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REPORTS:	No
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HEARINGS:	No
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NEWSPAPER ARTICLES:	Yes
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"Governor signs 6 gun control measures in New Jersey," Associated Press State Wire, 6-13-18

"Murphy signs six gun-control bills into law – He vows N.J. to be a leader in fight for firearms safety," South Jersey Times, 6-14-18

"With Pen, Murphy Tightens Gun Rules – 'Common-Sense' Laws Fulfill Campaign Promise, The Record, 6-14-18

LAW/RWH

P.L. 2018, CHAPTER 39, *approved June 13, 2018*
Assembly, No. 2761 (*Third Reprint*)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1¹,
2 N.J.S.2C:39-3, and N.J.S.2C:39-12,¹ and supplementing chapter
3 39 of Title 2C of the New Jersey Statutes.

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

7
8 ¹**[**1. N.J.S.2C:39-1 is amended to read as follows:
9 2C:39-1. Definitions. The following definitions apply to this
10 chapter and to chapter 58:

11 a. "Antique firearm" means any rifle or shotgun and "antique
12 cannon" means a destructive device defined in paragraph (3) of
13 subsection c. of this section, if the rifle, shotgun or destructive
14 device, as the case may be, is incapable of being fired or
15 discharged, or which does not fire fixed ammunition, regardless of
16 date of manufacture, or was manufactured before 1898 for which
17 cartridge ammunition is not commercially available, and is
18 possessed as a curiosity or ornament or for its historical
19 significance or value.

20 b. "Deface" means to remove, deface, cover, alter or destroy
21 the name of the maker, model designation, manufacturer's serial
22 number or any other distinguishing identification mark or number
23 on any firearm.

24 c. "Destructive device" means any device, instrument or object
25 designed to explode or produce uncontrolled combustion, including
26 (1) any explosive or incendiary bomb, mine or grenade; (2) any
27 rocket having a propellant charge of more than four ounces or any
28 missile having an explosive or incendiary charge of more than one-
29 quarter of an ounce; (3) any weapon capable of firing a projectile of
30 a caliber greater than 60 caliber, except a shotgun or shotgun
31 ammunition generally recognized as suitable for sporting purposes;
32 (4) any Molotov cocktail or other device consisting of a breakable
33 container containing flammable liquid and having a wick or similar
34 device capable of being ignited. The term does not include any
35 device manufactured for the purpose of illumination, distress
36 signaling, line-throwing, safety or similar purposes.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted March 22, 2018.

²Senate SLP committee amendments adopted April 16, 2018.

³Senate SBA committee amendments adopted May 21, 2018.

- 1 d. "Dispose of" means to give, give away, lease, loan, keep for
2 sale, offer, offer for sale, sell, transfer, or otherwise transfer
3 possession.
- 4 e. "Explosive" means any chemical compound or mixture that
5 is commonly used or is possessed for the purpose of producing an
6 explosion and which contains any oxidizing and combustible
7 materials or other ingredients in such proportions, quantities or
8 packing that an ignition by fire, by friction, by concussion or by
9 detonation of any part of the compound or mixture may cause such
10 a sudden generation of highly heated gases that the resultant
11 gaseous pressures are capable of producing destructive effects on
12 contiguous objects. The term shall not include small arms
13 ammunition, or explosives in the form prescribed by the official
14 United States Pharmacopoeia.
- 15 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
16 automatic or semi-automatic rifle, or any gun, device or instrument
17 in the nature of a weapon from which may be fired or ejected any
18 solid projectable ball, slug, pellet, missile or bullet, or any gas,
19 vapor or other noxious thing, by means of a cartridge or shell or by
20 the action of an explosive or the igniting of flammable or explosive
21 substances. It shall also include, without limitation, any firearm
22 which is in the nature of an air gun, spring gun or pistol or other
23 weapon of a similar nature in which the propelling force is a spring,
24 elastic band, carbon dioxide, compressed or other gas or vapor, air
25 or compressed air, or is ignited by compressed air, and ejecting a
26 bullet or missile smaller than three-eighths of an inch in diameter,
27 with sufficient force to injure a person.
- 28 g. "Firearm silencer" means any instrument, attachment,
29 weapon or appliance for causing the firing of any gun, revolver,
30 pistol or other firearm to be silent, or intended to lessen or muffle
31 the noise of the firing of any gun, revolver, pistol or other firearm.
- 32 h. "Gravity knife" means any knife which has a blade which is
33 released from the handle or sheath thereof by the force of gravity or
34 the application of centrifugal force.
- 35 **[I.]** i. "Machine gun" means any firearm, mechanism or
36 instrument not requiring that the trigger be pressed for each shot
37 and having a reservoir, belt or other means of storing and carrying
38 ammunition which can be loaded into the firearm, mechanism or
39 instrument and fired therefrom.
- 40 j. "Manufacturer" means any person who receives or obtains
41 raw materials or parts and processes them into firearms or finished
42 parts of firearms, except a person who exclusively processes grips,
43 stocks and other nonmetal parts of firearms. The term does not
44 include a person who repairs existing firearms or receives new and
45 used raw materials or parts solely for the repair of existing firearms.
- 46 k. "Handgun" means any pistol, revolver or other firearm
47 originally designed or manufactured to be fired by the use of a
48 single hand.

1 l. "Retail dealer" means any person including a gunsmith,
2 except a manufacturer or a wholesale dealer, who sells, transfers or
3 assigns for a fee or profit any firearm or parts of firearms or
4 ammunition which he has purchased or obtained with the intention,
5 or for the purpose, of reselling or reassigning to persons who are
6 reasonably understood to be the ultimate consumers, and includes
7 any person who is engaged in the business of repairing firearms or
8 who sells any firearm to satisfy a debt secured by the pledge of a
9 firearm.

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

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

19 o. "Sawed-off shotgun" means any shotgun having a barrel or
20 barrels of less than 18 inches in length measured from the breech to
21 the muzzle, or a rifle having a barrel or barrels of less than 16
22 inches in length measured from the breech to the muzzle, or any
23 firearm made from a rifle or a shotgun, whether by alteration, or
24 otherwise, if such firearm as modified has an overall length of less
25 than 26 inches.

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

29 q. "Superintendent" means the Superintendent of the State
30 Police.

31 r. "Weapon" means anything readily capable of lethal use or of
32 inflicting serious bodily injury. The term includes, but is not
33 limited to, all (1) firearms, even though not loaded or lacking a clip
34 or other component to render them immediately operable; (2)
35 components which can be readily assembled into a weapon; (3)
36 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
37 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
38 sandclubs, slingshots, cesti or similar leather bands studded with
39 metal filings or razor blades imbedded in wood; and (4) stun guns;
40 and any weapon or other device which projects, releases, or emits
41 tear gas or any other substance intended to produce temporary
42 physical discomfort or permanent injury through being vaporized or
43 otherwise dispensed in the air.

44 s. "Wholesale dealer" means any person, except a
45 manufacturer, who sells, transfers, or assigns firearms, or parts of
46 firearms, to persons who are reasonably understood not to be the
47 ultimate consumers, and includes persons who receive finished
48 parts of firearms and assemble them into completed or partially

1 completed firearms, in furtherance of such purpose, except that it
2 shall not include those persons dealing exclusively in grips, stocks
3 and other nonmetal parts of firearms.

4 t. "Stun gun" means any weapon or other device which emits
5 an electrical charge or current intended to temporarily or
6 permanently disable a person.

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

9 v. "Imitation firearm" means an object or device reasonably
10 capable of being mistaken for a firearm.

11 w. "Assault firearm" means:

12 (1) The following firearms:

13 Algimec AGM1 type

14 Any shotgun with a revolving cylinder such as the "Street
15 Sweeper" or "Striker 12"

16 Armalite AR-180 type

17 Australian Automatic Arms SAR

18 Avtomat Kalashnikov type semi-automatic firearms

19 Beretta AR-70 and BM59 semi-automatic firearms

20 Bushmaster Assault Rifle

21 Calico M-900 Assault carbine and M-900

22 CETME G3

23 Chartered Industries of Singapore SR-88 type

24 Colt AR-15 and CAR-15 series

25 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

26 Demro TAC-1 carbine type

27 Encom MP-9 and MP-45 carbine types

28 FAMAS MAS223 types

29 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

30 Franchi SPAS 12 and LAW 12 shotguns

31 G3SA type

32 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

33 Intratec TEC 9 and 22 semi-automatic firearms

34 M1 carbine type

35 M14S type

36 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

37 PJK M-68 carbine type

38 Plainfield Machine Company Carbine

39 Ruger K-Mini-14/5F and Mini-14/5RF

40 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

41 SKS with detachable magazine type

42 Spectre Auto carbine type

43 Springfield Armory BM59 and SAR-48 type

44 Sterling MK-6, MK-7 and SAR types

45 Steyr A.U.G. semi-automatic firearms

46 USAS 12 semi-automatic type shotgun

47 Uzi type semi-automatic firearms

48 Valmet M62, M71S, M76, or M78 type semi-automatic firearms

1 Weaver Arm Nighthawk.

2 (2) Any firearm manufactured under any designation which is
3 substantially identical to any of the firearms listed above.

4 (3) A semi-automatic shotgun with either a magazine capacity
5 exceeding six rounds, a pistol grip, or a folding stock.

6 (4) A semi-automatic rifle with a fixed magazine capacity
7 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a
8 semi-automatic rifle which has an attached tubular device and which
9 is capable of operating only with .22 caliber rimfire ammunition.

10 (5) A part or combination of parts designed or intended to
11 convert a firearm into an assault firearm, or any combination of
12 parts from which an assault firearm may be readily assembled if
13 those parts are in the possession or under the control of the same
14 person.

15 x. "Semi-automatic" means a firearm which fires a single
16 projectile for each single pull of the trigger and is self-reloading or
17 automatically chambers a round, cartridge, or bullet.

18 y. "Large capacity ammunition magazine" means a box, drum,
19 tube or other container which is capable of holding more than **[15]**
20 10 rounds of ammunition to be fed continuously and directly
21 therefrom into a semi-automatic firearm. The term shall not include
22 an attached tubular device which is capable of holding only .22
23 caliber rimfire ammunition.

24 z. "Pistol grip" means a well-defined handle, similar to that
25 found on a handgun, that protrudes conspicuously beneath the
26 action of the weapon, and which permits the shotgun to be held and
27 fired with one hand.

28 aa. "Antique handgun" means a handgun manufactured before
29 1898, or a replica thereof, which is recognized as being historical in
30 nature or of historical significance and either (1) utilizes a match,
31 friction, flint, or percussion ignition, or which utilizes a pin-fire
32 cartridge in which the pin is part of the cartridge or (2) does not fire
33 fixed ammunition or for which cartridge ammunition is not
34 commercially available.

35 bb. "Trigger lock" means a commercially available device
36 approved by the Superintendent of State Police which is operated
37 with a key or combination lock that prevents a firearm from being
38 discharged while the device is attached to the firearm. It may
39 include, but need not be limited to, devices that obstruct the barrel
40 or cylinder of the firearm, as well as devices that immobilize the
41 trigger.

42 cc. "Trigger locking device" means a device that, if installed on
43 a firearm and secured by means of a key or mechanically,
44 electronically or electromechanically operated combination lock,
45 prevents the firearm from being discharged without first
46 deactivating or removing the device by means of a key or

1 mechanically, electronically or electromechanically operated
2 combination lock.

