to the contrary, the sentence imposed for a conviction under this  
33 subsection shall include a mandatory minimum <sup>1</sup>[18 month]<sup>1</sup> term  
34 of imprisonment of 18 months, during which the defendant shall be  
35 ineligible for parole; provided however, if the firearm was used in  
36 the commission of a crime, the sentence imposed under this  
37 subsection shall include a mandatory minimum term of  
38 imprisonment of three years, during which the defendant shall be  
39 ineligible for parole. Further, a person convicted under this  
40 subsection shall be permanently disqualified from <sup>1</sup>[obtaining]  
41 holding<sup>1</sup> a retail license under N.J.S.2C:58-2.

42 b. Any person who knowingly violates the regulatory  
43 provisions relating to notifying the authorities of possessing certain  
44 items of explosives <sup>1</sup>[(section 2C:58-7)] N.J.S.2C:58-7<sup>1</sup>, or of  
45 certain wounds <sup>1</sup>[(section 2C:58-8)] N.J.S.2C:58-8<sup>1</sup> is a disorderly  
46 person.

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

10 d. Any person who gives or causes to be given any false  
11 information in registering an assault firearm pursuant to section 11  
12 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
13 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
14 c.32 (C.2C:58-13) commits a crime of the fourth degree.

15 e. Any person who knowingly sells, gives, transfers, assigns or  
16 otherwise disposes of a firearm to a person who is under the age of  
17 18 years, except as permitted in section 14 of P.L.1979, c.179  
18 (C.2C:58-6.1), is guilty of a crime of the third degree.  
19 Notwithstanding any other provision of law to the contrary, the  
20 sentence imposed for a conviction under this subsection shall  
21 include a mandatory minimum three-year term of imprisonment,  
22 during which the defendant shall be ineligible for parole.

23 f. Unless the recipient is authorized to possess the handgun in  
24 connection with the performance of official duties under the  
25 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
26 gives, transfers, assigns or otherwise disposes of a handgun to a  
27 person who is under the age of 21 years, except as permitted in  
28 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
29 the third degree.

30 g. Any person who knowingly gives or causes to be given any  
31 false information or knowingly engages in any other fraudulent  
32 conduct in applying for an exemption to purchase more than one  
33 handgun in a 30-day period in violation of the provisions of section  
34 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
35 third degree. The presumption of nonimprisonment set forth in  
36 N.J.S.2C:44-1 shall not apply to persons convicted under the  
37 provisions of this subsection.

38 (cf: P.L.2009, c.186, s.3)

39  
40 3. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to  
41 read as follows:

42 2. a. A court imposing a sentence of incarceration for a crime  
43 of the first or second degree enumerated in subsection d. of this  
44 section shall fix a minimum term of 85% of the sentence imposed,  
45 during which the defendant shall not be eligible for parole.

46 b. The minimum term required by subsection a. of this section  
47 shall be fixed as a part of every sentence of incarceration imposed  
48 upon every conviction of a crime enumerated in subsection d. of

1 this section, whether the sentence of incarceration is determined  
2 pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any  
3 other provision of law, and shall be calculated based upon the  
4 sentence of incarceration actually imposed. The provisions of  
5 subsection a. of this section shall not be construed or applied to  
6 reduce the time that must be served before eligibility for parole by  
7 an inmate sentenced to a mandatory minimum period of  
8 incarceration. Solely for the purpose of calculating the minimum  
9 term of parole ineligibility pursuant to subsection a. of this section,  
10 a sentence of life imprisonment shall be deemed to be 75 years.

11 c. Notwithstanding any other provision of law to the contrary  
12 and in addition to any other sentence imposed, a court imposing a  
13 minimum period of parole ineligibility of 85 percent of the sentence  
14 pursuant to this section shall also impose a five-year term of parole  
15 supervision if the defendant is being sentenced for a crime of the  
16 first degree, or a three-year term of parole supervision if the  
17 defendant is being sentenced for a crime of the second degree. The  
18 term of parole supervision shall commence upon the completion of  
19 the sentence of incarceration imposed by the court pursuant to  
20 subsection a. of this section unless the defendant is serving a  
21 sentence of incarceration for another crime at the time he completes  
22 the sentence of incarceration imposed pursuant to subsection a., in  
23 which case the term of parole supervision shall commence  
24 immediately upon the defendant's release from incarceration.  
25 During the term of parole supervision the defendant shall remain in  
26 release status in the community in the legal custody of the  
27 Commissioner of the Department of Corrections and shall be  
28 supervised by the State Parole Board as if on parole and shall be  
29 subject to the provisions and conditions of section 3 of P.L.1997,  
30 c.117 (C.30:4-123.51b).

31 d. The court shall impose sentence pursuant to subsection a. of  
32 this section upon conviction of the following crimes or an attempt  
33 or conspiracy to commit any of these crimes:

- 34 (1) N.J.S.2C:11-3, murder;
- 35 (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;
- 36 (3) N.J.S.2C:11-5, vehicular homicide;
- 37 (4) subsection b. of N.J.S.2C:12-1, aggravated assault;
- 38 (5) subsection b. of section 1 of P.L.1996, c.14 (2C:12-11),  
39 disarming a law enforcement officer;
- 40 (6) N.J.S.2C:13-1, kidnapping;
- 41 (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;
- 42 (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of  
43 subsection c. of N.J.S.2C:14-2, sexual assault;
- 44 (9) N.J.S.2C:15-1, robbery;
- 45 (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;
- 46 (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated  
47 arson;
- 48 (12) N.J.S.2C:18-2, burglary;



- 1 (13) subsection a. of N.J.S.2C:20-5, extortion;  
2 (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1),  
3 booby traps in manufacturing or distribution facilities;  
4 (15) N.J.S.2C:35-9, strict liability for drug induced deaths;  
5 (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;  
6 (17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or  
7 possessing chemical weapons, biological agents or nuclear or  
8 radiological devices; **【or】**  
9 (18) N.J.S.2C:41-2, racketeering, when it is a crime of the first  
10 degree; or  
11 (19) subsection i. of N.J.S.2C:39-9, firearms trafficking.  
12 e. (Deleted by amendment, P.L.2001, c.129).  
13 (cf: P.L.2007, c.341, s.6)

14  
15 4. This act shall take effect on the first day of the third month  
16 following enactment.

17  
18  
19 \_\_\_\_\_  
20  
21 Enhances penalties for certain firearms offenses; designated as  
22 Anti-Gun Trafficking Act of 2013.

# SENATE, No. 2719

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED APRIL 25, 2013

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**SYNOPSIS**

Enhances penalties for certain firearms offenses.

**CURRENT VERSION OF TEXT**

As introduced.



S2719 NORCROSS, GILL

2

1 AN ACT concerning penalties for certain firearms offenses and  
2 amending N.J.S.2C:39-9, N.J.S.2C:39-10, and P.L.1997, c.117.

3

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

6

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

8 2C:39-9. Manufacture, Transport, Disposition and Defacement  
9 of Weapons and Dangerous Instruments and Appliances. a. Machine  
10 guns. Any person who manufactures, causes to be manufactured,  
11 transports, ships, sells or disposes of any machine gun without  
12 being registered or licensed to do so as provided in chapter 58 is  
13 guilty of a crime of the third degree.

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

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

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

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 e. Defaced firearms. Any person who defaces any firearm is  
2 guilty of a crime of the third degree. Any person who knowingly  
3 buys, receives, disposes of or conceals a defaced firearm, except an  
4 antique firearm or an antique handgun, is guilty of a crime of the  
5 fourth degree.

6 f. (1) Any person who manufactures, causes to be  
7 manufactured, transports, ships, sells, or disposes of any bullet,  
8 which is primarily designed for use in a handgun, and which is  
9 comprised of a bullet whose core or jacket, if the jacket is thicker  
10 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
11 other material which is harder than a rating of 72 or greater on the  
12 Rockwell B. Hardness Scale, and is therefore capable of breaching  
13 or penetrating body armor and which is intended to be used for any  
14 purpose other than for authorized military or law enforcement  
15 purposes by duly authorized military or law enforcement personnel,  
16 is guilty of a crime of the fourth degree.

