

2C:39-9

LEGISLATIVE HISTORY CHECKLIST

(Robbery and assault--self defense--  
allow manufacture of certain dyes and  
tear gas-like substances)

NJSA 2C:39-9

LAWS 1980

CHAPTER 108

Bill No. A1796

Sponsor(s) Doyle

Date Introduced June 12, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate -----

Amended during passage Yes ~~No~~ Amendments during passage  
denoted by asterisks

Date of Passage: Assembly July 28, 1980

Senate Aug. 4, 1980

Date of approval Sept. 11, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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9-11-80

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ASSEMBLY, No. 1796

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1980

By Assemblyman DOYLE

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the sale or manufacture of weapons and amending N. J. S. 2C:39-9.

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

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

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

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

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

14 d. Weapons. Any person who manufactures, causes to be manu-  
15 factured, transports, ships, or disposes of any weapon including  
16 gravity knives, switchblade knives, daggers, dirks, stilettos, billies,  
17 blackjacks, metal knuckles, sandelubs, slingshots, cestus or similar  
18 leather bands studded with metal filings, or in the case of firearms if  
19 he is not licensed or registered to do so as provided in chapter 58,  
20 is guilty of a crime of the fourth degree. Any person who manu-  
21 factures, causes to be manufactured, transports, ships, sells or dis-  
22 poses of any weapon or other device which projects, releases or  
23 emits tear gas or any other substances intended to produce tem-  
24 porary physical discomfort or permanent injury through being  
25 vaporized or otherwise dispensed in the air, which is intended to  
26 be used for any purpose other than for authorized military or

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

27 law enforcement purposes by duly authorized military or law en-  
28 forcement personnel or \***[***other than to be used by any person per-*  
29 *mitted to possess such weapon or device under the provisions of*  
30 *N. J. S. 2C:39-5d.,]*\* *which is intended for use by financial and*  
30A *other business institutions as part of an integrated security system,*  
30B *placed at fixed locations, for the protection of money and property,*  
30C *by the duly authorized personnel of those institutions\** is guilty of  
30D a crime of the fourth degree.

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

1 2. This act shall take effect immediately.

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29 *mitted to possess such weapon or device under the provisions of*  
30 *N. J. S. 2C:39-5d.*, is guilty of a crime of the fourth degree.

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32 guilty of a crime of the third degree. Any person who knowingly  
33 buys, receives, disposes of or conceals a defaced firearm, except an  
34 antique firearm, is guilty of a crime of the fourth degree.

1 2. This act shall take effect immediately.

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#### STATEMENT

Under chapter 39 of the criminal code, a person may possess certain weapons, including devices which emit tear gas, if such possession is under circumstances which are manifestly appropriate for such lawfully uses as the weapons may have. For example, many banking institutions presently possess devices which emit both a tear gas-like substance and dye and which are designed to prevent robberies. However, as presently worded N. J. S. 2C:39-9 would seem to criminalize the sale of such devices even to persons who could legally possess them. The purpose of this bill is to clarify that it is not unlawful to sell weapons including those emitting tear gas to persons who may legally possess them.

A1796(1980)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1796**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 26, 1980

Under chapter 39 of the criminal code, a person may possess certain weapons, including devices which emit tear gas, if such possession is under circumstances which are manifestly appropriate for such lawful uses as the weapons may have. For example, many banking institutions presently possess devices which emit both a tear gas-like substance and dye and which are designed to prevent robberies. However, as presently worded N. J. S. 2C:39-9 would seem to criminalize the sale of such devices even to persons who could legally possess them. The purpose of this bill is to clarify that it is not unlawful to sell weapons including those emitting tear gas to certain persons who may legally possess them.

Assembly Judiciary, Law, Public Safety and Defense Committee amendment restricts the sale of these devices to those situations, such as integrated security systems by banks and other businesses, which were the specific concern of the bill.

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The amendment effectively denies the right of first refusal in existing condominiums where the unit is given as a gift or inheritance, and in new condominium units occupied after the effective date of the legislation.

Currently, the right of first refusal reduces the market value of the unit and in certain cases an association has received a windfall profit by acquiring a unit and reselling it themselves.

A-1796, sponsored by Assemblyman John Doyle (D-Ocean) amends New Jersey law to allow the manufacture, shipping and sales of devices which emit a tear gas-like substance intended for use by financial and businesses for security systems.

An example is a false pack of money that releases tear gas. Under current law, the possession and sale of these devices may be criminal and S-1796 clarifies the statute.

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