3 dd. "Personalized handgun" means a handgun which
4 incorporates within its design, and as part of its original
5 manufacture, technology which automatically limits its operational
6 use and which cannot be readily deactivated, so that it may only be
7 fired by an authorized or recognized user. The technology limiting
8 the handgun's operational use may include, but not be limited to:
9 radio frequency tagging, touch memory, remote control, fingerprint,
10 magnetic encoding and other automatic user identification systems
11 utilizing biometric, mechanical or electronic systems. No make or
12 model of a handgun shall be deemed to be a "personalized handgun"
13 unless the Attorney General has determined, through testing or
14 other reasonable means, that the handgun meets any reliability
15 standards that the manufacturer may require for its commercially
16 available handguns that are not personalized or, if the manufacturer
17 has no such reliability standards, the handgun meets the reliability
18 standards generally used in the industry for commercially available
19 handguns.

20 (cf: P.L.2002, c.130, s.5)]¹

21

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

23 Definitions. The following definitions apply to this chapter and
24 to chapter 58:

25 a. "Antique firearm" means any rifle or shotgun and "antique
26 cannon" means a destructive device defined in paragraph (3) of
27 subsection c. of this section, if the rifle, shotgun or destructive
28 device, as the case may be, is incapable of being fired or
29 discharged, or which does not fire fixed ammunition, regardless of
30 date of manufacture, or was manufactured before 1898 for which
31 cartridge ammunition is not commercially available, and is
32 possessed as a curiosity or ornament or for its historical
33 significance or value.

34 b. "Deface" means to remove, deface, cover, alter or destroy
35 the name of the maker, model designation, manufacturer's serial
36 number or any other distinguishing identification mark or number
37 on any firearm.

38 c. "Destructive device" means any device, instrument or object
39 designed to explode or produce uncontrolled combustion, including
40 (1) any explosive or incendiary bomb, mine or grenade; (2) any
41 rocket having a propellant charge of more than four ounces or any
42 missile having an explosive or incendiary charge of more than one-
43 quarter of an ounce; (3) any weapon capable of firing a projectile of
44 a caliber greater than 60 caliber, except a shotgun or shotgun
45 ammunition generally recognized as suitable for sporting purposes;
46 (4) any Molotov cocktail or other device consisting of a breakable
47 container containing flammable liquid and having a wick or similar

- 1 device capable of being ignited. The term does not include any
2 device manufactured for the purpose of illumination, distress
3 signaling, line-throwing, safety or similar purposes.
- 4 d. "Dispose of" means to give, give away, lease, loan, keep for
5 sale, offer, offer for sale, sell, transfer, or otherwise transfer
6 possession.
- 7 e. "Explosive" means any chemical compound or mixture that
8 is commonly used or is possessed for the purpose of producing an
9 explosion and which contains any oxidizing and combustible
10 materials or other ingredients in such proportions, quantities or
11 packing that an ignition by fire, by friction, by concussion or by
12 detonation of any part of the compound or mixture may cause such
13 a sudden generation of highly heated gases that the resultant
14 gaseous pressures are capable of producing destructive effects on
15 contiguous objects. The term shall not include small arms
16 ammunition, or explosives in the form prescribed by the official
17 United States Pharmacopoeia.
- 18 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
19 automatic or semi-automatic rifle, or any gun, device or instrument
20 in the nature of a weapon from which may be fired or ejected any
21 solid projectable ball, slug, pellet, missile or bullet, or any gas,
22 vapor or other noxious thing, by means of a cartridge or shell or by
23 the action of an explosive or the igniting of flammable or explosive
24 substances. It shall also include, without limitation, any firearm
25 which is in the nature of an air gun, spring gun or pistol or other
26 weapon of a similar nature in which the propelling force is a spring,
27 elastic band, carbon dioxide, compressed or other gas or vapor, air
28 or compressed air, or is ignited by compressed air, and ejecting a
29 bullet or missile smaller than three-eighths of an inch in diameter,
30 with sufficient force to injure a person.
- 31 g. "Firearm silencer" means any instrument, attachment,
32 weapon or appliance for causing the firing of any gun, revolver,
33 pistol or other firearm to be silent, or intended to lessen or muffle
34 the noise of the firing of any gun, revolver, pistol or other firearm.
- 35 h. "Gravity knife" means any knife which has a blade which is
36 released from the handle or sheath thereof by the force of gravity or
37 the application of centrifugal force.
- 38 i. "Machine gun" means any firearm, mechanism or instrument
39 not requiring that the trigger be pressed for each shot and having a
40 reservoir, belt or other means of storing and carrying ammunition
41 which can be loaded into the firearm, mechanism or instrument and
42 fired therefrom. A machine gun also shall include, without
43 limitation, any firearm with a trigger crank attached.
- 44 j. "Manufacturer" means any person who receives or obtains
45 raw materials or parts and processes them into firearms or finished
46 parts of firearms, except a person who exclusively processes grips,
47 stocks and other nonmetal parts of firearms. The term does not

- 1 include a person who repairs existing firearms or receives new and
2 used raw materials or parts solely for the repair of existing firearms.
- 3 k. "Handgun" means any pistol, revolver or other firearm
4 originally designed or manufactured to be fired by the use of a
5 single hand.
- 6 l. "Retail dealer" means any person including a gunsmith,
7 except a manufacturer or a wholesale dealer, who sells, transfers or
8 assigns for a fee or profit any firearm or parts of firearms or
9 ammunition which he has purchased or obtained with the intention,
10 or for the purpose, of reselling or reassigning to persons who are
11 reasonably understood to be the ultimate consumers, and includes
12 any person who is engaged in the business of repairing firearms or
13 who sells any firearm to satisfy a debt secured by the pledge of a
14 firearm.
- 15 m. "Rifle" means any firearm designed to be fired from the
16 shoulder and using the energy of the explosive in a fixed metallic
17 cartridge to fire a single projectile through a rifled bore for each
18 single pull of the trigger.
- 19 n. "Shotgun" means any firearm designed to be fired from the
20 shoulder and using the energy of the explosive in a fixed shotgun
21 shell to fire through a smooth bore either a number of ball shots or a
22 single projectile for each pull of the trigger, or any firearm designed
23 to be fired from the shoulder which does not fire fixed ammunition.
- 24 o. "Sawed-off shotgun" means any shotgun having a barrel or
25 barrels of less than 18 inches in length measured from the breech to
26 the muzzle, or a rifle having a barrel or barrels of less than 16
27 inches in length measured from the breech to the muzzle, or any
28 firearm made from a rifle or a shotgun, whether by alteration, or
29 otherwise, if such firearm as modified has an overall length of less
30 than 26 inches.
- 31 p. "Switchblade knife" means any knife or similar device
32 which has a blade which opens automatically by hand pressure
33 applied to a button, spring or other device in the handle of the knife.
- 34 q. "Superintendent" means the Superintendent of the State
35 Police.
- 36 r. "Weapon" means anything readily capable of lethal use or of
37 inflicting serious bodily injury. The term includes, but is not
38 limited to, all (1) firearms, even though not loaded or lacking a clip
39 or other component to render them immediately operable; (2)
40 components which can be readily assembled into a weapon; (3)
41 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
42 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
43 sandclubs, slingshots, cesti or similar leather bands studded with
44 metal filings or razor blades imbedded in wood; and (4) stun guns;
45 and any weapon or other device which projects, releases, or emits
46 tear gas or any other substance intended to produce temporary
47 physical discomfort or permanent injury through being vaporized or
48 otherwise dispensed in the air.

1 s. "Wholesale dealer" means any person, except a
2 manufacturer, who sells, transfers, or assigns firearms, or parts of
3 firearms, to persons who are reasonably understood not to be the
4 ultimate consumers, and includes persons who receive finished
5 parts of firearms and assemble them into completed or partially
6 completed firearms, in furtherance of such purpose, except that it
7 shall not include those persons dealing exclusively in grips, stocks
8 and other nonmetal parts of firearms.

9 t. "Stun gun" means any weapon or other device which emits
10 an electrical charge or current intended to temporarily or
11 permanently disable a person.

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

14 v. "Imitation firearm" means an object or device reasonably
15 capable of being mistaken for a firearm.

16 w. "Assault firearm" means:

17 (1) The following firearms:

18 Algimec AGM1 type

19 Any shotgun with a revolving cylinder such as the "Street
20 Sweeper" or "Striker 12"

21 Armalite AR-180 type

22 Australian Automatic Arms SAR

23 Avtomat Kalashnikov type semi-automatic firearms

24 Beretta AR-70 and BM59 semi-automatic firearms

25 Bushmaster Assault Rifle

26 Calico M-900 Assault carbine and M-900

27 CETME G3

28 Chartered Industries of Singapore SR-88 type

29 Colt AR-15 and CAR-15 series

30 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

31 Demro TAC-1 carbine type

32 Encom MP-9 and MP-45 carbine types

33 FAMAS MAS223 types

34 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

35 Franchi SPAS 12 and LAW 12 shotguns

36 G3SA type

37 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

38 Intratec TEC 9 and 22 semi-automatic firearms

39 M1 carbine type

40 M14S type

41 MAC 10, MAC 11, MAC 11-9mm carbine type firearms

42 PJK M-68 carbine type

43 Plainfield Machine Company Carbine

44 Ruger K-Mini-14/5F and Mini-14/5RF

45 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

46 SKS with detachable magazine type

47 Spectre Auto carbine type

48 Springfield Armory BM59 and SAR-48 type

- 1 Sterling MK-6, MK-7 and SAR types
2 Steyr A.U.G. semi-automatic firearms
3 USAS 12 semi-automatic type shotgun
4 Uzi type semi-automatic firearms
5 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
6 Weaver Arm Nighthawk.
- 7 (2) Any firearm manufactured under any designation which is
8 substantially identical to any of the firearms listed above.
- 9 (3) A semi-automatic shotgun with either a magazine capacity
10 exceeding six rounds, a pistol grip, or a folding stock.
- 11 (4) A semi-automatic rifle with a fixed magazine capacity
12 exceeding **[15]** 10 rounds. “Assault firearm” shall not include a
13 semi-automatic rifle which has an attached tubular device and which
14 is capable of operating only with .22 caliber rimfire ammunition.
- 15 (5) A part or combination of parts designed or intended to
16 convert a firearm into an assault firearm, or any combination of
17 parts from which an assault firearm may be readily assembled if
18 those parts are in the possession or under the control of the same
19 person.
- 20 (6) A firearm with a bump stock attached.
- 21 x. "Semi-automatic" means a firearm which fires a single
22 projectile for each single pull of the trigger and is self-reloading or
23 automatically chambers a round, cartridge, or bullet.
- 24 y. "Large capacity ammunition magazine" means a box, drum,
25 tube or other container which is capable of holding more than **[15]**
26 10 rounds of ammunition to be fed continuously and directly
27 therefrom into a semi-automatic firearm. The term shall not include
28 an attached tubular device which is capable of holding only .22
29 caliber rimfire ammunition.
- 30 z. "Pistol grip" means a well-defined handle, similar to that
31 found on a handgun, that protrudes conspicuously beneath the
32 action of the weapon, and which permits the shotgun to be held and
33 fired with one hand.
- 34 aa. "Antique handgun" means a handgun manufactured before
35 1898, or a replica thereof, which is recognized as being historical in
36 nature or of historical significance and either (1) utilizes a match,
37 friction, flint, or percussion ignition, or which utilizes a pin-fire
38 cartridge in which the pin is part of the cartridge or (2) does not fire
39 fixed ammunition or for which cartridge ammunition is not
40 commercially available.
- 41 bb. "Trigger lock" means a commercially available device
42 approved by the Superintendent of State Police which is operated
43 with a key or combination lock that prevents a firearm from being
44 discharged while the device is attached to the firearm. It may
45 include, but need not be limited to, devices that obstruct the barrel
46 or cylinder of the firearm, as well as devices that immobilize the
47 trigger.