17 (2) Nothing in this subsection shall be construed to prevent a  
18 licensed collector of ammunition as defined in paragraph (2) of  
19 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
20 in paragraph (1) of this subsection from (a) any licensed retail or  
21 wholesale firearms dealer's place of business to the collector's  
22 dwelling, premises, or other land owned or possessed by him, or (b)  
23 to or from the collector's dwelling, premises or other land owned or  
24 possessed by him to any gun show for the purposes of display, sale,  
25 trade, or transfer between collectors, or (c) to or from the collector's  
26 dwelling, premises or other land owned or possessed by him to any  
27 rifle or pistol club organized in accordance with the rules prescribed  
28 by the National Board for the Promotion of Rifle Practice; provided  
29 that the club has filed a copy of its charter with the superintendent  
30 of the State Police and annually submits a list of its members to the  
31 superintendent, and provided further that the ammunition being  
32 transported shall be carried not loaded in any firearm and contained  
33 in a closed and fastened case, gun box, or locked in the trunk of the  
34 automobile in which it is being transported, and the course of travel  
35 shall include only such deviations as are reasonably necessary under  
36 the circumstances.

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

41 h. Large capacity ammunition magazines. Any person who  
42 manufactures, causes to be manufactured, transports, ships, sells or  
43 disposes of a large capacity ammunition magazine which is  
44 intended to be used for any purpose other than for authorized  
45 military or law enforcement purposes by duly authorized military or  
46 law enforcement personnel is guilty of a crime of the fourth degree.

47 i. Transporting firearms into this State for an unlawful sale or  
48 transfer. Any person who knowingly transports, ships or otherwise

1 brings into this State any firearm for the purpose of unlawfully  
2 selling, transferring, giving, assigning or otherwise disposing of that  
3 firearm to another individual is guilty of a crime of the second  
4 degree. Any motor vehicle used by a person to transport, ship, or  
5 otherwise bring a firearm into this State for unlawful sale or transfer  
6 shall be subject to forfeiture in accordance with the provisions of  
7 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
8 shall not apply to innocent owners, nor shall it affect the rights of a  
9 holder of a valid lien. The temporary transfer of a firearm while  
10 hunting **[or]**, target shooting, for shooting competitions sponsored  
11 by a licensed dealer, law enforcement agency, legally recognized  
12 military organization, or a rifle or pistol club which has filed a copy  
13 of its charter with the superintendent; for participation in a training  
14 course conducted by a certified instructor in accordance with the  
15 provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2), the  
16 transfer of any firearm that uses air or carbon dioxide to expel a  
17 projectile**[,]** ; or the transfer of an antique firearm shall not  
18 constitute a violation of this subsection.

19 (cf: P.L.2007, c.298, s.1)

20

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

22 2C:39-10. Violation of the regulatory provisions relating to  
23 firearms; false representation in applications.

24 a. (1) Except as otherwise provided in paragraph (2) and  
25 paragraph (4) of this subsection, any person who knowingly violates  
26 the regulatory provisions relating to manufacturing or wholesaling  
27 of firearms (section 2C:58-1), retailing of firearms (section 2C:58-  
28 2), permits to purchase certain firearms (section 2C:58-3), permits  
29 to carry certain firearms (section 2C:58-4), licenses to procure  
30 machine guns or assault firearms (section 2C:58-5), or incendiary or  
31 tracer ammunition (section 2C:58-10), except acts which are  
32 punishable under section 2C:39-5 or section 2C:39-9, is guilty of a  
33 crime of the fourth degree.

34 (2) A licensed dealer who knowingly violates the provisions of  
35 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
36 is a disorderly person.

37 (3) If, upon review, a law enforcement agency determines that a  
38 licensed dealer knowingly and intentionally has sold, transferred,  
39 assigned, or otherwise disposed of an inordinate number of firearms  
40 that, subsequent to that sale, transfer, assignment, or disposal, have  
41 been recovered as abandoned or discarded firearms, or as firearms  
42 seized or recovered because they were unlawfully possessed, or as  
43 firearms used for an unlawful purpose, or as firearms recovered  
44 from the scene of a crime, or as firearms reasonably believed to  
45 have been used or associated with the commission of a crime, that  
46 dealer's license shall, after hearing, be revoked permanently by the  
47 State Police.

1       (4) A licensed dealer who sells or transfers a firearm to a person  
2 knowing that person intends to sell, transfer, assign, or otherwise  
3 dispose of that firearm to a person who is disqualified from  
4 possessing a firearm under State or federal law is guilty of a crime  
5 of the second degree. Notwithstanding any other provisions of law  
6 to the contrary, the sentence imposed for a conviction under this  
7 subsection shall include a mandatory minimum 18 month term of  
8 imprisonment of 18 months, during which the defendant shall be  
9 ineligible for parole; provided however, if the firearm was used in  
10 the commission of a crime, the sentence imposed under this  
11 subsection shall include a mandatory minimum term of  
12 imprisonment of three years, during which the defendant shall be  
13 ineligible for parole. Further, a person convicted under this  
14 subsection shall be permanently disqualified from obtaining a retail  
15 license under N.J.S.2C:58-2.

16       b. Any person who knowingly violates the regulatory  
17 provisions relating to notifying the authorities of possessing certain  
18 items of explosives (section 2C:58-7), or of certain wounds (section  
19 2C:58-8) is a disorderly person.

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

29       d. Any person who gives or causes to be given any false  
30 information in registering an assault firearm pursuant to section 11  
31 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
32 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
33 c.32 (C.2C:58-13) commits a crime of the fourth degree.

34       e. Any person who knowingly sells, gives, transfers, assigns or  
35 otherwise disposes of a firearm to a person who is under the age of  
36 18 years, except as permitted in section 14 of P.L.1979, c.179  
37 (C.2C:58-6.1), is guilty of a crime of the third degree.  
38 Notwithstanding any other provision of law to the contrary, the  
39 sentence imposed for a conviction under this subsection shall  
40 include a mandatory minimum three-year term of imprisonment,  
41 during which the defendant shall be ineligible for parole.

42       f. Unless the recipient is authorized to possess the handgun in  
43 connection with the performance of official duties under the  
44 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
45 gives, transfers, assigns or otherwise disposes of a handgun to a  
46 person who is under the age of 21 years, except as permitted in  
47 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
48 the third degree.

1 g. Any person who knowingly gives or causes to be given any  
2 false information or knowingly engages in any other fraudulent  
3 conduct in applying for an exemption to purchase more than one  
4 handgun in a 30-day period in violation of the provisions of section  
5 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
6 third degree. The presumption of nonimprisonment set forth in  
7 N.J.S.2C:44-1 shall not apply to persons convicted under the  
8 provisions of this subsection.

9 (cf: P.L.2009, c.186, s.3)

10  
11 3. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to  
12 read as follows:

13 2. a. A court imposing a sentence of incarceration for a crime  
14 of the first or second degree enumerated in subsection d. of this  
15 section shall fix a minimum term of 85% of the sentence imposed,  
16 during which the defendant shall not be eligible for parole.

17 b. The minimum term required by subsection a. of this section  
18 shall be fixed as a part of every sentence of incarceration imposed  
19 upon every conviction of a crime enumerated in subsection d. of  
20 this section, whether the sentence of incarceration is determined  
21 pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any  
22 other provision of law, and shall be calculated based upon the  
23 sentence of incarceration actually imposed. The provisions of  
24 subsection a. of this section shall not be construed or applied to  
25 reduce the time that must be served before eligibility for parole by  
26 an inmate sentenced to a mandatory minimum period of  
27 incarceration. Solely for the purpose of calculating the minimum  
28 term of parole ineligibility pursuant to subsection a. of this section,  
29 a sentence of life imprisonment shall be deemed to be 75 years.