1 cc. "Trigger locking device" means a device that, if installed on
2 a firearm and secured by means of a key or mechanically,
3 electronically or electromechanically operated combination lock,
4 prevents the firearm from being discharged without first
5 deactivating or removing the device by means of a key or
6 mechanically, electronically or electromechanically operated
7 combination lock.

8 dd. "Personalized handgun" means a handgun which
9 incorporates within its design, and as part of its original
10 manufacture, technology which automatically limits its operational
11 use and which cannot be readily deactivated, so that it may only be
12 fired by an authorized or recognized user. The technology limiting
13 the handgun's operational use may include, but not be limited to:
14 radio frequency tagging, touch memory, remote control, fingerprint,
15 magnetic encoding and other automatic user identification systems
16 utilizing biometric, mechanical or electronic systems. No make or
17 model of a handgun shall be deemed to be a "personalized handgun"
18 unless the Attorney General has determined, through testing or
19 other reasonable means, that the handgun meets any reliability
20 standards that the manufacturer may require for its commercially
21 available handguns that are not personalized or, if the manufacturer
22 has no such reliability standards, the handgun meets the reliability
23 standards generally used in the industry for commercially available
24 handguns.

25 ee. "Bump stock" means any device or instrument for a firearm
26 that increases the rate of fire achievable with the firearm by using
27 energy from the recoil of the firearm to generate a reciprocating
28 action that facilitates repeated activation of the trigger.

29 ff. "Trigger crank" means any device or instrument to be
30 attached to a firearm that repeatedly activates the trigger of the
31 firearm through the use of a lever or other part that is turned in a
32 circular motion; provided, however, the term shall not include any
33 weapon initially designed and manufactured to fire through the use
34 of a crank or lever.¹

35 (cf: P.L.2017, c.323, s.1)

36

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

38 2C:39-3. Prohibited Weapons and Devices.

39 a. Destructive devices. Any person who knowingly has in his
40 possession any destructive device is guilty of a crime of the third
41 degree.

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

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

1 d. Defaced firearms. Any person who knowingly has in his
2 possession any firearm which has been defaced, except an antique
3 firearm or an antique handgun, is guilty of a crime of the fourth
4 degree.

5 e. Certain weapons. Any person who knowingly has in his
6 possession any gravity knife, switchblade knife, dagger, dirk,
7 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
8 or similar leather band studded with metal filings or razor blades
9 imbedded in wood, ballistic knife, without any explainable lawful
10 purpose, is guilty of a crime of the fourth degree.

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

32 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
33 or k. of this section shall apply to any member of the Armed Forces
34 of the United States or the National Guard, or except as otherwise
35 provided, to any law enforcement officer while actually on duty or
36 traveling to or from an authorized place of duty, provided that his
37 possession of the prohibited weapon or device has been duly
38 authorized under the applicable laws, regulations or military or law
39 enforcement orders.

40 Nothing in subsection h. of this section shall apply to any law
41 enforcement officer who is exempted from the provisions of that
42 subsection by the Attorney General. Nothing in this section shall
43 apply to the possession of any weapon or device by a law
44 enforcement officer who has confiscated, seized or otherwise taken
45 possession of said weapon or device as evidence of the commission
46 of a crime or because he believed it to be possessed illegally by the
47 person from whom it was taken, provided that said law enforcement

1 officer promptly notifies his superiors of his possession of such
2 prohibited weapon or device.

3 (2) a. Nothing in subsection f. (1) shall be construed to prevent
4 a person from keeping such ammunition at his dwelling, premises
5 or other land owned or possessed by him, or from carrying such
6 ammunition from the place of purchase to said dwelling or land, nor
7 shall subsection f. (1) be construed to prevent any licensed retail or
8 wholesale firearms dealer from possessing such ammunition at its
9 licensed premises, provided that the seller of any such ammunition
10 shall maintain a record of the name, age and place of residence of
11 any purchaser who is not a licensed dealer, together with the date of
12 sale and quantity of ammunition sold.

13 b. Nothing in subsection f.(1) shall be construed to prevent a
14 designated employee or designated licensed agent for a nuclear
15 power plant under the license of the Nuclear Regulatory
16 Commission from possessing hollow nose ammunition while in the
17 actual performance of his official duties, if the federal licensee
18 certifies that the designated employee or designated licensed agent
19 is assigned to perform site protection, guard, armed response or
20 armed escort duties and is appropriately trained and qualified, as
21 prescribed by federal regulation, to perform those duties.

22 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
23 shall be construed to prevent any licensed retail or wholesale
24 firearms dealer from possessing that ammunition or large capacity
25 ammunition magazine at its licensed premises for sale or disposition
26 to another licensed dealer, the Armed Forces of the United States or
27 the National Guard, or to a law enforcement agency, provided that
28 the seller maintains a record of any sale or disposition to a law
29 enforcement agency. The record shall include the name of the
30 purchasing agency, together with written authorization of the chief
31 of police or highest ranking official of the agency, the name and
32 rank of the purchasing law enforcement officer, if applicable, and
33 the date, time and amount of ammunition sold or otherwise
34 disposed. A copy of this record shall be forwarded by the seller to
35 the Superintendent of the Division of State Police within 48 hours
36 of the sale or disposition.

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

40 (5) Nothing in subsection c. of this section shall be construed to
41 apply to any person who is specifically identified in a special deer
42 management permit issued by the Division of Fish and Wildlife to
43 utilize a firearm silencer as part of an alternative deer control
44 method implemented in accordance with a special deer management
45 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
46 while the person is in the actual performance of the permitted
47 alternative deer control method and while going to and from the
48 place where the permitted alternative deer control method is being

1 utilized. This exception shall not, however, otherwise apply to any
2 person to authorize the purchase or possession of a firearm silencer.

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

5 i. Nothing in subsection e. of this section shall be construed to
6 prevent any guard in the employ of a private security company, who
7 is licensed to carry a firearm, from the possession of a nightstick
8 when in the actual performance of his official duties, provided that
9 he has satisfactorily completed a training course approved by the
10 Police Training Commission in the use of a nightstick.

11 j. Any person who knowingly has in his possession a large
12 capacity ammunition magazine is guilty of a crime of the fourth
13 degree unless the person has registered:

14 (1) an assault firearm pursuant to section 11 of P.L.1990, c.32
15 (C.2C:58-12) and the magazine is maintained and used in
16 connection with participation in competitive shooting matches
17 sanctioned by the Director of Civilian Marksmanship of the United
18 States Department of the Army [.] ; or

19 (2) a firearm with a fixed magazine capacity ²or detachable
20 magazine² capable of holding up to 15 rounds pursuant to section 7
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill).

23 k. Handcuffs. Any person who knowingly has in his
24 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
25 under circumstances not manifestly appropriate for such lawful uses
26 as handcuffs may have, is guilty of a disorderly persons offense. A
27 law enforcement officer shall confiscate handcuffs possessed in
28 violation of the law.

29 l. Bump stock or trigger crank. Any person who knowingly
30 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-
31 1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
32 regardless of whether the person is in possession of a firearm, is
33 guilty of a crime of the third degree.

34 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
35 provision of law, a conviction arising out of this subsection shall
36 not merge with a conviction for possessing an assault firearm in
37 violation of subsection f. of N.J.S.2C:39-5 or a machine gun in
38 violation of subsection a. of N.J.S.2C:39-5 and a separate sentence
39 shall be imposed upon each conviction. Notwithstanding the
40 provisions of N.J.S.2C:44-5 or any other provisions of law, the
41 sentence imposed pursuant to this subsection shall be served
42 consecutively to that imposed for unlawfully possessing an assault
43 firearm in violation of subsection f. of N.J.S.2C:39-5.¹

44 (cf: P.L.2017, c.323, s.2)

45

46 ¹[2.] 3.¹ (New section) Notwithstanding the provisions of
47 subsection j. of N.J.S.2C:39-3, a retired law enforcement officer

1 who is authorized to possess and carry a handgun pursuant to
2 subsection l. of N.J.S.2C:39-6 may possess and carry a large
3 capacity ammunition magazine which is capable of holding up to 15
4 rounds of ammunition that can be fed continuously and directly into
5 a semi-automatic handgun.

6
7 ¹3. (New section) Notwithstanding the provisions of
8 N.J.S.2C:39-6, a law enforcement officer may possess and carry
9 while on duty a large capacity ammunition magazine and possess
10 and carry while off duty a large capacity ammunition magazine
11 which is capable of holding up to 15 rounds of ammunition that can
12 be fed continuously and directly into a semi-automatic firearm.]¹

13
14 ¹4. (New section) The provisions of P.L. _____, c. (C. _____)
15 (pending before the Legislature as this bill) shall not apply to the
16 possession of a large capacity ammunition magazine solely used as
17 a prop for a motion picture, television, or video production,
18 provided the large capacity ammunition magazine has been
19 reconfigured to fire blank ammunition and remains under the
20 control of a federal firearms license holder.¹

21
22 ¹4.] 5.¹ (New section) ¹Any] Except as provided in section
23 7 of P.L. _____, c. (C. _____) (pending before the Legislature as this
24 bill),¹ a person who legally owns a semi-automatic rifle with a fixed
25 magazine capacity exceeding 10 rounds or a large capacity
26 ammunition magazine as defined under subsection y. of
27 N.J.S.2C:39-1 which is capable of holding more than 10 rounds of
28 ammunition on the effective date of P.L. _____, c. (C. _____) (pending
29 before the Legislature as this bill) may retain possession of that rifle
30 or magazine for a period not to exceed 180 days ¹from] after¹
31 the effective date of this act. During this time period, the owner of the
32 semi-automatic rifle or magazine shall:

33 a. Transfer the semi-automatic rifle or magazine to any person
34 or firm lawfully entitled to own or possess that firearm or
35 magazine;

36 b. Render the semi-automatic rifle or magazine inoperable ¹or
37 permanently modify a large capacity ammunition magazine to
38 accept 10 rounds or less¹; or

39 c. Voluntarily surrender the semi-automatic rifle or magazine
40 pursuant to the provisions of N.J.S.2C:39-12.

41
42 ¹5.] 6.¹ N.J.S.2C:39-12 is amended to read as follows:

43 2C:39-12. No person shall be convicted of an offense under this
44 chapter for possessing any firearms, weapons, destructive devices,
45 large capacity ammunition magazines, silencers or explosives, if
46 after giving written notice of his intention to do so, including the

1 proposed date and time of surrender, he voluntarily surrendered the
2 weapon, device, instrument or substance in question to the
3 superintendent or to the chief of police in the municipality in which
4 he resides, provided that the required notice is received by the
5 superintendent or chief of police before any charges have been
6 made or complaints filed against such person for the unlawful
7 possession of the weapon, device, instrument or substance in
8 question and before any investigation has been commenced by any
9 law enforcement agency concerning the unlawful possession.
10 Nothing in this section shall be construed as granting immunity
11 from prosecution for any crime or offense except that of the
12 unlawful possession of such weapons, devices, instruments or
13 substances surrendered as herein provided.

14 (cf: N.J.S.2C:39-12)

15

16 ¹7. (New section) a. A person who legally owns a firearm
17 ²[with a fixed magazine capacity holding up to 15 rounds which is
18 incapable of being modified to accommodate 10 or less rounds and
19 was purchased on or] as set forth in paragraph (1) or (2) of this
20 subsection² prior to the effective date of P.L. , c. (C.)
21 (pending before the Legislature as this bill) shall register that
22 firearm within one year from the effective date²[this act]:

23 (1) a firearm with a fixed magazine capacity holding up to 15
24 rounds which is incapable of being modified to accommodate 10 or
25 less rounds; or

26 (2) a firearm which only accepts a detachable magazine with a
27 capacity of up to 15 rounds which is incapable of being modified to
28 accommodate 10 or less rounds².