30 c. Notwithstanding any other provision of law to the contrary  
31 and in addition to any other sentence imposed, a court imposing a  
32 minimum period of parole ineligibility of 85 percent of the sentence  
33 pursuant to this section shall also impose a five-year term of parole  
34 supervision if the defendant is being sentenced for a crime of the  
35 first degree, or a three-year term of parole supervision if the  
36 defendant is being sentenced for a crime of the second degree. The  
37 term of parole supervision shall commence upon the completion of  
38 the sentence of incarceration imposed by the court pursuant to  
39 subsection a. of this section unless the defendant is serving a  
40 sentence of incarceration for another crime at the time he completes  
41 the sentence of incarceration imposed pursuant to subsection a., in  
42 which case the term of parole supervision shall commence  
43 immediately upon the defendant's release from incarceration.  
44 During the term of parole supervision the defendant shall remain in  
45 release status in the community in the legal custody of the  
46 Commissioner of the Department of Corrections and shall be  
47 supervised by the State Parole Board as if on parole and shall be

- 1 subject to the provisions and conditions of section 3 of P.L.1997,  
2 c.117 (C.30:4-123.51b).
- 3 d. The court shall impose sentence pursuant to subsection a. of  
4 this section upon conviction of the following crimes or an attempt  
5 or conspiracy to commit any of these crimes:
- 6 (1) N.J.S.2C:11-3, murder;
  - 7 (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;
  - 8 (3) N.J.S.2C:11-5, vehicular homicide;
  - 9 (4) subsection b. of N.J.S.2C:12-1, aggravated assault;
  - 10 (5) subsection b. of section 1 of P.L.1996, c.14 (2C:12-11),  
11 disarming a law enforcement officer;
  - 12 (6) N.J.S.2C:13-1, kidnapping;
  - 13 (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;
  - 14 (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of  
15 subsection c. of N.J.S.2C:14-2, sexual assault;
  - 16 (9) N.J.S.2C:15-1, robbery;
  - 17 (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;
  - 18 (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated  
19 arson;
  - 20 (12) N.J.S.2C:18-2, burglary;
  - 21 (13) subsection a. of N.J.S.2C:20-5, extortion;
  - 22 (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1),  
23 booby traps in manufacturing or distribution facilities;
  - 24 (15) N.J.S.2C:35-9, strict liability for drug induced deaths;
  - 25 (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;
  - 26 (17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or  
27 possessing chemical weapons, biological agents or nuclear or  
28 radiological devices; **[or]**
  - 29 (18) N.J.S.2C:41-2, racketeering, when it is a crime of the first  
30 degree; or
  - 31 (19) subsection i. of N.J.S.2C:39-9, firearms trafficking.
- 32 e. (Deleted by amendment, P.L.2001, c.129).  
33 (cf: P.L. 2007, c.341, s.6)

34  
35 4. This act shall take effect on the first day of the third month  
36 following enactment.

37  
38  
39 STATEMENT

40  
41 This bill enhances the penalties for certain firearms offenses.  
42 The bill requires that any motor vehicle used by a person to  
43 transport, ship, or bring any firearm into this State for the purpose  
44 of unlawfully selling, transferring, or giving that firearm to another  
45 is subject to seizure and forfeiture. Innocent owners and the holders  
46 of valid liens are exempted from such seizures and forfeitures under  
47 the substitute.



1       The bill also clarifies that transporting, shipping or otherwise  
2 bringing firearms into this State for temporary transfers to  
3 individuals for lawful firearms training purposes and shooting  
4 competitions are lawful activities and the vehicles used for such  
5 transportation and shipping purposes are not subject to seizure and  
6 forfeiture.

7       In addition, the bill enhances the penalties for licensed retail  
8 firearms dealers who knowingly provide firearms to persons who  
9 transfer those firearms to individuals who are disqualified from  
10 possessing a firearm. Under the provisions of the substitute, a  
11 dealer who provides such firearms is guilty of a crime of the second  
12 degree and subject to a mandatory 18-month minimum term of  
13 imprisonment. If the firearm has been used in the commission of a  
14 crime, the dealer is subject to a three-year mandatory minimum  
15 term of imprisonment. A dealer convicted of this crime is  
16 permanently disqualified from obtaining another retail firearms  
17 dealers license. A crime of the second degree is punishable by a  
18 term of imprisonment of five to ten years, a fine of up to \$150,000,  
19 or both.

20       The bill further provides that a dealer who knowingly sells or  
21 transfers an inordinate number of firearms that later are discovered  
22 to have been recovered as abandoned or discarded firearms, or as  
23 firearms seized because they were unlawfully possessed, or as  
24 firearms used for an unlawful purpose, or as firearms recovered  
25 from the scene of a crime, or as firearms reasonably believed to  
26 have been used or associated with the commission of a crime is,  
27 after hearing, subject to a permanent license revocation.

28       Finally, the bill makes the crime of firearms trafficking subject  
29 to the No Early Release Act, P.L.1997, c.117 (C.2C:43-7.2). Under  
30 the No Early Release Act, a violator must serve 85% of the term of  
31 incarceration imposed by the court before becoming eligible for  
32 parole. Firearms trafficking—which is the transportation of a  
33 firearm into this State for the purpose of unlawfully selling,  
34 transferring, or otherwise giving it to another person—is a crime of  
35 the second degree. A crime of the second degree is punishable by  
36 imprisonment for a term of five to 10 years, a fine of up to  
37 \$150,000, or both.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2719**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 2, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2719.

Designated as the Anti-Gun Trafficking Act of 2013, this bill enhances the penalties for certain firearms offenses.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from such seizures and forfeitures under the substitute.

The bill also clarifies that transporting, shipping or otherwise bringing firearms into this State for temporary transfers to individuals for lawful firearms training purposes and shooting competitions are lawful activities and the vehicles used for such transportation and shipping purposes are not subject to seizure and forfeiture.

In addition, the bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the provisions of the bill, a dealer who provides such firearms is guilty of a crime of the second degree and subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime is permanently disqualified from obtaining another retail firearms dealer license. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

The bill further provides that a dealer who knowingly sells or transfers an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been used or

associated with the commission of a crime is, after hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act, P.L.1997, c.117 (C.2C:43-7.2). Under the No Early Release Act, a violator must serve 85% of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking—which is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person—is a crime of the second degree. A crime of the second degree is punishable by imprisonment for a term of five to 10 years, a fine of up to \$150,000, or both.

The committee made technical corrections to the bill and amended the bill to be designated as the Anti-Gun Trafficking Act of 2013.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 2719**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 9, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2719 (1R), with committee amendments.

As amended, this bill enhances the penalties for certain firearms offenses and is designated as the Anti-Gun Trafficking Act of 2013.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from such seizures and forfeitures under the substitute.

The bill also clarifies that transporting, shipping or otherwise bringing firearms into this State for temporary transfers to individuals for lawful firearms training purposes and shooting competitions are lawful activities and the vehicles used for such transportation and shipping purposes are not subject to seizure and forfeiture.

In addition, the amended bill enhances the penalties for licensed retail firearms dealers who knowingly facilitate criminal activity by providing firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the provisions of the substitute, a dealer who provides such firearms is guilty of a crime of the second degree and subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime is permanently disqualified from obtaining another retail firearms dealers license. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

The bill further provides that a licensed dealer who sells or transfers firearms having known, or who should have known, that the firearms will be used in the commission of a crime is, after a hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act, P.L.1997, c.117 (C.2C:43-7.2). Under the No Early Release Act, a violator must serve 85% of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking—which is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person—is a crime of the second degree. A crime of the second degree is punishable by imprisonment for a term of five to 10 years, a fine of up to \$150,000, or both.

COMMITTEE AMENDMENTS:

The committee amendments clarify that a licensed dealer who sells or transfers firearms knowing that, or who should have known that, the firearms will be used in the commission of a crime or for an unlawful purpose is, after a hearing, subject to a permanent license revocation.

As introduced, the bill imposed a license revocation on any firearms dealer who knowingly sold or transferred an inordinate number of firearms that later are discovered as abandoned or discarded firearms, or that were unlawfully possessed, used for an unlawful purpose, recovered from the scene of a crime, or used or associated with the commission of a crime.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) states that according to data collected from the Judiciary's Automated Criminal Case Management System (PROMIS Gavel), there were no convictions of firearms trafficking (transporting firearms into the State for an unlawful sale or transfer) pursuant to N.J.S.A 2C:39-9i during calendar year 2012. The AOC notes that during calendar year 2012, a total of 12 individuals were convicted of violating regulatory provisions relating to firearms pursuant to N.J.S.A 2C:39-10a. Of the 12 defendants, 10 pled guilty and 2 were convicted after a trial.

The AOC states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill's fiscal impact.

The Office of Legislative Services (OLS) adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the Department of Corrections would incur additional annual costs. The ongoing operating expenses of housing a State sentenced prison inmate is \$43,000 per year for the duration of that offender's incarceration.

**FISCAL NOTE**  
[Second Reprint]  
**SENATE, No. 2719**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: MAY 15, 2013

**SUMMARY**

**Synopsis:** Enhances penalties for certain firearms offenses.

**Type of Impact:** General Fund expenditure

**Agencies Affected:** Department of Corrections, Judiciary

**Executive Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>	Indeterminate – See comments below		

- The Office of Legislative Services **concurs** with the Judiciary’s estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the Department of Corrections would incur additional annual costs. The ongoing operating expenses of housing a State sentenced prison inmate is \$43,000 per year for the duration of that offender's incarceration.
- The Administrative Office of the Courts (AOC) states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill’s fiscal impact.

**BILL DESCRIPTION**

Senate Bill No. 2719 (2R) of 2013 enhances the penalties for certain firearms offenses and is designated as the Anti-Gun Trafficking Act of 2013.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to

another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from such seizures and forfeitures under the substitute.

The bill also clarifies that transporting, shipping or otherwise bringing firearms into this State for temporary transfers to individuals for lawful firearms training purposes and shooting competitions are lawful activities and the vehicles used for such transportation and shipping purposes are not subject to seizure and forfeiture.

In addition, the bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the provisions of the bill, a dealer who provides such firearms is guilty of a crime of the second degree and subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime is permanently disqualified from obtaining another retail firearms dealers license. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

The bill further provides that a dealer who knowingly facilitates criminal activity by selling or transferring an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been used or associated with the commission of a crime is, after hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act, P.L.1997, c.117 (C.2C:43-7.2). Under the No Early Release Act, a violator must serve 85 percent of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking—which is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person—is a crime of the second degree. A crime of the second degree is punishable by imprisonment for a term of five to ten years, a fine of up to \$150,000, or both.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Judiciary**

The AOC states that according to data collected from the Judiciary's Automated Criminal Case Management System (PROMIS Gavel), there were no convictions of firearms trafficking (transporting firearms into the State for an unlawful sale or transfer) pursuant to N.J.S.A.2C:39-9i during calendar year 2012. The AOC notes that during calendar year 2012, a total of 12 individuals were convicted of violating regulatory provisions relating to firearms pursuant to N.J.S.A.2C:39-10a. Of the 12 defendants, 10 pled guilty and 2 were convicted after a trial.

The AOC states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill's fiscal impact.

**Department of Corrections**

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concurs with the Judiciary's estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the Department of Corrections would incur additional annual costs. The ongoing operating expenses of housing a State sentenced prison inmate is \$43,000 per year for the duration of that offender's incarceration.

*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[Second Reprint]  
**SENATE, No. 2719**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2719 (2R).

As amended and reported by the committee, Senate Bill No. 2719 (2R) enhances the penalties for certain firearms offenses. It is designated as the Anti-Gun Trafficking Act of 2013.

The amended bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from seizures and forfeitures under the bill.

The amended bill also clarifies that transporting, shipping, or otherwise bringing firearms into this State for temporary transfers to individuals for firearms training purposes and shooting competitions are lawful activities and the vehicles used to transport and ship a firearm for these purposes are not subject to seizure and forfeiture.

In addition, the amended bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the bill, a dealer who violates these provisions is guilty of a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. Under the bill, these dealers are subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime also is permanently disqualified from obtaining another retail firearms dealer license.

The amended bill further provides that a dealer who knowingly sells or transfers an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been

used or associated with the commission of a crime is, after a hearing, subject to a permanent license revocation.

Finally, the amended bill makes the crime of firearms trafficking subject to the No Early Release Act (NERA), P.L.1997, c.117 (C.2C:43-7.2). NERA provides that a violator must serve 85% of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person. It is a crime of the second degree. Under the bill, a violator would have to serve 85% of the five to 10 year term of imprisonment imposed for second degree crimes.

As amended and reported by the committee, this bill is identical to the Assembly Committee substitute for Assembly Bill Nos. 3853 and 3854, also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to remove a provision that the State Police revoke a dealer's license for selling an inordinate number of firearms used in crimes. It is the committee's understanding that the court would be responsible for revoking this license.

The committee also made technical amendments to the bill.

**FISCAL NOTE**  
 [Third Reprint]  
**SENATE, No. 2719**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: JUNE 21, 2013

**SUMMARY**

**Synopsis:** Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013.

**Type of Impact:** General Fund expenditure

**Agencies Affected:** Department of Corrections, Judiciary

**Executive Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary’s estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the Department of Corrections (DOC) would incur additional annual costs. The OLS also notes that according to the DOC, the average annual fixed per capita cost to house an inmate in a State prison facility totals \$42,531. This fixed cost includes marginal costs of \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.
- The Administrative Office of the Courts (AOC) states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill’s fiscal impact.

**BILL DESCRIPTION**

Senate Bill No. 2719 (3R) of 2013 enhances the penalties for certain firearms offenses and is designated as the Anti-Gun Trafficking Act of 2013.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to

another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from seizures and forfeitures under the bill.

The bill also clarifies that transporting, shipping, or otherwise bringing firearms into this State for temporary transfers to individuals for firearms training purposes and shooting competitions are lawful activities and the vehicles used to transport and ship a firearm for these purposes are not subject to seizure and forfeiture.

In addition, the bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the bill, a dealer who violates these provisions is guilty of a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. Under the bill, these dealers are subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime also is permanently disqualified from obtaining another retail firearms dealer license.

The bill further provides that a dealer who knowingly sells or transfers an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been used or associated with the commission of a crime is, after a hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act (NERA), P.L.1997, c.117 (C.2C:43-7.2). The NERA provides that a violator must serve 85 percent of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person. It is a crime of the second degree. Under the bill, a violator would have to serve 85 percent of the five to ten year term of imprisonment imposed for second degree crimes.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Judiciary**

The AOC states that according to data collected from the Judiciary's Automated Criminal Case Management System (PROMIS Gavel), there were no convictions of firearms trafficking (transporting firearms into the State for an unlawful sale or transfer) pursuant to N.J.S.A.2C:39-9i during calendar year 2012. The AOC notes that during calendar year 2012, a total of 12 individuals were convicted of violating regulatory provisions relating to firearms pursuant to N.J.S.A.2C:39-10a. Of the 12 defendants, 10 pled guilty and 2 were convicted after a trial.

The AOC states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill's fiscal impact.

**Department of Corrections**

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Judiciary's estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the DOC would incur additional annual costs. The OLS also notes that according to the DOC, the average annual fixed per capita cost to house an inmate in a State prison facility totals \$42,531. This fixed cost includes marginal costs of \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.