29 ²b.² In order to register the firearm² pursuant to subsection a. of
30 this section², the owner shall:

31 (1) complete a registration statement, in the form to be
32 prescribed by the Superintendent of the State Police; ³and³

33 (2) ³[pay a registration fee of \$50 per firearm; and

34 (3)]³ produce for inspection a valid firearms purchaser
35 identification card, permit to carry a handgun, or permit to purchase
36 a handgun.

37 ²[b.] c.² The information provided in the registration
38 statement established pursuant to subsection ²[a.] b.² of this section
39 shall include, but shall not be limited to: the name and address of
40 the registrant; the number or numbers on the registrant's firearms
41 purchaser identification card, permit to carry a handgun, or permit
42 to purchase a handgun; and the make, model, and serial number of
43 the firearm being registered. Each registration statement shall be
44 signed by the registrant, and the signature shall constitute a
45 representation of the accuracy of the information contained in the
46 registration statement.

1 ²**[c.] d.**² An applicant shall register the firearm in the law
2 enforcement agency of the municipality in which the applicant
3 resides or, if the municipality does not have a municipal law
4 enforcement agency, any State Police station.

5 ²**[d.] e.**² Within 60 days of the effective date of P.L. _____,
6 c. (C. _____) (pending before the Legislature as this bill), the
7 superintendent shall prepare the form of registration statement as
8 described in subsection ²**[b.] c.**² of this section and shall provide a
9 suitable supply of statements to each organized full-time municipal
10 police department and each State Police station.

11 ²**[e.] f.**² One copy of the completed registration statement shall
12 be returned to the registrant, a second copy shall be sent to the
13 ²**[Superintendent]** superintendent², and, if the registration takes
14 place at a municipal police department, a third copy shall be
15 retained by that municipal police department.

16 ²**[f.] g.**² The heir or estate of an owner of a firearm which has
17 been registered pursuant to this section shall within 90 days after
18 the owner's death dispose of that firearm in accordance with section
19 5 of P.L. _____, c. (C. _____) (pending before the Legislature as
20 this bill)^{1 2 2}

21

22 ¹**[6.] 8.**¹ This act shall take effect immediately.

23

24

25

26

27 Reduces maximum capacity of ammunition magazines to 10
28 rounds.

ASSEMBLY, No. 2761

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

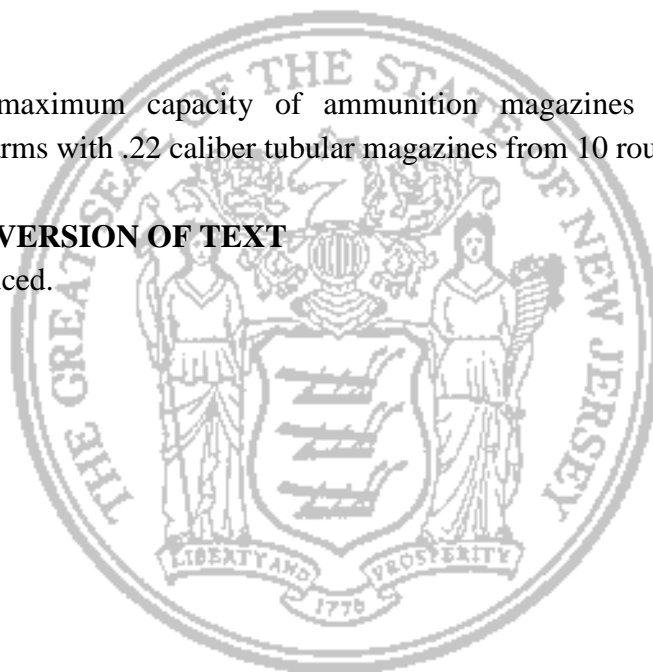
**Assemblywoman Murphy, Assemblymen Caputo, Eustace,
Assemblywomen Vainieri Huttle, Mosquera, Downey and Assemblyman
Houghtaling**

SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds;
exempts firearms with .22 caliber tubular magazines from 10 round limitation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/23/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1 and
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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:39-1 is amended to read as follows:

8 2C:39-1. Definitions. The following definitions apply to this
9 chapter and to chapter 58:

10 a. "Antique firearm" means any rifle or shotgun and "antique
11 cannon" means a destructive device defined in paragraph (3) of
12 subsection c. of this section, if the rifle, shotgun or destructive
13 device, as the case may be, is incapable of being fired or
14 discharged, or which does not fire fixed ammunition, regardless of
15 date of manufacture, or was manufactured before 1898 for which
16 cartridge ammunition is not commercially available, and is
17 possessed as a curiosity or ornament or for its historical
18 significance or value.

19 b. "Deface" means to remove, deface, cover, alter or destroy
20 the name of the maker, model designation, manufacturer's serial
21 number or any other distinguishing identification mark or number
22 on any firearm.

23 c. "Destructive device" means any device, instrument or object
24 designed to explode or produce uncontrolled combustion, including
25 (1) any explosive or incendiary bomb, mine or grenade; (2) any
26 rocket having a propellant charge of more than four ounces or any
27 missile having an explosive or incendiary charge of more than one-
28 quarter of an ounce; (3) any weapon capable of firing a projectile of
29 a caliber greater than 60 caliber, except a shotgun or shotgun
30 ammunition generally recognized as suitable for sporting purposes;
31 (4) any Molotov cocktail or other device consisting of a breakable
32 container containing flammable liquid and having a wick or similar
33 device capable of being ignited. The term does not include any
34 device manufactured for the purpose of illumination, distress
35 signaling, line-throwing, safety or similar purposes.

36 d. "Dispose of" means to give, give away, lease, loan, keep for
37 sale, offer, offer for sale, sell, transfer, or otherwise transfer
38 possession.

39 e. "Explosive" means any chemical compound or mixture that
40 is commonly used or is possessed for the purpose of producing an
41 explosion and which contains any oxidizing and combustible
42 materials or other ingredients in such proportions, quantities or
43 packing that an ignition by fire, by friction, by concussion or by
44 detonation of any part of the compound or mixture may cause such
45 a sudden generation of highly heated gases that the resultant

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 gaseous pressures are capable of producing destructive effects on
2 contiguous objects. The term shall not include small arms
3 ammunition, or explosives in the form prescribed by the official
4 United States Pharmacopoeia.

5 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
6 automatic or semi-automatic rifle, or any gun, device or instrument
7 in the nature of a weapon from which may be fired or ejected any
8 solid projectable ball, slug, pellet, missile or bullet, or any gas,
9 vapor or other noxious thing, by means of a cartridge or shell or by
10 the action of an explosive or the igniting of flammable or explosive
11 substances. It shall also include, without limitation, any firearm
12 which is in the nature of an air gun, spring gun or pistol or other
13 weapon of a similar nature in which the propelling force is a spring,
14 elastic band, carbon dioxide, compressed or other gas or vapor, air
15 or compressed air, or is ignited by compressed air, and ejecting a
16 bullet or missile smaller than three-eighths of an inch in diameter,
17 with sufficient force to injure a person.

18 g. "Firearm silencer" means any instrument, attachment,
19 weapon or appliance for causing the firing of any gun, revolver,
20 pistol or other firearm to be silent, or intended to lessen or muffle
21 the noise of the firing of any gun, revolver, pistol or other firearm.

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

25 **[I.]** i. "Machine gun" means any firearm, mechanism or
26 instrument not requiring that the trigger be pressed for each shot
27 and having a reservoir, belt or other means of storing and carrying
28 ammunition which can be loaded into the firearm, mechanism or
29 instrument and fired therefrom.

30 j. "Manufacturer" means any person who receives or obtains
31 raw materials or parts and processes them into firearms or finished
32 parts of firearms, except a person who exclusively processes grips,
33 stocks and other nonmetal parts of firearms. The term does not
34 include a person who repairs existing firearms or receives new and
35 used raw materials or parts solely for the repair of existing firearms.

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

39 l. "Retail dealer" means any person including a gunsmith,
40 except a manufacturer or a wholesale dealer, who sells, transfers or
41 assigns for a fee or profit any firearm or parts of firearms or
42 ammunition which he has purchased or obtained with the intention,
43 or for the purpose, of reselling or reassigning to persons who are
44 reasonably understood to be the ultimate consumers, and includes
45 any person who is engaged in the business of repairing firearms or
46 who sells any firearm to satisfy a debt secured by the pledge of a
47 firearm.

- 1 m. "Rifle" means any firearm designed to be fired from the
2 shoulder and using the energy of the explosive in a fixed metallic
3 cartridge to fire a single projectile through a rifled bore for each
4 single pull of the trigger.
- 5 n. "Shotgun" means any firearm designed to be fired from the
6 shoulder and using the energy of the explosive in a fixed shotgun
7 shell to fire through a smooth bore either a number of ball shots or a
8 single projectile for each pull of the trigger, or any firearm designed
9 to be fired from the shoulder which does not fire fixed ammunition.
- 10 o. "Sawed-off shotgun" means any shotgun having a barrel or
11 barrels of less than 18 inches in length measured from the breech to
12 the muzzle, or a rifle having a barrel or barrels of less than 16
13 inches in length measured from the breech to the muzzle, or any
14 firearm made from a rifle or a shotgun, whether by alteration, or
15 otherwise, if such firearm as modified has an overall length of less
16 than 26 inches.
- 17 p. "Switchblade knife" means any knife or similar device
18 which has a blade which opens automatically by hand pressure
19 applied to a button, spring or other device in the handle of the knife.
- 20 q. "Superintendent" means the Superintendent of the State
21 Police.
- 22 r. "Weapon" means anything readily capable of lethal use or of
23 inflicting serious bodily injury. The term includes, but is not
24 limited to, all (1) firearms, even though not loaded or lacking a clip
25 or other component to render them immediately operable; (2)
26 components which can be readily assembled into a weapon; (3)
27 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
28 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
29 sandclubs, slingshots, cesti or similar leather bands studded with
30 metal filings or razor blades imbedded in wood; and (4) stun guns;
31 and any weapon or other device which projects, releases, or emits
32 tear gas or any other substance intended to produce temporary
33 physical discomfort or permanent injury through being vaporized or
34 otherwise dispensed in the air.
- 35 s. "Wholesale dealer" means any person, except a
36 manufacturer, who sells, transfers, or assigns firearms, or parts of
37 firearms, to persons who are reasonably understood not to be the
38 ultimate consumers, and includes persons who receive finished
39 parts of firearms and assemble them into completed or partially
40 completed firearms, in furtherance of such purpose, except that it
41 shall not include those persons dealing exclusively in grips, stocks
42 and other nonmetal parts of firearms.
- 43 t. "Stun gun" means any weapon or other device which emits
44 an electrical charge or current intended to temporarily or
45 permanently disable a person.
- 46 u. "Ballistic knife" means any weapon or other device capable
47 of lethal use and which can propel a knife blade.