*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 3853

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2013

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Clarifies that motor vehicles used in firearms trafficking are subject to seizure and forfeiture.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/8/2013)

1 AN ACT concerning motor vehicles used in firearms trafficking and  
2 amending N.J.S.2C:39-9.

3

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

6

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

8 2C:39-9. Manufacture, Transport, Disposition and Defacement of  
9 Weapons and Dangerous Instruments and Appliances. a. Machine  
10 guns. Any person who manufactures, causes to be manufactured,  
11 transports, ships, sells or disposes of any machine gun without  
12 being registered or licensed to do so as provided in chapter 58 is  
13 guilty of a crime of the third degree.

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

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

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

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 e. Defaced firearms. Any person who defaces any firearm is  
2 guilty of a crime of the third degree. Any person who knowingly  
3 buys, receives, disposes of or conceals a defaced firearm, except an  
4 antique firearm or an antique handgun, is guilty of a crime of the  
5 fourth degree.

6 f. (1) Any person who manufactures, causes to be  
7 manufactured, transports, ships, sells, or disposes of any bullet,  
8 which is primarily designed for use in a handgun, and which is  
9 comprised of a bullet whose core or jacket, if the jacket is thicker  
10 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
11 other material which is harder than a rating of 72 or greater on the  
12 Rockwell B. Hardness Scale, and is therefore capable of breaching  
13 or penetrating body armor and which is intended to be used for any  
14 purpose other than for authorized military or law enforcement  
15 purposes by duly authorized military or law enforcement personnel,  
16 is guilty of a crime of the fourth degree.

17 (2) Nothing in this subsection shall be construed to prevent a  
18 licensed collector of ammunition as defined in paragraph (2) of  
19 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
20 in paragraph (1) of this subsection from (a) any licensed retail or  
21 wholesale firearms dealer's place of business to the collector's  
22 dwelling, premises, or other land owned or possessed by him, or (b)  
23 to or from the collector's dwelling, premises or other land owned or  
24 possessed by him to any gun show for the purposes of display, sale,  
25 trade, or transfer between collectors, or (c) to or from the collector's  
26 dwelling, premises or other land owned or possessed by him to any  
27 rifle or pistol club organized in accordance with the rules prescribed  
28 by the National Board for the Promotion of Rifle Practice; provided  
29 that the club has filed a copy of its charter with the superintendent  
30 of the State Police and annually submits a list of its members to the  
31 superintendent, and provided further that the ammunition being  
32 transported shall be carried not loaded in any firearm and contained  
33 in a closed and fastened case, gun box, or locked in the trunk of the  
34 automobile in which it is being transported, and the course of travel  
35 shall include only such deviations as are reasonably necessary under  
36 the circumstances.

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

41 h. Large capacity ammunition magazines. Any person who  
42 manufactures, causes to be manufactured, transports, ships, sells or  
43 disposes of a large capacity ammunition magazine which is  
44 intended to be used for any purpose other than for authorized  
45 military or law enforcement purposes by duly authorized military or  
46 law enforcement personnel is guilty of a crime of the fourth degree.

47 i. Transporting firearms into this State for an unlawful sale or  
48 transfer. Any person who knowingly transports, ships or otherwise



1 brings into this State any firearm for the purpose of unlawfully  
2 selling, transferring, giving, assigning or otherwise disposing of that  
3 firearm to another individual is guilty of a crime of the second  
4 degree. Any motor vehicle used by a person to transport, ship, or  
5 otherwise bring a firearm into this State for unlawful sale or transfer  
6 shall be subject to forfeiture in accordance with the provisions of  
7 N.J.S.2C:64- 1 et seq. The temporary transfer of a firearm while  
8 hunting or target shooting, the transfer of any firearm that uses air  
9 or carbon dioxide to expel a projectile, or the transfer of an antique  
10 firearm shall not constitute a violation of this subsection.

11 (cf: P.L. 2007, c.298, s.1)

12

13 2. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill clarifies that any motor vehicle used by a person to  
19 transport, ship, or bring any firearm into this State for the purpose  
20 of unlawfully selling, transferring, or giving that firearm to another  
21 is subject to seizure and forfeiture.

# ASSEMBLY, No. 3854

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2013

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Makes crime of firearms trafficking subject to No Early Release Act.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/22/2013)

A3854 SINGLETON, OLIVER

2

1 AN ACT concerning firearms trafficking and amending P.L.1997,  
2 c.117.

3

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

6

7 1. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to  
8 read as follows:

9 2. a. A court imposing a sentence of incarceration for a crime  
10 of the first or second degree enumerated in subsection d. of this  
11 section shall fix a minimum term of 85% of the sentence imposed,  
12 during which the defendant shall not be eligible for parole.

13 b. The minimum term required by subsection a. of this section  
14 shall be fixed as a part of every sentence of incarceration imposed  
15 upon every conviction of a crime enumerated in subsection d. of  
16 this section, whether the sentence of incarceration is determined  
17 pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any  
18 other provision of law, and shall be calculated based upon the  
19 sentence of incarceration actually imposed. The provisions of  
20 subsection a. of this section shall not be construed or applied to  
21 reduce the time that must be served before eligibility for parole by  
22 an inmate sentenced to a mandatory minimum period of  
23 incarceration. Solely for the purpose of calculating the minimum  
24 term of parole ineligibility pursuant to subsection a. of this section,  
25 a sentence of life imprisonment shall be deemed to be 75 years.

26 c. Notwithstanding any other provision of law to the contrary  
27 and in addition to any other sentence imposed, a court imposing a  
28 minimum period of parole ineligibility of 85 percent of the sentence  
29 pursuant to this section shall also impose a five-year term of parole  
30 supervision if the defendant is being sentenced for a crime of the  
31 first degree, or a three-year term of parole supervision if the  
32 defendant is being sentenced for a crime of the second degree. The  
33 term of parole supervision shall commence upon the completion of  
34 the sentence of incarceration imposed by the court pursuant to  
35 subsection a. of this section unless the defendant is serving a  
36 sentence of incarceration for another crime at the time he completes  
37 the sentence of incarceration imposed pursuant to subsection a., in  
38 which case the term of parole supervision shall commence  
39 immediately upon the defendant's release from incarceration.  
40 During the term of parole supervision the defendant shall remain in  
41 release status in the community in the legal custody of the  
42 Commissioner of the Department of Corrections and shall be  
43 supervised by the State Parole Board as if on parole and shall be  
44 subject to the provisions and conditions of section 3 of P.L.1997,  
45 c.117 (C.30:4-123.51b).

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. The court shall impose sentence pursuant to subsection a. of  
2 this section upon conviction of the following crimes or an attempt  
3 or conspiracy to commit any of these crimes:

- 4 (1) N.J.S.2C:11-3, murder;  
5 (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;  
6 (3) N.J.S.2C:11-5, vehicular homicide;  
7 (4) subsection b. of N.J.S.2C:12-1, aggravated assault;  
8 (5) subsection b. of section 1 of P.L.1996, c.14 (2C:12-11),  
9 disarming a law enforcement officer;  
10 (6) N.J.S.2C:13-1, kidnapping;  
11 (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;  
12 (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of  
13 subsection c. of N.J.S.2C:14-2, sexual assault;  
14 (9) N.J.S.2C:15-1, robbery;  
15 (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;  
16 (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated  
17 arson;  
18 (12) N.J.S.2C:18-2, burglary;  
19 (13) subsection a. of N.J.S.2C:20-5, extortion;  
20 (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1),  
21 booby traps in manufacturing or distribution facilities;  
22 (15) N.J.S.2C:35-9, strict liability for drug induced deaths;  
23 (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;  
24 (17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or  
25 possessing chemical weapons, biological agents or nuclear or  
26 radiological devices; **[or]**  
27 (18) N.J.S.2C:41-2, racketeering, when it is a crime of the first  
28 degree; or  
29 (19) subsection i. of N.J.S.2C:39-9, firearms trafficking.

30 e. (Deleted by amendment, P.L.2001, c.129).  
31 (cf: P.L. 2007, c.341, s.6)

32  
33 2. This act shall take effect immediately.  
34  
35

#### 36 STATEMENT 37

38 This bill enhances the penalty for firearms trafficking.

39 A person who transports, ships, or otherwise brings a firearm  
40 into this State for the purpose of unlawfully selling, transferring, or  
41 otherwise giving it to another person commits the crime of firearms  
42 trafficking. Firearms trafficking is a crime of the second degree.