- 1 v. "Imitation firearm" means an object or device reasonably
2 capable of being mistaken for a firearm.
- 3 w. "Assault firearm" means:
- 4 (1) The following firearms:
- 5 Algimec AGM1 type
- 6 Any shotgun with a revolving cylinder such as the "Street
7 Sweeper" or "Striker 12"
- 8 Armalite AR-180 type
- 9 Australian Automatic Arms SAR
- 10 Avtomat Kalashnikov type semi-automatic firearms
- 11 Beretta AR-70 and BM59 semi-automatic firearms
- 12 Bushmaster Assault Rifle
- 13 Calico M-900 Assault carbine and M-900
- 14 CETME G3
- 15 Chartered Industries of Singapore SR-88 type
- 16 Colt AR-15 and CAR-15 series
- 17 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 18 Demro TAC-1 carbine type
- 19 Encom MP-9 and MP-45 carbine types
- 20 FAMAS MAS223 types
- 21 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 22 Franchi SPAS 12 and LAW 12 shotguns
- 23 G3SA type
- 24 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 25 Intratec TEC 9 and 22 semi-automatic firearms
- 26 M1 carbine type
- 27 M14S type
- 28 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 29 PJK M-68 carbine type
- 30 Plainfield Machine Company Carbine
- 31 Ruger K-Mini-14/5F and Mini-14/5RF
- 32 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 33 SKS with detachable magazine type
- 34 Spectre Auto carbine type
- 35 Springfield Armory BM59 and SAR-48 type
- 36 Sterling MK-6, MK-7 and SAR types
- 37 Steyr A.U.G. semi-automatic firearms
- 38 USAS 12 semi-automatic type shotgun
- 39 Uzi type semi-automatic firearms
- 40 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 41 Weaver Arm Nighthawk.
- 42 (2) Any firearm manufactured under any designation which is
43 substantially identical to any of the firearms listed above.
- 44 (3) A semi-automatic shotgun with either a magazine capacity
45 exceeding six rounds, a pistol grip, or a folding stock.
- 46 (4) A semi-automatic rifle with a fixed magazine capacity
47 exceeding **[15]** 10 rounds. "Assault firearm" shall not include a

1 semi-automatic rifle which has an attached tubular device and which
2 is capable of operating only with .22 caliber rimfire ammunition.

3 (5) A part or combination of parts designed or intended to
4 convert a firearm into an assault firearm, or any combination of
5 parts from which an assault firearm may be readily assembled if
6 those parts are in the possession or under the control of the same
7 person.

8 x. "Semi-automatic" means a firearm which fires a single
9 projectile for each single pull of the trigger and is self-reloading or
10 automatically chambers a round, cartridge, or bullet.

11 y. "Large capacity ammunition magazine" means a box, drum,
12 tube or other container which is capable of holding more than **[15]**
13 10 rounds of ammunition to be fed continuously and directly
14 therefrom into a semi-automatic firearm. The term shall not include
15 an attached tubular device which is capable of holding only .22
16 caliber rimfire ammunition.

17 z. "Pistol grip" means a well-defined handle, similar to that
18 found on a handgun, that protrudes conspicuously beneath the
19 action of the weapon, and which permits the shotgun to be held and
20 fired with one hand.

21 aa. "Antique handgun" means a handgun manufactured before
22 1898, or a replica thereof, which is recognized as being historical in
23 nature or of historical significance and either (1) utilizes a match,
24 friction, flint, or percussion ignition, or which utilizes a pin-fire
25 cartridge in which the pin is part of the cartridge or (2) does not fire
26 fixed ammunition or for which cartridge ammunition is not
27 commercially available.

28 bb. "Trigger lock" means a commercially available device
29 approved by the Superintendent of State Police which is operated
30 with a key or combination lock that prevents a firearm from being
31 discharged while the device is attached to the firearm. It may
32 include, but need not be limited to, devices that obstruct the barrel
33 or cylinder of the firearm, as well as devices that immobilize the
34 trigger.

35 cc. "Trigger locking device" means a device that, if installed on
36 a firearm and secured by means of a key or mechanically,
37 electronically or electromechanically operated combination lock,
38 prevents the firearm from being discharged without first
39 deactivating or removing the device by means of a key or
40 mechanically, electronically or electromechanically operated
41 combination lock.

42 dd. "Personalized handgun" means a handgun which
43 incorporates within its design, and as part of its original
44 manufacture, technology which automatically limits its operational
45 use and which cannot be readily deactivated, so that it may only be
46 fired by an authorized or recognized user. The technology limiting
47 the handgun's operational use may include, but not be limited to:
48 radio frequency tagging, touch memory, remote control, fingerprint,

1 magnetic encoding and other automatic user identification systems
2 utilizing biometric, mechanical or electronic systems. No make or
3 model of a handgun shall be deemed to be a "personalized handgun"
4 unless the Attorney General has determined, through testing or
5 other reasonable means, that the handgun meets any reliability
6 standards that the manufacturer may require for its commercially
7 available handguns that are not personalized or, if the manufacturer
8 has no such reliability standards, the handgun meets the reliability
9 standards generally used in the industry for commercially available
10 handguns.

11 (cf: P.L.2002, c.130, s.5)

12

13 2. (New section) Notwithstanding the provisions of subsection
14 j. of N.J.S.2C:39-3, a retired law enforcement officer who is
15 authorized to possess and carry a handgun pursuant to subsection l.
16 of N.J.S.2C:39-6 may possess and carry a large capacity
17 ammunition magazine which is capable of holding up to 15 rounds
18 of ammunition that can be fed continuously and directly into a
19 semi-automatic handgun.

20

21 3. (New section) Notwithstanding the provisions of
22 N.J.S.2C:39-6, a law enforcement officer may possess and carry
23 while on duty a large capacity ammunition magazine and possess
24 and carry while off duty a large capacity ammunition magazine
25 which is capable of holding up to 15 rounds of ammunition that can
26 be fed continuously and directly into a semi-automatic firearm.

27

28 4. (New section) Any person who legally owns a semi-
29 automatic rifle with a fixed magazine capacity exceeding 10 rounds
30 or a large capacity ammunition magazine as defined under
31 subsection y. of N.J.S.2C:39-1 which is capable of holding more
32 than 10 rounds of ammunition on the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 may retain possession of that rifle or magazine for a period not to
35 exceed 180 days from the effective date of this act. During this
36 time period, the owner of the semi-automatic rifle or magazine
37 shall:

38 a. Transfer the semi-automatic rifle or magazine to any person
39 or firm lawfully entitled to own or possess that firearm or
40 magazine;

41 b. Render the semi-automatic rifle or magazine inoperable; or

42 c. Voluntarily surrender the semi-automatic rifle or magazine
43 pursuant to the provisions of N.J.S.2C:39-12.

44

45 5. N.J.S.2C:39-12 is amended to read as follows:

46 2C:39-12. No person shall be convicted of an offense under this
47 chapter for possessing any firearms, weapons, destructive devices,
48 large capacity ammunition magazines, silencers or explosives, if

1 after giving written notice of his intention to do so, including the
2 proposed date and time of surrender, he voluntarily surrendered the
3 weapon, device, instrument or substance in question to the
4 superintendent or to the chief of police in the municipality in which
5 he resides, provided that the required notice is received by the
6 superintendent or chief of police before any charges have been
7 made or complaints filed against such person for the unlawful
8 possession of the weapon, device, instrument or substance in
9 question and before any investigation has been commenced by any
10 law enforcement agency concerning the unlawful possession.
11 Nothing in this section shall be construed as granting immunity
12 from prosecution for any crime or offense except that of the
13 unlawful possession of such weapons, devices, instruments or
14 substances surrendered as herein provided.
15 (cf: N.J.S.2C:39-12)

16

17 6. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill bans firearm magazines that hold more than 10 rounds
23 of ammunition. Magazines capable of holding up to 15 rounds of
24 ammunition currently are legal in New Jersey.25 Specifically, the bill revises the definition of a “large capacity
26 ammunition magazine” to reduce the allowable rounds of
27 ammunition from 15 to 10. The bill also designates a semi-
28 automatic rifle with a fixed magazine capacity exceeding 10 rounds
29 as a prohibited assault firearm.30 The bill exempts law enforcement officers from the bill’s 10
31 round limit on ammunition magazines by authorizing them to
32 possess and carry while on duty a large capacity ammunition
33 magazine and possess and carry while off duty a large capacity
34 ammunition magazine which is capable of holding up to 15 rounds
35 of ammunition. The bill also permits retired police officers
36 authorized to possess and carry a handgun in this State to continue
37 to possess and carry a magazine capable of holding up to 15 rounds.38 In addition, the bill exempts from the 10 round limitation those
39 semi-automatic rifles which have an attached tubular magazine and
40 which is capable of operating only with .22 caliber rimfire
41 ammunition. This exemption would permit the sale and possession
42 of a popular beginner gun, the Marlin Model 60, often referred to as
43 the “Boy Scout gun.” These firearms are low caliber and the
44 tubular magazine cannot be quickly reloaded. The bill limited the
45 exception for the Boy Scout gun to magazines that hold up to 15
46 rounds. These Boy Scout guns are manufactured with magazines
47 holding more than 15 rounds. Therefore, the bill removes from the
48 definition a limit on number of rounds.

A2761 GREENWALD, QUIJANO

9

1 The bill makes its provisions effective immediately, but allows
2 for a 180-day grace period to transfer, render inoperable, or
3 voluntarily surrender a semi-automatic rifle or magazine that will
4 be unlawful under the bill.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2761

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2018

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2761.

Assembly Bill No. 2761 bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

The bill exempts law enforcement officers from the bill’s 10 round limit on ammunition magazines by authorizing them to possess and carry while on duty a large capacity ammunition magazine and possess and carry while off duty a large capacity ammunition magazine which is capable of holding up to 15 rounds of ammunition. The bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the bill exempts from the 10 round limitation those semi-automatic rifles which have an attached tubular magazine and which is capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession of a popular beginner gun, the Marlin Model 60, often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer, render inoperable, or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2761

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 22, 2018

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2761, with committee amendments.

As amended and reported by the committee, Assembly Bill No. 2761 bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the amended bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The amended bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the amended bill, a person who legally owns a firearm with a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds and was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to complete a registration statement, pay a \$50 fee, and produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant's firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The amended bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the amended bill exempts from the 10 round limitation those semi-automatic rifles which have an attached tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession of a popular beginner gun, the Marlin Model 60,

often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The amended bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The amended bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) allow a person who legally owned a firearm with a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds and was purchased on or prior to the bill’s effective date to retain possession of the firearm provided it is registered with a law enforcement agency;

2) remove from the bill a provision regarding a law enforcement officer’s ability to possess and carry a large capacity magazine while on and off duty;

3) exempt large-capacity magazines under the control of a federal firearms license holder that have been reconfigured to fire blank ammunition for motion pictures, television, or video productions;

4) clarify that a person may permanently modify a large capacity ammunition magazine to accept 10 rounds or less; and

5) make a technical correction to update a provision of the bill to reflect the changes made pursuant to P.L.2017, c.323.

FISCAL IMPACT:

The OLS estimates the bill may increase State revenues and expenditures by indeterminate amounts, and may also cause local revenues and expenditures to increase by indeterminate amounts.

The bill requires legal owners of firearms with fixed magazine capacities of up to 15 rounds, which cannot be modified to accommodate fewer rounds, to register those firearms with either the State Police Superintendent or the municipal law enforcement agency within one year, and to pay a registration fee of \$50 per firearm. This

may result in additional State and local revenue of indeterminate amounts.

In revising the definition of semi-automatic rifles considered to be an assault firearm as those with a fixed magazine capacity exceeding 10 rather than 15 rounds, the bill makes possession of such weapons, if unlicensed or unregistered, a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of such magazines, if unregistered, a crime of the fourth degree. Conviction of such a crime entails penalties of up to \$10,000, but there is no presumption of incarceration. Accordingly, the bill may cause State revenues from fine collections to increase by indeterminate amounts, and may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2761

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 16, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2761 (1R).

As amended and reported by the committee, this bill bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the amended bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The amended bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the amended bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to complete a registration statement, pay a \$50 fee, and produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant’s firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The amended bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the amended bill exempts from the 10-round limitation those semi-automatic rifles which have an attached

tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession of a popular beginner gun, the Marlin Model 60, often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The amended bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The amended bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

As amended and reported by the committee, Assembly Bill No. 2761(1R) is identical to Senate Bill No. 102, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) allow a person to retain a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds that was purchased on or prior to the bill’s effective date if the firearm is registered with a law enforcement agency;
- (2) make technical corrections.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 2761

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2761 (2R), with committee amendments.