43 This bill enhances the penalty for firearms trafficking by making  
44 that crime subject to the No Early Release Act, P.L.1997, c.117  
45 (C.2C:43-7.2). Under the No Early Release Act, a violator must  
46 serve 85% of the term of incarceration imposed by the court before  
47 becoming eligible for parole.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 3853 and 3854

# STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3853 & 3854.

This Assembly Committee Substitute for Assembly Bill Nos. 3853 and 3854 enhances the penalties for certain firearms offenses. It is designated as the Anti-Gun Trafficking Act of 2013.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from seizures and forfeitures under the bill.

The bill also clarifies that transporting, shipping, or otherwise bringing firearms into this State for temporary transfers to individuals for firearms training purposes and shooting competitions are lawful activities and the vehicles used to transport and ship a firearm for these purposes are not subject to seizure and forfeiture.

In addition, the bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the bill, a dealer who violates these provisions is guilty of a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. Under the bill, these dealers are subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime also is permanently disqualified from obtaining another retail firearms dealer license.

The bill further provides that a dealer who knowingly sells or transfers an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been used or

associated with the commission of a crime is, after a hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act (NERA), P.L.1997, c.117 (C.2C:43-7.2). NERA provides that a violator must serve 85% of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person. It is a crime of the second degree. Under the bill, a violator would have to serve 85% of the five to 10 year term of imprisonment imposed for second degree crimes.

As reported by the committee, this substitute is identical to Senate Bill No. 2719 (2R), also reported by the committee on this same date.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3853 and 3854**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

ADOPTED JUNE 6, 2013

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

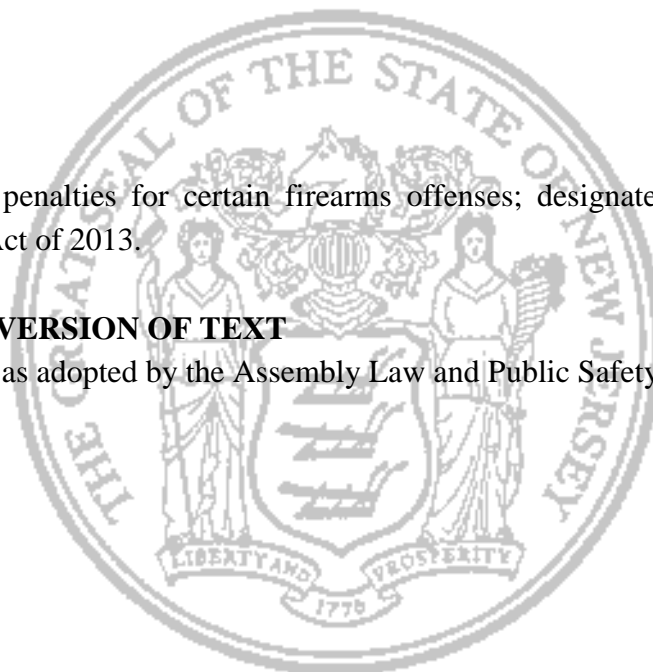
**Assemblywoman Watson Coleman and Assemblyman Conaway**

**SYNOPSIS**

Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Law and Public Safety Committee.



**(Sponsorship Updated As Of: 6/21/2013)**

1 **AN ACT** concerning penalties for certain firearms offenses,  
2 designated as The Anti-Gun Trafficking Act of 2013, and  
3 amending N.J.S.2C:39-9, N.J.S.2C:39-10, and P.L.1997, c.117.  
4

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

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

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

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

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

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

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**



1 duly authorized personnel of those institutions, is guilty of a crime  
2 of the fourth degree.

3 e. Defaced firearms. Any person who defaces any firearm is  
4 guilty of a crime of the third degree. Any person who knowingly  
5 buys, receives, disposes of or conceals a defaced firearm, except an  
6 antique firearm or an antique handgun, is guilty of a crime of the  
7 fourth degree.

8 f. (1) Any person who manufactures, causes to be  
9 manufactured, transports, ships, sells, or disposes of any bullet,  
10 which is primarily designed for use in a handgun, and which is  
11 comprised of a bullet whose core or jacket, if the jacket is thicker  
12 than .025 of an inch, is made of tungsten carbide, or hard bronze, or  
13 other material which is harder than a rating of 72 or greater on the  
14 Rockwell B. Hardness Scale, and is therefore capable of breaching  
15 or penetrating body armor and which is intended to be used for any  
16 purpose other than for authorized military or law enforcement  
17 purposes by duly authorized military or law enforcement personnel,  
18 is guilty of a crime of the fourth degree.

19 (2) Nothing in this subsection shall be construed to prevent a  
20 licensed collector of ammunition as defined in paragraph (2) of  
21 subsection f. of N.J.S.2C:39-3 from transporting the bullets defined  
22 in paragraph (1) of this subsection from (a) any licensed retail or  
23 wholesale firearms dealer's place of business to the collector's  
24 dwelling, premises, or other land owned or possessed by him, or (b)  
25 to or from the collector's dwelling, premises or other land owned or  
26 possessed by him to any gun show for the purposes of display, sale,  
27 trade, or transfer between collectors, or (c) to or from the collector's  
28 dwelling, premises or other land owned or possessed by him to any  
29 rifle or pistol club organized in accordance with the rules prescribed  
30 by the National Board for the Promotion of Rifle Practice; provided  
31 that the club has filed a copy of its charter with the superintendent  
32 of the State Police and annually submits a list of its members to the  
33 superintendent, and provided further that the ammunition being  
34 transported shall be carried not loaded in any firearm and contained  
35 in a closed and fastened case, gun box, or locked in the trunk of the  
36 automobile in which it is being transported, and the course of travel  
37 shall include only such deviations as are reasonably necessary under  
38 the circumstances.

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

43 h. Large capacity ammunition magazines. Any person who  
44 manufactures, causes to be manufactured, transports, ships, sells or  
45 disposes of a large capacity ammunition magazine which is  
46 intended to be used for any purpose other than for authorized

1 military or law enforcement purposes by duly authorized military or  
2 law enforcement personnel is guilty of a crime of the fourth degree.

3 i. Transporting firearms into this State for an unlawful sale or  
4 transfer. Any person who knowingly transports, ships or otherwise  
5 brings into this State any firearm for the purpose of unlawfully  
6 selling, transferring, giving, assigning or otherwise disposing of that  
7 firearm to another individual is guilty of a crime of the second  
8 degree. Any motor vehicle used by a person to transport, ship, or  
9 otherwise bring a firearm into this State for unlawful sale or transfer  
10 shall be subject to forfeiture in accordance with the provisions of  
11 N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision  
12 shall not apply to innocent owners, nor shall it affect the rights of a  
13 holder of a valid lien.

14 The temporary transfer of a firearm shall not constitute a  
15 violation of this subsection if that firearm is transferred:

16 (1) while hunting or target shooting~~], the~~ in accordance with  
17 the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

18 (2) for shooting competitions sponsored by a licensed dealer, law  
19 enforcement agency, legally recognized military organization, or a  
20 rifle or pistol club which has filed a copy of its charter with the  
21 superintendent in accordance with the provisions of section 1 of  
22 P.L.1992, c.74 (C.2C:58-3.1); or

23 (3) for participation in a training course conducted by a certified  
24 instructor in accordance with the provisions of section 1 of  
25 P.L.1997, c.375 (C.2C:58-3.2).

26 The transfer of any firearm that uses air or carbon dioxide to  
27 expel a projectile~~], ]~~; or the transfer of an antique firearm shall not  
28 constitute a violation of this subsection.

29 (cf: P.L.2007, c.298, s.1)

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

32 2C:39-10. Violation of the regulatory provisions relating to  
33 firearms; false representation in applications.