As amended, this bill bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant’s firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the bill exempts from the 10-round limitation those semi-automatic rifles which have an attached tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession of a popular beginner gun, the Marlin Model 60, often referred to as

the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

As amended and reported, this bill is identical to Senate Bill No. 102 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments remove a requirement to pay a \$50 fee to register certain firearms with a magazine that exceeds the 10-round limit.

FISCAL IMPACT:

The OLS estimates the bill may increase State revenues and expenditures by indeterminate amounts, and may also cause local revenues and expenditures to increase by indeterminate amounts.

In revising the definition of semi-automatic rifles considered to be an assault firearm as those with a fixed magazine capacity exceeding 10 rather than 15 rounds, the possession of such weapons, if unlicensed or unregistered, is a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of these magazines, if unregistered, a crime of the fourth degree. Fourth degree crimes are punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Accordingly, the bill may cause State revenues from fine collections to increase by indeterminate amounts, and may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 2761

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MAY 31, 2018

SUMMARY

- Synopsis:** Reduces maximum capacity of ammunition magazines to 10 rounds.
- Type of Impact:** Annual State and Local Government Expenditure Increases.
Annual State and Local Government Revenue Increase.
- Agencies Affected:** Department of Law and Public Safety. Administrative Office of the Courts. Office of the Public Defender. Department of Corrections. County and Municipal Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs and Revenue		Indeterminate	
Annual Increase in Local Costs and Revenues		Indeterminate	

- The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offenses established by the bill, and incarcerating any offenders.
- The State and local governments may receive indeterminate additional annual revenue from any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.
- The OLS lacks sufficient information to quantify the bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession of a firearm or magazine holding more than 10 rounds of ammunition following enactment.

BILL DESCRIPTION

This bill bans firearm magazines that hold more than 10 rounds of ammunition. Currently, magazines capable of holding up to 15 rounds of ammunition are legal in New Jersey.

Under the bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill's effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun.

If the owner of the firearm or magazine holding more than 10 rounds of ammunition chooses not to register, the bill allows for a 180-day grace period to transfer, voluntarily surrender, permanently modify, or make inoperable a semi-automatic rifle or magazine that will be unlawful under the bill. An heir or estate of an owner of a registered firearm would have 90 days after the owner's death to dispose of the firearm.

Certain exceptions are made for authorized retire police officers, firearms used in motion pictures, as well as exceptions made based on the type of firearm.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders. Additionally, State and local governments may receive indeterminate additional annual revenue any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.

Expenditure Increases: The OLS estimates that the bill will produce indeterminate annual expenditure increases to the State, counties, and municipalities.

The bill allows legal owners of firearms with fixed magazine capacities, or which only accept detachable magazines, of up to 15 rounds, and which cannot be modified to accommodate 10 rounds or less, to register those firearms with either the State Police Superintendent or the municipal law enforcement agency in which the applicant resides within one year. This may result in an increase workload by the Division of State Police or municipal law enforcement agencies.

The bill's establishment of a new crime of the fourth degree will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, the Office of the Public Defender, and municipal courts, as additional defendants will be prosecuted and tried. After initial arraignment, crimes of the fourth degree are adjudicated by the Superior Court. Given the lack of information regarding the number of future convictions of the new fourth degree crime established by the bill, the OLS cannot project the annual amount of related penalty assessments and collections.

A presumption of non-incarceration applies to first-time offenders of crimes of the fourth degree. Repeat offenders, however, could be incarcerated. The OLS notes that to the extent that

the bill will result in additional incarcerations, the Department of Corrections has indicated that the average estimated per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$45,000. Department data also indicate that the marginal cost for food, wages and clothing for an additional prison inmate in its facilities totaled \$7.15 per day, or \$2,610 annually.

The OLS, however, cannot project the number of future prosecutions, trials, and incarcerations related to the crime established by the bill.

Revenue Gains: The OLS estimates that the bill will produce indeterminate annual revenue increases to the State and municipalities from any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.

In revising the definition of an assault firearm to include semi-automatic rifles with a fixed magazine capacity exceeding 10 rather than 15 rounds, the possession of such firearms, if unlicensed or unregistered, is a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional revenue from court-imposed fines.

In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of the magazines, if unregistered, a crime of the fourth degree. Fourth degree crimes are punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Accordingly, the bill may cause State or local revenues from fine collections to increase by indeterminate amounts.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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

SENATE, No. 102

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senators Gopal and Greenstein

SYNOPSIS

Reduces maximum capacity of ammunition magazines to 10 rounds.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/27/2018)

1 AN ACT concerning firearms and amending N.J.S.2C:39-1.

2

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

5

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

7 2C:39-1. Definitions. The following definitions apply to this
8 chapter and to chapter 58:

9 a. "Antique firearm" means any rifle or shotgun and "antique
10 cannon" means a destructive device defined in paragraph (3) of
11 subsection c. of this section, if the rifle, shotgun or destructive
12 device, as the case may be, is incapable of being fired or
13 discharged, or which does not fire fixed ammunition, regardless of
14 date of manufacture, or was manufactured before 1898 for which
15 cartridge ammunition is not commercially available, and is
16 possessed as a curiosity or ornament or for its historical
17 significance or value.

18 b. "Deface" means to remove, deface, cover, alter or destroy
19 the name of the maker, model designation, manufacturer's serial
20 number or any other distinguishing identification mark or number
21 on any firearm.

22 c. "Destructive device" means any device, instrument or object
23 designed to explode or produce uncontrolled combustion, including
24 (1) any explosive or incendiary bomb, mine or grenade; (2) any
25 rocket having a propellant charge of more than four ounces or any
26 missile having an explosive or incendiary charge of more than one-
27 quarter of an ounce; (3) any weapon capable of firing a projectile of
28 a caliber greater than 60 caliber, except a shotgun or shotgun
29 ammunition generally recognized as suitable for sporting purposes;
30 (4) any Molotov cocktail or other device consisting of a breakable
31 container containing flammable liquid and having a wick or similar
32 device capable of being ignited. The term does not include any
33 device manufactured for the purpose of illumination, distress
34 signaling, line-throwing, safety or similar purposes.

35 d. "Dispose of" means to give, give away, lease, loan, keep for
36 sale, offer, offer for sale, sell, transfer, or otherwise transfer
37 possession.

38 e. "Explosive" means any chemical compound or mixture that
39 is commonly used or is possessed for the purpose of producing an
40 explosion and which contains any oxidizing and combustible
41 materials or other ingredients in such proportions, quantities or
42 packing that an ignition by fire, by friction, by concussion or by
43 detonation of any part of the compound or mixture may cause such
44 a sudden generation of highly heated gases that the resultant
45 gaseous pressures are capable of producing destructive effects on

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 contiguous objects. The term shall not include small arms
2 ammunition, or explosives in the form prescribed by the official
3 United States Pharmacopoeia.

4 f. "Firearm" means any handgun, rifle, shotgun, machine gun,
5 automatic or semi-automatic rifle, or any gun, device or instrument
6 in the nature of a weapon from which may be fired or ejected any
7 solid projectable ball, slug, pellet, missile or bullet, or any gas,
8 vapor or other noxious thing, by means of a cartridge or shell or by
9 the action of an explosive or the igniting of flammable or explosive
10 substances. It shall also include, without limitation, any firearm
11 which is in the nature of an air gun, spring gun or pistol or other
12 weapon of a similar nature in which the propelling force is a spring,
13 elastic band, carbon dioxide, compressed or other gas or vapor, air
14 or compressed air, or is ignited by compressed air, and ejecting a
15 bullet or missile smaller than three-eighths of an inch in diameter,
16 with sufficient force to injure a person.

17 g. "Firearm silencer" means any instrument, attachment,
18 weapon or appliance for causing the firing of any gun, revolver,
19 pistol or other firearm to be silent, or intended to lessen or muffle
20 the noise of the firing of any gun, revolver, pistol or other firearm.

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

24 **[I.]** i. "Machine gun" means any firearm, mechanism or
25 instrument not requiring that the trigger be pressed for each shot
26 and having a reservoir, belt or other means of storing and carrying
27 ammunition which can be loaded into the firearm, mechanism or
28 instrument and fired therefrom.

29 j. "Manufacturer" means any person who receives or obtains
30 raw materials or parts and processes them into firearms or finished
31 parts of firearms, except a person who exclusively processes grips,
32 stocks and other nonmetal parts of firearms. The term does not
33 include a person who repairs existing firearms or receives new and
34 used raw materials or parts solely for the repair of existing firearms.

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

38 l. "Retail dealer" means any person including a gunsmith,
39 except a manufacturer or a wholesale dealer, who sells, transfers or
40 assigns for a fee or profit any firearm or parts of firearms or
41 ammunition which he has purchased or obtained with the intention,
42 or for the purpose, of reselling or reassigning to persons who are
43 reasonably understood to be the ultimate consumers, and includes
44 any person who is engaged in the business of repairing firearms or
45 who sells any firearm to satisfy a debt secured by the pledge of a
46 firearm.

47 m. "Rifle" means any firearm designed to be fired from the
48 shoulder and using the energy of the explosive in a fixed metallic

- 1 cartridge to fire a single projectile through a rifled bore for each
2 single pull of the trigger.
- 3 n. "Shotgun" means any firearm designed to be fired from the
4 shoulder and using the energy of the explosive in a fixed shotgun
5 shell to fire through a smooth bore either a number of ball shots or a
6 single projectile for each pull of the trigger, or any firearm designed
7 to be fired from the shoulder which does not fire fixed ammunition.
- 8 o. "Sawed-off shotgun" means any shotgun having a barrel or
9 barrels of less than 18 inches in length measured from the breech to
10 the muzzle, or a rifle having a barrel or barrels of less than 16
11 inches in length measured from the breech to the muzzle, or any
12 firearm made from a rifle or a shotgun, whether by alteration, or
13 otherwise, if such firearm as modified has an overall length of less
14 than 26 inches.
- 15 p. "Switchblade knife" means any knife or similar device
16 which has a blade which opens automatically by hand pressure
17 applied to a button, spring or other device in the handle of the knife.
- 18 q. "Superintendent" means the Superintendent of the State
19 Police.
- 20 r. "Weapon" means anything readily capable of lethal use or of
21 inflicting serious bodily injury. The term includes, but is not
22 limited to, all (1) firearms, even though not loaded or lacking a clip
23 or other component to render them immediately operable; (2)
24 components which can be readily assembled into a weapon; (3)
25 gravity knives, switchblade knives, daggers, dirks, stilettos, or other
26 dangerous knives, billies, blackjacks, bludgeons, metal knuckles,
27 sandclubs, slingshots, cesti or similar leather bands studded with
28 metal filings or razor blades imbedded in wood; and (4) stun guns;
29 and any weapon or other device which projects, releases, or emits
30 tear gas or any other substance intended to produce temporary
31 physical discomfort or permanent injury through being vaporized or
32 otherwise dispensed in the air.
- 33 s. "Wholesale dealer" means any person, except a
34 manufacturer, who sells, transfers, or assigns firearms, or parts of
35 firearms, to persons who are reasonably understood not to be the
36 ultimate consumers, and includes persons who receive finished
37 parts of firearms and assemble them into completed or partially
38 completed firearms, in furtherance of such purpose, except that it
39 shall not include those persons dealing exclusively in grips, stocks
40 and other nonmetal parts of firearms.
- 41 t. "Stun gun" means any weapon or other device which emits
42 an electrical charge or current intended to temporarily or
43 permanently disable a person.
- 44 u. "Ballistic knife" means any weapon or other device capable
45 of lethal use and which can propel a knife blade.
- 46 v. "Imitation firearm" means an object or device reasonably
47 capable of being mistaken for a firearm.
- 48 w. "Assault firearm" means:

- 1 (1) The following firearms:
- 2 Algimec AGM1 type
- 3 Any shotgun with a revolving cylinder such as the "Street
- 4 Sweeper" or "Striker 12"
- 5 Armalite AR-180 type
- 6 Australian Automatic Arms SAR
- 7 Avtomat Kalashnikov type semi-automatic firearms
- 8 Beretta AR-70 and BM59 semi-automatic firearms
- 9 Bushmaster Assault Rifle
- 10 Calico M-900 Assault carbine and M-900
- 11 CETME G3
- 12 Chartered Industries of Singapore SR-88 type
- 13 Colt AR-15 and CAR-15 series
- 14 Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types
- 15 Demro TAC-1 carbine type
- 16 Encom MP-9 and MP-45 carbine types
- 17 FAMAS MAS223 types
- 18 FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms
- 19 Franchi SPAS 12 and LAW 12 shotguns
- 20 G3SA type
- 21 Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1
- 22 Intratec TEC 9 and 22 semi-automatic firearms
- 23 M1 carbine type
- 24 M14S type
- 25 MAC 10, MAC 11, MAC 11-9mm carbine type firearms
- 26 PJK M-68 carbine type
- 27 Plainfield Machine Company Carbine
- 28 Ruger K-Mini-14/5F and Mini-14/5RF
- 29 SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types
- 30 SKS with detachable magazine type
- 31 Spectre Auto carbine type
- 32 Springfield Armory BM59 and SAR-48 type
- 33 Sterling MK-6, MK-7 and SAR types
- 34 Steyr A.U.G. semi-automatic firearms
- 35 USAS 12 semi-automatic type shotgun
- 36 Uzi type semi-automatic firearms
- 37 Valmet M62, M71S, M76, or M78 type semi-automatic firearms
- 38 Weaver Arm Nighthawk.
- 39 (2) Any firearm manufactured under any designation which is
- 40 substantially identical to any of the firearms listed above.
- 41 (3) A semi-automatic shotgun with either a magazine capacity
- 42 exceeding six rounds, a pistol grip, or a folding stock.
- 43 (4) A semi-automatic rifle with a fixed magazine capacity
- 44 exceeding **[15]** 10 rounds. "Assault firearm" shall not include a
- 45 semi-automatic rifle which has an attached tubular device and
- 46 which is capable of operating only with .22 caliber rimfire
- 47 ammunition.

- 1 (5) A part or combination of parts designed or intended to
2 convert a firearm into an assault firearm, or any combination of
3 parts from which an assault firearm may be readily assembled if
4 those parts are in the possession or under the control of the same
5 person.
- 6 x. "Semi-automatic" means a firearm which fires a single
7 projectile for each single pull of the trigger and is self-reloading or
8 automatically chambers a round, cartridge, or bullet.
- 9 y. "Large capacity ammunition magazine" means a box, drum,
10 tube or other container which is capable of holding more than **[15]**
11 10 rounds of ammunition to be fed continuously and directly
12 therefrom into a semi-automatic firearm. The term shall not include
13 an attached tubular device which is capable of holding only .22
14 caliber rimfire ammunition.
- 15 z. "Pistol grip" means a well-defined handle, similar to that
16 found on a handgun, that protrudes conspicuously beneath the
17 action of the weapon, and which permits the shotgun to be held and
18 fired with one hand.
- 19 aa. "Antique handgun" means a handgun manufactured before
20 1898, or a replica thereof, which is recognized as being historical in
21 nature or of historical significance and either (1) utilizes a match,
22 friction, flint, or percussion ignition, or which utilizes a pin-fire
23 cartridge in which the pin is part of the cartridge or (2) does not fire
24 fixed ammunition or for which cartridge ammunition is not
25 commercially available.
- 26 bb. "Trigger lock" means a commercially available device
27 approved by the Superintendent of State Police which is operated
28 with a key or combination lock that prevents a firearm from being
29 discharged while the device is attached to the firearm. It may
30 include, but need not be limited to, devices that obstruct the barrel
31 or cylinder of the firearm, as well as devices that immobilize the
32 trigger.
- 33 cc. "Trigger locking device" means a device that, if installed on
34 a firearm and secured by means of a key or mechanically,
35 electronically or electromechanically operated combination lock,
36 prevents the firearm from being discharged without first
37 deactivating or removing the device by means of a key or
38 mechanically, electronically or electromechanically operated
39 combination lock.
- 40 dd. "Personalized handgun" means a handgun which
41 incorporates within its design, and as part of its original
42 manufacture, technology which automatically limits its operational
43 use and which cannot be readily deactivated, so that it may only be
44 fired by an authorized or recognized user. The technology limiting
45 the handgun's operational use may include, but not be limited to:
46 radio frequency tagging, touch memory, remote control, fingerprint,
47 magnetic encoding and other automatic user identification systems
48 utilizing biometric, mechanical or electronic systems. No make or

1 model of a handgun shall be deemed to be a "personalized handgun"
2 unless the Attorney General has determined, through testing or
3 other reasonable means, that the handgun meets any reliability
4 standards that the manufacturer may require for its commercially
5 available handguns that are not personalized or, if the manufacturer
6 has no such reliability standards, the handgun meets the reliability
7 standards generally used in the industry for commercially available
8 handguns.
9 (cf: P.L.2002, c.130, s.5)

10

11 2. (New section) Notwithstanding the provisions of subsection
12 j. of N.J.S.2C:39-3, a retired law enforcement officer who is
13 authorized to possess and carry a handgun pursuant to subsection l.
14 of N.J.S.2C:39-6 may possess and carry a large capacity
15 ammunition magazine which is capable of holding up to 15 rounds
16 of ammunition that can be fed continuously and directly into a
17 semi-automatic handgun.

18

19 3. (New section) Notwithstanding the provisions of N.J.S.2C:39-
20 6, a law enforcement officer may possess and carry while on duty a
21 large capacity ammunition magazine and possess and carry while
22 off duty a large capacity ammunition magazine which is capable of
23 holding up to 15 rounds of ammunition that can be fed continuously
24 and directly into a semi-automatic firearm.

25

26 4. (New section) Any person who legally owns a semi-
27 automatic rifle with a fixed magazine capacity exceeding 10 rounds
28 or a large capacity ammunition magazine as defined under
29 subsection y. of N.J.S.2C:39-1 which is capable of holding more
30 than 10 rounds of ammunition on the effective date of P.L. ,
31 c. (C.) (pending before the Legislature as this bill) may
32 retain possession of that rifle or magazine for a period not to exceed
33 180 days from the effective date of this act. During this time
34 period, the owner of the semi-automatic rifle or magazine shall:

35 a. Transfer the semi-automatic rifle or magazine to any person
36 or firm lawfully entitled to own or possess that firearm or
37 magazine;

38 b. Render the semi-automatic rifle or magazine inoperable; or

39 c. Voluntarily surrender the semi-automatic rifle or magazine
40 pursuant to the provisions of N.J.S.2C:39-12.

41

42 5. N.J.S.2C:39-12 is amended to read as follows:

43 2C:39-12. No person shall be convicted of an offense under this
44 chapter for possessing any firearms, weapons, destructive devices,
45 large capacity ammunition magazines, silencers or explosives, if
46 after giving written notice of his intention to do so, including the
47 proposed date and time of surrender, he voluntarily surrendered the
48 weapon, device, instrument or substance in question to the

1 superintendent or to the chief of police in the municipality in which
2 he resides, provided that the required notice is received by the
3 superintendent or chief of police before any charges have been
4 made or complaints filed against such person for the unlawful
5 possession of the weapon, device, instrument or substance in
6 question and before any investigation has been commenced by any
7 law enforcement agency concerning the unlawful possession.
8 Nothing in this section shall be construed as granting immunity
9 from prosecution for any crime or offense except that of the
10 unlawful possession of such weapons, devices, instruments or
11 substances surrendered as herein provided.
12 (cf: N.J.S.2C:39-12)

13

14 6. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill bans firearm magazines that hold more than 10 rounds of
20 ammunition. Magazines capable of holding up to 15 rounds of
21 ammunition currently are legal in New Jersey.

22 Specifically, the bill revises the definition of a “large capacity
23 ammunition magazine” to reduce the allowable rounds of ammunition
24 from 15 to 10. The bill also designates a semi-automatic rifle with a
25 fixed magazine capacity exceeding 10 rounds as a prohibited assault
26 firearm.

27 The bill exempts law enforcement officers from the bill’s 10 round
28 limit on ammunition magazines by authorizing them to possess and
29 carry while on duty a large capacity ammunition magazine and possess
30 and carry while off duty a large capacity ammunition magazine which
31 is capable of holding up to 15 rounds of ammunition. The bill also
32 permits retired police officers authorized to possess and carry a
33 handgun in this State to continue to possess and carry a magazine
34 capable of holding up to 15 rounds.

35 The bill exempts from the 10 round limitation those semi-
36 automatic rifles which have an attached tubular magazine and which
37 are capable of operating only with .22 caliber rimfire ammunition.
38 This exemption would permit the sale and possession of a popular
39 beginner gun, the Marlin Model 60, often referred to as the “Boy Scout
40 gun.” These firearms are low caliber and the attached tubular
41 magazine cannot be quickly reloaded.

42 The bill’s provisions are effective immediately, but allow for a 180-
43 day grace period to transfer, render inoperable, or voluntarily
44 surrender a semi-automatic rifle or magazine that will be unlawful
45 under the bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 102

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 9, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 102.

As amended and reported by the committee, Senate Bill No. 102 bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the amended bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The amended bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the amended bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to complete a registration statement, pay a \$50 fee, and produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant’s firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The amended bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the amended bill exempts from the 10-round limitation those semi-automatic rifles which have an attached tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale

and possession of a popular beginner gun, the Marlin Model 60, often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The amended bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The amended bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

As amended and reported by the committee, Senate Bill No. 102 is identical to Assembly Bill No. 2617(1R), also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that a firearm with a fixed or detachable magazine capable of holding up to 15 rounds which is incapable of being modified to accommodate 10 rounds or less can be registered;

(2) remove a provision that would have exempted law enforcement officers from the bill’s provisions;

(3) exempt large capacity magazine firearms used as props in movies, television, and videos from the provisions of the bill;

(4) allow a person to permanently modify a magazine to accept 10 rounds or less; and

(5) make technical corrections.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 102

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 102 (1R), with committee amendments.

As amended, this bill bans firearm magazines that hold more than 10 rounds of ammunition. Magazines capable of holding up to 15 rounds of ammunition currently are legal in New Jersey.

Specifically, the bill revises the definition of a “large capacity ammunition magazine” to include any box, drum, tube, or other container which is capable of holding more than 10 rounds of ammunition. The bill also designates a semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds as a prohibited assault firearm.

Under the bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill’s effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun. The information provided in the registration statement is to include: the name and address of the registrant; the number or numbers on the registrant’s firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun; and the make, model, and serial number of the firearm being registered. An heir or estate of an owner of a registered firearm would have 90 days after the owner’s death to dispose of the firearm.

The bill also permits retired police officers authorized to possess and carry a handgun in this State to continue to possess and carry a magazine capable of holding up to 15 rounds.