34 a. (1) Except as otherwise provided in paragraph (2) and  
35 paragraph (4) of this subsection, any person who knowingly violates  
36 the regulatory provisions relating to manufacturing or wholesaling  
37 of firearms ~~[(section 2C:58-1)]~~ N.J.S.2C:58-1, retailing of firearms  
38 ~~[(section 2C:58-2)]~~ N.J.S.2C:58-2, permits to purchase certain  
39 firearms ~~[(section 2C:58-3)]~~ N.J.S.2C:58-3, permits to carry  
40 certain firearms ~~[(section 2C:58-4)]~~ N.J.S.2C:58-4, licenses to  
41 procure machine guns or assault firearms ~~[(section 2C:58-5)]~~  
42 N.J.S.2C:58-5, or incendiary or tracer ammunition ~~[(section 2C:58-  
43 10)]~~ N.J.S.2C:58-10, except acts which are punishable under  
44 section ~~[2C:39-5]~~ N.J.S.2C:58-5 or section ~~[2C:39-9]~~  
45 N.J.S.2C:58-2, is guilty of a crime of the fourth degree.

1 (2) A licensed dealer who knowingly violates the provisions of  
2 subparagraph (d) of paragraph (5) of subsection a. of N.J.S.2C:58-2  
3 is a disorderly person.

4 (3) If, upon review, a law enforcement agency determines that a  
5 licensed dealer has sold, transferred, assigned, or otherwise  
6 disposed of an inordinate number of firearms and that licensed  
7 dealer knew, or should have known, that the firearms would be used  
8 in the commission of a crime or would be transferred to a person in  
9 order for the firearms to be used for an unlawful purpose, that  
10 dealer's license shall, after a hearing, be permanently revoked.

11 (4) A licensed dealer who sells or transfers a firearm to a person  
12 knowing that person intends to sell, transfer, assign, or otherwise  
13 dispose of that firearm to a person who is disqualified from  
14 possessing a firearm under State or federal law is guilty of a crime  
15 of the second degree. Notwithstanding any other provisions of law  
16 to the contrary, the sentence imposed for a conviction under this  
17 subsection shall include a mandatory minimum term of  
18 imprisonment of 18 months, during which the defendant shall be  
19 ineligible for parole; provided however, if the firearm was used in  
20 the commission of a crime, the sentence imposed under this  
21 subsection shall include a mandatory minimum term of  
22 imprisonment of three years, during which the defendant shall be  
23 ineligible for parole. Further, a person convicted under this  
24 subsection shall be permanently disqualified from holding a retail  
25 license under N.J.S.2C:58-2.

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

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

40 d. Any person who gives or causes to be given any false  
41 information in registering an assault firearm pursuant to section 11  
42 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault  
43 firearm was rendered inoperable pursuant to section 12 of P.L.1990,  
44 c.32 (C.2C:58-13) commits a crime of the fourth degree.

45 e. Any person who knowingly sells, gives, transfers, assigns or  
46 otherwise disposes of a firearm to a person who is under the age of  
47 18 years, except as permitted in section 14 of P.L.1979, c.179

1 (C.2C:58-6.1), is guilty of a crime of the third degree.  
2 Notwithstanding any other provision of law to the contrary, the  
3 sentence imposed for a conviction under this subsection shall  
4 include a mandatory minimum three-year term of imprisonment,  
5 during which the defendant shall be ineligible for parole.

6 f. Unless the recipient is authorized to possess the handgun in  
7 connection with the performance of official duties under the  
8 provisions of N.J.S.2C:39-6, any person who knowingly sells,  
9 gives, transfers, assigns or otherwise disposes of a handgun to a  
10 person who is under the age of 21 years, except as permitted in  
11 section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of  
12 the third degree.

13 g. Any person who knowingly gives or causes to be given any  
14 false information or knowingly engages in any other fraudulent  
15 conduct in applying for an exemption to purchase more than one  
16 handgun in a 30-day period in violation of the provisions of section  
17 4 of P.L.2009, c.186 (C.2C:58-3.4) shall be guilty of a crime of the  
18 third degree. The presumption of nonimprisonment set forth in  
19 N.J.S.2C:44-1 shall not apply to persons convicted under the  
20 provisions of this subsection.

21 (cf: P.L.2009, c.186, s.3)

22

23 3. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to  
24 read as follows:

25 2. a. A court imposing a sentence of incarceration for a crime  
26 of the first or second degree enumerated in subsection d. of this  
27 section shall fix a minimum term of 85% of the sentence imposed,  
28 during which the defendant shall not be eligible for parole.

29 b. The minimum term required by subsection a. of this section  
30 shall be fixed as a part of every sentence of incarceration imposed  
31 upon every conviction of a crime enumerated in subsection d. of  
32 this section, whether the sentence of incarceration is determined  
33 pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any  
34 other provision of law, and shall be calculated based upon the  
35 sentence of incarceration actually imposed. The provisions of  
36 subsection a. of this section shall not be construed or applied to  
37 reduce the time that must be served before eligibility for parole by  
38 an inmate sentenced to a mandatory minimum period of  
39 incarceration. Solely for the purpose of calculating the minimum  
40 term of parole ineligibility pursuant to subsection a. of this section,  
41 a sentence of life imprisonment shall be deemed to be 75 years.

42 c. Notwithstanding any other provision of law to the contrary  
43 and in addition to any other sentence imposed, a court imposing a  
44 minimum period of parole ineligibility of 85 percent of the sentence  
45 pursuant to this section shall also impose a five-year term of parole  
46 supervision if the defendant is being sentenced for a crime of the  
47 first degree, or a three-year term of parole supervision if the

1 defendant is being sentenced for a crime of the second degree. The  
2 term of parole supervision shall commence upon the completion of  
3 the sentence of incarceration imposed by the court pursuant to  
4 subsection a. of this section unless the defendant is serving a  
5 sentence of incarceration for another crime at the time he completes  
6 the sentence of incarceration imposed pursuant to subsection a., in  
7 which case the term of parole supervision shall commence  
8 immediately upon the defendant's release from incarceration.  
9 During the term of parole supervision the defendant shall remain in  
10 release status in the community in the legal custody of the  
11 Commissioner of the Department of Corrections and shall be  
12 supervised by the State Parole Board as if on parole and shall be  
13 subject to the provisions and conditions of section 3 of P.L.1997,  
14 c.117 (C.30:4-123.51b).

15 d. The court shall impose sentence pursuant to subsection a. of  
16 this section upon conviction of the following crimes or an attempt  
17 or conspiracy to commit any of these crimes:

- 18 (1) N.J.S.2C:11-3, murder;
  - 19 (2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;
  - 20 (3) N.J.S.2C:11-5, vehicular homicide;
  - 21 (4) subsection b. of N.J.S.2C:12-1, aggravated assault;
  - 22 (5) subsection b. of section 1 of P.L.1996, c.14 (2C:12-11),  
23 disarming a law enforcement officer;
  - 24 (6) N.J.S.2C:13-1, kidnapping;
  - 25 (7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;
  - 26 (8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of  
27 subsection c. of N.J.S.2C:14-2, sexual assault;
  - 28 (9) N.J.S.2C:15-1, robbery;
  - 29 (10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;
  - 30 (11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated  
31 arson;
  - 32 (12) N.J.S.2C:18-2, burglary;
  - 33 (13) subsection a. of N.J.S.2C:20-5, extortion;
  - 34 (14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1),  
35 booby traps in manufacturing or distribution facilities;
  - 36 (15) N.J.S.2C:35-9, strict liability for drug induced deaths;
  - 37 (16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;
  - 38 (17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or  
39 possessing chemical weapons, biological agents or nuclear or  
40 radiological devices; **[or]**
  - 41 (18) N.J.S.2C:41-2, racketeering, when it is a crime of the first  
42 degree; or
  - 43 (19) subsection i. of N.J.S.2C:39-9, firearms trafficking.
- 44 e. (Deleted by amendment, P.L.2001, c.129).  
45 (cf: P.L.2007, c.341, s.6)

1       4. This act shall take effect on the first day of the third month  
2 following enactment.

**FISCAL NOTE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 3853 and 3854**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: JUNE 21, 2013

**SUMMARY**

**Synopsis:** Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013.

**Type of Impact:** General Fund expenditure

**Agencies Affected:** Department of Corrections, Judiciary

**Executive Estimate**

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
<b>State Cost</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary’s estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the Department of Corrections (DOC) would incur additional annual costs. The OLS also notes that according to the DOC, the average annual fixed per capita cost to house an inmate in a State prison facility totals \$42,531. This fixed cost includes marginal costs of \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.
- The Administrative Office of the Courts (AOC) states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill’s fiscal impact.

**BILL DESCRIPTION**

The Assembly Committee Substitute for Assembly Bill No. 3853/3854 of 2013 enhances the penalties for certain firearms offenses and is designated as the Anti-Gun Trafficking Act of 2013.

The bill requires that any motor vehicle used by a person to transport, ship, or bring any firearm into this State for the purpose of unlawfully selling, transferring, or giving that firearm to another is subject to seizure and forfeiture. Innocent owners and the holders of valid liens are exempted from seizures and forfeitures under the bill.

The bill also clarifies that transporting, shipping, or otherwise bringing firearms into this State for temporary transfers to individuals for firearms training purposes and shooting competitions are lawful activities and the vehicles used to transport and ship a firearm for these purposes are not subject to seizure and forfeiture.

In addition, the bill enhances the penalties for licensed retail firearms dealers who knowingly provide firearms to persons who transfer those firearms to individuals who are disqualified from possessing a firearm. Under the bill, a dealer who violates these provisions is guilty of a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. Under the bill, these dealers are subject to a mandatory 18-month minimum term of imprisonment. If the firearm has been used in the commission of a crime, the dealer is subject to a three-year mandatory minimum term of imprisonment. A dealer convicted of this crime also is permanently disqualified from obtaining another retail firearms dealer license.

The bill further provides that a dealer who knowingly sells or transfers an inordinate number of firearms that later are discovered to have been recovered as abandoned or discarded firearms, or as firearms seized because they were unlawfully possessed, or as firearms used for an unlawful purpose, or as firearms recovered from the scene of a crime, or as firearms reasonably believed to have been used or associated with the commission of a crime is, after a hearing, subject to a permanent license revocation.

Finally, the bill makes the crime of firearms trafficking subject to the No Early Release Act (NERA), P.L.1997, c.117 (C.2C:43-7.2). The NERA provides that a violator must serve 85 percent of the term of incarceration imposed by the court before becoming eligible for parole. Firearms trafficking is the transportation of a firearm into this State for the purpose of unlawfully selling, transferring, or otherwise giving it to another person. It is a crime of the second degree. Under the bill, a violator would have to serve 85 percent of the five to ten year term of imprisonment imposed for second degree crimes.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Judiciary**

The AOC states that according to data collected from the Judiciary's Automated Criminal Case Management System (PROMIS Gavel), there were no convictions of firearms trafficking (transporting firearms into the State for an unlawful sale or transfer) pursuant to N.J.S.A.2C:39-9i during calendar year 2012. The AOC notes that during calendar year 2012, a total of 12 individuals were convicted of violating regulatory provisions relating to firearms pursuant to N.J.S.A.2C:39-10a. Of the 12 defendants, 10 pled guilty and 2 were convicted after a trial.

The AOC states that prospectively, the Judiciary would not know if a defendant would be a licensed retail firearms dealer or how many indictments would be disposed of by a trial or by plea agreement. Although an increased trial rate to dispose of these indictments or to revoke a dealer license may result in additional costs for the Judiciary, an estimate regarding these costs cannot be determined based on the available historical information. As a result, the Judiciary is unable to provide an estimate of this bill's fiscal impact.



**Department of Corrections**

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Judiciary's estimate and adds that for every offender who is subject to a lengthier incarceration as a result of this bill, the DOC would incur additional annual costs. The OLS also notes that according to the DOC, the average annual fixed per capita cost to house an inmate in a State prison facility totals \$42,531. This fixed cost includes marginal costs of \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.

*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

[Home](#) [Newsroom](#) [Media](#) [Administration](#) [NJ's Priorities](#) [Contact Us](#)

[Press Releases](#) [Public Addresses](#) [Executive Orders](#) [Press Kit](#) [Reports](#)

[Home](#) > [Newsroom](#) > [Press Releases](#) > 2013

## Governor Chris Christie Builds On Comprehensive Plan To Address Gun Violence, Takes Action On Gun Legislation

Thursday, August 08, 2013

Tags: [Bill Action](#)

**Trenton, NJ** – Responsibly addressing gun violence in a comprehensive manner, Governor Christie today signed into law 10 pieces of gun violence and firearm-related legislation recently passed by the Legislature. These bills build on the plan Governor Christie introduced in April, as well as New Jersey's already strict gun laws, currently the second toughest in the nation.

"These commonsense measures will both strengthen New Jersey's already tough gun laws and upgrade penalties for those who commit gun crimes and violate gun trafficking laws," said Governor Christie. "As elected leaders, our first duty is to maintain public safety, and these new laws will help reduce gun violence and keep our streets and communities safer."

Governor Christie included a signing statement with Assembly Bill No. 3687, which prevents individuals on the federal Terrorist Watchlist from obtaining a firearms identification card or permit to purchase handgun. The Governor noted that the bill represents his "commitment to keeping the citizens of New Jersey safe," but also noted the federal government's obligation to protect law-abiding citizens against "improper scrutiny." In carrying out that balance, Governor Christie said, "the government must be circumspect in its application of the law. There is little room for mistakes since they may harm the innocent and law abiding."

### BILLS SIGNED:

**S-1279/A-4179 (Turner, Norcross/Mainor, Singleton, Johnson)** - Upgrades penalty for unlawfully transferring a firearm to an underage person; permits transfer for instruction and training

**SCS for S-2430/ACS for A-3690 (Lesniak, Turner/Cryan, Coutinho, Gusclora, Tucker, Mainor, Quijano, Sumter)** - Declares violence a public health crisis and establish "Study Commission on Violence"

**S-2468/A-4180 (Norcross, Bateman/Wilson)** – Authorizes impoundment of motor vehicles for certain crimes and offenses

**S-2719/ACS for A-3953, 3854 (Norcross, Gill, Allen/Singleton, Oliver, Eustace, Spencer, Sumter, Caride)** – Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013

**S-2720/A-4181 (Weinberg/Johnson)** - Clarifies that information concerning the total number of firearms purchaser identification cards and permits to purchase a handgun issued in a municipality are public records

**S-2804/A-4152 (Turner, Sweeney/Wilson, Johnson)** - Upgrades certain unlawful possession of firearms to first degree crime; revises certain penalties under the "Grave Act"

**A-3687/S-2485 (Stender, Fuentes, Quijano/Scutari, Gill)** – **W/STATEMENT** - Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun

**A -3717/SCS for S-2492 (Lampitt, Singleton, Eustace, Gusciora, Johnson/Buono, Gill)** - Requires submission of certain mental health records to National Instant Criminal Background Check System

**A -3788/S-2552 (Rible, Dancer, A.M. Bucco, McHose, Webber/Van Drew, Oroho)** - Codifies regulation exempting firearms records from State's open public records law

**A -3796/S-2722 (Mainor/Norcross)** - Provides 180-day window for persons to dispose of certain unlawfully possessed firearms

A copy of the Governor's signing statement A-3687 [pdf 27kB]

###

Press Contact:

<http://www.nj.gov/governor/news/news/552013/approved/20130808b.html>

Stay Connected  
with Social Media

Stay Connected  
with Email Alerts

LIKE THIS PAGE? SHARE IT  
WITH YOUR FRIENDS.

SHARE   