In addition, the bill exempts from the 10-round limitation those semi-automatic rifles which have an attached tubular magazine and which are capable of operating only with .22 caliber rimfire ammunition. This exemption would permit the sale and possession

of a popular beginner gun, the Marlin Model 60, often referred to as the “Boy Scout gun.” These firearms are low caliber and the tubular magazine cannot be quickly reloaded.

The bill also exempts large capacity ammunition magazines under the control of a federal firearms license holder and reconfigured to fire blank ammunition for motion pictures, television, or video productions.

The bill makes its provisions effective immediately, but allows for a 180-day grace period to transfer or voluntarily surrender a semi-automatic rifle or magazine that will be unlawful under the bill.

A person also would have the option to render a semi-automatic rifle or magazine inoperable or permanently modify a magazine to accept 10 rounds or less. Under the Administrative Code (N.J.A.C.13:54-1.2), a person may permanently alter a magazine so that it is excluded from the current legal definition of a “large capacity ammunition magazine.” An ammunition magazine, which has been temporarily blocked or modified, as by a piece of wood or a pin, is still considered to be a “large capacity ammunition magazine.”

As amended and reported, this bill is identical to Assembly Bill No. 2761 (2R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments remove a requirement to pay a \$50 fee to register certain firearms with a magazine that exceeds the 10-round limit.

FISCAL IMPACT:

The OLS estimates the bill may increase State revenues and expenditures by indeterminate amounts, and may also cause local revenues and expenditures to increase by indeterminate amounts.

In revising the definition of semi-automatic rifles considered to be an assault firearm as those with a fixed magazine capacity exceeding 10 rather than 15 rounds, the possession of such weapons, if unlicensed or unregistered, is a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities, indeterminate increased costs of incarceration to the Department of Corrections, and indeterminate additional revenue from court-imposed fines.

In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of these magazines, if unregistered, a crime of the fourth degree. Fourth degree crimes are punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Accordingly, the bill may cause State revenues from fine collections to increase by

indeterminate amounts, and may cause indeterminate additional court and criminal prosecution costs to the State (Judicial and Executive branch) and localities.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 102

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MAY 31, 2018

SUMMARY

- Synopsis:** Reduces maximum capacity of ammunition magazines to 10 rounds.
- Type of Impact:** Annual State and Local Government Expenditure Increases.
Annual State and Local Government Revenue Increase.
- Agencies Affected:** Department of Law and Public Safety. Administrative Office of the Courts. Office of the Public Defender. Department of Corrections. County and Municipal Governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs and Revenue		Indeterminate	
Annual Increase in Local Costs and Revenues		Indeterminate	

- The Office of Legislative Services (OLS) anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offenses established by the bill, and incarcerating any offenders.
- The State and local governments may receive indeterminate additional annual revenue from any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.
- The OLS lacks sufficient information to quantify the bill's fiscal impacts. It is unclear how many persons will be prosecuted, tried, and sentenced annually for the unlawful possession of a firearm or magazine holding more than 10 rounds of ammunition following enactment.

BILL DESCRIPTION

This bill bans firearm magazines that hold more than 10 rounds of ammunition. Currently, magazines capable of holding up to 15 rounds of ammunition are legal in New Jersey.

Under the bill, a person who legally owns a firearm with either a fixed magazine capacity holding up to 15 rounds which is incapable of being modified to accommodate less rounds, or a firearm which only accepts a detachable magazine with a capacity of up to 15 rounds, and the firearm was purchased on or prior to the bill's effective date would be allowed to retain possession of that firearm provided it is registered with a law enforcement agency. In order to register the firearm, a person would be required to produce a valid firearms purchaser identification card, permit to carry a handgun, or permit to purchase a handgun.

If the owner of the firearm or magazine holding more than 10 rounds of ammunition chooses not to register, the bill allows for a 180-day grace period to transfer, voluntarily surrender, permanently modify, or make inoperable a semi-automatic rifle or magazine that will be unlawful under the bill. An heir or estate of an owner of a registered firearm would have 90 days after the owner's death to dispose of the firearm.

Certain exceptions are made for authorized retire police officers, firearms used in motion pictures, as well as exceptions made based on the type of firearm.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that State, county, and municipal government law enforcement agencies, prosecutor's offices, courts, and penal institutions will incur indeterminate additional annual operating expenses from enforcing, prosecuting, and trying the criminal offense established by the bill, and incarcerating any offenders. Additionally, State and local governments may receive indeterminate additional annual revenue any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.

Expenditure Increases: The OLS estimates that the bill will produce indeterminate annual expenditure increases to the State, counties, and municipalities.

The bill allows legal owners of firearms with fixed magazine capacities, or which only accept detachable magazines, of up to 15 rounds, and which cannot be modified to accommodate 10 rounds or less, to register those firearms with either the State Police Superintendent or the municipal law enforcement agency in which the applicant resides within one year. This may result in an increase workload by the Division of State Police or municipal law enforcement agencies.

The bill's establishment of a new crime of the fourth degree will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, the Office of the Public Defender, and municipal courts, as additional defendants will be prosecuted and tried. After initial arraignment, crimes of the fourth degree are adjudicated by the Superior Court. Given the lack of information regarding the number of future convictions of the new fourth degree crime established by the bill, the OLS cannot project the annual amount of related penalty assessments and collections.

A presumption of non-incarceration applies to first-time offenders of crimes of the fourth degree. Repeat offenders, however, could be incarcerated. The OLS notes that to the extent that the bill will result in additional incarcerations, the Department of Corrections has indicated that

the average estimated per capita cost to house an inmate in a State prison facility in FY 2016 totaled \$45,000. Department data also indicate that the marginal cost for food, wages and clothing for an additional prison inmate in its facilities totaled \$7.15 per day, or \$2,610 annually.

The OLS, however, cannot project the number of future prosecutions, trials, and incarcerations related to the crime established by the bill.

Revenue Gains: The OLS estimates that the bill will produce indeterminate annual revenue increases to the State and municipalities from any fines and penalties imposed on and collected from individuals convicted of the offenses established by this bill.

In revising the definition of an assault firearm to include semi-automatic rifles with a fixed magazine capacity exceeding 10 rather than 15 rounds, the possession of such firearms, if unlicensed or unregistered, is a second degree crime. Since a crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both, the bill may cause indeterminate additional revenue from court-imposed fines.

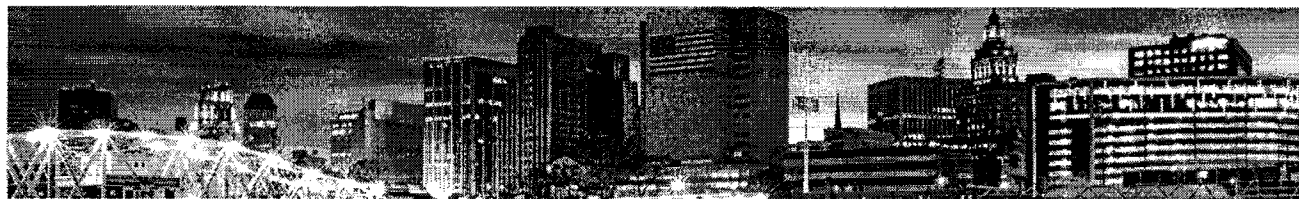
In revising the definition of large capacity ammunition magazines as containers capable of holding more than 10 rather than 15 rounds, the bill makes possession of the magazines, if unregistered, a crime of the fourth degree. Fourth degree crimes are punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Accordingly, the bill may cause State or local revenues from fine collections to increase by indeterminate amounts.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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



Newark, N.J.

Governor Murphy Toughens New Jersey's Gun Laws by Signing Safety Measures to Protect Children and Families

TRENTON - Governor Phil Murphy today signed a package of common-sense gun safety bills that make New Jersey among the states with the strongest and most formidable gun laws in the nation. More than 2,000 shootings occur annually in New Jersey, with around 500 firearm-related deaths each year. Firearm-related violence costs the state's economy approximately \$1.2 billion annually, and directly costs taxpayers nearly \$275 million.

"Today, I'm proud to sign this series of common-sense gun safety bills into law to protect our children and families from the reckless dangers of gun violence, something the federal government has failed to do on behalf of its residents," **said Governor Murphy.** "By setting these higher standards for gun safety, New Jersey continues to bolster its reputation as a national leader on this critical social and public health issue."

The six bills include:

A1181, which allows mental health practitioners and law enforcement officials to keep firearms away from mental health and therapy patients who seek to harm themselves or others. The bill amends current law to require that licensed mental health practitioners exercise their duty to warn and protect by alerting law enforcement if a patient has threatened to and intends to commit imminent, serious physical violence against themselves or others. If law enforcement determines that the patient is incapable under statute of possessing a firearm, then any firearm ID card or purchasing or carrying permit is voided and subject to revocation by the Superior Court.

Sponsors include Assembly members Patricia Egan Jones, Gabriela M. Mosquera, Shavonda E. Sumter, JoAnn Downey, Arthur Barclay and Paul D. Moriarty.

A1217, known as the Extreme Risk Protective Order Act of 2018, authorizes New Jersey courts to issue gun violence protective orders to individuals who pose a significant risk of personal injury to themselves or others by possessing or owning a firearm. The protective orders prohibit the person who the order is filed against from securing or possessing any permit or license allowing firearm possession during the protective-order period. The bill also makes it a fourth-degree crime for a person to purposely or knowingly violate any provision of an extreme risk protective order.

Sponsors include Assembly members John F. McKeon, Louis D. Greenwald, Mila M. Jasey, Tim Eustace, Andrew Zwicker, Carol A. Murphy and Paul D. Moriarty.

A2757 strengthens the safety of firearm transfers by requiring background checks on individuals who are purchasing from or being transferred firearms by private dealers. The bill amends current law to require any person who is not a licensed firearm retail dealer and who privately sells or transfers a firearm to another person to conduct the transaction through a licensed retail dealer. Licensed dealers are required to conduct a background check of the person acquiring the firearm before the transaction occurs. In addition, the legislation exempts sales and transfers between members of an immediate family; law enforcement; licensed collectors of antique firearms; or a temporary transfer from being conducted through a licensed dealer and subject to a background check.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

A2758 amends the requirements necessary to show a justifiable need to carry a hand gun in public. This bill changes the serious threat threshold established by the previous administration by expressly defining justifiable need to require a showing of specific threats or previous attacks that demonstrate a special danger to the applicant's life and that cannot be avoided other than by issuance of a permit to carry a handgun. The bill's requirement to show specific threats tightens the qualifications for firearm carrying.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

A2759 adds armor piercing ammunition to the list of ammunition that is prohibited in New Jersey. The bill was written to prevent civilians from legally possessing ammunition that is designed and constructed to penetrate 48 layers of Kevlar and clarifies that possession or manufacture of this ammunition is a fourth-degree crime.

Sponsors include Assembly members Louis D. Greenwald, Carol A. Murphy, Annette Quijano, Jamel C. Holley, and Paul D. Moriarity and Senators Fred H. Madden, Jr. and Linda R. Greenstein.

→ **A2761** reduces the maximum capacity of ammunition magazines from 15 to 10 rounds. The exception is for current law enforcement who are on-duty or traveling to or from duty and retired law enforcement. Individuals who legally own a firearm with an unmodifiable fixed magazine capacity of up to 15 rounds or legally own a firearm that only accepts an unmodifiable detachable magazine of up to 15 rounds prior to the effective date of the bill must register the firearm with their local law enforcement agency. The bill makes it a fourth-degree crime for a person to knowingly possess a large capacity ammunition magazine unless a firearm such a magazine is registered as required.

Sponsors include Assembly members Louis D. Greenwald, Annette Quijano, Gordon M. Johnson, Jamel C. Holley, and Paul D. Moriarity.